

Case Overview: Crandall v. Nevada, 73 U.S. (6 Wall.) 35 (1868)

- Decided: March 10, 1868
- Vote: 8–1 Majority
- Majority Opinion by: Justice Samuel F. Miller
- Dissenting Opinion by: Justice James M. Wayne
- Constitutional Principles: Right to Travel, Privileges and Immunities, State Taxation and Federal Supremacy

I. Background and Facts of the Case

Crandall v. Nevada arose during a time when the balance of power between state sovereignty and federal authority was being hotly contested in the aftermath of the Civil War. At issue was the question of whether a state had the constitutional authority to impose a tax or fee on individuals for merely leaving the state, particularly when such travel involved transportation to or through other states.

The State of Nevada had enacted a statute that imposed a \$1 tax on every person leaving the state via any railroad, stagecoach, or other common carrier. The tax was levied against the transportation company, but the cost was passed on to the traveler. The stated purpose of the tax was to raise revenue for the state, which at the time was sparsely populated and financially limited.

William H. Crandall, an agent for the Central Pacific Railroad, challenged the statute after being fined for failing to comply with the tax. Crandall argued that the tax unconstitutionally burdened the right of citizens to travel freely between states, interfered with the federal government's ability to operate, and infringed upon national unity.

The case reached the U.S. Supreme Court on the question of whether such a tax violated the Constitution by impeding a citizen's fundamental right to interstate travel.

II. Legal Issues Presented

The Supreme Court was asked to decide the following key legal questions:

1. Does a state-imposed tax on the act of leaving the state constitute an unconstitutional burden on the right of a citizen to travel between states?
2. Does such a tax violate the Privileges and Immunities of U.S. citizenship?
3. Does the Nevada statute unlawfully interfere with the federal government's ability to function, particularly with regard to citizens traveling to the nation's capital or to other federal facilities?

The broader issue at stake was whether the federal Constitution implicitly protected the right of free movement from state to state, and whether any state action that infringed on that right was inherently unconstitutional.

III. Supreme Court's Holding and Reasoning

In an 8–1 decision, the U.S. Supreme Court ruled that the Nevada statute imposing a tax on individuals leaving the state was unconstitutional. Justice Samuel F. Miller, writing for the majority, concluded that the law violated the rights of U.S. citizens to travel freely from one state to another.

The Court's reasoning relied on several core constitutional principles:

1. Right to Interstate Travel as a Fundamental Right:

Justice Miller emphasized that while the Constitution does not expressly state a "right to travel," it is a fundamental liberty inherent in national citizenship. He wrote:

"The people of these United States constitute one nation. They have a government in which all of them are deeply interested. They have the right to come to the seat of government to assert any claim they may have upon that government."

The Court held that this implied right includes the freedom of citizens to move freely between states and to access the federal government without state-imposed burdens.

2. Federal Supremacy and National Unity:

The Court underscored the principle that the United States is a unified nation—not a loose confederation of sovereign states. Permitting states to impose exit taxes would effectively balkanize the Union and give rise to a patchwork of barriers that impede federal authority and commerce. If Nevada could tax departures, other states could follow suit, potentially restricting the mobility of citizens altogether.

3. Privileges and Immunities of National Citizenship:

Although the Court did not rely solely on the Privileges and Immunities Clause of Article IV or the recently enacted Fourteenth Amendment (which had not yet been robustly interpreted), it strongly implied that the right to move freely throughout the Union was one of the "privileges" of national citizenship. This laid the groundwork for later decisions, such as *Saenz v. Roe* (1999), which recognized the right to travel as protected by the Privileges or Immunities Clause of the Fourteenth Amendment.

IV. Dissenting Opinion

Justice James M. Wayne dissented. He argued that the Constitution did not prohibit the tax and that the states retained a degree of sovereignty, including the ability to impose reasonable taxes for revenue purposes. He believed that the Nevada statute did not violate any specific provision of the Constitution and saw the majority's decision as an overextension of federal judicial power into areas of state authority.

V. Legal Significance and Legacy

Crandall v. Nevada is one of the earliest and most important Supreme Court decisions to articulate and affirm the existence of a fundamental, national right to interstate travel. Its legacy is far-reaching and has shaped numerous areas of constitutional law:

1. Right to Travel Doctrine:

This case became a foundational precedent for the doctrine that the U.S. Constitution protects a citizen's right

to move freely between states. This doctrine has been cited in numerous later decisions, including *Shapiro v. Thompson* (1969), *United States v. Guest* (1966), and *Saenz v. Roe* (1999).

2. Federal Supremacy over State Interference:

The case reinforced the principle that state laws cannot create obstructions to federal objectives or impose burdens on citizens that interfere with national unity and federal access.

3. Privileges of Citizenship:

While the Court did not explicitly define the Privileges and Immunities of citizenship in this case, it contributed to the evolving understanding of what national citizenship entails—most notably, that certain rights are held by virtue of being a U.S. citizen, and not merely a citizen of a particular state.

4. Limitation on State Taxation:

Crandall placed clear limits on the ability of states to tax actions or movements that are inherently national in character, particularly when such taxation affects the relationship between citizens and their federal government.

In conclusion, *Crandall v. Nevada*, 73 U.S. 35 (1868), remains a pivotal case in constitutional jurisprudence. It enshrines the principle that U.S. citizens possess a fundamental right to interstate travel, immune from state-imposed penalties or obstructions. The ruling fortified the concept of national unity, safeguarded access to the federal government, and marked an early step in defining the scope of rights inherent in American citizenship.

Case File: <https://supreme.justia.com/cases/federal/us/73/35/>