

regarded as a staggering if not fatal blow to prohibition, unless Congress shall come to the rescue of that cause with appropriate legislation.

One of the most strongly written criticisms of it which have appeared in the American press is an article by T. E. Willson, which was given in the *New York World* of May 7th. That any writer should find in any decision of the supreme tribunal of the Union, ground for such denunciation of the action of that august body, as is uttered by Mr. Willson, is a matter of profound regret, and of the deepest concern to every citizen of every State.

The *World* precedes the article with the following headlines set in display type:

"AN IMPERIAL DECREE.

"THE STATE'S CONTROL OF TRADE RESTRICTED TO ITS OWN PRODUCTS.

"WHATEVER CROSSES A STATE LINE IS UNDER CONTROL OF CONGRESS.

**"All State Laws Regulating the Sale of Dis-
eased Meat, Adulterated Food, Poisons,
Explosives, Liquors, Obscene Books,
and Everything Brought Into One State
from Another, Declared Void by the
Supreme Court."**

The article in full is here appended. It bears date of Washington, D. C. May 5th:

"The decision of the Supreme Court of the United States in the case of *Lersey & Co. vs. J. A. Harding*, city marshal of Keokuk, Ia., who seized certain kegs of liquor imported by *Lersey & Co.*, from another State and exposed by them for sale in Keokuk, in violation of the State law forbidding the sale of liquor, is one which fifty years ago would have convulsed the country. Both political parties would have united then in wiping out a court so evidently in open rebellion against the Union. Today it is difficult to get any one even to listen for two minutes to a mere statement of the case, much more—a thousand times more—important than the *Dred Scott* decision. Patriotism is absolutely dead. Only here and there can be found a man who cares whether he lives under a despotism or a democracy.

"In effect the decision of the Supreme Court of the United States is that the State law of Iowa, and all laws made by any State, regulating the sale within its boundaries of any thing brought into it from another State, is unconstitutional and void, all control and regulation of such imported products within a State being exclusively within the jurisdiction of the United States. The court generously leaves to each State the right to regulate the sale of its domestic products, and of imported products from other States after they have been so broken up and disturbed that they are no longer distinguishable in the general mass.

"The State law of Iowa is divided into parts, and this decision is also divided into two parts.

"The first part of the State law prohibits the importation into the State of certain manufactures—which the first part of the decision declares the State of Iowa has no right to do. It cannot pass any law limiting or confining the absolute free trade ordained by the Constitution between the States, or any act affecting in any way any

goods (or bads) which may be outside its boundary lines. This inhibition has never been assailed by the most ardent advocate of State rights. There was no objection to it in the constitutional convention. It was a part of the Articles of Confederation. It has often been explained, excounded, and upheld by the Supreme Court of the United States from the adoption of the Constitution to the present time. There is no one who would attempt at this day to controvert it, and no State court would permit a State law to be enforced in violation of it.

"Our federal union of States is based upon an absolute and unqualified untaxed free trade within the boundaries of the United States such as exists within one country or State; which cannot be 'regulated,' limited or restrained in any way by Congress or by the States. Any State law forbidding a citizen to import a certain thing is a limitation of the right which the State may not attempt. The bringing it to the boundary line—the actual crossing of the boundary line—is not in itself an act which the State may punish. But after the thing gets across the boundary line the State is sovereign.

"The power is not taken from the State by the Constitution to be lodged in Congress. The perpetual, unlimited and unlimitable free trade between the States can no more be interfered with or 'regulated' by the United States than it can be by a State. The free trade of the Constitution is as binding upon the one as upon the other. It is not at the pleasure or will of either. The State is not forbidden because Congress may, but because—if there be a because—the Congress is forbidden to meddle with trade between the States as well as within the State.

"A score of decisions of the Supreme Court, running back to 1810, uphold the present judges in declaring that so much of the Iowa State law as forbids the importation of any foreign products is unconstitutional, but there is not one line to justify their reason for it—that the Congress has control of the question, and that the Congress may set up a tariff and free list of goods to be imported from one State into another. Their reason, however, need not be debated here. So much of the decision is sound, however faulty the logic may be.

"But—and here is the point which marks the new doctrine of the Supreme Court—the second part of the law and the second part of this decision affect the right of the State to regulate the action of its domestic trade inside its boundaries. The State law of Iowa forbade the exposure of liquor for public sale. The Supreme Court of the United States wipes this law off the Iowa statute books. The State not only may not forbid the importation, the court declares, but it may not forbid or even interfere with or regulate the sale of imported articles so long as they remain in the original packages or the possession of the importer. It has no authority or control over the buyer, the seller or the goods.

"The right to regulate domestic trade is expressly reserved in the Constitution to each State of the Union. It is one of the most important of their reserved rights. There is not a word, a hint, in any of the expressly delegated powers of Congress that can, by the widest stretch of fancy, be made to grant to Congress a right to interfere in any way with the absolute control by each State of all internal State trade of every kind, or with the right of each State to dictate what shall be sold or

what shall not be sold within its boundaries and by its citizens.

"When the Supreme Court declares, as it does declare in this case, that Congress and not the State has the right to decide what shall be sold and what shall not be sold within the limit of each State, it is a revolution.

"It is a revolution that can only be met by force; and it is the duty of every patriotic American to arm himself, to provide himself with powder and ball, and to organize for armed resistance to any attempt to carry out this decision, whether in his own State or in any other State.

"There can be no appeal to the ballot-box. Though every citizen in the United States should vote against this decision, their 12,000,000 ballots would not disturb it. It cannot be repealed, or changed, or amended. Sixty millions of people are helplessly in the grip of these six infallible Casars, who can do no wrong. There is no legal remedy for this monstrous betrayal of a foolish trust. Force is alone left—the force of arms—to overthrow this treason and rebellion of these six men against their sovereign—the people.

"There can be no appeal to Congress. These six Casars are the masters of Congress, of the President, of all other courts. They may wipe any enactment they wish from the statute book. They may interpret or change those that remain to suit themselves. They are the LAW. It is the Law which has seized the sovereign by the throat. It is the law which has committed treason, and which is now in open rebellion against the Union. The only appeal from the Law is to the Bullet.

"Mark what the decision means. It is not a question whether liquor shall be sold in Iowa or in any other State of the Union. It is not even a question of the invasion of the rights of the States. It passes in importance behind all these. It is the last time the people of the United States will ever have an opportunity to ask themselves if the Constitution shall be preserved and whether this Government shall be converted into an absolute despotism, governed by the President and Congress according to the arbitrary will of the six Casars of the Supreme Court.

"The State of New York cannot forbid the importation; but it can and does forbid the sale within her boundaries of obscene books or pictures. The six Casars of the Supreme Court declare that if these books are imported from Connecticut, New Jersey or Pennsylvania their sale shall not be interfered with by the State of New York, and they promise to protect the person to whom the obscene books are consigned, or who offers them for sale, from any molestation by any State Court so long as they remain in the original binding and until they are absorbed by traffic in the general merchandise of the State.

"The State of New York cannot forbid the importation of lottery and policy tickets; but it can and does forbid their sale within her boundaries. The six Casars of the Supreme Court have served a notice on the legislature and courts of New York and upon all peace officers, that hereafter lottery tickets imported from Louisiana or policy slips imported from Hoboken may lawfully be exposed for sale in their original shape anywhere and at any time, Sundays or any days, and that any interference with them, either with the sale or the sellers or the buyers, will bring upon this State the mailed hand of military government which thirteen States have felt.

"The State of New York cannot forbid the importation of liquors, but it can and does regulate the sale, permit-