

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – “Contemplation of Justice”

United States v. Constantine, 296 U.S. 287 (1935)



We think the administrative practice has little bearing

Page 296 U. S. 293

upon the question of the nature of the exaction. During the life of the Amendment, collection was lawful whether the demand was for a tax or a penalty, and the classification by the administrative officers was therefore immaterial. Congress then had power, in the enforcement of prohibition, to impose penalties for violations of national prohibitory laws. [Footnote 8]

The concession of such a power would open the door to unlimited regulation of matters of state concern by federal authority. **The regulation of the conduct of its own citizens belongs to the state, not to the United States.**

MR. JUSTICE CARDOZO.

I think the judgment should be reversed.

"Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. **One branch of the government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule.**"

MR. JUSTICE BRANDEIS and MR. JUSTICE STONE join in this opinion.