phrased to prevent the intermedling of the national government with the states, and quotes Mr. Madison as his authority.

George Ticknor Curtis (Const. History of U. S., Vol I, p. 363) declares this section to be for the security of the states.

John Randolph Tucker ("United States" Vol. II, Sec. 311) declares that the power of the initiative in the national government would "make this clause, intended for protection, an excuse for destructive invasion."

If the promisees are satisfied how shall the guarantor intervene?

A state will not move unless it regards the offending state as violating republican forms, and it will be guided in making its demand not upon the judgment of the United States but upon its own interpretation of the meaning of republican forms.

It might even be that republican forms were plainly involved, yet a dependance upon the ability of the people to restore them, might prevent another state or even the state itself from asking national interference. The states might not desire to make a demand for enforcement, and if the promisees were all satisfied, there could be no basis for enforcement. It may be a matter of mighty practical importance whether the United States can interfere of its own motion in a state's affairs under this article, and if it can not it seems to be plain, that another state and not this court has the sole right to judge whether the republican form is involved and whether the United States should be called upon to interfere.

2. A Citizen Can Not Demand Enforcement

The appellant has no standing in this court. The guaranty is not to a citizen, but to every state of the union. Whether the political organization called the state or the people in general is meant to be the object of guaranty is immaterial. The state alone can call for the guaranty.

Later in the article the call for assistance against internal violence is limited to legislature or governor, but when the guaranty is demanded it seems clear that a majority of the people or their recognized representative authority may call for it and none other. No one citizen can appeal even to congress to enforce this guaranty. A minority would be insufficient and much less can such an appeal be made by an individual to this court to ignore the recognized course of self-government in any state.

It is notable that the promise to "protect against domestic violence" is a direct promise imposing an original obligation upon the United States. Yet there is a specific limitation upon the persons who can call for the protection.

It would be the very farce of construction should it be held that upon a collateral obligation to states, a private citizen of such state could set the machinery of the national government or of this court in motion against a state.

Eight per cent of the voters of Rhode Island form the constituency of a majority of the senators in the Rhode Island legislature; thus a fraction of over 4 per cent of the voters can block all legislation.

A priori this would be clearly the denial of a republican form; yet it would be a surprise should one citizen of that state appear here or before congress to demand enforcement of the guaranty against such forms.

The admission of a private citizen to ask for the enforcement of this guaranty must apply to congress as well as to this court. One citizen could always be found to serve the purpose of any cabal, which might wish to turn the armies of the nation into a state to change alleged unrepublican forms. A mere pretence would suffice. Shortly stated: the United States and its departments have no powers under this article except upon the application of some state of the union.

The doubts prevailing in 1887 as to the safety of the states against a powerful centralized government emphasize this construction, and the careful safeguards that provide against volunteer "protection" lend strong support.

F. THE METHOD OF ENFORCEMENT

1. By Congress

Clearly, this guaranty can only be enforced by the United States, which makes the promise. It is a political obligation.

In the case of new states it has been the practice from the beginning, for congress to enforce this guaranty by specifically requiring that the constitution of such state shall be "republican in form" and "shall not be repugnant to the constitution of the United States and the principles of the Declaration of Independence." Such is the established formula.

It is inconceivable that the congress should be recognized in the enforcement of this guaranty against new states, and not be the power authorized to enforce the guaranty against an existing state.

Congress and the president hold the executive machinery; they alone can employ the army and navy, the arsenals and fortifications, the marshals, the militia, the national treasury; all essential to the enforcement of this contract with the states.

Congress and the president are "the United States" in contemplation of our organic forms.

In congress all interests are represented when the question of enforcement arises. The respective states have their representatives there to admit or protest.

2. The Remedy is Positive

The method of executing a guaranty to a state is not to ignore the state and its regular acts until it gets back to the prescribed forms; a positive remedy is involved in the guaranty; a remedy by restoration not by nullification.

The guaranty contemplates an invasion of "republican forms," duly protested by one of the states. The duty of the United States is then to restore those forms.

Presumably the violation of form must be constitutional or statutory, and the duty of the government would be to demand a repeal of such provisions and the enactment of proper forms.

A case in point would be a constitutional recognition of heredity in official tenure. The United States could compel a repeal. A self-perpetuating legislature could be deprived of its powers.

Until, however, the United States intervenes, the ordinary operations of government and laws will be recognized.

The guaranty is not that there shall never be in any state forms which are unrepublican, but that if there be such, then upon proper demand of a state, the required forms will be restored.

3. Nullification of Existing Laws Not the Remedy

There is nothing in this section four which suggests that so long as an unrepublican form is de facto recognized in the state itself, the enacted laws and settled constitution are to be nullified. A status is merely created upon which the state is entitled to resort to the United States for the restoration of republican form; till then neither the United States nor this court can be required or allowed to decide at what point republican forms become inoperative and to ignore the legislative, executive and judicial products of such irregular machinery. If such were the case all the laws of eight states which have utilized the initiative and referendum would be prima facie void. Executive acts and judicial findings involving the initiative and referendum would be illegal. No such wholesale nullification is contemplated in a guaranty.

"Among those matters which are implied, though not expressed, is that the nation may not in the exercise of its powers, prevent a state from discharging the ordinary functions of government."

"The constitution provides that 'the United States shall guarantee to every state in this union a republican form of government.' That expresses the full limit of national control over the internal affairs of a state."

South Carolina v. U. S. 199 U. S. 261.

The guaranty shortly stated is: If the states will enter into this compact and create a centralized power through a contribution of sovereign power by each and all the states, this United States will not impose upon you any unrepublican forms, and if from any source these forms be imposed upon you, we guarantee to restore them; but it can not be implied that the United States by any department, will ex mero motu or in behalf of a private litigant, ignore all the regular acts of a state government which may, in the judgment of the United States, date from the beginnings of unrepublican forms.

4. The Guaranty is of "Form" Not of Practice.

Colorado has been recently under martial law; yet the utmost which could be demanded was that the United States by its political instruments, should suppress domestic violence upon the request of the legislature or governor.

Had a dictator assumed tyrannical functions, it is submitted that if the constitution contained the requisite republican forms, the United States could not be called upon to redeem its guaranty, inasmuch as the requisite forms existed and it only remained for the people to insist upon them. While in so insisting the people may require the protection of the United States under the final clause of Article 4, Section 4, the form alone of lawful government is assured by the first clause; anarchy and other unrepublican conditions are only reachable on the constitutional call of the state for protection against domestic violence. If through the established forms the state asks no redemption of the guaranty, practical anarchy is no concern of the United States and certainly not of this court under the guaranty clause.

A fortiori peaceful behests of the majority in Oregon under forms satisfactory to them must be honored by the United States and this court until the guaranty is duly demanded by a state.

B. JURISDICTION OF THE COURTS

1. State Courts

The supreme court of Oregon has decided that the law of which complaint is here made is constitutional and appellant is not allowed in this court to question the validity of its state constitution.

"The constitution of the United States enumerates specially the cases over which its judiciary is to have cognizance, but nowhere includes controversies between the people of a state as to the formation or change of their constitutions."

"If it be asked what redress have the people if wronged in these matters, unless by resorting to the judiciary, the answer is, they have the same as in all other political matters. In those they go to the ballot-boxes, to the legislature or executive, for the redress of such grievances as are within the jurisdiction of each, and, for such as are not, to conventions and amendments of the constitution."

Luther v. Borden, 7 How. 54.

It is not denied that the legislature had power to repeal the act of which appellant complains, and that appellant has not secured action from this body, which is still open to it to overturn this enactment.

When called upon to review the legality of legal enactments in Texas, this court expressed itself in language well applicable to the case at bar:

"The state (of Texas) is in full possession of its faculties as a member of the union, and its legislative, executive and judicial departments are peacefully operating by the ordinary and settled methods prescribed by its fundamental law. Whether certain statutes have or have not binding force, it is for the state to determine, and the determination of itself involves no infraction of the constitution of the United States and raises no federal question giving the courts of the United States jurisdiction."

Duncan v. McCall, 139 U. S. 449.

2. United States Courts

"It was long ago settled that the enforcement of this guaranty belonged to the political department."

Taylor v. Beckham, 178 U. S. 578.

And the court adds that after appeal to the state tribunals "any remedy is to be found in the august tribunal of the people, which is continually sitting and over whose judgment on the conduct of public functionaries the courts exercise no control."

The opinion of Chief Justice Taney in the case of Luther v. Borden, (7 How. I) is one of the monuments of his masterly ability, and with apparent prescience he has covered the issues of jurisdiction here involved. Should his reasoning in that case be not followed and should this court declare the constitution of Oregon invalid as here claimed, the political effects might be even farther reaching than those of this great justice's opinion in the Dred Scott case.

With respect to the enforcement of Art IV, Sec. 4, the chief justice says:

"Under this article of the constitution (Art. IV, Sec. 4) it rests with congress to decide what government is the established one in a state. For as the United States guarantee to each state a republican government, congress must necessarily decide what government is established in the state before it can determine whether it is republican or not. And when the senators and representatives of a state are admitted into the councils of the union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal."

"It rested with congress too to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed