UNITED STATES v. LANZA
SUPREME COURT OF THE UNITED STATES
260 U.S. 377
December 11, 1922

OPINION: Mr. Chief Justice TAFT…This is a writ of error by the United States…to reverse an order of the District Court for the Western District of Washington dismissing five counts of an indictment presented against the defendants…The first of these charged the defendants with manufacturing intoxicating liquor, the second with transporting it, the third with possessing it, and the fourth and fifth with having a still and material designed for its manufacture about April 12, 1920, in violation of the National Prohibition Act. The defendants filed a [motion to dismiss] setting out that on April 16, 1920, an information was filed in the superior court of Whatcom County, Washington, charging the same defendants with manufacturing, transporting and having in possession the same liquor, and that on the same day **a judgment was entered against each defendant for $250 for manufacturing, $250 for transporting, and $250 for having in possession such liquor.** The information was filed under a statute of Washington in force before the going into effect of the Eighteenth Amendment and passage of the National Prohibition Act…The District Court sustained the plea and dismissed the five counts…

In other words, the Federal Government prosecuted the defendants in Federal Court under Federal Criminal Statutes and the State Government prosecuted the defendants in State Court under State Criminal Statutes for violations of a similar nature.

The defendants insist that two punishments for the same act, one under the National Prohibition Act and the other under a state law, constitute **double jeopardy** under the Fifth Amendment…It follows that **an act denounced as a crime by both national and state sovereignties is an offense against the peace and dignity of both and may be punished by each.** The Fifth Amendment, like all the other guaranties in the first eight amendments, applies only to proceedings by the federal government (*Barron v. City of Baltimore*), and the double jeopardy therein forbidden is a second prosecution under authority of the federal government after a first trial for the same offense under the same authority. Here the same act was an offense against the state of Washington, because a violation of its law, and also an offense against the United States under the National Prohibition Act. The defendants thus committed two different offenses by the same act, and a conviction by a court of Washington of the offense against that state is not a conviction of the different offense against the United States, and so is **not** double jeopardy…If Congress sees fit to bar prosecution by the federal courts for any act when punishment for violation of state prohibition has been imposed, it can, of course, do so by proper legislative provision; but it has not done so. **If a state were to punish the manufacture, transportation and sale of intoxicating liquor by small or nominal fines, the race of offenders to the courts of that state to plead guilty and secure immunity from federal prosecution for such acts would not make for respect for the federal statute or for its deterrent effect.**

This seems like a harsh rule of law until you consider the foregoing.

But it is not for us to discuss the wisdom of legislation; it is enough for us to hold that in the absence of special provision by Congress, conviction and punishment in a state court under a state law for making, transporting and selling intoxicating liquors is not a bar to a prosecution in a court of the United States under the federal law for the same acts.

Judgment reversed…