

The Independent, 1921

## Alien Poll Tax Invalid

**A**N almost epochal decision was unanimously rendered by the Supreme Court of California on September 12, in a case involving the validity of a state law, and, possibly, of an amendment to the State Constitution. In November, 1920, a constitutional amendment was adopted empowering the legislature to levy a special poll tax on aliens, and in pursuance thereof the legislature this year imposed an annual poll tax of \$10 each on all alien male residents of the state between the ages of twenty-one and sixty. This law the court declared to be invalid, because it conflicted with the Fourteenth Amendment to the Constitution of the United States, which forbids any state to "deny to any person within its jurisdiction the equal protection of the laws"; and furthermore to be invalid as applied to citizens of Japan, because of a treaty to the contrary existing between Japan and the United States. The test case in which this decision was rendered implicated as defendants a Japanese and a Mexican, who had been arrested for non-payment of the poll tax, and who were consequently ordered to be released.

Perhaps the most significant feature of the decision is the fact that it was rendered by a state court, upholding the superior authority not only of the Federal Constitution but also of Federal treaties over the authority of the state government.