

Sec. 2—Judicial Power and Jurisdiction

Cl. 1—Cases and Controversies

complainant state must show that it “has suffered a wrong through the action of the other State, furnishing ground for judicial redress, or is asserting a right against the other State which is susceptible of judicial enforcement according to . . . the common law or equity systems of jurisprudence.”¹⁰¹⁹ The fact that the trust property was sufficient to satisfy the claims of both states and that recovery by either would not impair any rights of the other distinguished the case from *Texas v. Florida*,¹⁰²⁰ where the contrary situation obtained. Furthermore, the Missouri statute providing for reciprocal privileges in levying inheritance taxes did not confer upon Massachusetts any contractual right. The Court then proceeded to reiterate its earlier rule that a state may not invoke the original jurisdiction of the Supreme Court for the benefit of its residents or to enforce the individual rights of its citizens.¹⁰²¹ Moreover, Massachusetts could not invoke the original jurisdiction of the Court by the expedient of making citizens of Missouri parties to a suit not otherwise maintainable.¹⁰²² Accordingly, Massachusetts was held not to be without an adequate remedy in Missouri’s courts or in a federal district court in Missouri.

The Problem of Enforcement: Virginia v. West Virginia.—A very important issue in interstate litigation is the enforcement of the Court’s decree, once it has been entered. In some types of suits, this issue may not arise, and if it does, it may be easily met. Thus, a judgment putting a state in possession of disputed territory is ordinarily self-executing. But if the losing state should oppose execution, refractory state officials, as individuals, would be liable to civil suits or criminal prosecutions in the federal courts. Likewise an injunction may be enforced against state officials as individuals by civil or criminal proceedings. Those judgments, on the other hand, that require a state in its governmental capacity to perform some positive act present the issue of enforcement in more serious form. The issue arose directly in the long and much litigated case between Virginia and West Virginia over the proportion of the state debt of original Virginia owed by West Virginia after its separate admission to the Union under a compact which provided that West Virginia assume a share of the debt.

¹⁰¹⁹ *Massachusetts v. Missouri*, 308 U.S. 1, 15–16, (1939), citing *Florida v. Mellon*, 273 U.S. 12 (1927).

¹⁰²⁰ 306 U.S. 398 (1939).

¹⁰²¹ 308 U.S. at 17, citing *Oklahoma v. Atchison, T. & S.F. Ry.*, 220 U.S. 277, 286 (1911), and *Oklahoma ex rel. Johnson v. Cook*, 304 U.S. 387, 394 (1938). See also *New Hampshire v. Louisiana and New York v. Louisiana*, 108 U.S. 76 (1883), which held that a state cannot bring a suit on behalf of its citizens to collect on bonds issued by another state, and *Louisiana v. Texas*, 176 U.S. 1 (1900), which held that a state cannot sue another to prevent maladministration of quarantine laws.

¹⁰²² 308 U.S. at 17, 19.