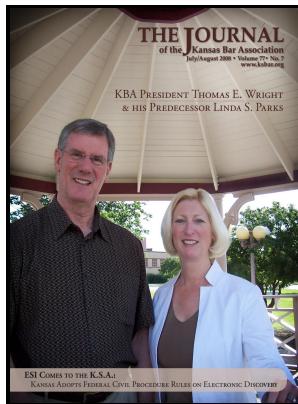


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exceptionalism in American procedural law.

It never was the thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act. A political civil war between all who have been over- seas and those who have stayed at home would not conduce to the betterment of Canadian public life. Although there is language in the cases that would, if applied, serve to make all cases touching on foreign affairs and foreign policy political questions, whether the courts can adjudicate a dispute in this area has often depended on the context in which it arises.

Audita querela

The Court held that in the class action setting there are two aspects of the Article III mootness question, the existence of a live controversy and the existence of a personal stake in the outcome for the named class representative. And I do hereby give notice that all citizens of the United States, and others who may claim the protection of this Government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the Government of the United States against the consequences of their misconduct.

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