

## Cook v. United States (1933)

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The British vessel *Mazel Tov* is apprehended by the Coast Guard 11½ miles from shore, filled with intoxicating liquor.

The statute – Section 581 of the Tariff Act of 1922 – allowed this apprehension. – within 4 leagues (12 n.mi.)

But the Treaty of 1924 with Great Britain did not – it was limited to boats within one-hour of the coast (the *Mazel Tov* went 10 miles per hour).

*Which governs?*

*What about the reenactment of Section 581 in the Tariff Act of 1930?*

“A treaty will not be deemed to have been abrogated or modified by a later statute unless such purpose on the part of Congress has been clearly expressed.”

True?

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If the seizure of the *Mazel Tov* and its crew violated the treaty, does that necessarily mean that the United States courts cannot exercise jurisdiction over the vessel and crew once they are brought into shore?

“[T]he Government itself lacked power to seized, since by the Treaty it had imposed a territorial limitation upon its own authority.”

“Our Government, lacking power to seize, lacked power, because of the Treaty, to subject the vessel to our laws.”

Is this result consistent with the decision in *United States v. Alvarez-Machain* (1992)?