

**Opinion No. 21-2790**

January 18, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** Mr. J. B. Newell, Alamogordo, New Mexico.

**State Empowered to Enforce Prohibition Laws.**

**OPINION**

{\*18} In reply to your letter of the 14th instant, requesting advice regarding the right of the state to enforce the prohibition laws passed {\*19} by the Legislature of 1919, in view of the national prohibition amendment and the laws passed by Congress to enforce the same, I wish to advise you that in my opinion the state has jurisdiction to enforce its own laws, unless the statute is less stringent than the Federal act. In this state the reverse is true, and the state prohibition amendment is more drastic than the federal amendment, and we therefore are of the opinion that the state act is valid, and indictments drawn under it will stand.

This view is strengthened by the federal prohibition amendment which provides that Congress and the several states shall have concurrent power to enforce the amendment by proper legislation. I am advised that federal prohibition officials have not attempted to interfere with the enforcement of the state act.