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STATE CONSTITUTIONAL AND STATUTORY PROVISIONS AND MUNICIPAL ORDINANCES HELD UNCONSTITUTIONAL OR HELD TO BE PREEMPTED BY FEDERAL LAW

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Three separate lists of Supreme Court decisions appear below: part I lists cases holding state constitutional or statutory provisions unconstitutional, part II lists cases holding local laws unconstitutional, and part III lists cases holding that state or local laws are preempted by federal law. As Congress acted as the legislature for the District of Columbia until passage of the Home Rule Act on December 24, 1973, District of Columbia statutes that were enacted by Congress are treated as federal statutes (and included in a prior appendix), and District of Columbia statutes enacted by the District of Columbia government are treated as state statutes.

Each case is briefly summarized, and the votes of Justices are indicated unless the Court's decision was unanimous. Justices who write or join the majority or plurality opinion are listed under "Justices concurring", whether or not they write separate concurring opinions, and Justices who do not join the majority or plurality opinion, but write separate opinions concurring in the result, are listed under "Justices specially concurring."

Previous editions contained only two lists, one for cases holding state laws unconstitutional or preempted by federal law, and one for unconstitutional or preempted local laws. The 2002 edition added the third category because of the different nature of preemption cases. State or local laws held to be preempted by federal law are void not because they contravene any provision of the Constitution, but rather because they conflict with a federal statute or treaty, and through operation of the Supremacy Clause. Preemption cases formerly listed in one of the first two categories have been moved to the third. A few cases with multiple holdings are listed in more than one category.

I. STATE LAWS HELD UNCONSTITUTIONAL

1. *United States v. Peters*, 9 U.S. (5 Cr.) 115 (1809).

> A Pennsylvania statute prohibiting the execution of any process issued to enforce a certain sentence of a federal court, on the ground that the federal court lacked jurisdiction in the cause, could not oust the federal court of jurisdiction. A state statute purporting to annul the judgment of a court of the United States and to destroy rights acquired thereunder is without legal foundation.

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2. *Fletcher v. Peck*, 10 U.S. (6 Cr.) 87 (1810).

A Georgia statute annulling conveyance of public lands authorized by a prior enactment violated the Contracts Clause (Art. I, § 10) of the Constitution.

Justices concurring: Marshall, C.J., Washington, Livingston, Todd
Justice dissenting: Johnson (in part)

3. *New Jersey v. Wilson*, 11 U.S. (7 Cr.) 164 (1812).

A New Jersey law purporting to repeal an exemption from taxation contained in a prior enactment conveying certain lands violated the Contracts Clause (Art. I, § 10).

4. *Terrett v. Taylor*, 13 U.S. (9 Cr.) 43 (1815).

Although subsequently cited as a Contract Clause case (*Piqua Branch Bank v. Knoop,* 57 U.S. (16 How.) 369, 389 (1853)), the Court in the instant decision, without referring to the Contracts Clause (Art. I, § 10), voided, as contrary to the principles of natural justice, two Virginia acts that purported to divest the Episcopal Church of title to property "acquired under the faith of previous laws."

5. *Sturges v. Crowninshield,*17 U.S. (4 Wheat.) 122 (1819).

Retroactive operation of a New York insolvency law to discharge the obligation of a debtor on a promissory note negotiated prior to its adoption violated the Contracts Clause (Art. I, § 10).

6. *McMillan v. McNeil*, 17 U.S. (4 Wheat.) 209 (1819).

A Louisiana insolvency law had no extraterritorial operation, and, although adopted in 1808, its invocation to relieve a debtor of an obligation contracted by him in 1811, while a resident of South Carolina, offended the Contracts Clause (Art. I, § 10).

7. *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819).

Under the principle of national supremacy (Art. VI), which immunizes instrumentalities of the Federal Government from state taxation, a Maryland law imposing a tax on notes issued by a branch of the Bank of United States was held unconstitutional.

8. *Dartmouth College v. Woodward*, 17 U.S. (4 Wheat.) 518 (1819).

A New Hampshire law that altered a charter granted to a private eleemosynary corporation by the British Crown prior to the Revolution violated the Contracts Clause (Art. I, § 10).

Justices concurring: Marshall, C.J., Washington, Johnson, Livingston, Story
Justice dissenting: Duvall

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INFORMATION
GPO

9. *Farmers' and Mechanics' Bank v. Smith*, 19 U.S. (6 Wheat.) 131 (1821).

A Pennsylvania insolvency law, insofar as it purported to discharge a debtor from obligations contracted prior to its passage, violated the Contracts Clause (Art. I, § 10).

10. *Green v. Biddle*, 21 U.S. (8 Wheat.) 1 (1823).

Because the compact between Virginia and Kentucky negotiated on the occasion of the separation of the latter from the former stipulated that rights in lands within the ceded area should remain valid and secure under the laws of Kentucky, and should be determined by Virginia law as of the time of separation, a subsequent Kentucky law that diminished the rights of a lawful owner by reducing the scope of his remedies against an adverse possessor violated the Contracts Clause (Art. I, § 10).

Justice concurring: Johnson (separately)

11. *Osborn v. Bank of the United States*, 22 U.S. (9 Wheat.) 738 (1824).

An Ohio statute levying a tax on the Bank of the United States, a federal instrumentality, was unenforceable (Art VI).

Justices concurring: Marshall, C.J., Washington, Todd, Duvall, Story, Thompson
Justice dissenting: Johnson

12. *Ogden v. Saunders*, 25 U.S. (12 Wheat.) 213 (1827).

Although a New York insolvency law may be applied to discharge a debt contracted subsequently to the passage of such law, the statute could not be accorded extraterritorial enforcement to the extent of discharging a claim sought to be collected by a citizen of another state either in a federal court or in the courts of other states.

Justices concurring: Johnson, Marshall, C.J., Duvall, Story
Justices dissenting: Washington, Thompson, Trimble

13. *Brown v. Maryland*, 25 U.S. (12 Wheat.) 419 (1827).

A Maryland statute that required an importer to obtain a license before reselling in the original package articles imported from abroad was in conflict with the federal power to regulate foreign commerce (Art. I, § 8, cl. 3) and with the constitutional provision (Art. I, § 10, cl. 2) prohibiting states from levying import duties.

Justices concurring: Marshall, C.J., Washington, Johnson, Duvall, Story, Trimble
Justice dissenting: Thompson

14. *Craig v. Missouri*, 29 U.S. (4 Pet.) 410 (1830).

A Missouri act, under the authority of which certificates in denominations of 50 cents to $10 were issued, payable in discharge of taxes

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or debts owned to the state and of salaries due public officers, violated the constitutional prohibition (Art. I, § 10, cl. 10) against emission of "bills of credit" by states.

Justices concurring: Marshall, C.J., Duvall, Story, Baldwin
Justices dissenting: Johnson, Thompson, McLean

15. *Boyle v. Zacharie*, 31 U.S. (6 Pet.) 635 (1832).

Consistently with the principle of *Ogden v. Saunders,* a Maryland insolvency law could not be invoked to effect discharge of an obligation contracted in Louisiana subsequently to its passage.

16. *Dobbins v. Commissioners of Erie County*, 41 U.S. (16 Pet.) 435 (1842).

A Pennsylvania law that diminished the compensation of a federal officer by subjecting him to county taxes imposed an invalid burden on a federal instrumentality (Art. VI).

17. *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539 (1842).

A Pennsylvania statute (1826) that penalized an owner's recovery of a runaway slave violated Art. IV, § 2, cl. 3, as well as federal implementing legislation.

Justices concurring: Story, Catron, McKinley, Taney (separately), C.J., Thompson (separately), Baldwin (separately), Wayne (separately), Daniel (separately), McLean (separately)

18. *Bronson v. Kinzie*, 42 U.S. (1 How.) 311 (1843).

An Illinois mortgage moratorium statute that, when applied to a mortgage negotiated prior to its passage, reduced the remedies of the mortgage lender by conferring a new right of redemption upon a defaulting borrower, impaired an obligation of contract contrary to Art. I, § 10.

Justices concurring: Taney, C.J., Baldwin, Wayne, Catron, Daniel
Justice dissenting: McLean

19. *McCracken v. Hayward*, 43 U.S. (2 How.) 608 (1844).

An Illinois mortgage moratorium statute that, when applied to a mortgage executed prior to its passage, diminished remedies of the mortgage lender by prohibiting consummation of a foreclosure unless the foreclosure price equaled two-thirds of the value of the mortgaged property, impaired the lender's obligation of contract contrary to Art. I, § 10.

20. *Gordon v. Appeal Tax Court*, 44 U.S. (3 How.) 133 (1845).

As to stockholders of Maryland state banks afforded an exemption under prior act of 1821, Maryland statute of 1841 taxing these stockholders impaired the obligation of contract.

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21. *Planters' Bank v. Sharp*, 47 U.S. (6 How.) 301 (1848).

A Mississippi statute that nullified the power of a bank under a previously issued charter to discount bills of exchange and promissory notes and to institute actions for collection of the same was void because it impaired an obligation of contract, in violation of Art. I, § 10.

Justices concurring: McLean, Wayne, Catron, Nelson, Woodbury, Grier
Justices dissenting: Taney, C.J., Daniel

22. *Passenger Cases (Smith v. Turner)*, 48 U.S. (7 How.) 283 (1849).

Collection by New York and Massachusetts of per capita taxes on alien and domestic passengers arriving in the ports of these states violated Congress's power to regulate foreign and interstate commerce pursuant to Art. I, § 8, cl. 3.

Justices concurring: McLean (separately), Wayne (separately), Catron (separately), McKinley (separately), Grier (separately)
Justices dissenting: Taney (separately), C.J., Daniel (separately), Woodbury (separately), Nelson

23. *Woodruff v. Trapnall*, 51 U.S. (10 How.) 190 (1851).

A judgment debtor of the State of Arkansas tendered, in satisfaction of the judgment, banknotes in circulation at the time of the repeal by the state of that section of the said bank's charter providing that such notes should be received in discharge of public debts. Because of the Contract Clause, the legislative repeal could neither affect such notes nor abrogate the pledge of the state to receive them in payment of debts.

Justices concurring: Taney, C.J., McLean, Wayne, McKinley, Woodbury
Justices dissenting: Catron, Daniel, Nelson, Grier

24. *Achison v. Huddleson*, 53 U.S. (12 How.) 293 (1852).

Because a Maryland statute, assented to by Congress, prohibited tolls from being levied by that state on passenger coaches carrying mails over the Cumberland Road, later Maryland law imposing tolls on passengers in such coaches was void because it conflicted with an earlier compact between Maryland and the Federal Government and also because it imposed a burden on federal carriage of the mails under Art. VI.

25. *Trustees for Vincennes University v. Indiana*, 55 U.S. (14 How.) 268 (1853).

Because the incorporation by the territorial legislature of the university in 1806 operated to vest in the latter certain federal lands reserved for educational purposes, a subsequent enactment by Indiana ordering the sale of such lands and use of the proceeds for other purposes was invalid because of impairment of the contractual rights of the university.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: McLean, Wayne, Nelson, Grier, Curtis
Justices dissenting: Taney, C.J., Catron, Daniel

26. *Curran v. Arkansas*, 56 U.S. (15 How.) 304 (1854).

Retroactive Arkansas laws that vested all property of the state bank in Arkansas and thereby prevented the bank from honoring its outstanding bills payable on demand to the holders thereof impaired the bank's contractual rights and were void.

Justices concurring: Taney, C.J., McLean, Wayne, Grier, Curtis, Campbell
Justices dissenting: Catron, Daniel, Nelson

27. *State Bank of Ohio v. Knoop*, 57 U.S. (16 How.) 369 (1854).

Because state banks, on acceptance of a charter under the Ohio banking law of 1845, were directed, in lieu of all taxes, to pay six percent of annual dividends to the states, a later statute that exposed these banks to higher taxes effected an invalid impairment of the obligation of contract.

Justices concurring: Taney, C.J., McLean, Wayne, Nelson, Grier, Curtis
Justices dissenting: Catron, Daniel, Campbell

28. *Hays v. The Pacific Mail Steamship Co.*, 58 U.S. (17 How.) 596 (1855).

California lacked jurisdiction to impose property taxes on vessels that were owned by a New York company and registered in New York, as the vessels' calls at California ports were too brief to establish a tax situs.

Justices concurring: Taney, C.J., McLean, Wayne, Catron, Nelson, Grier, Curtis, Campbell
Justice dissenting: Daniel

29. *Dodge v. Woolsey*, 59 U.S. (18 How.) 331 (1856).

A levy under an 1851 Ohio law of a bank tax at a higher rate than that specified in the bank's charter in 1845 was invalid because it impaired the obligation of contract.

Justices concurring: Taney, C.J., McLean, Wayne, Nelson, Grier, Curtis
Justices dissenting: Catron, Daniel, Campbell

30. *Almy v. California*, 65 U.S. (24 How.) 169 (1861).

A California stamp tax imposed on bills of lading for gold or silver transported from California to any place outside the state was void as a tax on exports forbidden by Art. I, § 10, cl. 2.

31. *Howard v. Bugbee*, 65 U.S. (24 How.) 461 (1861).

An Alabama statute authorizing redemption of mortgaged property in two years after sale under a foreclosure decree, by bona fide creditors of the mortgagor could not be applied to sales under mort-

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U.S. GOVERNMENT
INFORMATION
GPO

gages executed prior to the enactment without an unconstitutional impairment of the obligation of contracts under Art. I, § 10.

32. *Bank of Commerce v. New York City*, 67 U.S. (2 Black) 620 (1863).

Securities of the United States being exempt from state taxation, inclusion of their value in the capital of a bank subjected to taxation by the terms of a New York law rendered the latter void.

33. *Bank Tax Case*, 69 U.S. (2 Wall.) 200 (1865).

An 1863 New York law, enacted after the *Bank of Commerce* decision, was held invalid as, in effect, a tax on the securities of the United States.

34. *Hawthorne v. Calef*, 69 U.S. (2 Wall.) 10 (1865).

A Maine statute terminating the liability of corporate stock for the debts of the corporation impaired the obligation of contracts with respect to claims of creditors outstanding at the time of such termination.

35. *The Binghamton Bridge*, 70 U.S. (3 Wall.) 51 (1866).

An obligation of contract was impaired when the New York legislature, after having issued a charter to a bridge company containing assurances that erection of other bridges within two miles of said bridge would not be authorized, subsequently chartered a second company to construct a bridge within a few rods of the first.

36. *McGee v. Mathis*, 71 U.S. (4 Wall.) 143 (1867).

An 1855 Arkansas statute that repealed an 1851 grant of a tax exemption applicable to swamp lands, paid for either before or after repeal with scrip issued before the repeal, impaired a contract of the state with holders of such scrip (Art. I, § 10).

37. *Cummings v. Missouri*, 71 U.S. (4 Wall.) 277 (1867).

Missouri constitutional provisions that required clergymen, as a prerequisite to the practice of their profession, to take an oath that they had never been guilty of hostility to the United States, or of certain other acts that were lawful when committed, was void as a bill of attainder and as an *ex post facto* law.

Justices concurring: Wayne, Grier, Nelson, Clifford, Field
Justices dissenting: Swayne, Davis, Miller

38. *Von Hoffman v. Quincy*, 71 U.S. (4 Wall.) 535 (1867).

An Illinois law limiting taxing powers granted to a municipality under a prior law authorizing it to issue bonds and amortize the same by levy of taxes impaired the obligation of contract under Art. I, § 10.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

39. *Christmas v. Russell,*72 U.S. (5 Wall.) 290 (1866).

A Mississippi statute that prohibited enforcement of a judgment of a sister state against a resident of Mississippi whenever barred by the Mississippi statute of limitations violated the Full Faith and Credit Clause of Art. IV.

40. *Steamship Co. v. Portwardens,*73 U.S. (6 Wall.) 31 (1867).

A Louisiana statute that provided that port wardens might collect, in addition to other fees, a tax of five dollars from every ship entering the port of New Orleans, whether any service was performed or not, violated the Commerce Clause (Art. I, § 8, cl. 3).

41. *Crandall v. Nevada*, 73 U.S. (6 Wall.) 35 (1868).

A Nevada tax collected from every person leaving the state by rail or stage coach abridged the privileges of United States citizens to move freely across state lines in fulfillment of their relations with the National Government.

42. *Northern Central Ry. v. Jackson*, 74 U.S. (7 Wall.) 262 (1869).

Pennsylvania was without jurisdiction to enforce its law taxing interest on railway bonds secured by a mortgage applicable to railway property part of which was located in another state.

Justices concurring: Chase, C.J., Nelson, Davis, Field, Miller, Grier
Justices dissenting: Clifford, Swayne

43. *Furman v. Nichol*, 75 U.S. (8 Wall.) 44 (1869).

A Tennessee statute repealing prior law making notes of the Banks of Tennessee receivable in payment of taxes impaired the obligation of contract as to the notes already in circulation (Art. I, § 10).

44. *Home of the Friendless v. Rouse*, 75 U.S. (8 Wall.) 430 (1869); *The Washington University v. Rouse*, 75 U.S. (8 Wall.) 439 (1869).

A Missouri statute taxing corporations afforded tax exemption by their charter impaired the obligation of contract (Art. I, § 10).

Justices concurring: Nelson, Clifford, Grier, Swayne, Davis
Justices dissenting: Chase, C.J., Miller, Field

45. *State Tonnage Tax Cases*, 79 U.S. (12 Wall.) 204 (1871).

Alabama taxes levied on vessels owned by its citizens and employed in intrastate commerce "at so much per ton of the registered tonnage" violated the constitutional prohibition against the levy of tonnage duties by states.

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GPO

46. *Ward v. Maryland*, 79 U.S. (12 Wall.) 418 (1871).

A Maryland law that exacted a traders' license from nonresidents at a higher rate than was collected from residents violated the Privileges and Immunities Clause of Art. IV, § 2.

47. *Gibson v. Chouteau*, 80 U.S. (13 Wall.) 92 (1872).

State legislation cannot interfere with the disposition of the public domain by Congress, and therefore a Missouri statute of limitations, which was inapplicable to the United States, could not be applied so as to accord title to an adverse possessor as against a grantee from the United States, notwithstanding that the adverse possession preceded the federal conveyance.

Justices concurring: Field, Nelson, Swayne, Clifford, Miller, Bradley, Chase, C.J.
Justices dissenting: Davis, Strong

48. *Wilmington R.R. v. Reid*, 80 U.S. (13 Wall.) 264 (1872).

A North Carolina statute that levied a tax on the franchise and property of a railroad that had been accorded a tax exemption by the terms of its charter impaired the obligation of contract.

49. *White v. Hart*, 80 U.S. (13 Wall.) 646 (1872).

The Contracts Clause (Art. I, § 10) precluded reliance on a Georgia constitutional provision of 1868, prohibiting enforcement of any contract, the consideration for which was a slave, to defeat enforcement of a note based on such consideration and negotiated prior to adoption of said provision.

Justices concurring: Swayne, Nelson, Davis, Strong, Clifford, Miller, Field, Bradley
Justice dissenting: Chase, C.J.

50. *Accord: Osborne v. Nicholson*, 80 U.S. (13 Wall.) 654 (1872), invalidating a similar Arkansas constitutional provision adopted in 1868.

Justices concurring: Swayne, Nelson, Davis, Strong, Clifford, Miller, Field, Bradley
Justice dissenting: Chase, C.J.

51. *Delmas v. Insurance Company*, 81 U.S. (14 Wall.) 661 (1872).

A Louisiana constitutional provision rendering unenforceable contracts, the consideration for which was Confederate money, was, because of the Contracts Clause (Art. I, § 10), inapplicable to contracts consummated before adoption of the former provision.

52. *Case of the State Freight Tax*, 82 U.S. (15 Wall.) 232 (1873).

A Pennsylvania law that imposed a tax on freight transported interstate, into and out of Pennsylvania, was an invalid regulation of interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Story, Chase, C.J., Clifford, Miller, Field, Bradley, Hunt
Justices dissenting: Swayne, Davis

53. *State Tax on Foreign-Held Bonds*, 82 U.S. (15 Wall.) 300 (1873).

A Pennsylvania law, insofar as it directed domestic corporations to withhold on behalf of the state a portion of interest due on bonds owned by nonresidents, impaired the obligation of contract and denied due process by taxing property beyond its jurisdiction.

Justices concurring: Field, Chase, C.J., Bradley, Swayne, Strong
Justices dissenting: Davis, Clifford, Miller, Hunt

54. *Gunn v. Barry*, 82 U.S. (15 Wall.) 610 (1873).

A Georgia constitutional provision that increased the amount of a homestead exemption impaired the obligation of contract, insofar as it applied to a judgment obtained under a less liberal exemption provision.

55. *Pierce v. Carskadon*, 83 U.S. (16 Wall.) 234 (1873).

A West Virginia Act of 1865, depriving defendants of right to rehearing on a judgment obtained under an earlier law unless they made oath that they had not committed certain offenses, constituted an invalid bill of attainder and *ex post facto* law.

Justices concurring: Field, Chase, C.J., Clifford, Miller, Swayne, Davis, Strong, Hunt
Justice dissenting: Bradley

56. *Humphrey v. Pegues*, 83 U.S. (16 Wall.) 244 (1873).

South Carolina taxing laws, as applied to a railroad whose charter exempted it from taxation, impaired the obligation of contract.

57. *Walker v. Whitehead*, 83 U.S. (16 Wall.) 314 (1873).

A Georgia law restricting remedies for obtaining a judgment, so far as it affected prior contracts, impaired the obligation of contract.

58. *Barings v. Dabney*, 86 U.S. (19 Wall.) 1 (1873).

A South Carolina act appropriating for payment of state debts the assets of an insolvent bank, in which the state owned all the stock, disadvantaged private creditors of the bank and thereby impaired the obligation of contract.

59. *Peete v. Morgan*, 86 U.S. (19 Wall.) 581 (1874).

A Texas act of 1870 imposing a tonnage tax on foreign vessels to defray quarantine expenses held to violate of Art I, § 10, prohibiting levy without consent of Congress.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

60. *Pacific R.R. v. Maguire*, 87 U.S. (20 Wall.) 36 (1874).

A Missouri law that levied a tax on a railroad prior to expiration of a grant of exemption impaired the obligation of contract.

Justices concurring: Waite, C.J., Field, Bradley, Swayne, Davis, Hunt
Justices dissenting: Clifford, Miller

61. *Insurance Co. v. Morse*, 87 U.S. (20 Wall.) 445 (1874).

A Wisconsin act admitting foreign insurance companies to transact business within the state, upon their agreement not to remove suits to federal courts, exacted an unconstitutional condition.

Justices concurring: Clifford, Miller, Field, Bradley, Swayne, Strong, Hunt
Justices dissenting: Waite, C.J., Davis

62. *Loan Ass'n v. Topeka*, 87 U.S. (20 Wall.) 655 (1875).

A Kansas act of 1872, authorizing municipalities to issue bonds repayable out of tax revenues in support of private enterprise, amounted to collection of money in aid of a private, rather than public purpose, and violated due process.

Justices concurring: Strong, Swayne, Davis, Waite, C.J., Miller, Field, Bradley
Justice dissenting: Clifford

63. *Wilmington & Weldon R.R. v. King*, 91 U.S. 3 (1875).

A North Carolina statute, insofar as it authorized a jury, in suits on contracts negotiated during the Civil War, to place their own estimates upon the value of such contracts instead of taking the value stipulated by the parties, impaired the obligation of such contracts.

Justices concurring: Waite, C.J., Clifford, Miller, Field, Swayne, Davis, Strong, Hunt
Justice dissenting: Bradley

64. *Welton v. Missouri*, 91 U.S. 275 (1875).

A Missouri act that required payment of a license fee by peddlers of merchandise produced outside the state, but exempted peddlers of merchandise produced in the state, imposed an unconstitutional burden on interstate commerce.

65. *Morrill v. Wisconsin*, 154 U.S. 626 (1877).

A Wisconsin statute was held void on the basis of *Welton v. Missouri*.

66. *Henderson v. Mayor of New York*, 92 U.S. 259 (1876).

A New York act of 1849 that required the owner of an ocean-going passenger vessel to post a bond of $300 for each passenger as surety

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U.S. GOVERNMENT
INFORMATION
GPO

against their becoming public charges, or, in lieu thereof, to pay a tax of $1.50 for each, contravened Congress's exclusive power to regulate foreign commerce.

67. *Chy Lung v. Freeman*, 92 U.S. 275 (1876).

A California law that required the master of a vessel to post a $500 bond for each alien "lewd and debauched female" passenger arriving from a foreign country contravened the federal power to regulate foreign commerce.

68. *Inman Steamship Co. v. Tinker*, 94 U.S. 238 (1877).

A New York act of 1865, that provided for collection from docking vessels of a fee measured by tonnage, imposed a tonnage duty in violation of Art. I, § 10.

69. *Foster v. Masters of New Orleans*, 94 U.S. 246 (1877).

A Louisiana statute, that required a survey of hatches of every sea-going vessel arriving at New Orleans, contravened the federal power to regulate foreign and interstate commerce.

70. *New Jersey v. Yard*, 95 U.S. 104 (1877).

A statute increasing a tax above the rate stipulated in the state's contract with railroad corporations impaired the obligation of contract.

71. *Railroad Co. v. Husen*, 95 U.S. 465 (1878).

A Missouri act prohibiting the bringing of cattle into the state between March and November contravened the power of Congress over interstate commerce.

72. *Hall v. DeCuir*, 95 U.S. 485 (1878).

A Louisiana Reconstruction Act that prohibited interstate common carriers of passengers from discriminating on the basis of race or color was held invalid as a regulation of interstate commerce.

73. *Farrington v. Tennessee*, 95 U.S. 679 (1878).

A Tennessee law increasing the tax on a bank above the rate specified in its charter was held to impair the obligation of that contract.

Justices concurring: Swayne, Miller, Hunt, Bradley, Harlan, Waite, C.J.
Justices dissenting: Strong, Clifford, Field

74. *Edwards v. Kearzey*, 96 U.S. 595 (1878).

A North Carolina constitutional provision increasing amount of debtor's property exempt from sale under execution of a judgment impaired the obligation of contracts negotiated prior to its adoption.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Waite, C.J., Swayne, Bradley, Strong, Miller
Justices concurring specially: Field, Hunt
Justice dissenting: Harlan

75. *Keith v. Clark*, 97 U.S. 454 (1878).

A provision of the Tennessee Constitution of 1865 that forbade the receipt for taxes of the bills of the Bank of Tennessee and declared the issues of the bank during the insurrectionary period void was held to impair the obligation of contract.

Justices concurring: Miller, Clifford, Strong, Hunt, Swayne, Field
Justices dissenting: Waite, C.J., Bradley, Harlan

76. *Cook v. Pennsylvania*, 97 U.S. 566 (1878).

A Pennsylvania act taxing auction sales, when applied to sales of imported goods in the original packages, was void as a duty on imports and a regulation of foreign commerce.

77. *Northwestern University v. Illinois ex rel. Miller*, 99 U.S. 309 (1878).

A revenue law of Illinois, insofar as it modified tax exemptions granted to Northwestern University by an earlier statute, impaired the obligation of contract.

78. *Strauder v. West Virginia*, 100 U.S. 303 (1880).

A West Virginia law barring Negroes from jury service violated the Equal Protection Clause.

Justices concurring: Strong, Miller, Hunt, Swayne, Bradley, Harlan, Waite, C.J.
Justices dissenting: Field, Clifford

79. *Guy v. City of Baltimore,*100 U.S. 434 (1879).

A Maryland statute and a Baltimore ordinance, levying tax solely on products of other states, was held to impose an invalid burden upon foreign and interstate commerce.

Justices concurring: Harlan, Hunt, Clifford, Strong, Miller, Swayne, Field, Bradley
Justice dissenting: Waite, C.J.

80. *Tiernan v. Rinker*, 102 U.S. 123 (1880).

A Texas statute, insofar as it levied an occupational tax only upon the sale of out-of-state beer and wine, violated Congress's power to regulate foreign and interstate commerce.

81. *Hartman v. Greenhow*, 102 U.S. 672 (1880).

A Virginia act, adopted subsequently to a law providing for the issuance of bonds and the acceptance of interest coupons thereon in

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U.S. GOVERNMENT
INFORMATION
GPO

full payment of taxes, that levied a new property tax collectible by way of deduction from such interest coupons, impaired the obligation of contract.

Justices concurring: Field, Clifford, Harlan, Strong, Hunt, Swayne, Bradley, Waite, C.J.

Justice dissenting: Miller

82. *Hall v. Wisconsin*, 103 U.S. 5 (1880).

A Wisconsin act that repealed a prior statute authorizing payment of fixed sum for performance of a contract to complete a geological survey, impaired the obligation of contract, notwithstanding that the second act was enacted prior to total fulfillment of the contract.

83. *Webber v. Virginia*, 103 U.S. 344 (1881).

Virginia license acts, requiring a license for sale of goods made outside the state but not within the state, were held to conflict with the Commerce Clause.

84. *United States ex rel. Wolff v. City of New Orleans*, 103 U.S. 358 (1881).

A Louisiana act withdrawing from New Orleans the power to levy taxes adequate to amortize previously issued bonds impaired the obligation of contract.

Accord: Louisiana v. Pilsbury, 105 U.S. 278 (1881).

85. *Asylum v. City of New Orleans*, 105 U.S. 362 (1881).

The general taxing laws for New Orleans when applied to the property of an asylum, whose charter exempted it from taxation, impaired the obligation of contract.

Justices concurring: Bradley, Waite, C.J., Woods, Gray, Harlan, Matthews, Blatchford

Justices dissenting: Miller, Field

86. *Western Union Telegraph Co. v. Texas*, 105 U.S. 460 (1882).

A Texas tax collected on private telegraph messages sent out of the state imposed an invalid burden on foreign and interstate commerce, and, insofar as it was imposed on official messages sent by federal officers, it constituted an unconstitutional burden on a federal instrumentality.

87. *Ralls County Court v. United States*, 105 U.S. 733 (1881).

A Missouri law that deprived a county of the taxing power requisite to meet interest payments on previously issued bonds impaired the obligation of contract.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

88. *City of Parkersburg v. Brown*, 106 U.S. 487 (1882).

A West Virginia law authorizing a city to issue its bonds in aid of manufacturers was void because it sanctioned an expenditure of public funds for a private purpose contrary to due process.

89. *New York v. Compagnie Gen. Transatlantique*, 107 U.S. 59 (1882).

A New York law imposing a tax on every alien arriving from a foreign country, and holding the vessel liable for payment of the tax, was an invalid regulation of foreign commerce.

90. *Kring v. Missouri*, 107 U.S. 221 (1883).

A Missouri law that abolished a rule existing at the time the crime was committed, under which subsequent prosecution for first degree murder was precluded after a conviction for second degree murder has been set aside on appeal, was void as an *ex post facto* law.

Justices concurring: Miller, Harlan, Field, Blatchford, Woods
Justices dissenting: Matthews, Bradley, Gray, Waite, C.J.

91. *Nelson v. St. Martin's Parish*, 111 U.S. 716 (1884).

A Louisiana act that repealed the taxing authority of a municipality to pay judgments previously rendered against it impaired the obligation of contract.

92. *Cole v. La Grange*, 113 U.S. 1 (1885).

A Missouri act that authorized a city to issue bonds in aid of manufacturing corporations was void because it sanctioned defrayment of public moneys for other than public purpose and deprived taxpayers of property without due process.

93. *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196 (1885).

Pennsylvania taxing laws, when applied to the capital stock of a New Jersey ferry corporation carrying on no business in the state except the landing and receiving of passengers and freight, was void as a tax on interstate commerce.

94. *Virginia Coupon Cases (Poindexter v. Greenhow)*, 114 U.S. 270 (1885).

A Virginia act that terminated a privilege accorded bondholders under prior law of tendering coupons from said bonds in payment of taxes impaired the obligation of contract (Art. I, § 10).

Justices concurring: Matthews, Field, Harlan, Woods, Blatchford
Justices dissenting: Bradley, Miller, Gray, Waite, C.J.

95. *Effinger v. Kenney*, 115 U.S. 566 (1885).

Virginia Act of 1867, which provided that in suits to enforce contracts for the sale of property negotiated during the Civil War and pay-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

able in Confederate notes, the measure of recovery was to be the value of the land at the time of sale rather than the value of such notes at that time, impaired the obligation of contracts (Art. I, § 10).

96. *Louisville Gas Co. v. Citizens' Gas Co.*, 115 U.S. 683 (1885).

A Kentucky act of 1872 that chartered a corporation and authorized it to supply gas in Louisville, Kentucky, impaired the obligation of contract resulting from the grant of an exclusive privilege to an older company in 1869.

97. *Fisk v. Jefferson Police Jury*, 116 U.S. 131 (1885).

When a public officer has completed services (1871–1874), for which the compensation was fixed by law, an implied obligation to pay him at such rate arises, and such contract was impaired by a Louisiana constitutional provision of 1880 that reduced the taxing power of a parish to such extent as to deprive the officer of any effective means of collecting the sum due him.

98. *City of Mobile v. Watson*, 116 U.S. 289 (1886).

An Alabama law that deprived Mobile and its successor of the power to levy taxes sufficient to amortize previously issued bonds impaired the obligation of contracts.

99. *Walling v. Michigan*, 116 U.S. 446 (1886).

A Michigan law taxing nonresidents soliciting sale of foreign liquors to be shipped into the state imposed an invalid restraint on interstate commerce.

100. *Royall v. Virginia*, 116 U.S. 572 (1886).

When a Virginia law provided that coupons on state bonds were acceptable in payment of state fees, a subsequent law requiring legal tender in payment of a professional license fee impaired the obligation of contract between the coupon holder and the state. A law that imposed a penalty for practice without a license was void when applied where the license had been denied for failure to pay in legal tender.

101. *Pickard v. Pullman Southern Car Co.*, 117 U.S. 34 (1886).

A Tennessee privilege tax on railway sleeping cars was void insofar as it applied to cars moving in interstate commerce.

102. *Van Brocklin v. Tennessee*, 117 U.S. 151 (1886).

A state cannot validly sell for taxes lands that the United States owned at the time the taxes were levied, but in which it ceased to have an interest at the time of sale (Art. VI).

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

103. *Wabash, St. L. & P. Ry. Co. v. Illinois,* 118 U.S. 557 (1886).

An Illinois law that prohibited long-short haul rate discrimination, when applied to interstate transportation, encroached upon the federal commerce power.

Justices concurring: Miller, Field, Harlan, Woods, Matthews, Blatchford
Justices dissenting: Bradley, Gray, Waite, C.J.

104. *Robbins v. Shelby County Taxing Dist.,* 120 U.S. 489 (1887).

A Tennessee law taxing drummers not operating from a domestic licensed place of business, insofar as it applied to drummers soliciting sales of goods on behalf of out-of-state business firms, was an invalid regulation of interstate commerce.

Justices concurring: Bradley, Miller, Harlan, Woods, Matthews, Blatchford
Justices dissenting: Waite, C.J., Gray, Field

105. *Corson v. Maryland*, 120 U.S. 502 (1887).

A Maryland law licensing salesmen, insofar as it was applied to a New York resident soliciting orders on behalf of a New York firm, was an invalid regulation of interstate commerce.

106. *Barron v. Burnside*, 121 U.S. 186 (1887).

An Iowa law that conditioned admission of a foreign corporation to do local business on the surrender of its right to invoke the diversity of citizenship jurisdiction of federal courts exacted an invalid forfeiture of a constitutional right.

107. *Fargo v. Michigan*, 121 U.S. 230 (1887).

A Michigan act, insofar as it taxed the gross receipts of companies and corporations engaged in interstate commerce, was held to be in conflict with the commerce powers of Congress.

108. *Seibert v. Lewis*, 122 U.S. 284 (1887).

A Missouri law requiring certain petitions, not exacted when county bonds were issued, before taxes could be levied to amortize said bonds, impaired the obligation of contracts.

109. *Philadelphia Steamship Co. v. Pennsylvania*, 122 U.S. 326 (1887).

A Pennsylvania gross receipts tax on public utilities, insofar as it was applied to the gross receipts of a domestic corporation derived from transportation of persons and property on the high seas, was in conflict with the exclusive federal power to regulate foreign and interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110. *Western Union Tel. Co. v. Pendleton*, 122 U.S. 347 (1887).

An Indiana statute concerning the delivery of telegrams, insofar as it applied to deliveries sent from Indiana to other states, was an invalid regulation of commerce.

111. *Bowman v. Chicago & Northwestern Ry. Co.,*125 U.S. 465 (1888).

An Iowa liquor statute that required interstate carriers to procure a certificate from the auditor of the county of destination before bringing liquor into the state violated of the Commerce Clause.

Justices concurring: Matthews, Field (separately), Miller, Bradley, Blatchford
Justices dissenting: Harlan, Gray, Waite, C.J.

112. *California v. Pacific R.R.*, 127 U.S. 1 (1888).

A California tax levied on the franchise of interstate railway corporations chartered by Congress pursuant to its commerce power is void, Congress not having consented to it.

113. *Ratterman v. Western Union Tel. Co.*, 127 U.S. 411 (1888).

An Ohio law that levied a tax on the receipts of a telegraph company was invalid to the extent that part of such receipts levied on were derived from interstate commerce.

114. *Asher v. Texas*, 128 U.S. 129 (1888).

A Texas law that imposed a license tax on drummers violates the Commerce Clause as enforced against one who solicited orders for the purchase of merchandise from out-of-state sellers.

115. *Stoutenburgh v. Hennick*, 129 U.S. 141 (1889).

A clause of a District of Columbia act that required commercial agents selling by sample to pay a license tax was held a regulation of interstate commerce when applied to agents soliciting purchases on behalf of principals outside the District of Columbia.

Justices concurring: Fuller, C.J., Field, Bradley, Harlan, Matthews, Gray, Blatchford, Lamar
Justice dissenting: Miller

116. *Western Union Tel. Co. v. Alabama*, 132 U.S. 472 (1889).

An Alabama tax law, as applied to revenue of telegraph company made by sending messages outside the state, was held to be an invalid regulation of commerce.

117. *Medley, Petitioner*, 134 U.S. 160 (1890).

A Colorado law, when applied to a person convicted of a murder committed prior to the enactment and that increased the penalty to be imposed, was void as an *ex post facto* law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Miller, Field, Harlan, Gray, Blatchford, Lamar, Fuller, C.J.
Justices dissenting: Brewer, Bradley

118. *Chicago, M. & St. P. Ry. v. Minnesota*, 134 U.S. 418 (1890).

A state rate-regulatory law that empowered a commission to establish rate schedules that were final and not subject to judicial review as to their reasonableness violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

Justices concurring: Blatchford, Miller, Field, Harlan, Brewer, Fuller, C.J.
Justices dissenting: Bradley, Gray, Lamar

119. *Leisy v. Hardin*, 135 U.S. 100 (1890).

An Iowa Prohibition law, enforced as to an interstate shipment of liquor in the original packages or kegs, violated Congress's power to regulate interstate commerce.

Justices concurring: Fuller, C.J., Miller, Field, Bradley, Blatchford, Lamar
Justices dissenting: Gray, Harlan, Brewer

120. *Lyng v. Michigan*, 135 U.S. 161 (1890).

A Michigan statute that taxed the sale of imported liquor in original package was held an invalid regulation of interstate commerce.

Justices concurring: Fuller, C.J., Miller, Field, Bradley, Blatchford, Lamar
Justices dissenting: Gray, Harlan, Brewer

121. *McGahey v. Virginia*, 135 U.S. 662 (1890).

Virginia acts that stipulated that, if the genuineness of coupons tendered in payment of taxes was in issue, the bond from which the coupon was cut must be produced, that precluded use of expert testimony to establish the genuineness of the coupons, and that, in suits for payment of taxes, imposed on the defendant tendering coupons as payment the burden of establishing the validity of said coupons, were deemed to abridge the remedies available to the bondholders so materially as to impair the obligation of contract.

122. *Norfolk & Western R.R. v. Pennsylvania*, 136 U.S. 114 (1890).

A Pennsylvania act that imposed a license tax on foreign corporation common carriers doing business in the state was held to be invalid as a tax on interstate commerce.

Justices concurring: Lamar, Miller, Field, Bradley, Harlan, Blatchford
Justices dissenting: Fuller, C.J., Gray, Brewer

123. *Minnesota v. Barber*, 136 U.S. 313 (1890).

A Minnesota statute that made it illegal to offer for sale any meat other than that taken from animals passed by state inspectors was

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

held to discriminate against meat producers from other states and to place an undue burden upon interstate commerce.

124. *Brimmer v. Rebman*, 138 U.S. 78 (1891).

A Virginia statute prohibiting sale of meat killed 100 miles or more from place of sale, unless it was first inspected in Virginia, held void as interference with interstate commerce and imposing a discriminatory tax.

125. *Pennoyer v. McConnaughy*, 140 U.S. 1 (1891).

An Oregon act of 1887 that voided all certificates for the sale of public land unless 20% of the purchase price had been paid prior to 1879, altered the terms of purchase provided under preexisting law and therefore impaired the obligations of the contract.

126. *Crutcher v. Kentucky*, 141 U.S. 47 (1891).

A Kentucky law that required a license from foreign express corporation agents before doing business in the state was held invalid under the Commerce Clause.

Justices concurring: Bradley, Field, Harlan, Blatchford, Lamar, Brewer
Justices dissenting: Fuller, C.J., Gray

127. *Voight v. Wright*, 141 U.S. 62 (1891).

A Virginia statute that required state inspection of all but domestic flour held invalid under Commerce Clause.

128. *Mobile & Ohio R.R. v. Tennessee*, 153 U.S. 486 (1894).

Tennessee statutes that levied taxes on a railroad company enjoying tax exemption under an earlier charter impaired the obligation of contract.

Justices concurring: Jackson, Field, Harlan, Brown, White
Justices dissenting: Fuller, C.J., Gray, Brewer, Shiras

129. *New York, L. E. & W. R.R. v. Pennsylvania*, 153 U.S. 628 (1894).

A Pennsylvania act of 1885 that required a New York corporation, when paying interest in New York City on its outstanding securities, to withhold a Pennsylvania tax levied on resident owners of such securities, violated due process because of its application to property beyond the jurisdiction of Pennsylvania. The act also impaired the obligation of contracts by increasing the conditions originally exacted of the railroad in return for permission to construct and operate over trackage in Pennsylvania.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

130. *Covington & Cincinnati Bridge Co. v. Kentucky*, 154 U.S. 204 (1894).

A Kentucky act regulating toll rates on bridge across the Ohio River was an unconstitutional regulation of interstate commerce.

Justices concurring: Brown, Harlan, Brewer, Shiras, Jackson
Justices dissenting: Fuller, C.J., Field, Gray, White

131. *Bank of Commerce v. Tennessee*, 161 U.S. 134 (1896).

Tennessee revenue laws that imposed a tax on stock beyond that stipulated under the provision of a state charter impaired the obligation of contracts.

132. *Barnitz v. Beverly*, 163 U.S. 118 (1896).

A Kansas law granting to mortgagor a right to redeem foreclosed property, which right did not exist when the mortgage was negotiated, impaired the obligation of contracts.

133. *Illinois Central R.R. v. Illinois*, 163 U.S. 142 (1896).

An Illinois statute that required a railroad to run its New Orleans train into Cairo and back to mail line, although there was already adequate service to Cairo, was held to be an unconstitutional obstruction of interstate commerce and of passage of United States mails.

134. *Missouri Pacific Ry. v. Nebraska*, 164 U.S. 403 (1896).

A Nebraska statute that compelled a railroad to permit a third party to erect a grain elevator on its right of way deprived of property violated due process.

135. *Scott v. Donald*, 165 U.S. 58 (1897).

A South Carolina act regulating the sale of alcoholic beverages exclusively at state dispensaries, when enforced against a resident importing out-of-state liquor, unconstitutionally discriminated against interstate commerce.

Justices concurring: Shiras, Field, Harlan, Gray, White, Peckham, Fuller
Justice dissenting: Brown

136. *Gulf, C. & S. F. Ry. v. Ellis*, 165 U.S. 150 (1897).

A Texas law that required railroads to pay court costs and attorneys' fees to litigants successfully prosecuting claims against them deprived the railroads of due process and equal protection of the law.

Justices concurring: Brewer, Field, Harlan, Brown, Shiras, Peckham
Justices dissenting: Gray, White, Fuller, C.J.

137. *Allgeyer v. Louisiana*, 165 U.S. 578 (1897).

A Louisiana law imposing a penalty for soliciting contracts of insurance on behalf of insurers who had not complied with Louisi-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ana law effected a denial of liberty of contract contrary to due process when applied to an insurance contract negotiated in New York with a New York company and with premiums and losses to be paid in New York.

138. *Smyth v. Ames*, 169 U.S. 466 (1898).

A Nebraska statute setting intrastate freight rates was held to impose rates so low as to be unreasonable and to amount to a deprivation of property without due process of law.

139. *Houston & Texas Cent. Ry. v. Texas*, 170 U.S. 243 (1898).

A Texas constitutional provision, as enforced to recover certain sections of land held by a railroad company under a previous legislative grant, impaired the obligation of contract.

140. *Thompson v. Utah*, 170 U.S. 343 (1898).

A provision in Utah's constitution, providing for the trial of noncapital criminal cases in courts of general jurisdiction by a jury of eight persons, was held an *ex post facto* law as applied to felonies committed before the territory became a state.

Justices concurring: Harlan, Gray, Brown, Shiras, White, McKenna, Fuller, C.J.
Justices dissenting: Brewer, Peckham

141. *Schollenberger v. Pennsylvania*, 171 U.S. 1 (1898).

A Pennsylvania law that prohibited the manufacture and sale of oleomargarine was invalid to the extent that it prohibited interstate importation and resale of oleomargarine in original packages.

Justices concurring: Fuller, C.J., Brewer, Brown, Shiras, White, Peckham, McKenna
Justices dissenting: Gray, Harlan

142. *Collins v. New Hampshire*, 171 U.S. 30 (1898).

A New Hampshire law that prohibited the sale of oleomargarine unless it was pink in color, was invalid as an arbitrary means of rendering the product unmarketable and also could not be enforced to prevent the interstate transportation and resale of oleomargarine produced in another state and not pink in color.

Justices concurring: Fuller, C.J., Brewer, Brown, Shiras, White, Peckham, McKenna
Justices dissenting: Harlan, Gray

143. *Blake v. McClung*, 172 U.S. 239 (1898).

Tennessee acts that granted Tennessee creditors priority over nonresident creditors having claims against foreign corporations admitted to do local business infringed the Privileges and Immunities Clause of Art. IV, § 2.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Harlan, Gray, Brown, Shiras, White, McKenna, Peckham
Justices dissenting: Brewer, Fuller, C.J.

144. *Norwood v. Baker*, 172 U.S. 269 (1898).

The exaction, as authorized by Ohio law, from the owner of property, via special assessment, of the cost of a public improvement in substantial excess of the benefits accruing to him amounted to a taking of property for public use without compensation, and violated due process.

Justices concurring: Harlan, Brown, White, Peckham, McKenna, Fuller, C.J.
Justices dissenting: Brewer, Gray, Shiras

145. *Dewey v. City of Des Moines*, 173 U.S. 193 (1899).

An Iowa statute deprived a nonresident owner of property in Iowa of due process by subjecting him to personal liability to pay a special assessment when the state did not acquire personal jurisdiction via service of process.

146. *Lake Shore & Mich. So. Ry. v. Smith*, 173 U.S. 684 (1899).

A Michigan act that required railroads to sell 1,000-mile tickets at a fixed price in favor of the purchaser, his wife, and children, with provisions for forfeiture if presented by any other person in payment of fare, and for expiration within two years, subject to redemption of unused portion and collection of 3 cents per mile already traveled, effected a taking of property without due process and a denial of equal protection.

Justices concurring: Peckham, Harlan, Brewer, Brown, Shiras, White
Justices dissenting: Fuller, C.J., Gray, McKenna

147. *Houston & Texas Cent. R.R. v. Texas*, 177 U.S. 66 (1900).

Subsequent repeal of a Texas statute that permitted treasury warrants to be given to the state for payment of interest on bonds issued by a railroad and held by the state, with accompanying endeavor to hold the railroad liable for back interest paid on the warrants, impaired the obligation of contract.

148. *Cleveland, C.C. & St. L. Ry. v. Illinois*, 177 U.S. 514 (1900).

An Illinois law that required all regular passenger trains to stop at county seats for receipt and discharge of passengers imposed an invalid burden on interstate commerce when applied to an express train serving only through passengers between New York and St. Louis.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

149. *Stearns v. Minnesota*, 179 U.S. 223 (1900).

A Minnesota statute repealing all former tax exemption laws and providing for the taxation of lands granted to railroads impaired the obligation of contracts.

Duluth & I. R.R. v. St. Louis County, 179 U.S. 302 (1900).

150. *Cotting v. Kansas City Stock Yards Co.*, 183 U.S. 79 (1901).

A Kansas statute that regulated public stock yards violated the Equal Protection Clause because it applied to only one stockyard company in the state.

151. *Louisville & Nashville R.R. v. Eubank*, 184 U.S. 27 (1902).

A Kentucky constitutional provision on long and short haul railroad rates was held invalid where interstate shipments were involved.

Justices concurring: Peckham, Harlan, Brown, Shiras, White, McKenna, Fuller, C.J.
Justices dissenting: Brewer, Gray

152. *Connolly v. Union Sewer Pipe Co.*, 184 U.S. 540 (1902).

An Illinois statute that regulated monopolies, but exempted agricultural products and livestock in the hands of the producer from the operation of the law, was held to deny the equal protection of the laws.

Justices concurring: Harlan, Brewer, Brown, Shiras, White, Peckham, Fuller, C.J.
Justice dissenting: McKenna

153. *Stockard v. Morgan*, 185 U.S. 27 (1902).

A Tennessee license tax on agents soliciting and selling by sample for a company in another state was held an invalid regulation of commerce.

154. *Louisville & J. Ferry Co. v. Kentucky,*188 U.S. 385 (1903).

An Indiana franchise granted to a Kentucky corporation for operating a ferry from the Indiana to the Kentucky shore had its tax situs in Indiana; accordingly, Kentucky lacked jurisdiction with the result that its law that authorized a levy on the Indiana franchise deprived it of property without due process of law.

Justices concurring: Harlan, Brewer, Brown, White, Peckham, McKenna, Holmes
Justices dissenting: Shiras, Fuller, C.J.

155. *The Roanoke*, 189 U.S. 185 (1903).

A Washington law that accorded a contractor or subcontractor a lien on a foreign vessel for work done and that made no provision for protection of owner in event contractor was fully paid before notice of subcontractor's lien was received deprived the owner of normal de-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

fenses and constituted an invalid interference with admiralty jurisdiction exclusively vested in federal courts by Article III.

156. *The Robert W. Parsons*, 191 U.S. 17 (1903).

New York statutes giving a lien for repairs upon vessels, and providing for the enforcement of such liens by proceedings *in rem*, were held void as in conflict with the exclusive admiralty and maritime jurisdiction of the federal courts.

Justices concurring: Brown, White, McKenna, Holmes, Day
Justices dissenting: Brewer, Peckham, Harlan, Fuller, C.J.

157. *Allen v. Pullman Company*, 191 U.S. 171 (1903).

A Tennessee tax of $500 per year per Pullman car, when applied to cars moving in interstate as well as intrastate commerce, imposed an invalid burden on interstate commerce.

158. *Bradley v. Lightcap*, 195 U.S. 1 (1904).

An Illinois law, passed after a mortgage was executed, that provided that, if a mortgagee did not obtain a deed within five years after the period of redemption had lapsed, he lost the estate (whereas under the law existing when the mortgage was executed, failure by the mortgagee to take out a deed had no effect on the title of the mortgagee against the mortgagor), was held void as impairing the obligation of contract and depriving the mortgagee of property rights without due process.

159. *Central of Georgia Ry. v. Murphey*, 196 U.S. 194 (1905).

Georgia statutes that imposed the duty on common carriers of reporting on the shipment of freight to the shipper were held void when applied to interstate shipments.

160. *Lochner v. New York*, 198 U.S. 45 (1905).

A New York statute establishing a 10-hour day in bakeries violated due process because it interfered with the employees' freedom to contract in relation to their labor.

Justices concurring: Peckham, Brewer, Brown, McKenna, Fuller
Justices dissenting: Harlan, White, Day, Holmes (separately)

161. *Union Transit Co. v. Kentucky*, 199 U.S. 194 (1905).

Because tangible personal property acquires a tax situs in the state where it is permanently located, an attempt by Kentucky, in which the owner was domiciled, to tax railway cars located in Indiana, was void and amounted to a deprivation of property without due process.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Brown, Harlan, Brewer, Peckham, McKenna, Day
Justices dissenting: Holmes, White, Fuller, C.J.

162. *Houston & Texas Central R.R. v. Mayes*, 201 U.S. 321 (1906).

A Texas statute exacting of an interstate railroad an absolute requirement that it furnish a certain number of cars on a given day to transport merchandise to another state imposed an invalid, unreasonable burden on interstate commerce.

Justices concurring: Brewer, Brown, Peckham, Holmes, Day
Justices dissenting: Harlan, McKenna, Fuller, C.J.

163. *Powers v. Detroit & Grand Haven Ry.*, 201 U.S. 543 (1906).

When a railroad is reorganized under a special act but no new corporation is chartered, a tax concession granted by such act amounted to a contract that could not be impaired by a subsequent Michigan enactment that purported to alter the rate of the tax.

Justices concurring: Brewer, Harlan, Brown, Peckham, McKenna, Holmes, Day, Fuller, C.J.
Justice dissenting: White

164. *Mayor of Vicksburg v. Vicksburg Waterworks Co.*, 202 U.S. 453 (1906).

A water company owning an exclusive franchise to supply a city with water was entitled to an injunction restraining impairment of such contract by attempted erection by city of its own water system pursuant to Mississippi statutory authorization.

Justices concurring: Day, Brewer, Brown, White, Peckham, McKenna, Holmes, Fuller, C.J.
Justice dissenting: Harlan

165. *American Smelting Co. v. Colorado*, 204 U.S. 103 (1907).

A Colorado statute stipulating that foreign corporations, as a condition for admission to do business, pay a fee based on their capital stock whereupon they would be subjected to all the liabilities and restrictions imposed upon domestic corporations amounted to a contract, the obligation of which was invalidly impaired by a later statute that imposed higher annual license fees on foreign corporations admitted under the preceding terms than were levied on domestic corporations, whose corporate existence had not expired.

Justices concurring: Peckham, Brewer, White, McKenna, Day
Justices dissenting: Harlan, Holmes, Moody, Fuller, C.J.

166. *Adams Express Co. v. Kentucky*, 206 U.S. 129 (1907).

A Kentucky law proscribing C.O.D. shipments of liquor, providing that the place where the money is paid or the goods delivered shall be

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

deemed to be the place of sale, and making the carrier jointly liable with the vendor was, as applied to interstate shipments, an invalid regulation of interstate commerce.

Justices concurring: Brewer, Holmes, Peckham, Moody, White, Day, McKenna, Fuller, C.J.
Justice dissenting: Harlan

Accord: American Express Co. v. Kentucky, 206 U.S. 139 (1907).

167. *Central of Georgia Ry. v. Wright*, 207 U.S. 127 (1907).

A Georgia statutory assessment procedure that afforded taxpayer no opportunity to be heard as to valuation of property not returned by him under honest belief that it was not taxable, and that permitted him to challenge the assessment only for fraud and corruption, violated due process.

168. *Darnell & Son Co. v. City of Memphis,*208 U.S. 113 (1908).

A Tennessee tax law that exempted domestic crops and manufactured products, but applied the levy to like products of out-of-state origin, imposed an invalid burden on interstate commerce.

169. *Ex parte Young*, 209 U.S. 123 (1908).

A Minnesota railroad rate statute that imposed such excessive penalties that parties affected were deterred from testing its validity in the courts denied a railroad the equal protection of the laws.

170. *Galveston, H. & S.A. Ry. v. Texas*, 210 U.S. 217 (1908).

A Texas gross receipts tax insofar as it was levied on railroad receipts that included income derived from interstate commerce unconstitutionally burdened interstate commerce.

Justices concurring: Holmes, Brewer, Peckham, Day, Moody
Justices dissenting: Harlan, White, McKenna, Fuller, C.J.

171. *Willcox v. Consolidated Gas Co.*, 212 U.S. 19 (1909).

A New York law that required a public utility to perform its service in such a manner that its entire plant would have to be rebuilt at a cost on which no return could be obtained under the rates fixed unconstitutionally deprived the utility of its property without due process.

172. *Louisville & Nashville R.R. v. Stock Yards Co.*, 212 U.S. 132 (1909).

A Kentucky constitutional provision that required a carrier to deliver its cars to connecting carriers without providing adequate protection for their return or compensation for their use effected an invalid taking of property without due process of law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Holmes, Brewer, White, Peckham, Day, Fuller, C.J.
Justices dissenting: McKenna, Harlan, Moody

173. *Nielson v. Oregon*, 212 U.S. 315 (1909).

For want of jurisdiction, Oregon could not validly prosecute as a violator of its law prohibiting the use of purse nets one who, pursuant to a license from Washington, used such a net on the Washington side of the Columbia River.

174. *Adams Express Co. v. Kentucky*, 214 U.S. 218 (1909).

A Kentucky law proscribing the sale of liquor to an inebriate, as applied to a carrier delivering liquor to such person from another state, violated the Commerce Clause.

Justices concurring: Brewer, Holmes, Peckham, Moody, White, Day, McKenna, Fuller, C.J.
Justice dissenting: Harlan

175. *Louisiana ex rel. Hubert v. Mayor of New Orleans*, 215 U.S. 170 (1909).

A Louisiana act of 1870 providing for registration and collection of judgments against New Orleans, so far as it delayed payment, or collection of taxes for payment, of contract claims existing before its passage, impaired the obligation of such contracts.

176. *North Dakota ex rel. Flaherty v. Hanson*, 215 U.S. 515 (1910).

A North Dakota statute that required the recipient of a federal retail liquor license, solely because of payment therefor and without reference to the doing of any act within North Dakota, to publish official notices of the terms of such license and of the place where it is posted, to display on his premises an affidavit confirming such publication, and to file an authenticated copy of such federal license together with a $10 fee, was void for imposing a burden on the federal taxing power.

Justices concurring: White, Harlan, Brewer, Day
Justices dissenting: Fuller, C.J., McKenna, Holmes

177. *Western Union Tel. Co. v. Kansas*, 216 U.S. 1 (1910).

A Kansas statute imposing a charter fee, computed as a percentage of authorized capital stock, on corporations for the privilege of doing business in Kansas, could not validly be collected from a foreign corporation engaged in interstate commerce, and also violated due process insofar as it was imposed on property, part of which was located beyond the limits of that state.

Justices concurring: Harlan, Brewer, White (separately), Day, Moody
Justices dissenting: Holmes, McKenna, Peckham, Fuller, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

178. *Ludwig v. Western Union Tel. Co.*, 216 U.S. 146 (1910).

An Arkansas law that required a foreign corporation engaged in interstate commerce to pay, as a license fee for doing an intrastate business, a given amount of its entire capital stock, whether employed in Arkansas or elsewhere, was void by reason of imposing a burden on interstate commerce and embracing property outside the jurisdiction of the state.

Justices concurring: Harlan, Moody, Lurton, White, Day, Brewer
Justices dissenting: Fuller, C.J., McKenna, Holmes

179. *Southern Ry. v. Greene*, 216 U.S. 400 (1910).

An Alabama law that imposed on foreign corporations already admitted to do business an additional franchise or privilege tax not levied on domestic corporations denied the foreign corporations equal protection of the laws.

Justices concurring: Day, Harlan, Brewer, White
Justices dissenting: Fuller, C.J., McKenna, Holmes

180. *International Textbook Co. v. Pigg*, 217 U.S. 91 (1910).

A Kansas law that imposed upon foreign corporations engaged in interstate commerce, as a condition for admission and retention of the right to do business in that state, procurement of a license and submission of an annual financial statement, and that prohibited such foreign corporations from filing actions in Kansas courts unless such conditions were met, imposed an unconstitutional burden on interstate commerce.

Justices concurring: Harlan, White, Holmes, Day, Lurton
Justices dissenting: Fuller, C.J., McKenna

181. *St. Louis S.W. Ry. v. Arkansas*, 217 U.S. 136 (1910).

An Arkansas law, and a commission order issued under it, that required an interstate carrier, upon application of a local shipper, to deliver promptly the number of freight cars requested for loading purposes and that, without regard to the effect of such demand on its interstate traffic, exposed it to severe penalties for noncompliance, imposed an invalid, unreasonable burden on interstate commerce. The rules of the American Railway Association as to availability of a member carrier's cars for interstate shipments being a matter of federal regulation, it was beyond the power of a state court to pass on their sufficiency.

Justices concurring: White, Harlan, McKenna, Holmes, Day, Lurton
Justices dissenting: Fuller, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

182. *Missouri Pacific Ry. v. Nebraska*, 217 U.S. 196 (1910).

A Nebraska law compelling railroad, at its own expense, and upon request of grain elevator operators, to install switches connecting such elevators with its right of way, deprived the carrier of property without due process of law.

Justices concurring: Holmes, White, Day, Lurton, Fuller, C.J.
Justices dissenting: Harlan, McKenna

183. *Dozier v. Alabama*, 218 U.S. 124 (1910).

An Alabama law that imposed a license tax on agents not having a permanent place of business in that state and soliciting orders for the purchase and delivery of pictures and frames manufactured in, and delivered from, another state, with the title remaining in the vendor until the agent collected the purchase price, imposed an invalid burden on interstate commercial transactions.

184. *Herndon v. Chicago, R.I. & P. Ry.*, 218 U.S. 135 (1910).

When a railroad already has provided adequate accommodations at any point, a Missouri regulation that required interstate trains to stop at such point imposed an invalid, unreasonable burden on interstate commerce. Also, a Missouri law that forfeited the right of an admitted foreign carrier to do a local business upon its instituting a right of action in a federal court imposed an unconstitutional condition.

185. *Bailey v. Alabama*, 219 U.S. 219 (1911).

An Alabama law that made a refusal to perform labor contracted for, without return of money or property advanced under the contract, *prima facie* evidence of fraud and that was enforced under local rules of evidence that precluded one accused of such fraud from testifying as to uncommunicated motives, was an invalid peonage law proscribed by the Thirteenth Amendment.

Justices concurring: Hughes, Lamar, Harlan, Day, Van Devanter, McKenna, White, C.J.
Justices dissenting: Holmes, Lurton

186. *Oklahoma v. Kansas Natural Gas Co.,*221 U.S. 229 (1911).

An Oklahoma law that withheld from foreign corporations engaged in interstate commerce a privilege afforded domestic corporations engaged in local commerce, namely, of building pipe lines across its highways and transporting to points outside its boundaries natural gas extracted and reduced to possession therein, was invalid as a restraint on interstate commerce and as a deprivation of property without due process of law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: McKenna, Harlan, Day, Van Devanter, Lamar, White, C.J.
Justices dissenting: Holmes, Lurton, Hughes

187. *Berryman v. Whitman College*, 222 U.S. 334 (1912).

A Washington statute of 1905, as interpreted to authorize taxation of Whitman College, impaired the obligation of contract by nullifying the College's exemption from taxation conferred by its charter.

188. *Louisville & Nashville R.R. v. Cook Brewing Co.*, 223 U.S. 70 (1912).

A Kentucky statute prohibiting common carriers from transporting intoxicating liquors to "dry" points in Kentucky was constitutionally inapplicable to interstate shipments of such liquor to consignees in Kentucky.

189. *Atchison, T. & S.F. Ry. v. O'Connor*, 223 U.S. 280 (1912).

A Colorado law levying tax of 2 cents on each $1,000 of a corporation's capital stock could not constitutionally be collected from a Kansas corporation engaged in interstate commerce, the greater part of whose property and business was located and conducted outside Colorado.

190. *Oklahoma v. Wells, Fargo & Co.*, 223 U.S. 298 (1912).

An Oklahoma law that purported to be an *ad valorem* tax on the property of corporations, levied in the form of a three-percent gross receipts tax, and computed, in the case of express companies doing an interstate business, as a percentage of gross receipts from all sources, interstate as well as intrastate, which is equal to the proportion that its business in Oklahoma bears to its total business, was void as applied to such express companies. The tax burdened interstate commerce and was levied, contrary to due process, on property in the form of income from investments and bonds located outside the state.

191. *Haskell v. Kansas Natural Gas Co.*, 224 U.S. 217 (1912).

An Oklahoma conservation law, insofar as it withheld from foreign corporations the right to lay pipe lines across highways for purposes of transporting natural gas in interstate commerce, imposed an invalid burden on interstate commerce.

192. *St. Louis, I. Mt. & So. Ry. v. Wynne,*224 U.S. 354 (1912).

An Arkansas law compelling railroads to pay claimants within 30 days after notice of injury to livestock caused by their trains, and, upon default thereof, authorizing claimants to recover double the damages awarded by a jury plus an attorney's fee, notwithstanding that the amount sued for was less than the amount originally claimed, in effect penal-

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U.S. GOVERNMENT
INFORMATION
GPO

ized the railroads for their refusal to pay excessive claims, and accordingly effected an arbitrary deprivation of property without due process of law.

193. *Bucks Stove Co. v. Vickers*, 226 U.S. 205 (1912).

A Kansas law that imposed certain requirements, such as obtaining permission of the State Charter Board, paying filing and license fees, and submitting annual statements listing all stockholders, as a condition prerequisite to doing business in Kansas and suing in its courts could not constitutionally be applied to foreign corporations engaged in interstate commerce. A state cannot exact a franchise for the privilege of engaging in such commerce.

194. *Crenshaw v. Arkansas*, 227 U.S. 389 (1913).

An Arkansas statute, exacting a license and fee from peddlers of lightning rods and other articles, as applied to representatives of a Missouri corporation soliciting orders for the sale and subsequent delivery of stoves by said corporation, imposed an invalid burden on interstate commerce.

Accord: Rogers v. Arkansas, 227 U.S. 401 (1913).

195. *Accord: Stewart v. Michigan*, 232 U.S. 665 (1914), voiding application of a similar Michigan law.

196. *Ettor v. City of Tacoma*, 228 U.S. 148 (1913).

A Washington statute of 1907 repealing a prior act of 1893, with the result that rights to consequential damages for a change of street grade that had already accrued under the earlier act were destroyed, amounted to a deprivation of property without due process of law.

197. *Missouri Pacific Ry. v. Tucker*, 230 U.S. 340 (1913).

A Kansas statute that did not permit a carrier to have the sufficiency of rates established under it determined by judicial review and that exposed the carrier, when sued for charging rates in excess thereof, to a liability for liquidated damages in the sum of $500, which was unrelated to actual damages, deprived carrier of property without due process of law.

198. *Chicago, M. & St. P. Ry. v. Polt*, 232 U.S. 165 (1914).

A South Dakota law that made railroads liable for double damages in case of failure to pay a claim, within 60 days after notice, or to offer to pay a sum equal to what a jury found the claimant entitled to, was arbitrary and deprived the carriers of property without due process of law.

Accord: Chicago, M. & St. P. Ry. v. Kennedy, 232 U.S. 626 (1914).

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

199. *Harrison v. St. Louis, S. F. & T. R.R.*, 232 U.S. 318 (1914).

An Oklahoma law that prohibited foreign corporations, upon penalty of forfeiting their license to do business in that state, from invoking the diversity of citizenship jurisdiction of federal courts, imposed an unconstitutional condition.

200. *Foote v. Maryland*, 232 U.S. 495 (1914).

The Maryland oyster inspection tax of 1910, levied on oysters coming from other states, the proceeds from which were used partly for inspection and partly for other purposes, such as the policing of state waters, was void as imposing a burden on interstate commerce in excess of the expenses absolutely necessary for inspection.

201. *Farmers Bank v. Minnesota*, 232 U.S. 516 (1914).

Minnesota tax on bonds issued by a municipality of the Territory of Oklahoma and held by Minnesota corporations was void as a tax on a federal instrumentality (Art. VI).

202. *Russell v. Sebastian*, 233 U.S. 195 (1914).

Amendment in 1911 of California constitution of 1879, and municipal ordinances of Los Angeles adopted in pursuance of the amendment were ineffectual by reason of the prohibition against impairment of contracts contained in Art. I, § 10, of the Federal Constitution, to deprive a utility of rights acquired before said amendment, which embraced the privilege of laying gas pipes under the streets of Los Angeles.

203. *Singer Sewing Machine Co. v. Brickell*, 233 U.S. 304 (1914).

Alabama sewing machine license tax could not be collected from those agencies of a foreign corporation engaged wholly in an interstate business, that is, in soliciting orders for machines to be accepted and fulfilled at the Georgia office of the seller.

204. *Tennessee Coal Co. v. George*, 233 U.S. 354 (1914).

Because venue is not part of a transitory cause of action, an Alabama law that created such a cause of action by making the employer liable to the employee for injuries attributable to defective machinery was inoperative insofar as it sought to withhold from such employee the right to sue on such action in courts of any state other than Alabama; the Full Faith and Credit Clause of Art. IV does not preclude a court in another state that acquired jurisdiction from enforcing such right of action.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

205. *Carondelet Canal Co. v. Louisiana*, 233 U.S. 362 (1914).

Louisiana act of 1906 repealing prior act of 1858 and sequestering with compensation certain property acquired by a canal company under the repealed enactment impaired an obligation of contact.

206. *Smith v. Texas*, 233 U.S. 630 (1914).

Texas act of 1914 stipulating that only those who have previously served two years as freight train conductors or brakemen shall be eligible to serve as railroad train conductors was arbitrary and effected a denial of the equal protection of the laws.

207. *International Harvester Co. v. Kentucky*, 234 U.S. 216 (1914).

Kentucky criminal and antitrust provisions, both constitutional and statutory, were void for vagueness and hence violated due process because a prohibition of combinations that establish prices that are greater or lower than the "real market value" of an article as established by "fair competition" and "under normal market conditions" afforded no standard that was possible to know in advance and to obey.

Justices concurring: Holmes, Hughes, Lamar, Day, Lurton, Van Devanter, White, C.J.

Justices dissenting: McKenna, Pitney

Accord: International Harvester Co. v. Kentucky, 234 U.S. 579 (1914); *Collins v. Kentucky*, 234 U.S. 634 (1914); *American Machine Co. v. Kentucky*, 236 U.S. 660 (1915).

208. *Missouri Pacific Ry. v. Larabee*, 234 U.S. 459 (1914).

Kansas statute empowering a Kansas court to award against a litigant attorney's fees attributable to the presentation before the United States Supreme Court of an appeal in a mandamus proceeding was inoperative consistently with the principle of national supremacy, for a state court cannot be empowered by state law to assess fees for services rendered in a federal court when such assessment is sanctioned neither by federal law nor by the rules of the Supreme Court.

209. *Western Union Tel. Co. v. Brown*, 234 U.S. 542 (1914).

South Carolina law making mental anguish resulting from negligent non-delivery of a telegram a cause of action could not be invoked to support an action for negligent non-delivery in the District of Columbia, an area beyond the jurisdiction of South Carolina and, consistent with due process, removed from the scope of its legislative power. The statute, as applied to messages sent from South Carolina to another jurisdiction, also was an invalid regulation of interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

210. *United States v. Reynolds*, 235 U.S. 133 (1914).

An Alabama law that permitted a person convicted of an offense to contract with another whereby, in consideration of the latter's becoming surety for the convicted person's fine, the convicted person agreed to perform certain services, and that further stipulated that, if such contract were breached, the convicted person would become subject to a fine equal to the damages sustained by the other contracting party and payment of which would be remitted to that contracting party, imposed a form of peonage proscribed by the Thirteenth Amendment.

Justices concurring: Holmes (separately)

211. *McCabe v. Atchison, T. & S.F. Ry.,*235 U.S. 151 (1914).

Oklahoma Separate Coach Law violated the Equal Protection Clause by permitting carriers to provide sleeping, dining, and chair cars for whites but not for Negroes.

Justices concurring: White (separately), C.J., Holmes (separately), Lamar (separately), McReynolds (separately)

212. *Sioux Remedy Co. v. Cope*, 235 U.S. 197 (1914).

A South Dakota law that required a foreign corporation to appoint a local agent to accept service of process as a condition precedent to suing in state courts to collect a claim arising out of interstate commerce imposed an invalid burden on said commerce.

213. *Choctaw & Gulf R.R. v. Harrison*, 235 U.S. 292 (1914).

An Oklahoma privilege tax, insofar as it was levied on sale of coal extracted from lands owned by Indian tribes and leased on their behalf by the Federal Government, was invalid as a tax on federal instrumentality.

214. *Coppage v. Kansas*, 236 U.S. 1 (1915).

Kansas law proscribing "yellow dog" contracts whereby the employer exacted of employees an agreement not to join or remain a member of a union as a condition of acquiring and retaining employment deprived employees of liberty of contract contrary to due process.

Justices concurring: Pitney, McKenna, Van Devanter, Lamar, McReynolds, White, C.J.
Justices dissenting: Day, Hughes, Holmes (separately)

215. *Heyman v. Hays*, 236 U.S. 178 (1915).

Tennessee county privilege tax law, insofar as it was enforced as to a liquor dealer doing a strictly mail-order business confined to shipments to out-of-state destinations was void as a burden on interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Accord: Southern Operating Co. v. Hayes, 236 U.S. 188 (1915).

216. *Northern Pacific Ry. v. North Dakota ex rel. McCue*, 236 U.S. 585 (1915).

North Dakota law compelling carriers to haul certain commodities at less than compensatory rates deprived them of property without due process.

Justices concurring: Hughes, McKenna, Holmes, Day, Van Devanter, Lamar, McReynolds, White, C.J.
Justice dissenting: Pitney

217. *Norfolk & Western Ry. v. Conley*, 236 U.S. 605 (1915).

A West Virginia law that compelled carriers to haul passengers at noncompensatory rates deprived them of property without due process.

Justices concurring: Hughes, McKenna, Holmes, Day, Van Devanter, Lamar, McReynolds, White, C.J.
Justice dissenting: Pitney

218. *Wright v. Central of Georgia Ry.*, 236 U.S. 674 (1915).

Since the lessee of two railroads, built under special charters containing irreparable contracts exempting the railway property from taxation in excess of a given rate was to be viewed as in the same position as the owners, Georgia's levy of an ad valorem tax on the lessee in excess of the charter rate impaired the obligation of contract (Art. I, § 10).

Justices concurring: Holmes, McKenna, Day, Van Devanter, White, C.J.
Justices dissenting: Hughes, Pitney, McReynolds

Accord: Wright v. Louisville & Nashville R.R., 236 U.S. 687 (1915).

Justices concurring: Holmes, McKenna, Day, Van Devanter, White, C.J.
Justices dissenting: Hughes, Pitney, McReynolds

219. *Davis v. Virginia*, 236 U.S. 697 (1915).

Solicitation by a peddler in Virginia of orders for portraits made in another State, with an option to the purchaser to select frames upon delivery of the portrait by the peddler, amounted to a single transaction in interstate commerce, and Virginia therefore could not validly impose a peddler's license tax on the solicitor of such orders.

220. *Chicago, B. & Q. Ry. v. Wisconsin R.R. Comm'n*, 237 U.S. 220 (1915).

Wisconsin statute requiring interstate trains to stop at villages of a specified number of inhabitants, without regard to the volume of business done there, was void as imposing an unreasonable burden on interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

221. *Coe v. Armour Fertilizer Works*, 237 U.S. 413 (1915).

Florida statute denied due process insofar as it provided, after execution against a corporation had been returned "no property," a second execution to issue against a stockholder for the same debt to be enforced against his property to the extent of any unpaid subscription owing on his stock and without notice to such stockholder.

222. *Charleston & W. Car. Ry. v. Varnville Co.*, 237 U.S. 597 (1915).

A South Carolina law that imposed a penalty on carriers for their failure to adjust claims within 40 days imposed an invalid burden on interstate commerce and also was in conflict with the federal Carmack Amendment.

223. *Atchison, T. & S. F. Ry. v. Vosburg*, 238 U.S. 56 (1915).

The Kansas Reciprocal Demurrage Law of 1905, which allowed recovery of an attorney's fee by the shipper in case of delinquency by the carrier, but accorded the carrier no like privilege in case of delinquency on the part of the shipper, denied the carrier equal protection of the law.

224. *Guinn v. United States*, 238 U.S. 347 (1915).

An Oklahoma grandfather clause, in its 1910 constitution, exempting from a literacy requirement and automatically enfranchising all entitled to vote as of January 1, 1866, or who were descendants of those entitled to vote on the latter date, violated the Fifteenth Amendment's protection of Negroes from discriminatory denial of the right to vote based on race.

225. *Accord: Mayers v. Anderson*, 238 U.S. 368 (1915), voiding a similar Maryland grandfather clause.

226. *Southwestern Tel. Co. v. Danaher*, 238 U.S. 482 (1915).

An Arkansas statute was held to be unreasonable and to violate due process because, as enforced, it subjected a telephone company to a $6,300 penalty for discriminatory refusal to serve when, pursuant to company regulations known to the state and uniformly enforced for economical collection of its approved rates, it suspended services to a delinquent and refused to resume services, while the delinquency remained unpaid, at the reduced rate afforded to those who paid the monthly service charge in advance.

227. *Chicago, M. & St. P. R.R. v. Wisconsin*, 238 U.S. 491 (1915).

A Wisconsin statute that compelled sleeping car companies, if an upper berth was not sold, to accord use of the space to the purchaser

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

of a lower berth, took salable property from the owner without compensation and therefore deprived the owner of property without due process of law.

Justices concurring: Lamar, Day, Hughes, Van Devanter, Pitney, McReynolds, White, C.J.

Justices dissenting: McKenna, Holmes

228. *Truax v. Raich*, 239 U.S. 33 (1915).

An Arizona statute that compelled establishments hiring five or more workers to reserve 80 percent of the employment opportunities to U.S. citizens denied aliens equal protection of the laws.

Justices concurring: Hughes, Holmes, Pitney, Lamar, Day, Van Devanter, McKenna, White, C.J.

Justice dissenting: McReynolds

229. *Provident Savings Ass'n v. Kentucky*, 239 U.S. 103 (1915).

Kentucky statute levying tax, in the nature of a license tax for the doing of local business, on premiums collected in New York by a foreign insurance company after it had ceased to do business in that state violated due process because it affected activities beyond the jurisdiction of the state.

230. *Indian Oil Co. v. Oklahoma*, 240 U.S. 522 (1916).

Oklahoma tax on lessee's interest in Indian lands, acquired pursuant to federal statutory authorization, was void as a tax on a federal instrumentality.

231. *Rosenberger v. Pacific Express Co.*, 241 U.S. 48 (1916).

Texas statute imposing special licenses on express companies maintaining offices for C.O.D. delivery of interstate shipments of alcoholic beverages imposed an invalid burden on interstate commerce under the terms of the Wilson Act of 1890 (26 Stat. 313).

232. *McFarland v. American Sugar Co.*, 241 U.S. 79 (1916).

A Louisiana law that established a rebuttable presumption that any person systematically purchasing sugar in Louisiana at a price below that which he paid in any other state was a party to a monopoly or conspiracy in restraint of trade violated both the Due Process and Equal Protection Clauses of the Fourteenth Amendment because it declared an individual presumptively guilty of a crime and exempted countless others paying the same price.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

233. *Wisconsin v. Philadelphia & Reading Coal Co.*, 241 U.S. 329 (1916).

A Wisconsin law that revoked the license of any foreign corporation that removed to a federal court a suit instituted against it by a Wisconsin citizen imposed an unconstitutional condition.

234. *Detroit United Ry. v. Michigan*, 242 U.S. 238 (1916).

Construction of acts of 1905 and 1907 as compelling a Detroit City Railway to extend its lines to suburban areas annexed by Detroit only on the same terms as were contained in its initial franchise as authorized by the Detroit ordinance of 1889, wherein its fare was fixed, operated to impair the obligation of contract.

Justices concurring: Pitney, Holmes, Day, Van Devanter, McReynolds, White, C.J.
Justices dissenting: Clarke, Brandeis

235. *Rowland v. Boyle*, 244 U.S. 106 (1917).

The two-cent passenger rate fixed by act of the Arkansas legislature was confiscatory and accordingly deprived the railroad of its property without due process.

236. *Seaboard Air Line Ry. v. Blackwell*, 244 U.S. 310 (1917).

Georgia "Blow-Post" law imposed an unconstitutional burden on interstate commerce insofar as compliance with it would have required an interstate train to come practically to a stop at each of 124 ordinary grade crossings within a distance of 123 miles in Georgia and would have added more than six hours to the running time of the train.

Justices concurring: McKenna, Holmes, McReynolds, Day, Clarke, Van Devanter
Justices dissenting: White, C.J., Pitney, Brandeis

237. *Western Oil Ref. Co. v. Lipscomb*, 244 U.S. 346 (1917).

A Tennessee privilege tax could not validly be imposed on interstate sales consummated at either destination in Tennessee by an Indiana corporation that, for the purpose of filling orders taken by its salesmen in Tennessee, shipped thereto a tank car of oil and a carload of barrels and filled the orders through an agent who drew the oil from the tank car into the barrels, or into barrels furnished by customers, and then made delivery and collected the agreed price, and thereafter moved the two cars to another point in Tennessee for effecting like deliveries.

Justices concurring: Van Devanter, Holmes, Brandeis, Pitney, McReynolds, Day, Clarke, McKenna
Justice dissenting: White, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

238. *Adams v. Tanner*, 244 U.S. 590 (1917).

A Washington law that proscribed private employment agencies by prohibiting them from collecting fees for their services deprived individuals of the liberty to pursue a lawful calling contrary to due process of law.

Justices concurring: McReynolds, Pitney, Van Devanter, White, C.J.
Justices dissenting: McKenna, Brandeis, Holmes, Clarke

239. *Hendrickson v. Apperson*, 245 U.S. 105 (1917).

Kentucky act of 1906, amending act of 1894 and construed in such manner as to enable a county to avoid collection of taxes to repay judgment on unpaid bonds impaired the obligation of contract.

Accord: Hendrickson v. Creager, 245 U.S. 115 (1917).

240. *Looney v. Crane Co.*, 245 U.S. 178 (1917).

A Texas law that, under the guise of taxing the privilege of doing an intrastate business, imposed on an Illinois corporation a license tax based on its authorized capital stock, was void not only as imposing a burden on interstate commerce, but also as contravening the Due Process Clause by affecting property outside the jurisdiction of Texas.

241. *Crew Levick Co. v. Pennsylvania*, 245 U.S. 292 (1917).

Pennsylvania gross receipts tax on wholesalers, as applied to a merchant who sold part of his merchandise to customers in foreign countries either as the result of orders received directly from them or as the result of orders solicited by agents abroad was void as a regulation of foreign commerce and as a duty on exports.

242. *International Paper Co. v. Massachusetts*, 246 U.S. 135 (1918).

License fee or excise of a given per cent of the par value of the entire authorized capital stock of a foreign corporation doing both a local and interstate business and owning property in several States was a tax on the entire business and property of the corporation and was void both as an illegal burden on interstate commerce and as a violation of due process by reason of affecting property beyond the borders of the taxing State.

Accord: Locomobile Co. v. Massachusetts, 246 U.S. 146 (1918).

243. *Cheney Brothers Co. v. Massachusetts*, 246 U.S. 147 (1918).

When a Connecticut corporation maintains and employs a Massachusetts office with a stock of samples and an office force and traveling salesmen merely to obtain local orders subject to confirmation at the Connecticut office and with deliveries to be made directly from the

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U.S. GOVERNMENT
INFORMATION
GPO

latter, its business was interstate commerce and a Massachusetts annual excise could not be validly applied thereto.

244. *New York Life Ins. Co. v. Dodge*, 246 U.S. 357 (1918).

Liberty of contract, as protected by the due process clause of the Fourteenth Amendment, precluded enforcement of the Missouri nonforfeiture statute, prescribing how net value of a life insurance policy is to be applied to avert a forfeiture in the event the annual premium is not paid, so as to prevent a Missouri resident from executing in the New York office of the insurer a different agreement sanctioned by New York law whereby the policy was pledged as security for a loan and later canceled in satisfaction of the indebtedness.

Justices concurring: McReynolds, McKenna, Holmes, Van Devanter, White, C.J.
Justices dissenting: Brandeis, Day, Pitney, Clarke

245. *Georgia v. Cincinnati So. Ry.*, 248 U.S. 26 (1918).

Georgia act of 1916 revoking a grant in 1879 of a perpetual right of way to a railroad impaired the obligation of contract (Art. I, § 10).

246. *Union Pac. R.R. v. Public Service Comm'n*, 248 U.S. 67 (1918).

Missouri act, insofar as it authorized the Missouri Public Service Commission to exact a fee of $10,000 for a certificate of authority for issuance by an interstate railroad, doing no intrastate business in Missouri, of a $30,000,000 mortgage bond issue to meet expenditures incurred but in small part in that State, imposed an invalid burden on interstate commerce.

247. *Flexner v. Farson*, 248 U.S. 289 (1919).

Kentucky law, insofar as it authorized a judgment against nonresident individuals based on service against their Kentucky agent after his appointment had expired, violated due process.

248. *Central of Georgia Ry. v. Wright*, 248 U.S. 525 (1919).

Tax exemptions in charters granted to certain railroads inured to their lessee, and, accordingly, a Georgia tax authorized by a constitutional provision postdating such charters and imposed on the leasehold interest of the lessee impaired the obligation of contract.

249. *Union Tank Line Co. v. Wright*, 249 U.S. 275 (1919).

A Georgia law under which a New Jersey company's tank cars operating in and out of that state were assessed upon a track-mileage basis, i.e., in an amount bearing the same ratio to the value of all its cars and other personal property as the ratio of the miles of railroad over which the cars were run in Georgia to the total miles over which

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

they were run in all states, was invalid because the rule bore no necessary relation to the real value in Georgia and hence conflicted with due process.

Justices concurring: McReynolds, McKenna, Holmes, Day, Van Devanter, White, C.J.
Justices dissenting: Pitney, Brandeis, Clarke

250. *Standard Oil Co. v. Graves*, 249 U.S. 389 (1919).

A Washington law under which, in a ten-year period, inspection fees collected on oil products brought into the state for use or consumption amounted to $335,000, of which only $80,000 was disbursed for expenses, was deemed to impose an excessive charge and accordingly an invalid burden on interstate commerce.

251. *Chalker v. Birmingham & N.W. Ry.*, 249 U.S. 522 (1919).

Tennessee act that made the annual tax for the privilege of doing railway construction work dependent on whether the person taxed had his chief office in Tennessee, i.e. $25 if he had and $100 if he did not, violated the Privilege and Immunities Clause of Art. IV, § 2.

252. *Travis v. Yale & Towne Mfg. Co.*, 252 U.S. 60 (1920).

New York income tax law that allowed exemptions to residents, with increases for married persons and dependents but that allowed no equivalent exemptions to nonresidents abridged the Privileges and Immunities Clause of Art. IV, § 2.

253. *Oklahoma Operating Co. v. Love*, 252 U.S. 331 (1920).

The Oklahoma constitution and laws, under which an order of the State Corporation Commission declaring a laundry a monopoly and limiting its rates was not judicially reviewable, and that compelled litigant, for purposes of obtaining a judicial test of rates, to disobey the order and invite serious penalty for each day of refusal pending completion of judicial appeal, violated due process insofar as rates were enforced by penalties.

254. *Accord: Oklahoma Gin Co. v. Oklahoma*, 252 U.S. 339 (1920).

An Illinois law denying Illinois courts jurisdiction in actions for wrongful death occurring in another state, which was construed to bar jurisdiction of actions on a sister state judgment founded upon a like cause, was as so applied, in violation of the Full Faith and Credit Clause.

255. *Askren v. Continental Oil Co.*, 252 U.S. 444 (1920).

New Mexico law levying annual license on distributors of gasoline plus 2 cents per gallon on all gasoline sold was a privilege tax, and,

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

as applied to parties who bring gasoline from without and sell it in New Mexico, imposed an invalid burden on interstate commerce insofar as it related to their business of selling in tank car lots and in barrels or packages as originally imported.

256. *Wallace v. Hines*, 253 U.S. 66 (1920).

North Dakota act, as administered, imposed invalid burden on interstate commerce and took property without due process by reason of taxing an interstate railroad by assessing the value of its property in the state at that proportion of the total value of its stock and bonds that the main track mileage within the state bore to the main track mileage of the entire line; this formula was indefensible inasmuch as the cost of construction per mile was within than without the taxing state, and the large and valuable terminals of the railroad were located elsewhere.

257. *Hawke v. Smith (No. 1)*, 253 U.S. 221 (1920).

Action of Ohio legislature ratifying proposed Eighteenth Amendment could not be referred to the voters, and the provisions of the Ohio constitution requiring such referendum were inconsistent with Article V of the Federal Constitution.

Accord: Hawke v. Smith (No. 2), 253 U.S. 231 (1920), applicable to proposed Nineteenth Amendment.

258. *Ohio Valley Water Co. v. Ben Avon Borough*, 253 U.S. 287 (1920).

Since Pennsylvania Public Service Commission Law failed to provide opportunity by way of appeal to the courts or by injunctive proceedings to test issue as to whether rates fixed by Commission are confiscatory, order of Commission establishing maximum future rates violated due process of law.

Justices concurring: McReynolds, Day, Van Devanter, Pitney, McKenna, White, C.J.
Justices dissenting: Brandeis, Holmes, Clarke

259. *Royster Guano Co. v. Virginia*, 253 U.S. 412 (1920).

A Virginia law that taxed all income of local corporation derived from business within and without Virginia, while exempting entirely income derived outside of Virginia by local corporations that did no local business, violated the Equal Protection Clause.

Justices concurring: Pitney, McReynolds, McKenna, Day, Van Devanter, Clarke, White, C.J.
Justices dissenting: Brandeis, Holmes

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

260. *Johnson v. Maryland*, 254 U.S. 51 (1920).

A Maryland law requiring an operator's license of drivers of motor trucks could not constitutionally be applied to a Postal Department employee operating a federal mail truck in the performance of official duty.

Justices concurring: Holmes, McKenna, Day, Van Devanter, Brandeis, Clarke, White, C.J.
Justices dissenting: Pitney, McReynolds

261. *Turner v. Wade*, 254 U.S. 64 (1920).

The Georgia Tax Equalization Act denied due process insofar as it authorized an increase in the assessed valuation of the taxpayer's property without notice and hearing and accorded him an abortive remedy of arbitration which was nullified by the inability of the arbitrators to agree on a lower assessment before the expiration of the time when the assessment became final and binding.

262. *Bank of Minden v. Clement*, 256 U.S. 126 (1921).

A Louisiana law that exempted proceeds of an insurance policy, payable upon death of insured to his executor, from the claims of insured's creditors impaired the obligation of contract as enforced against a debt on a promissory note antedating such laws and also as enforced against policies that antedated the law.

Justices concurring: McReynolds, McKenna, Holmes, Day, Van Devanter, Pitney, Brandeis, White, C.J.
Justice dissenting: Clarke

263. *Bethlehem Motors Corp. v. Flynt*, 256 U.S. 421 (1921).

North Carolina statute that exacted a $500 license fee of every automobile manufacturer as a condition precedent to selling cars in the state, and which imposed a like requirement on any firm selling cars of a manufacturer who had not paid the tax, but that reduced the fee to $100 in the event that the manufacturer had invested three-fourths of his assets in North Carolina state and municipal securities or properties, violated the Commerce Clause and the Equal Protection Clause when enforced against nonresident manufacturers selling cars in North Carolina directly or through local dealers.

Justices concurring: McKenna, Holmes, Day, Van Devanter, McReynolds, Clarke
Justices dissenting: Pitney, Brandeis

264. *Bowman v. Continental Oil Co.*, 256 U.S. 642 (1921).

New Mexico statute that imposed a tax of 2 cents per gallon sold on distributors of gasoline was void insofar as it embraced interstate transactions, but the annual license fee of $50 imposed thereby on each

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

gasoline station was totally void insofar as interstate sales could not be separated from the intrastate sales.

265. *Kansas City So. Ry. v. Road Improv. Dist. No. 6*, 256 U.S. 658 (1921).

Arkansas statute that authorized local assessments for road improvements denied equal protection of the laws insofar as railroad property was burdened for local improvement on a basis totally different from that used for measuring the contribution demanded of individual owners.

266. *Eureka Pipe Line Co. v. Hallanan*, 257 U.S. 265 (1921).

West Virginia statute that forbade engaging in the business of transporting petroleum in pipe lines without the payment of a tax of 2¢ for each barrel of oil transported imposed an invalid burden on interstate commerce as applied to company's volume of oil produced in, but moving out of, West Virginia to extra-state destinations.

Justices concurring: Holmes, McKenna, Day, Van Devanter, McReynolds, Taft, C.J.
Justices dissenting: Clarke, Pitney, Brandeis

Accord: United Fuel Gas Co. v. Hallanan, 257 U.S. 277 (1921), voiding like application of the West Virginia tax to the interstate movement of natural gas.

Justices concurring: Holmes, Pitney, McReynolds, Day, Van Devanter, McKenna, Taft, C.J.
Justices dissenting: Brandeis, Clarke

267. *Dahnke-Walker Co. v. Bondurant*, 257 U.S. 282 (1921).

A Kentucky law prescribing conditions under which foreign corporations could do business in that state, and that precluded enforcement in Kentucky courts of contracts made by foreign corporations not complying with such conditions, could not be enforced against Tennessee corporation that sued in a Kentucky court for breach of a contract consummated in that state for the purchase of grain to be delivered to and used in Tennessee; such transaction was in interstate commerce, notwithstanding that the Tennessee purchaser might change its mind after delivery to a carrier in Kentucky and sell the grain in Kentucky or consign it to some other place in Kentucky.

Justices concurring: Van Devanter, Holmes, Pitney, Day, McKenna, McReynolds, Taft, C.J.
Justices dissenting: Brandeis, Clarke

268. *Truax v. Corrigan*, 257 U.S. 312 (1921).

An Arizona statute that regulated injunctions in labor disputes, but exempted ex-employees, when committing tortious injury to the business of their former employer in the form of mass picketing, libel-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ous utterances, and inducement of customers to withhold patronage, while leaving subject to injunctive restraint all other tortfeasors engaged in like wrongdoing, deprived the employer of property without due process and denied him equal protection of the law.

Justices concurring: Van Devanter, Day, McKenna, McReynolds, Taft, C.J.
Justices dissenting: Holmes, Pitney, Clarke, Brandeis

269. *Gillespie v. Oklahoma*, 257 U.S. 501 (1922).

An Oklahoma income tax law could not validly be enforced as to net income of lessee derived from the sales of his share of oil and gas received under leases of restricted Indian lands which constituted him in effect an instrumentality used by the United States in fulfilling its duties to the Indians.

Justices concurring: Holmes, Day, Van Devanter, McKenna, McReynolds, Taft, C.J.
Justices dissenting: Pitney, Brandeis, Clarke

270. *Terral v. Burke Constr. Co.*, 257 U.S. 529 (1922).

An Arkansas law that revoked the license of a foreign corporation to do business in that state whenever it resorted to the federal courts sitting in that state exacted an unconstitutional condition.

271. *Lemke v. Farmers Grain Co.*, 258 U.S. 50 (1922).

A North Dakota statute that required purchasers of grain to obtain a license to act under a defined system of grading, inspection, and weighing, and to abide by regulations as to prices and profits imposed an invalid burden on interstate commerce insofar as it was applied to a North Dakota association which bought grain in the state and loaded it promptly on cars for shipment to other states for sale, notwithstanding occasional diversion of the grain for local sales.

Justices concurring: Day, McKenna, McReynolds, Van Devanter, Pitney, Taft, C.J.
Justices dissenting: Brandeis, Holmes, Clarke

Accord: Lemke v. Homer Farmers Elevator Co., 258 U.S. 65 (1922).

Justices concurring: Day, McKenna, McReynolds, Pitney, Van Devanter, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Clarke

272. *Newton v. Consolidated Gas Co.,*258 U.S. 165 (1922).

Rates fixed for the sale of gas by New York statute were confiscatory and deprived the utility of its property without due process of law.

Accord: Newton v. New York Gas Co., 258 U.S. 178 (1922); *Newton v. Kings County Lighting Co.*, 258 U.S. 180 (1922); *Newton v. Brooklyn Union Gas Co.*, 258 U.S. 604 (1922); *Newton v. Consolidated Gas Co.*, 259 U.S. 101 (1922).

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

273. *Forbes Pioneer Boat Line v. Everglades Drainage Dist.*, 258 U.S. 338 (1922).

A Florida law retroactively validating collection of fee for passage through a canal, the use of which was then free by law, was ineffective; a legislature could not retroactively approve what it could not lawfully do.

274. *Texas Co. v. Brown*, 258 U.S. 466 (1922).

A Georgia law levying inspection fees and providing for inspection of oil and gasoline was unconstitutional as applied to gasoline and oil in interstate commerce; for the fees clearly exceeded the cost of inspection and amounted to a tariff levied without the consent of Congress.

275. *Chicago & N.W. Ry. v. Nye Schneider Fowler Co.*, 260 U.S. 35 (1922).

A Nebraska law, as construed, that authorized imposition against carrier, in favor of claimant, of an additional attorney's fee of $100, upon the basis of the service rendered, time and labor bestowed, and recovery secured by claimant's attorney in resisting appeal by which the carrier obtained a large reduction of an excessive judgment was unreasonable in that it deterred the carrier from vindicating its rights by appeal and therefore violated due process.

276. *St. Louis Compress Co. v. Arkansas*, 260 U.S. 346 (1922).

An Arkansas law exacting of persons insuring property in Arkansas a five-percent tax on amounts paid on premiums to insurers not authorized to do business in Arkansas violated due process insofar as it was applied to insurance contracted and paid for outside Arkansas by a foreign corporation doing a local business.

277. *Champlain Co. v. Brattleboro*, 260 U.S. 366 (1922).

A Vermont levy of a property tax on logs under control of the owner which, in the course of their interstate journey, were being temporarily detained by a boom to await subsidence of high waters and for the sole purpose of saving them from loss, was void as a burden on interstate commerce.

278. *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922).

A Pennsylvania law that forbade mining in such a way as to cause subsidence of any human habitation or public street or building and which thereby made commercially impracticable the removal of valuable coal deposits was deemed arbitrary and amounted to a deprivation of property without due process. As applied to an owner of land who, prior to this enactment, had validly deeded the surface with ex-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

press reservation of right to remove coal underneath and subject to waiver by grantee of damage claims resulting from such mining, said law also impaired the obligation of contract.

Justices concurring: Holmes, McKenna, Day, Van Devanter, Pitney, McReynolds, Sutherland, Taft, C.J.
Justice dissenting: Brandeis

279. *Columbia G. & E. Ry. v. South Carolina*, 261 U.S. 236 (1923).

A South Carolina statute, as construed, that sought to convert a covenant in a prior legislative contract into a condition subsequent, and to impose as a penalty for its violation the forfeiture of valuable property, impaired the obligation of contract.

280. *Federal Land Bank v. Crosland*, 261 U.S. 374 (1923).

A first mortgage executed to a Federal Land Bank is a federal instrumentality and cannot be subjected to an Alabama recording tax.

281. *Phipps v. Cleveland Refg. Co.*, 261 U.S. 449 (1923).

An Ohio law that applied to interstate and intrastate commerce, and that exacted fees for inspection of petroleum products in excess of the legitimate cost of inspection, imposed an invalid import tax to the extent that the excess could not be separated and assigned solely to intrastate commerce.

282. *Thomas v. Kansas City So. Ry.*, 261 U.S. 481 (1923).

Insofar as drainage district tax authorized under an Arkansas law imposed upon a railroad a levy disproportionate to the value of the benefits derived from an improvement, the tax violated the Equal Protection Clause.

283. *Davis v. Farmers Co-operative Co.,*262 U.S. 312 (1923).

A Minnesota law that provided that interstate railroads that had an agent in Minnesota to solicit traffic over lines outside Minnesota may be served with summons by delivery of copy of it to the agent imposed an invalid burden on interstate commerce as applied to a carrier that owned and operated no facilities in Minnesota and that was sued by a plaintiff who did not reside in Minnesota on a cause of action arising outside the state.

284. *Meyer v. Nebraska*, 262 U.S. 390 (1923).

A Nebraska law that forbade the teaching of any language other than English in any school, private, denominational, or public, maintaining classes for the first eight grades denied liberty without due process of law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: McReynolds, Brandeis, Butler, Sanford, Van Devanter, McKenna, Taft, C.J.
Justices dissenting: Holmes, Sutherland

285. *Accord: Bartels v. Iowa*, 262 U.S. 404 (1923). A similar Iowa law violates due process. Same division of Justices as in Meyer v. Nebraska.

286. *Accord: Bohning v. Ohio*, 262 U.S. 404 (1923), as to an Ohio law.

287. *Georgia Ry. v. Town of Decatur,*262 U.S. 432 (1923).

A Georgia law that extended corporate limits of a town and that, as judicially construed, had the effect of rendering applicable to the added territory street railway rates fixed by an earlier contract between the town and the railway impaired the obligation of that contract by adding to its burden.

Accord: Georgia Ry. v. College Park, 262 U.S. 441 (1923).

288. *Wolff Packing Co. v. Industrial Court*, 262 U.S. 522 (1923).

A Kansas law that compelled a business engaged in the manufacturing and processing of food to continue operation in the event of a labor dispute, to submit the controversy to an arbitration board, and to abide by the latter's recommendations pertaining to the payment of minimum wages, subjected both employers and employees to a denial of liberty without due process of law.

Accord: Dorchy v. Kansas, 264 U.S. 286 (1924), same Kansas law voided when applied to labor disputes affecting coal mines; *Wolff Packing Co. v. Industrial Court*, 262 U.S. 522 (1923), voiding other provisions of this Kansas law that authorized an arbitration tribunal in the course of compulsory arbitration, to fix the hours of labor to be observed by an employer involved in a labor dispute.

289. *Kentucky Co. v. Paramount Exch.*, 262 U.S. 544 (1923).

A Wisconsin law that required a foreign corporation not doing business in Wisconsin, or having property there, other than that sought to be recovered in a suit, to send, as a condition precedent to maintaining such action, its officer with corporate records pertinent to the matter in controversy, and to submit to an adversary examination before answer, but which did not subject nonresident individuals to such examination, except when served with notice and subpoena within Wisconsin, and then only in the court where the service was had, and which limited such examinations, in the case of residents of Wisconsin, individual or corporate, to the county of their residence violated the Equal Protection Clause.

Justices concurring: Van Devanter, Sanford, Butler, McKenna, McReynolds, Sutherland, Taft, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Brandeis, Holmes

290. *Pennsylvania v. West Virginia*, 262 U.S. 553 (1923).

A West Virginia law that required pipe line companies to fill all local needs before endeavoring to export any natural gas extracted in West Virginia was void as a prohibited interference with interstate commerce.

Justices concurring: Van Devanter, Sutherland, Butler, McKenna, Taft, C.J.
Justices dissenting: Holmes, McReynolds, Brandeis, Sanford

291. *Clallam County v. United States*, 263 U.S. 341 (1923).

Washington state and county property taxes cannot be levied on the property of a corporation that, though formed under Washington law, was a federal instrumentality created and operated by the United States as an instrument of war.

292. *Tampa Interocean Steamship Co. v. Louisiana*, 266 U.S. 594 (1925).

A Louisiana license tax law could not validly be enforced as to the business of companies employed as agents by owners of vessels engaged exclusively in interstate and foreign commerce when the services performed by the agents consisted of the soliciting and engaging of cargo, and the nomination of vessels to carry it, etc. (*See Texas Transp. Co. v. New Orleans,* 264 U.S. 150 (1924), voiding like application of a similar New Orleans ordinance.)

293. *Burns Baking Co. v. Bryan*, 264 U.S. 504 (1924).

A Nebraska law that prescribed the minimum weights of loaves of bread to be made and sold and that, in order to prevent the palming off of smaller for larger sizes, fixed a maximum for each class and allowed a "tolerance" of only two ounces per pound in excess of the minimum was found to be unreasonable, to be unnecessary to protect purchasers against the imposition of fraud by short weights, and therefore to deprive bakers and sellers of bread of their liberty without due process of law.

Justices concurring: Butler, Sanford, McReynolds, Sutherland, McKenna, Van Devanter, Taft, C.J.
Justices dissenting: Brandeis, Holmes

294. *Atchison, T. & S.F. Ry. v. Wells*, 265 U.S. 101 (1924).

A Texas law that permitted a nonresident to prosecute a case which arose outside of Texas against a railroad corporation of another state, which was engaged in interstate commerce and neither owned nor operated facilities in Texas, was inoperative because it burdened interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

295. *Air-Way Corp. v. Day*, 266 U.S. 71 (1924).

An Ohio law that levied an annual fee on foreign corporations for the privilege of exercising their franchise in the state, which was computed at the rate of 5¢ per share upon the proportion of the number of shares of authorized common stock represented by property owned and used and business transacted in Ohio, was void as imposing a burden on interstate commerce when applied to a foreign corporation all of whose business, intrastate and interstate, and all of whose property were represented by the shares outstanding; application of the rate to all shares authorized, or even to a greater number than the total outstanding, amounted to a burden on all property and business including interstate commerce. As imposed, the tax also violated the Equal Protection Clause.

296. *Aetna Life Ins. Co. v. Dunken*, 266 U.S. 389 (1924).

An insurance policy originally issued to insurer in Tennessee and converted by him in Texas from term insurance to 20 year payment life was deemed to be a mere continuation of the original policy, and upon suit on the policy in Texas, a Texas law imposing a penalty and allowing an attorney's fee could not constitutionally be applied against the insurer for the reason that Texas could not regulate contracts consummated outside its limits in conformity with the laws of the place where the contract was made without violating Full Faith and Credit Clause.

297. *Ozark Pipe Line Corp. v. Monier*, 266 U.S. 555 (1925).

A Missouri law that required foreign corporations doing business In Missouri to pay an annual franchise tax of 1/10 of 1% of the par value of capital stock and surplus employed in business in the state could not constitutionally be exacted of a pipe line company for the privilege of doing in Missouri what was exclusively an interstate business.

Justices concurring: Sutherland, Holmes, Van Devanter, McReynolds, Butler, Sanford, McKenna, Taft, C.J.
Justice dissenting: Brandeis

298. *Michigan Comm'n v. Duke*, 266 U.S. 570 (1925).

A Michigan law that converted an interstate contract motor carrier into a public utility by legislative fiat in effect took property for public use without compensation in violation of the due process clause, and also imposed unreasonable conditions on the right to carry on interstate commerce.

299. *Flanagan v. Federal Coal Co.*, 267 U.S. 222 (1925).

In a suit for breach of contract, a plaintiff's right to sue could not be barred by his failure to pay a Tennessee license tax, because the

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

state law levying the tax could not be applied to a contract for the purchase of coal to be delivered to customers in other states; that is, in interstate commerce.

300. *Buck v. Kuykendall*, 267 U.S. 307 (1925).

A Washington law that prohibited motor vehicle common carriers for hire from using its highways without obtaining a certificate of convenience could not validly be exacted of an interstate motor carrier; the law was not a regulation designed to promote public safety but a prohibition of competition and, accordingly, burdened interstate commerce.

Justices concurring: Brandeis, Sanford, Sutherland, Van Devanter, Butler, Holmes, Taft, C.J.
Justice dissenting: McReynolds

301. *Accord: Bush Co. v. Maloy*, 267 U.S. 317 (1925), voiding like application of a similar Maryland law.

Justices concurring: Brandeis, Sutherland, Van Devanter, Holmes, Sanford, Butler, Taft, C.J.
Justice dissenting: McReynolds

302. *Accord: Allen v. Galveston Truck Line Corp.*, 289 U.S. 708 (1933), voiding like application of a Texas law.

303. *Shafer v. Farmers Grain Co.*, 268 U.S. 189 (1925).

The North Dakota Grain Grading Act, which required locally grown wheat, 90% of which was for interstate shipment, to be graded by licensed inspectors, and imposed various requirements, such as the keeping of records of quantity purchased and price paid and the exaction of bonds from purchasers maintaining grain elevators, was not supportable as an inspection law and imposed undue burdens on interstate commerce.

Justices concurring: Van Devanter, Holmes, Butler, McReynolds, Sutherland, Sanford, Stone, Taft, C.J.
Justice dissenting: Brandeis

304. *Alpha Cement Co. v. Massachusetts*, 268 U.S. 203 (1925).

A Massachusetts law that imposed excise tax on foreign corporations doing business in the state, measured by a combination of the total value of capital shares attributable to transactions therein and the proportion of net income attributable to such transactions, could not validly be applied to a foreign corporation which transacted only as interstate business therein. The tax as here imposed also violated due process by affecting property beyond Massachusetts borders.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: McReynolds, Holmes, Van Devanter, Butler, Sutherland, Stone, Sanford, Taft, C.J.
Justice dissenting: Brandeis

305. *Frick v. Pennsylvania*, 268 U.S. 473 (1925).

Pennsylvania estate tax law, insofar as it measured the tax on the transfer of that part of the decedent's estate located within Pennsylvania by taking the whole of the decedent's estate which included tangible personal property located outside Pennsylvania, violated due process.

306. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).

Oregon Compulsory Education Law that required every parent to send his child to a public school was an unconstitutional interference with the liberty of parents and guardians to direct the upbringing of children and violated due process.

307. *Lee v. Osceola Imp. Dist.*, 268 U.S. 643 (1925).

An Arkansas statute that imposed special assessment on lands acquired by private owners from the United States on account of benefits resulting from road improvements completed before the United States parted with title effected a taking of property without due process of law.

308. *Connally v. General Const. Co.*, 269 U.S. 385 (1926).

An Iowa law that imposed severe, cumulative punishments upon contractors with the state who paid their workers less than "the current rate of per diem wages in the locality where the work is performed" was void for vagueness and violated due process.

Justices concurring: Brandeis, Holmes

309. *Browning v. Hooper*, 269 U.S. 396 (1926).

A Texas statute that permitted property taxpaying voters to originate an election approving creation of a road improvement district with power to float bond issue and to levy taxes to amortize the same, with provision for establishment of the district if approved by two-thirds of those voting in the election, was procedurally defective in that each taxpayer to be assessed for the improvement was not accorded a notice and opportunity to be heard on the question of the benefits and hence denied due process.

310. *Rhode Island Trust Co. v. Doughton*, 270 U.S. 69 (1926).

A North Carolina law purporting to tax inheritance of shares owned by nonresident in a foreign corporation having 50% or more of its property in North Carolina violated due process because the property of a

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

corporation is not owned by a shareholder and presence of corporate property in the state did not give it jurisdiction over his shares for tax purposes.

311. *Schlesinger v. Wisconsin*, 270 U.S. 230 (1926).

A Wisconsin law that established a conclusive presumption that all gifts of a material part of a decedent's estate made by him within six years of his death were made in contemplation of death and therefore subject to the graduated inheritance tax created an arbitrary classification that violated the Due Process and Equal Protection Clauses.

Justices concurring: McReynolds, Butler, Sutherland, Sanford, Van Devanter, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone

Accord: Uihlein v. Wisconsin, 273 U.S. 642 (1926).

312. *Weaver v. Palmer Bros.*, 270 U.S. 402 (1926).

A Pennsylvania law that prohibited the use of shoddy, even when sterilized, in the manufacture of bedding materials, was so arbitrary and unreasonable as to violate due process.

Justices concurring: Butler, Van Devanter, Sutherland, Sanford, McReynolds, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone

313. *Fidelity & Deposit Co. v. Tafoya*, 270 U.S. 426 (1926).

A New Mexico law that forbade insurance companies authorized to do business in that state to pay any nonresident any fee for the obtaining or placing of any policies covering risks in New Mexico violated due process because it attempted to control conduct beyond the jurisdiction of New Mexico.

Justices concurring: Holmes, Van Devanter, Sutherland, Stone, Butler, Taft, C.J.
Justices dissenting: McReynolds, Brandeis, Sanford

314. *Childers v. Beaver*, 270 U.S. 555 (1926).

An Oklahoma inheritance tax law, applied to inheritance by Indians of Indian lands as determined by federal law, was void as a tax on a federal instrumentality.

315. *Appleby v. City of New York*, 271 U.S. 365 (1926).

Acts of New York of 1857 and 1871 authorizing New York City to erect piers over submerged lots impaired the obligation of contract as embraced in deeds to such submerged lots conveyed to private owners for valuable consideration through deeds executed by New York City in 1852.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

316. *Appleby v. Delaney*, 271 U.S. 403 (1926).

Act of New York of 1871 that authorized New York City to construct certain harbor improvements impaired the obligation of contract embraced in prior deeds to grantees whereunder the latter were accorded the privilege of filling in their underwater lots and constructing piers thereover.

317. *Frost Trucking Co. v. Railroad Comm'n*, 271 U.S. 583 (1926).

A California law that provided that private carriers by automobile for hire could not operate over California highways between fixed points in the state without obtaining a certificate of convenience and submitting to regulation as common carriers exacted an unconstitutional condition and effected a denial of due process.

Justices concurring: Sutherland, McReynolds (separately), Taft, C.J., Sanford, Stone, Butler, Van Devanter
Justices dissenting: Holmes, Brandeis

318. *Jaybird Mining Co. v. Wier*, 271 U.S. 609 (1926).

An Oklahoma law that levied an *ad valorem* tax on ores mined and in bins on the land was void as a tax on federal instrumentality when applied to a lessee of Indian land leased with the approval of the Secretary of the Interior.

Justices concurring: Butler, Stone, Holmes, Sanford, Sutherland, Van Devanter, Taft, C.J.
Justices dissenting: McReynolds, Brandeis

319. *Hughes Bros. v. Minnesota*, 272 U.S. 469 (1926).

A Minnesota law levying personal property tax could not be collected on logs cut in Minnesota pursuant to a contract of sale for delivery in Michigan while they were in transit in interstate commerce by a route from Minnesota to Michigan.

320. *Hanover Fire Ins. Co. v. Harding*, 272 U.S. 494 (1926).

When an Illinois tax law originally is construed as a personal property tax whereby the local net receipts of foreign insurance companies were subjected to assessment at only 30% of full value, but at a later date is construed as a privilege tax with the result that all the local net income of such foreign companies was taxed at the rate applicable to personal property while domestic companies continued to pay the tax on their personal property assessed at the reduced valuation, the resulting discrimination denied the foreign companies the equal protection of the laws.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

321. *Wachovia Bank & Trust Co. v. Doughton,*272 U.S. 567 (1926).

A North Carolina inheritance tax law could not validly be applied to property constituting a trust fund in Massachusetts established under the will of a Massachusetts resident and bestowing a power of appointment upon a North Carolina resident who exercised that power through a will made in North Carolina; the levy by a state of the tax on property beyond its jurisdiction violated due process.

Justices concurring: Holmes, Brandeis, Stone

322. *Ottinger v. Consolidated Gas Co.*, 272 U.S. 576 (1926).

Act of New York prescribing a gas rate of $1 per thousand feet was confiscatory and deprived the utility of its property without due process of law.

Accord: Ottinger v. Brooklyn Union Co., 272 U.S. 579 (1926).

323. *Miller v. City of Milwaukee*, 272 U.S. 713 (1927).

A Wisconsin law that exempted income of corporation derived from interest received from tax exempt federal bonds owned by said corporation, but which attempted to tax such income indirectly by taxing only so much of the stockholder's dividends as corresponded to the corporate income not assessed, was invalid.

Justices concurring: Brandeis, Stone

324. *Di Santo v. Pennsylvania*, 273 U.S. 34 (1927).

A Pennsylvania law exacting a license from persons engaged in the state in the sale of steamship tickets and orders for transportation to or from foreign countries was void as imposing an undue burden on foreign commerce.

Justices concurring: Butler, McReynolds, Van Devanter, Sutherland, Sanford, Taft, C.J.
Justices dissenting: Brandeis, Holmes, Stone

325. *Tyson & Bro. v. Banton*, 273 U.S. 418 (1927).

A New York law that prohibited ticket agencies from selling theater tickets at prices in excess of 50¢ over the price printed on the ticket was void because it regulated a business not affected with the public interest and deprived such business of due process.

Justices concurring: Sutherland, Van Devanter, Butler, McReynolds, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone, Sanford

326. *Tumey v. Ohio*, 273 U.S. 510 (1927).

An Ohio law that compensated mayors serving as judges in minor prohibition offenses solely out of the fees and costs collected from defendants who were convicted violated due process.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

327. *Nixon v. Herndon*, 273 U.S. 536 (1927).

Texas White Primary Law that barred Negroes from participation in Democratic party primary elections denied them the equal protection of the laws.

328. *Fairmont Co. v. Minnesota*, 274 U.S. 1 (1927).

A Minnesota law that punished anyone who discriminated between different localities of that state by buying dairy products in one locality at a higher price than was paid for the same commodities in another locality infringed liberty of contract as protected by the Due Process Clause.

Justices concurring: McReynolds, Butler, Van Devanter, Sanford, Sutherland, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone

329. *Ohio Pub. Serv. Co. v. Ohio ex rel. Fritz*, 274 U.S. 12 (1927).

An Ohio law that destroyed assignability of a franchise previously granted to an electric company by a municipal ordinance impaired the obligation of contract.

Justices concurring: McReynolds, Sutherland, Stone, Sanford, Butler, Van Devanter, Taft, C.J.
Justices dissenting: Holmes, Brandeis

330. *Southern Ry. v. Kentucky*, 274 U.S. 76 (1927).

A Kentucky law that imposed a franchise tax on railroad corporations was constitutionally defective and violated due process insofar as it was computed by including mileage outside the state that did not in any plain and intelligible way add to the value of the road and the rights exercised in Kentucky.

Justices concurring: Butler, Holmes, Sutherland, Stone, McReynolds, Van Devanter, Sanford, Taft, C.J.
Justice dissenting: Brandeis

331. *Road Improv. Dist. v. Missouri Pacific R.R.*, 274 U.S. 188 (1927).

Special assessments levied against a railroad by a road district pursuant to an Arkansas statute and based on real property and rolling stock and other personalty were unreasonably discriminatory and excessive and deprived the railroad of property without due process because other assessments for the same improvement were based solely on real property.

332. *Fiske v. Kansas*, 274 U.S. 380 (1927).

As construed and applied to an organization not shown to have advocated any crime, violence, or other unlawful acts, the Kansas criminal syndicalism law violated due process.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

333. *Cline v. Frink Dairy Co.*, 274 U.S. 445 (1927).

Because of the exception it contained, under which its prohibitions were not to apply to conduct engaged in by participants whenever necessary to obtain a reasonable profit from products traded in, the Colorado Antitrust Law was void for want of a fixed standard for determining guilt and a violation of due process.

334. *Power Mfg. Co. v. Saunders*, 274 U.S. 490 (1927).

As applied to a foreign corporation having a fixed place of business and an agent in one county, but no property, debts or anything also in the county in which it was sued, Arkansas law that authorized actions to be brought against a foreign corporation in any county in the state, while restricting actions against domestic corporations to the county where it had a place of business or where its chief officer resided, deprived the foreign corporation of equal protection of the laws.

Justices concurring: Van Devanter, McReynolds, Sutherland, Stone, Sanford, Butler, Taft, C.J.
Justices dissenting: Holmes, Brandeis

335. *Northwestern Ins. Co. v. Wisconsin*, 275 U.S. 136 (1927).

A Wisconsin law levying a tax on the gross income of domestic insurance companies was void where the income was derived in part as interest on United States bonds.

336. *Wuchter v. Pizzutti*, 276 U.S. 13 (1928).

A New Jersey statute that provided that in suits by residents against nonresidents for injuries resulting from operation of motor vehicles by the latter, service might be made on the Secretary of State as their agent, but that failed to provide any assurance that notice of such service would be communicated to the nonresidents, violated due process.

Justices concurring: Taft, C.J., Van Devanter, Butler, Sutherland, Sanford, McReynolds
Justices dissenting: Brandeis, Holmes, Stone

337. *Accord: Consolidated Flour Mills Co. v. Muegge*, 278 U.S. 559 (1928), voiding similar service as authorized by an Oklahoma law.

338. *Missouri ex rel. Robertson v. Miller*, 276 U.S. 174 (1928).

A Mississippi statute that terminated the right of a retired revenue agent to prosecute suits for unpaid taxes in the name of his successor by requiring that the successor approve and join in such suits, and that stipulated that the successor share equally in the commissions that had accrued solely to the retired agent, was held to impair the latter's rights under the Contract Clause insofar as it

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U.S. GOVERNMENT
INFORMATION
GPO

was enforced retroactively to accord a share to the successor in suits instituted by the retired agent before this legislative alteration.

339. *New Brunswick v. United States*, 276 U.S. 547 (1928).

Property taxes assessed under New Jersey law on land acquired from the United States Housing Corporation by private purchasers subject to retention of mortgage by the federal agency could not be collected by sale of the land unless the federal liens were excluded and preserved as prior liens.

Justices concurring: Sanford, Stone, Sutherland, Butler, Brandeis, Holmes, Van Devanter, Taft, C.J.
Justice dissenting: McReynolds

340. *Brooke v. City of Norfolk*, 277 U.S. 27 (1928).

State and city taxes authorized under laws of Virginia may not be levied on the corpus of a trust located in Maryland, the income from which accrued to a beneficiary resident in Virginia; the corpus was beyond the jurisdiction of Virginia and accordingly the assessments violated due process.

341. *Louisville Gas Co. v. Coleman*, 277 U.S. 32 (1928).

A Kentucky law that conditioned the recording of mortgages not maturing within five years upon the payment of a tax of 20 cents for each $100 of value secured, but that exempted mortgages maturing within that period, was void as denying equal protection of the laws.

Justices concurring: Sutherland, Butler, Van Devanter, McReynolds, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Sanford, Stone

342. *Long v. Rockwood*, 277 U.S. 142 (1928).

A Massachusetts income tax law could not validly be imposed on income received by a citizen as royalties for the use of patents issued by the United States.

Justices concurring: McReynolds, Butler, Van Devanter, Sanford, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Sutherland, Stone

343. *Standard Pipe Line v. Highway Dist.*, 277 U.S. 160 (1928).

An Arkansas law that purported to validate assessments by the district was ineffective to sustain an arbitrary assessment against the pipe line at the rate of $5,000 per mile in view of the fact that the pipe line originally was constructed in 1909–1915 at a cost under $9,000 per mile, and the benefit, if any, that accrued to the pipe line was small.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

344. *Panhandle Oil Co. v. Mississippi ex rel. Knox*, 277 U.S. 218 (1928).

A Mississippi law imposing tax on the sale of gasoline was void as applied to sales to federal instrumentalities such as the Coast Guard or a Veterans' Hospital.

Justices concurring: Butler, Sutherland, Van Devanter, Sanford, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone, McReynolds

345. *Accord: Graysburg Oil Co. v. Texas*, 278 U.S. 582 (1929), voiding application of Texas gasoline tax statute to gasoline sold to the United States.

346. *Ribnik v. McBride*, 277 U.S. 350 (1928).

A New Jersey law empowering the Secretary of Labor to fix the fees charged by employment agencies violated due process because the regulation was not imposed on a business affected with a public interest.

Justices concurring: Sutherland, Taft, C.J., Sanford, Butler, McReynolds, Van Devanter
Justices dissenting: Stone, Holmes, Brandeis

347. *Quaker City Cab Co. v. Pennsylvania*, 277 U.S. 389 (1928).

A Pennsylvania law that taxed gross receipts of foreign and domestic corporations derived from intrastate operation of taxicabs, but exempted like receipts derived by individuals and partnerships, denied equal protection of the laws.

Justices concurring: Butler, Sutherland, Sanford, Van Devanter, McReynolds, Taft, C.J.
Justices dissenting: Holmes, Brandeis, Stone

348. *Foster-Fountain Packing Co. v. Haydel*, 278 U.S. 1 (1928).

The Louisiana Shrimp Act, which permitted shipment of shrimp taken in Louisiana tidal waters only if the heads and hulls had previously been removed, and which was designed to favor the canning in Louisiana of shrimp destined for the interstate market, was unconstitutional; those taking the shrimp immediately became entitled to ship them in interstate commerce.

Justices concurring: Butler, Sutherland, Sanford, Stone, Van Devanter, Holmes, Brandeis, Taft, C.J.
Justice dissenting: McReynolds

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

349. *Accord: Johnson v. Haydel*, 278 U.S. 16 (1928), voiding the Louisiana Oyster Act for like reasons.

350. *Louis K. Liggett Co. v. Baldridge*, 278 U.S. 105 (1928).

A Pennsylvania law that prohibited corporate ownership of a drug store unless all of the stockholders were licensed pharmacists had no reasonable relationship to public health and therefore violated due process.

Justices concurring: Sutherland, Butler, Van Devanter, Stone, Sanford, McReynolds, Taft, C.J.

Justices dissenting: Holmes, Brandeis

351. *Williams v. Standard Oil Co.*, 278 U.S. 235 (1929).

A Tennessee law that fixed the prices at which gasoline may be sold violated due process because the business sought to be regulated was not affected with a public interest.

Justices concurring: Sutherland, Stone (separately), Sanford, McReynolds, Butler, Brandeis (separately), Van Devanter, Taft, C.J.

Justice dissenting: Holmes

352. *Cudahy Co. v. Hinkle*, 278 U.S. 460 (1929).

Where the local property of a foreign corporation and the part of its business transacted in the state, less than half of which was intrastate, were but small fractions of its entire property and its nationwide business, Washington law that taxed the corporation in the form of a filing fee and a license tax, both reckoned upon its authorized capital stock, was inoperative because it burdened interstate commerce and reached property beyond the state contrary to due process.

Justices concurring: McReynolds, Sutherland, Stone, Sanford, Butler, Van Devanter, Taft, C.J.

Justices dissenting: Brandeis, Holmes

353. *Frost v. Corporation Comm'n*, 278 U.S. 515 (1929).

An Oklahoma law that permitted an individual to engage in the business of ginning cotton only upon a showing of public necessity, but allowed a corporation to engage in that business in the same locality without such a showing, denied the individual equal protection of the law.

Justices concurring: Sutherland, Butler, Van Devanter, McReynolds, Sanford, Taft, C.J.

Justices dissenting: Brandeis, Holmes, Stone

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

354. *Manley v. Georgia*, 279 U.S. 1 (1929).

A Georgia banking law that declared that every insolvency of a bank shall be deemed to have been fraudulent, with provision for rebutting that presumption, was arbitrary and unreasonable and violated due process.

355. *Carson Petroleum Co. v. Vial*, 279 U.S. 95 (1929).

A Louisiana tax law could not be enforced against oil purchased at interior points for export in foreign commerce for the oil did not lose its character as goods in foreign commerce merely because, after shipment to the exporter at a Louisiana port, the oil was temporarily stored there preparatory to loading on vessels of foreign consignees.

Justices concurring: Taft, C.J., Holmes, Brandeis, Stone, Sanford, Van Devanter, Butler
Justices dissenting: McReynolds, Sutherland

356. *London Guarantee & Accident Co. v. Industrial Comm'n*, 279 U.S. 109 (1929).

California workmen's compensation act could not be applied in settlement of a claim for the death of a seaman in a case that was subject to the exclusive maritime jurisdiction of federal courts.

Justices concurring: Taft, C.J., Holmes, Stone, Sanford, Sutherland, McReynolds, Butler, Van Devanter
Justice dissenting: Brandeis

357. *Helson v. Kentucky*, 279 U.S. 245 (1929).

A Kentucky law imposing a tax on the sale of gasoline could not be applied to gasoline purchased outside Kentucky for use in a ferry engaged as an instrumentality of interstate commerce, that is, in operation on the Ohio River between Kentucky and Illinois.

Justices concurring: Sutherland, Butler, Van Devanter, Sanford, Stone (separately), Brandeis (separately), Holmes (separately), Taft, C.J.
Justice dissenting: McReynolds

358. *Macallen Co. v. Massachusetts*, 279 U.S. 620 (1929).

A Massachusetts law imposing an excise on domestic business corporations was in reality a statute imposing a tax on income rather than a tax on the corporate privilege and, as an income tax law, could not be imposed on income derived from United States bonds nor, because it impaired the obligation of contract, on income from local county and municipal bonds exempt by statutory contract.

Justices concurring: Sutherland, Sanford, Butler, Van Devanter, McReynolds, Taft, C.J.
Justices dissenting: Stone, Holmes, Brandeis

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

359. *Western & Atlantic R.R. v. Henderson*, 279 U.S. 639 (1929).

A Georgia law that viewed a fatal collision between railroad and motor car at grade crossing as raising a presumption of negligence on the part of the railroad and as the proximate cause of death and that permitted the jury to weigh the presumption as evidence against the testimony of the railroad's witnesses tending to prove due care was unreasonable and violated due process.

360. *Safe Deposit & Trust Co. v. Virginia*, 280 U.S. 83 (1929).

A Virginia law that levied a property tax on corpus of a trust consisting of securities managed by a Maryland trustee who paid over to children of settlor, all of whom resided in Virginia, the income from the trust, violated due process because it taxed intangibles with a taxable situs in Maryland, where the trustee and owner of the legal title was located.

Justices concurring: McReynolds, Van Devanter, Butler, Sutherland, Sanford, Stone (separately), Brandeis (separately), Holmes (separately), Taft, C.J.

361. *Farmers Loan Co. v. Minnesota*, 280 U.S. 204 (1930).

A Minnesota inheritance tax law, insofar as it was applied to Minnesota securities kept in New York by the decedent who died domiciled in New York, violated due process.

Justices concurring: McReynolds, Van Devanter, Butler, Sutherland, Sanford, Stone (separately), Taft, C.J.

362. *New Jersey Tel. Co. v. Tax Board*, 280 U.S. 338 (1930).

A New Jersey franchise tax law, levied at the rate of 5% of gross receipts of a telephone company engaged in interstate and foreign commerce, was a direct tax on foreign and interstate commerce and void.

Justices concurring: Butler, Sutherland, Sanford, Van Devanter, McReynolds
Justices dissenting: Holmes, Brandeis

363. *Moore v. Mitchell*, 281 U.S. 18 (1930).

Indiana was powerless to give any force or effect beyond her borders to its 1927 law that purported to authorize a county treasurer to sue for unpaid taxes owed by a nonresident; such officer derived no authority in New York from this Indiana law and hence had no legal capacity to sue in a federal court in New York.

364. *Missouri ex rel. Missouri Ins. Co. v. Gehner*, 281 U.S. 313 (1930).

A Missouri law that provided that, in taxing assets of insurance companies, the amounts of their legal reserves and unpaid policy claims should first be deducted, was invalid as applied to a company owning nontaxable United States bonds insofar as the law was construed to

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

require that the deduction should be reduced by the proportion of the value that such bonds bore to total assets; the company thus was saddled with a heavier tax burden than would have been imposed had it not owned such bonds.

Justices concurring: Butler, Van Devanter, McReynolds, Sutherland, Hughes (separately), C.J.

Justices dissenting: Stone, Holmes, Brandeis

365. *Home Ins. Co. v. Dick*, 281 U.S. 397 (1930).

A Texas law that forbade insurance stipulations limiting the time for suit on a claim to less than two years could not be applied, consistently with due process, to permit recovery contrary to the terms of a fire insurance policy executed in Mexico by a Mexican insurer and covered in part by reinsurance effected in Mexico and New York by New York insurers licensed to do business in Texas who defended against a Texas claimant to whom the policy was assigned while he was a resident of Mexico and where he resided when the loss was sustained.

366. *Baldwin v. Missouri*, 281 U.S. 586 (1930).

Missouri, not having jurisdiction for tax purposes of various intangibles, such as bank accounts and federal securities held in banks in Missouri and owned by a decedent domiciled in Illinois, its transfer tax law could not be applied, consistently with due process, to the transfer of such intangibles, under a will probated in Illinois, to the decedent's son who also was domiciled in Illinois.

Justices concurring: McReynolds, Van Devanter, Sutherland, Butler

Justices dissenting: Holmes, Brandeis, Stone (separately)

367. *Surplus Trading Co. v. Cook*, 281 U.S. 647 (1930).

Arkansas personal property tax laws could not be enforced against the purchaser of army blankets situate within an army cantonment in that state, as to which exclusive federal jurisdiction attached under Art. I, § 8, cl. 17.

368. *Beidler v. South Carolina Tax Comm'n*, 282 U.S. 1 (1930).

South Carolina inheritance tax law could not be applied, consistently with due process, to affect the transfer by will of shares in a South Carolina corporation and debts owed by the latter belonging to a decedent who died domiciled in Illinois; such intangibles were not shown to have acquired any taxable business situs in South Carolina.

Justices concurring: Hughes, C.J., Holmes (separately), Brandeis (separately), Van Devanter, McReynolds, Sutherland, Butler, Stone, Roberts

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

369. *Chicago, St. P., M. & O. Ry. v. Holmberg*, 282 U.S. 162 (1930).

A Nebraska law, as construed, that required a railroad to provide an underground cattle-pass across its right of way partly at its own expense for the purpose, not of advancing safety, but merely for the convenience of a farmer owning land on both sides of the railroad, deprived the latter of property without due process.

370. *Furst v. Brewster*, 282 U.S. 493 (1931).

An Arkansas law that withheld from a foreign corporation the right to sue in state courts unless it had filed a copy of its charter and a financial statement and had designated a local office and an agent to accept service of process could not constitutionally be enforced to prevent suit by a non-complying foreign corporation to collect a debt which arose out of an interstate transaction for the sale of goods.

371. *Coolidge v. Long*, 282 U.S. 582 (1931).

A Massachusetts law that imposed succession taxes on all property in Massachusetts transferred by deed or gift intended to take effect in possession or enjoyment after the death of the grantor, or transferred to any person absolutely or in trust, could not, consistently with due process or the Contract Clause, be enforced with reference to rights of succession or rights effected by gift that vested under trust agreements created prior to passage of the act, notwithstanding that the settlor died after its passage.

Justices concurring: Butler, Van Devanter, McReynolds, Sutherland, Hughes, C.J.
Justices dissenting: Roberts, Holmes, Brandeis, Stone

372. *Hans Rees' Sons v. North Carolina,*283 U.S. 123 (1931).

A North Carolina income tax law, as applied to income of New York corporation that manufactured leather goods in North Carolina for sale in New York, violated due process because the formula for allocating income to that state, namely, that part of the corporation's net income that bears the same ratio to entire net income as the value of its tangible property in North Carolina bears to the value of all its tangible property, attributed to North Carolina a portion of total income that was out of all appropriate proportion to the business of the corporation conducted in North Carolina.

373. *Interstate Transit, Inc. v. Lindsey*, 283 U.S. 183 (1931).

A Tennessee law that imposed a privilege tax graduated to carrying capacity on motor buses, the proceeds from which were not segregated for application to highway maintenance, was void insofar as the privilege tax was imposed on a bus carrier engaged exclusively in interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Brandeis, Van Devanter, Butler, Sutherland, Roberts, Stone, Holmes, Hughes, C.J.
Justice dissenting: McReynolds

374. *Stromberg v. California*, 283 U.S. 359 (1931).

A California law that prohibited the display of a red flag in a public or meeting place as a symbol of opposition to organized government or as a stimulus to anarchistic action or as an aid to seditious propaganda was so vague and indefinite as to permit punishment of the fair use of opportunity for free political discussion and therefore, as enforced, denied liberty without due process.

Justices concurring: Hughes, C.J., Holmes, Stone, Brandeis, Roberts, Van Devanter, Sutherland
Justices dissenting: Butler, McReynolds

375. *Smith v. Cahoon*, 283 U.S. 553 (1931).

Florida law that required motor carriers to furnish bond or an insurance policy for the protection of the public against injuries but which exempted vehicles used exclusively in delivering dairy products and carriers engaged exclusively in transporting fish, agricultural, and dairy products between production to shipping points en route to primary market denied the equal protection of the laws; and insofar as it subjected carriers for hire to the same requirements as to procurement of a certificate of convenience and necessity and rate regulation as were exacted of common carriers the law violated due process.

376. *Near v. Minnesota ex rel. Olson*, 283 U.S. 697 (1931).

A Minnesota law that authorized the enjoinder of one engaged regularly in the business of publishing a malicious, scandalous, and defamatory newspaper or magazine, as applied to publications charging neglect of duty and corruption on the part of state law enforcement officers, effected an unconstitutional infringement of freedom of the press as safeguarded by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Hughes, C.J., Brandeis, Holmes, Stone, Roberts
Justices dissenting: Butler, Van Devanter, McReynolds, Sutherland

377. *State Tax Comm'n v. Interstate Natural Gas Co.*, 284 U.S. 41 (1931).

A Mississippi privilege tax could not be enforced as to an interstate pipe line company that sold gas wholesale to local, independent distributors from a supply which passed into and through the state in interstate commerce; fact that pipe line company, in order to make delivery, used a thermometer and reduced pressure, did not convert the sale into an intrastate transaction.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

378. *Hoeper v. Tax Comm'n,* ,284 U.S. 206 (1931).

A Wisconsin income tax law that authorized an assessment against a husband of a tax computed on the combined total of his and his wife's incomes, augmented by surtaxes resulting from the combination, notwithstanding that under the laws of Wisconsin the husband had no interest in, or control over, the property or income of his wife, violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

Justices concurring: Roberts, Butler, Van Devanter, McReynolds, Sutherland, Hughes, C.J.
Justices dissenting: Holmes, Brandeis, Stone

379. *First Nat'l Bank v. Maine*, 284 U.S. 312 (1932).

A Maine transfer tax law could not be applied, consistently with due process, to the inheritance of shares in a Maine corporation passing under the will of a Massachusetts testator who died a resident of Massachusetts and owning the shares.

Justices concurring: Sutherland, Butler, Van Devanter, Roberts, McReynolds, Hughes, C.J.
Justices dissenting: Stone, Holmes, Brandeis

380. *New State Ice Co. v. Liebmann*, 285 U.S. 262 (1932).

An Oklahoma law that prohibited anyone from engaging in the manufacture, sale, or distribution of ice without a state license, to be issued only on proof of public necessity and capacity to meet public demand, constituted an invalid regulation of a business not affected with a public interest and a denial of liberty to pursue a lawful calling contrary to due process.

Justices concurring: Sutherland, Van Devanter, McReynolds, Butler, Roberts, Hughes, C.J.
Justices dissenting: Brandeis, Stone

381. *Coombes v. Getz*, 285 U.S. 434 (1932).

Repeal of a California constitutional provision making directors of corporations liable to creditors for all moneys misappropriated or embezzled impaired the obligation of contract as to creditors who dealt with corporations during the period when the constitutional provision was in force, and inclusion in the state constitution of another provision under which the state reserved the power to alter or repeal all existing or future laws concerning corporations could not be invoked to destroy vested rights contrary to due process.

Justices concurring: Sutherland, Roberts, Butler, McReynolds, Van Devanter, Hughes, C.J.
Justices dissenting: Cardozo, Brandeis, Stone

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

382. *Nixon v. Condon*, 286 U.S. 73 (1932).

Texas White Primary Law that empowered the state executive committee of a political party to prescribe the qualifications of members of the party and thereby to exclude Negroes from voting in primaries conducted by the party amounted to state action in violation of the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Cardozo, Brandeis, Stone, Roberts, Hughes, C.J.
Justices dissenting: McReynolds, Van Devanter, Butler, Sutherland

383. *Champlin Rfg. Co. v. Corporation Comm'n*, 286 U.S. 210 (1932).

An Oklahoma statute that provided that any person violating it shall be subject to having his oil-producing property placed in the hands of a receiver by a court upon the state attorney general's filing suit, but that restricted such receivership to the operation of producing wells and the marketing of the production of such wells in conformity with this law, was a penal provision and as such violated due process clause because it punished violations of regulatory provisions of the statute that were too vague to afford a standard of conduct.

384. *Anglo-Chilean Corp. v. Alabama*, 288 U.S. 218 (1933).

An Alabama law that subjected foreign corporations to an annual franchise tax for doing business, levied at the rate of $2 for each $1,000 of capital employed in the state, violated both Art. I, § 10, cl. 2, prohibiting state import duties, and the Commerce Clause, when enforced against a foreign corporation, whose sole business in Alabama consisted of the landing, storing, and selling in original packages of goods imported from abroad.

Justices concurring: Butler, McReynolds, Van Devanter, Roberts, Sutherland, Hughes, C.J.
Justices dissenting: Cardozo, Brandeis, Stone

385. *Louis K. Liggett Co. v. Lee*, 288 U.S. 517 (1933).

The Florida Chain Store Tax Law, which levied a heavier privilege tax per store on the owner whose stores were in different counties than on the owner whose stores were all in the same county, denied equal protection of the laws.

Justices concurring: Roberts, McReynolds, Sutherland, Butler, Van Devanter, Hughes, C.J.
Justices dissenting: Brandeis, Cardozo, Stone

386. *Consolidated Textile Co. v. Gregory*, 289 U.S. 85 (1933).

A Wisconsin law, insofar as it authorized service of process on a foreign corporation that sold goods in Wisconsin through a controlled subsidiary and hence was not carrying on any business in the state at

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

the time of the attempted service, violated due process, notwithstanding that the summons was served on an officer of the corporation temporarily in Wisconsin for the purpose of negotiating a controversy with a local attorney.

387. *Johnson Oil Co. v. Oklahoma,*290 U.S. 158 (1933).

An Oklahoma property tax law could not be enforced, consistently with due process, against the entire fleet of tank cars of an Illinois corporation that were used in transporting oil from its refinery in Oklahoma to other states; instead, the state may base its tax on the number of cars that on the average were physically present within its boundaries.

388. *Southern Ry. v. Virginia*, 290 U.S. 190 (1933).

A Virginia law that authorized an administrative officer to require railroads to eliminate grade crossing whenever, in his opinion, such alterations were necessary to promote public safety and convenience and afforded the railroads no notice or hearing on the existence of such necessity and no means of reviewing the officer's decision violated due process.

Justices concurring: McReynolds, Roberts, Butler, Van Devanter, Sutherland, Brandeis
Justices dissenting: Hughes, C.J., Stone, Cardozo

389. *Morrison v. California*, 291 U.S. 82 (1934).

A section of the California Alien Land Law that provided that, when the state, in a prosecution for violating such law, proved use or occupancy by an alien lessee, alleged in the indictment to be an alien ineligible for naturalization, the onus of proving citizenship shall devolve upon the defense, was arbitrary and violated due process as applied to the lessee because a lease of land conveys no hint of criminality and there is no practical necessity for relieving the prosecution of the obligation of proving Japanese race.

390. *Standard Oil Co. v. California*, 291 U.S. 242 (1934).

A California law that levied a license tax upon every distributor for each gallon of motor vehicle fuel sold and delivered by him in the state could not constitutionally be applied to the sale and delivery of gasoline to a military reservation as to which the United States had acquired exclusive jurisdiction.

391. *Hartford Accident & Ins. Co. v. Delta Pine Land Co.*, 292 U.S. 143 (1934).

Mississippi statutes, as judicially construed, that deemed all contracts of insurance and surety covering its citizens to have been made in Mississippi and that were enforced to facilitate recovery under an

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U.S. GOVERNMENT
INFORMATION
GPO

indemnity contract consummated in Tennessee in conformity with the law of Tennessee, where the insured, a Mississippi corporation, also conducted its business, and to nullify as contrary to Mississippi law nonobservance of a contractual stipulation as to the time for filing claims, violated due process because the Mississippi laws were accorded effect beyond the territorial limits of Mississippi.

392. *McKnett v. St. Louis & S.F. Ry.,*292 U.S. 230 (1934).

An Alabama law, as judicially construed, that precluded Alabama courts from entertaining actions against foreign corporations arising in other states under federal law, while permitting entertainment of such actions arising in other states under state law, violated the Constitution.

393. *W. B. Worthen Co. v. Thomas*, 292 U.S. 426 (1934).

An Arkansas law that exempted life insurance proceeds from judicial process, when applied to prevent recovery by a creditor of the insured who had garnished the insurer prior to passage of the law, impaired the obligation of contract.

Justices concurring: Hughes, C.J., Cardozo, Brandeis, Roberts, Stone, Sutherland (separately), Van Devanter (separately), McReynolds (separately), Butler (separately)

394. *Concordia Ins. Co. v. Illinois*, 292 U.S. 535 (1934).

Illinois tax laws violated the Equal Protection Clause because they (1) subjected foreign insurance companies selling fire, marine, inland marine, and casualty insurance to two property taxes, one on tangible property and a second, on net receipts, including net receipts from their casualty business, while subjecting competing foreign insurance companies selling only casualty insurance to the single tax on tangible property; and (2) insofar as the net receipts were assessed at full value while other personal property in general was assessed at only 60% of value.

Justices concurring: Van Devanter, Sutherland, Butler, McReynolds, Roberts
Justices dissenting: Cardozo, Brandeis, Stone

395. *Cooney v. Mountain States Tel. Co.*, 294 U.S. 384 (1935).

Montana laws that imposed an occupation tax on every telephone company providing service in the state imposed an invalid burden on interstate commerce when applied to a company that used the same facilities to furnish both interstate as well as intrastate services.

396. *Baldwin v. G.A.F. Seelig, Inc.,*294 U.S. 511 (1935).

The New York Milk Control Act, insofar as it prohibited the sale of milk imported from another state unless the price paid to the pro-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ducer in the other state equaled the minimum prescribed for purchases from local producers, imposed an unconstitutional burden on interstate commerce irrespective of resale of such milk in the original or other containers.

397. *Stewart Dry Goods Co. v. Lewis*, 294 U.S. 550 (1935).

A Kentucky law that taxed the sales of retailers at the rate of ½0 of 1% on the first $400,000 of gross sales, and that imposed increasing rates on each additional $100,000 of gross sales up to $1,000,000, with a maximum rate of 1% on sales over $1,000,000, was arbitrary and violated the Equal Protection Clause because there was no reasonable relation between the amount of the tax and the value of the privilege of merchandising or between gross sales, the measure of the tax, and net profits.

Justices concurring: Roberts, Sutherland, Van Devanter, Butler, McReynolds, Hughes, C.J.
Justices dissenting: Cardozo, Brandeis, Stone

398. *Accord: Valentine v. A. & P. Tea Co.*, 299 U.S. 32 (1936), voiding a similar Iowa Chain Store Tax Act.

Justices concurring: Roberts, Sutherland, Butler, McReynolds, Van Devanter, Hughes, C.J.
Justices dissenting: Brandeis, Cardozo

399. *Panhandle Co. v. Highway Comm'n*, 294 U.S. 613 (1935).

A Kansas law that, as judicially construed, empowered the state highway commission to order a pipe line company, at its own expense, to relocate its pipe and telephone lines, then located on a private right of way, in order to conform to plans adopted for new highways across the right of way, deprived the company of property without due process of law.

Justices concurring: McReynolds, Butler, Van Devanter, Sutherland, Brandeis, Roberts, Stone (separately), Cardozo (separately), Hughes, C.J.

400. *Broderick v. Rosner*, 294 U.S. 629 (1935).

A New Jersey law that prohibited suits in New Jersey courts to enforce a stockholder's statutory personal liability arising under the laws of another state, and that was invoked to bar a suit by the New York Superintendent of Banks to recover assessments levied on New Jersey residents holding stock in a New York bank, violated the Full Faith and Credit Clause.

Justices concurring: Brandeis, Sutherland, Butler, Van Devanter, Stone, Roberts, McReynolds, Hughes, C.J.
Justices dissenting: Cardozo

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

401. *Worthen Co. v. Kavanaugh*, 295 U.S. 56 (1935).

An Arkansas law that reduced the remedies available to mortgagees in the event of a default on mortgage bonds issued by an improvement district, with the result that they were deprived of effective means of recovery for 6½ years, impaired the obligation of contract.

402. *Georgia Ry. & Electric Co. v. City of Decatur,*295 U.S. 165 (1935).

Insofar as a Georgia statute that authorized a municipality to effect certain street improvements and to assess railways having tracks on such streets with the cost of such improvements, included an irrebuttable presumption that a benefit accrued to the railway from such improvements, the statute denied the railway a hearing essential to due process of law.

Justices concurring: Sutherland, Butler, Van Devanter, McReynolds, Roberts, Hughes, C.J.
Justices dissenting: Stone, Brandeis, Cardozo

403. *Senior v. Braden*, 295 U.S. 422 (1935).

Insofar as trust certificates held by a resident represented interests in various parcels of land located in, and outside of, Ohio, and afforded the holder no voice in the management of such property but only a right to share in the net income from it and in the proceeds from the sale of it, such interests could be taxed only by a uniform rule according to value, and an Ohio law that levied an intangible property tax on such interests, which was measured by income, violated the Equal Protection and Due Process Clauses.

Justices concurring: McReynolds, Butler, Van Devanter, Sutherland, Roberts, Hughes, C.J.
Justices dissenting: Stone, Brandeis, Cardozo

404. *Colgate v. Harvey*, 296 U.S. 404 (1935).

A Vermont law that levied a 4% tax on income derived from loans made outside the state, but that exempted entirely like income derived from money loaned within Vermont at interest not exceeding 5% per year, constituted arbitrary discrimination in violation of the privileges and immunities of United States citizens under the Fourteenth Amendment.

Justices concurring: Sutherland, Van Devanter, Butler, McReynolds, Roberts, Hughes, C.J.
Justices dissenting: Stone, Brandeis, Cardozo

405. *Treigle v. Acme Homestead Ass'n*, 297 U.S. 189 (1936).

A Louisiana law that abolished a requirement that building and loan associations, when income was insufficient to pay all demands of

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U.S. GOVERNMENT
INFORMATION
GPO

withdrawing stockholders within 60 days, set apart 50% of receipts to pay such withdrawals and provided, instead, that the directors be vested with sole discretion as to the amount to be allocated for such withdrawals, impaired the obligation of contract as to a stockholder who, prior to the amendment, gave notice of withdrawal and whose demand had not been paid.

406. *Grosjean v. American Press Co.*, 297 U.S. 233 (1936).

A Louisiana law that imposed a tax on the gross receipts derived from the sale of advertisements by newspapers enjoying a circulation of more than 20,000 copies per week unconstitutionally restricted freedom of the press contrary to the Due Process Clause of the Fourteenth Amendment.

407. *Mayflower Farms v. Ten Eyck*, 297 U.S. 266 (1936).

The New York Milk Control Act, which permitted milk dealers without well-advertised trade names who were in business before April 10, 1933, to sell milk in New York City at a price one cent below the minimum that was binding on competitors with well-advertised trade names, denied equal protection to dealers without well-advertised names who established their business after that date.

Justices concurring: Roberts, Hughes, C.J., Van Devanter, Sutherland, Butler, McReynolds
Justices dissenting: Cardozo, Brandeis, Stone

408. *Bingaman v. Golden Eagle Lines*, 297 U.S. 626 (1936).

A New Mexico law that imposed an excise tax on the sale and use of gasoline and motor fuel and collected a license tax of $25 from users who import for use in New Mexico gasoline purchased in another state could not validly be imposed on a motor vehicle carrier, engaged exclusively in interstate commerce, that imported out-of-state gasoline for use in New Mexico. This was because the tax was levied, not as compensation for the use of that state's highways, but on the use of an instrumentality of interstate commerce.

409. *Fisher's Blend Station v. State Tax Comm'n*, 297 U.S. 650 (1936).

A Washington statute that levied an occupation tax measured by gross receipts of radio broadcasting stations within that state whose programs were received by listeners in other states imposed an unconstitutional burden on interstate commerce.

410. *International Steel & I. Co. v. National Surety Co.*, 297 U.S. 657 (1936).

A Tennessee law concerning the settlement of public construction contracts, which retroactively released the surety on a bond given by a contractor as required by prior law for the security of claims of material-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

men and substituted, without the latter's consent, the obligation of another bond, impaired the obligation of contract.

411. *Graves v. Texas Co.*, 298 U.S. 393 (1936).

An Alabama law that imposed an excise tax on the sale of gasoline could not be enforced as to sales of gasoline to the United States.

Justices concurring: Butler, Sutherland, Van Devanter, Roberts, Hughes, C.J., McReynolds

Justices dissenting: Cardozo, Brandeis

412. *Morehead v. New York ex rel. Tipaldo*, 298 U.S. 587 (1936).

A New York law that required employers to pay women minimum wages that would be not only equal to the fair and reasonable value of the services rendered but also sufficient to meet the minimum cost of living necessary for health deprived employers and employees of their freedom of contract without due process of law.

Justices concurring: Butler, Van Devanter, McReynolds, Sutherland, Roberts

Justices dissenting: Hughes, C.J., Brandeis, Stone, Cardozo

413. *Binney v. Long*, 299 U.S. 280 (1936).

A Massachusetts succession tax law under which succession to property through failure of an intestate to exercise a power of appointment under a non-testamentary conveyance of the property by deed or trust made after September 1, 1907, was not taxed, whereas if the conveyance were made before that date, the succession was not only taxable but the rate might be substantially increased by aggregating the value of that succession with other interests derived by the transferee by inheritance from the donee of the power, violated the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Roberts, Hughes, C.J., Van Devanter, Butler, Sutherland, McReynolds

Justices dissenting: Cardozo, Brandeis

414. *DeJonge v. Oregon*, 299 U.S. 353 (1937).

The Oregon Criminal Syndicalism Law, invoked to punish participation in the conduct of a public meeting devoted to a lawful purpose merely because the meeting had been held under the auspices of an organization that taught or advocated the forcible overthrow of government but did not engage in such advocacy during the meeting, violated freedom of assembly and freedom of speech guaranteed by the Due Process Clause of the Fourteenth Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

415. *New York ex rel. Rogers v. Graves*, 299 U.S. 401 (1937).

A New York income tax law could not be extended to salaries of employees of the Panama Railroad Company because the company together with its employees was a federal instrumentality (Art. VI).

416. *Ingels v. Morf*, 300 U.S. 290 (1937).

The California Caravan Act, which imposed a $15 fee on each motor vehicle transported from another state into California for the purposes of sale, imposed an unconstitutional burden on interstate commerce; the proceeds from such fees were not used to meet the cost of highway construction or maintenance, but instead to reimburse the state for the added expense of policing caravan traffic, and for that purpose the fee was excessive.

417. *Herndon v. Lowry*, 301 U.S. 242 (1937).

A Georgia insurrection statute, which punished as a crime the acts of soliciting members for a political party and conducting meetings of a local unit of that party, where one of the doctrines of the party, established by reference to a document not shown to have been exhibited by anyone, may be said to embrace ultimate resort in the indefinite future to violence against government, invaded freedom of speech as guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Roberts, Brandeis, Stone, Hughes, C.J., Cardozo
Justices dissenting: Van Devanter, McReynolds, Butler, Sutherland

418. *Lindsey v. Washington*, 301 U.S. 397 (1937).

A Washington statute that increased the severity of a penalty for a specific offense by mandating a sentence of 15 years, thereby removing the discretion of the judge to sentence for less than the maximum of 15 years, when applied retroactively to a crime committed before its enactment, was invalid as an *ex post facto* law.

419. *Hartford Ins. Co. v. Harrison*, 301 U.S. 459 (1937).

A Georgia law that prohibited stock insurance companies writing fire and casualty insurance from acting through agents who were their salaried employees, but that permitted mutual companies writing such insurance to do so, violated the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: McReynolds, Sutherland, Van Devanter, Butler, Hughes, C.J.
Justices dissenting: Roberts, Brandeis, Stone, Cardozo

420. *Puget Sound Stevedoring Co. v. State Tax Comm'n*, 302 U.S. 90 (1937).

A Washington gross receipts tax law could not validly be enforced as to receipts accruing to a stevedoring corporation acting as an inde-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

pendent contractor in loading and unloading cargoes of vessels engaged in interstate or foreign commerce by longshoremen subject to its own direction and control; such business was a form of interstate and foreign commerce.

421. *James v. Dravo Contracting Co.*, 302 U.S. 134 (1937).

A West Virginia gross receipts tax law could not validly be enforced to sustain a levy on that part of gross receipts of a federal contractor working on a federal installation in West Virginia that was derived from the fabrication of equipment at its Pennsylvania plant for which the contractor received payment prior to installation of such equipment on the West Virginia site owned by the Federal Government; for such compensable activities were completed beyond the jurisdiction of West Virginia.

422. *Connecticut Gen. Life Ins. Co. v. Johnson*, 303 U.S. 77 (1938).

A California law that levied a privilege tax on admitted foreign insurers, measured by gross premiums received, violated due process insofar as it affected premiums received in Connecticut on contracts of reinsurance consummated in the latter state and covering policies of life insurance issued by other insurers to residents of California; California was without power to tax activities conducted beyond its borders.

Justices concurring: Stone, Hughes, C.J., McReynolds, Brandeis, Butler, Roberts

Justice dissenting: Black

423. *Indiana ex rel. Anderson v. Brand*, 303 U.S. 95 (1938).

An Indiana law of 1933 that repealed tenure rights of certain teachers accorded under a Tenure Act of 1927 impaired the obligation of contract.

Justices concurring: Roberts, Hughes, C.J., McReynolds, Brandeis, Butler, Stone

Justice dissenting: Black

Accord: Indiana ex rel. Valentine v. Marker, 303 U.S. 628 (1938).

424. *Adams Mfg. Co. v. Storen*, 304 U.S. 307 (1938).

An Indiana gross receipts tax law could not constitutionally be applied to gross receipts derived by an Indiana corporation from sales in other states of goods manufactured in Indiana; as thus applied the law burdened interstate commerce.

Justices concurring: Roberts, Hughes, C.J., Brandeis, Butler, Stone, Reed

Justices dissenting: Black (in part), McReynolds (in part)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

425. *Freeman v. Hewit*, 329 U.S. 249 (1946).

Indiana's gross income tax imposed an unconstitutional burden on interstate commerce when applied to the receipt by one domiciled in the state of the proceeds of a sale of securities sent out of the state to be sold.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson , Rutledge , Burton
Justices dissenting: Black, Douglas, Murphy

426. *Indiana Dep't of Revenue v. Nebeker*, 348 U.S. 933 (1955).

Indiana's gross receipts tax also could not be levied on receipts from the purchase and sale on margin of securities by resident owners through a nonresident broker engaged in interstate commerce.

Justices concurring: Warren, C.J., Reed, Frankfurter, Burton, Clark, Minton
Justices dissenting: Black, Douglas

427. *Collins v. Yosemite Park Co.*, 304 U.S. 518 (1938).

The provisions of the California Alcoholic Beverages Control Act that imposed a fee for a license to import alcoholic beverages and controlled the importation of such beverages, could not be enforced, consistently with the Twenty-first Amendment, against a retail dealer doing business in a National Park as to which California retained no jurisdiction.

428. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

A Missouri statute that accorded Negro residents financial aid to enable them to obtain instruction at out-of-state universities equivalent to that afforded exclusively to white students at the University of Missouri denies such Negroes the equal protection of the laws. The obligation of a state to give equal protection of the laws can be performed only where its laws operate; that is, within its own jurisdiction.

Justices concurring: Hughes, C.J., Brandeis, Stone, Roberts, Black, Reed
Justices dissenting: McReynolds, Butler

429. *Gwin, White & Prince, Inc. v. Henneford*, 305 U.S. 434 (1939).

A Washington gross receipts tax levied on the privilege of engaging in business in the state cannot constitutionally be imposed on the gross receipts of a marketing agent for a federation of fruit growers whose business consists of the marketing of fruit shipped from Washington to places of sale in other states and foreign countries. Such a tax burdens interstate and foreign commerce contrary to Art. I, § 8, cl. 3.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Butler, McReynolds, Hughes, C.J., Brandeis, Stone, Roberts, Reed
Justice dissenting: Black

430. *Hale v. Bimco Trading Co.*, 306 U.S. 375 (1939).

A Florida statute imposing an inspection fee of 15 cents per cwt. (60 times the cost of the inspection) on cement imported from abroad is invalid under the Commerce Clause (Art. I, § 8, cl. 3).

431. *Lanzetta v. New Jersey*, 306 U.S. 451 (1939).

A New Jersey statute that provides, "Any person not engaged in a lawful occupation, known to be a member of any gang consisting of two or more persons, who had been convicted at least three times of being a disorderly person, or who has been convicted of any crime in this or any other State, is declared to be a gangster . . . " and punishable upon conviction, violates the Due Process Clause of the Fourteenth Amendment because of vagueness and uncertainty.

432. *Lane v. Wilson*, 307 U.S. 268 (1939).

An Oklahoma statute that provided that all persons, other than those who voted in 1914, who were qualified to vote in 1916 but failed to register between April 30 and May 11, 1916, should be perpetually disenfranchised, was found to violate the Fifteenth Amendment.

Justices concurring: Hughes, C.J., Roberts, Black, Reed, Frankfurter
Justices dissenting: McReynolds, Butler

433. *Thornhill v. Alabama*, 310 U.S. 88 (1940).

An Alabama statute that forbids the publicizing of facts concerning a labor dispute, whether by printed sign, pamphlet, word of mouth, or otherwise, in the vicinity of the business involved, and without regard to the number of persons engaged in such activity, the peaceful character of their conduct, the nature of the dispute, or the accuracy or restraint of the language used in imparting information, violates freedom of speech and press as guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Hughes, C.J., Stone, Roberts, Black, Reed, Frankfurter, Douglas, Murphy
Justice dissenting: McReynolds

434. *Cantwell v. Connecticut*, 310 U.S. 296 (1940).

A Connecticut statute that forbids any person to solicit money or valuables for any alleged religious cause, unless he has first procured a license from an official who is required to determine whether the cause is a religious one and who may deny issuance if he determines that the cause is not, imposes a prior restraint of the free exercise of religion in violation of due process.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

435. *McCarroll v. Dixie Lines*, 309 U.S. 176 (1940).

Gasoline carried by interstate motor busses through Arkansas for use as fuel in interstate transportation beyond the Arkansas line cannot be subject to an Arkansas tax imposed for maintenance of state highways and collected on every gallon of gasoline above 20 brought into the state in any motor vehicle for use in operating the same. The statute levying this tax unconstitutionally burdens interstate commerce.

Justices concurring: McReynolds, Stone, Hughes, C.J., Roberts, Reed (separately)
Justices dissenting: Black, Frankfurter, Douglas

436. *Best v. Maxwell*, 311 U.S. 454 (1940).

A North Carolina statute that levies an annual privilege tax of $250 on every person or corporation, not a regular retail merchant in the state, who displays samples in any hotel room or house rented for the purpose of securing retail orders, cannot be applied to a nonresident merchant who took orders in the state and shipped interstate directly to customers. In view of the imposition of a one dollar per year license tax collected from regular retail merchants, the enforcement of the statute as to nonresidents unconstitutionally discriminates in favor of intrastate commerce contrary to Art. I, § 8, cl. 3.

437. *Wood v. Lovett*, 313 U.S. 362 (1941).

When Arkansas, with the help of a statute curing irregularities in a tax proceeding, sold land under a tax title that was valid, subsequent repeal of the curative statute impaired the obligation of contract (Art. I, § 10, cl. 1).

Justices concurring: Hughes, C.J., Stone, Roberts, Reed, Frankfurter
Justices dissenting: Black, Douglas, Murphy

438. *Edwards v. California*, 314 U.S. 160 (1941).

A California statute making it a misdemeanor for anyone knowingly to bring, or assist in bringing, into the state a nonresident, indigent person imposes an unconstitutional burden on interstate commerce.

Justices concurring: Stone, C.J., Roberts, Reed, Frankfurter, Byrnes, Douglas, Black, Murphy, Jackson would have rested the invalidity on § 1 of the Fourteenth Amendment.

439. *Taylor v. Georgia*, 315 U.S. 25 (1942).

A Georgia statute that makes it a crime for any person to contract with another to perform services of any kind, and under such contract to obtain in advance money or other thing of value, with in-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

tent not to perform such service, and providing further that failure to perform the service or to return the money, without good and sufficient cause, shall amount to presumptive evidence of intent, at the time of making the contract, not to perform such service, violates the Thirteenth Amendment.

440. *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942).

As applied to one convicted once of stealing chickens, and twice of robbery, an Oklahoma statute providing for the sterilization of habitual criminals, other than those convicted of embezzlement, or violation of prohibition and revenue laws, violates the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring specially: Stone, C.J., Jackson

441. *Pacific Coast Dairy v. Department of Agriculture*, 318 U.S. 285 (1943).

A provision of the California Agricultural Code provided that the selling and delivery of milk "at less than the minimum wholesale, retail prices effective in a marketing area" was an unfair practice warranting revocation of license or prosecution. Sales and deliveries of milk to the War Department on a federal enclave within a state over which the United States has acquired exclusive jurisdiction are not subject to regulation under a state milk stabilization law.

Justices concurring: Stone, C.J., Roberts, Black, Reed, Douglas, Jackson
Justices dissenting: Frankfurter, Murphy

442. *Mayo v. United States*, 319 U.S. 441 (1943).

The Florida Commercial Fertilizer Law, a comprehensive regulation of the sale or distribution of commercial fertilizer that required a label or stamp on each bag evidencing the payment of an inspection fee, could not constitutionally be applied to fertilizer that the United States owned and was distributing within the state pursuant to a provision of the Soil Conservation and Domestic Allotment Act. Federal instrumentalities are immune from state taxation and regulation unless Congress provides otherwise, and Congress had not done so.

443. *Taylor v. Mississippi*, 319 U.S. 583 (1943).

The General Laws of Mississippi, 1943, ch. 178, provided, in part, that the teaching and dissemination of printed matter designed to encourage disloyalty to the national and state governments, and the distribution of printed matter reasonably tending "to create an attitude of stubborn refusal to salute, honor, or respect the flag or Government of the United States, or of the State of Mississippi" was a felony. The Fourteenth Amendment of the Constitution prohibits the imposition of punishment for: (1) urging and advising on religious grounds that

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

citizens refrain from saluting the flag; and (2) the communication of beliefs and opinion concerning domestic measures and trends in national and world affairs, when this is without sinister purpose and not in advocacy of, or incitement to, subversive action against the nation or state and does not involve any clear and present danger to our institutions or our government. Conviction under the statute for disseminating literature reasonably tending to create an attitude of stubborn refusal to salute, honor or respect the national and state flags and governments denies the liberty guaranteed by the Fourteenth Amendment.

444. *Pollock v. Williams*, 322 U.S. 4 (1944).

Florida Statute of 1941, sec. 817.09 and sec. 817.10, made it a misdemeanor to induce advances with intent to defraud by a promise to perform labor, and further made failure to perform labor for which money had been obtained *prima facie* evidence of intent to defraud. The statute violates the Thirteenth Amendment and the Federal Antipeonage Act for it cannot be said that a plea of guilty is uninfluenced by the statute's threat to convict by its prima facie evidence section.

Justices concurring: Roberts, Black, Frankfurter, Douglas, Murphy, Jackson, Rutledge
Justices dissenting: Stone, C.J., Reed

445. *United States v. Allegheny County*, 322 U.S. 174 (1944).

Pennsylvania law provided in part that "The following subjects and property shall be valued and assessed, and subject to taxation," and that taxes are declared "to be a first lien on said property." The effect of an *ad valorem* property tax is to increase the valuation of the land and buildings of a manufacturer by the value of machinery leased to him by the United States and is therefore a tax on property owned by the United States and violates the Constitution.

Justices concurring: Stone, C.J., Black, Reed, Douglas, Murphy, Jackson, Rutledge
Justices dissenting: Roberts, Frankfurter

446. *McLeod v. J. E. Dilworth Co.,*322 U.S. 327 (1944).

The Commerce Clause prohibits the imposition of an Arkansas sales tax on sales to residents of the state that are consummated by acceptance of orders in, and the shipments of goods from, another state, in which title passes upon delivery to the carrier.

Justices concurring: Stone, C.J., Roberts, Reed, Frankfurter, Jackson
Justices dissenting: Black, Douglas, Murphy, Rutledge

447. *Thomas v. Collins*, 323 U.S. 516 (1945).

A Texas statute required union organizers, before soliciting members, to obtain an organizer's card from the Secretary of State. As ap-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

plied in this case, the statute violates the First and Fourteenth Amendments because it imposes a prior restraint on free speech and free assembly. The First Amendment's safeguards apply to business and economic activity, and restrictions of these activities can be justified only by clear and present danger to the public welfare.

Justices concurring: Black, Douglas, Murphy, Jackson, Rutledge
Justices dissenting: Stone, C.J., Roberts, Reed, Frankfurter

448. *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945).

An Ohio *ad valorem* tax on Philippine importations violated the constitutional prohibition of state taxation of imports because the place from which the imported articles were brought is not a part of the United States in the constitutional sense.

Justices concurring: Stone, C.J., Roberts, Reed (dissenting in part), Frankfurter, Douglas (concurring in part), Murphy (concurring in part), Jackson, Rutledge (concurring in part)
Justice dissenting: Black

449. *Southern Pacific Co. v. Arizona ex rel. Sullivan,*325 U.S. 761 (1945).

The Arizona Train Limit Law makes it unlawful to operate a train of more than fourteen passenger or seventy freight cars. As applied to interstate trains, this law contravenes the Commerce Clause. The state regulation passes beyond what is plainly essential for safety, as it does not appear that it will lessen, rather than increase, the danger of accident.

Justices concurring: Stone, C.J., Roberts, Reed, Frankfurter, Murphy, Jackson, Rutledge
Justices dissenting: Black, Douglas

450. *Marsh v. Alabama*, 326 U.S. 501 (1946).

Alabama law makes it a crime to enter or remain on the premises of another after having been warned not to do so. A state, consistently with the freedom of religion and the press guaranteed by the First and Fourteenth Amendments, cannot impose criminal punishment on a person for distributing religious literature on the sidewalk of a company-owned town contrary to regulations of the town's management, where the town and its shopping district are freely accessible to and freely used by the public in general.

Justices concurring: Black, Frankfurter, Douglas, Murphy, Rutledge
Justices dissenting: Stone, C.J., Reed, Burton

451. *Tucker v. Texas*, 326 U.S. 517 (1946).

The Texas Penal Code makes it an offense for any "peddler or hawker of goods or merchandise" willfully to refuse to leave premises after hav-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ing been notified to do so by the owner or possessor thereof. A state, consistently with the freedom of religion and the press guaranteed by the First and Fourteenth Amendments, cannot impose criminal punishment upon a person engaged in religious activities and distributing religious literature in a village owned by the United States under a congressional program designed to provide housing for workers engaged in national defense activities, where the village is freely accessible and open to the public.

Justices concurring: Black, Frankfurter, Douglas, Murphy, Rutledge
Justices dissenting: Stone, C.J., Reed, Burton

452. *Republic Pictures Corp. v. Kappler*, 327 U.S. 757 (1946).

An Iowa statute, insofar as it required actions on claims arising under a federal statute not containing any period of limitations to be commenced within six months, denied equal protection of law when enforced as to one seeking to recover under the Federal Fair Labor Standards Act; a state may not discriminate against rights accruing under federal laws by imposing as to them a special period of limitations not applicable to other claims.

453. *Morgan v. Virginia*, 328 U.S. 373 (1946).

Virginia law required motor carriers, both interstate and intrastate, to separate without discrimination white and colored passengers in their motor buses so that contiguous seats would not be occupied by persons of different races at the same time. Even though Congress has enacted no legislation on the subject, the state provisions are invalid as applied to passengers in vehicles moving interstate because they burden interstate commerce.

Justices concurring: Black (separately), Reed, Frankfurter (separately), Douglas, Murphy, Rutledge
Justice dissenting: Burton

454. *Richfield Oil Corp. v. State Bd. of Equalization,*329 U.S. 69 (1946).

The California Retail Sales Tax, measured by gross receipts, cannot constitutionally be collected on exports in the form of oil delivered from appellant's dockside tanks to a New Zealand vessel in a California port for transportation to Auckland pursuant to a contract of sale with the New Zealand Government.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Douglas, Jackson, Rutledge, Burton
Justice dissenting: Black

455. *Order of Travelers v. Wolfe*, 331 U.S. 586 (1947).

A South Dakota Law setting a six-year statute of limitations for commencing actions on contract and declaring void every stipulation

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

in a contract that reduces the time during which a party may sue to enforce his rights cannot be applied to an action brought in South Dakota for benefits arising under the constitution of a fraternal benefit society incorporated in Ohio and licensed to do business in South Dakota. The claimant is bound by the limitation prescribed in the society's constitution barring actions on claims six months after disallowance by the society, and South Dakota is required under the Federal Constitution to give full faith and credit to the public acts of Ohio.

Justices concurring: Vinson, C.J., Frankfurter, Reed, Jackson, Burton
Justices dissenting: Black, Douglas, Murphy, Rutledge

456. *United States v. California*, 332 U.S. 19 (1947).

California statutes granting permits to California residents to prospect for oil and gas offshore, both within and outside a three-mile marginal belt, are void. California is not the owner of the three-mile marginal belt along its coast; the Federal Government rather than the State has paramount rights in and power over that belt, and full dominion over the resources of the soil under that water area. The United States is therefore entitled to a decree enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

Justices concurring: Vinson, C.J., Black, Douglas, Murphy, Rutledge, Burton
Justices dissenting: Reed, Frankfurter

457. *Sipuel v. Board of Regents*, 332 U.S. 631 (1948).

Oklahoma constitutional and statutory provisions barring Negroes from the University of Oklahoma Law School violate the Equal Protection Clause of the Fourteenth Amendment because the University Law School is the only institution for legal education maintained by the state.

458. *Oyama v. California, 332 U.S. 633 (1948)*.

The California Alien Land Law, forbidding aliens ineligible for American citizenship to acquire, own, occupy, lease or transfer agricultural land, and providing for escheat of any property acquired in violation of the statutes, cannot constitutionally by applied to effect an escheat of agricultural lands acquired in the name of a minor American citizen with funds contributed by his father, a Japanese alien ineligible for naturalization. The statute deprived the son of the equal protection of the laws and of his privileges as an American citizen, in violation of the Fourteenth Amendment.

Justices concurring: Vinson, C.J., Black, Frankfurter, Douglas, Murphy, Rutledge
Justices dissenting: Reed, Jackson, Burton

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

459. *Winters v. New York*, 333 U.S. 507 (1948).

A New York law creating a misdemeanor offense for publishing, selling, or otherwise distributing "any book, pamphlet, magazine, newspaper or other printed matter devoted to the publication, and principally made up of criminal laws, police reports, or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime . . . ," as construed by the state Court of Appeals to prohibit distribution of a magazine principally made up of news or stories of criminal deeds of bloodshed or lust so massed as to become a vehicle for inciting violent and depraved crimes against the person, is so vague and indefinite as to violate the Fourteenth Amendment by prohibiting acts within the protection of the guaranty of free speech and press.

Justices concurring: Vinson, Black, Reed, Douglas, Murphy, Rutledge
Justices dissenting: Frankfurter, Jackson, Burton

460. *Toomer v. Witsell*, 334 U.S. 385 (1948).

A South Carolina law requiring a license of shrimp boat owners, the fee for which was $25 per boat for residents and $2,500 per boat for nonresidents, plainly discriminated against nonresidents and violated the privileges and immunities clause of Art. IV, § 2. The same law unconstitutionally burdened interstate commerce by requiring all boats licensed to trawl for shrimp in South Carolina waters to dock in the state and to unload their catch, pack, and properly stamp the catch before shipping or transporting it to another state.

Justices concurring: Vinson, C.J., Reed, Douglas, Murphy, Rutledge, Burton, Black (dissenting in part), Frankfurter (dissenting in part), Jackson (dissenting in part)

461. *Takahashi v. Fish & Game Comm'n*, 334 U.S. 410 (1948).

California's requirement that every person bringing fish ashore in the state for sale obtain a commercial fishing license, but denying such a license to any person ineligible for citizenship, precluded a resident Japanese alien from earning his living as a commercial fisherman in the ocean waters off the state and was invalid both under the Equal Protection Clause and a federal statute (42 U.S.C. § 1981).

Justices concurring: Vinson, C.J., Black, Frankfurter, Douglas, Murphy, Rutledge, Burton
Justices dissenting: Reed, Jackson

462. *Greyhound Lines v. Mealey*, 334 U.S. 653 (1948).

New York constitutionally may tax gross receipts of a common carrier derived from transportation apportioned as to mileage within the

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

state, but collection of the tax on gross receipts from that portion of the mileage outside the state unduly burdens interstate commerce in violation of the Commerce Clause.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson, Rutledge, Burton
Justices dissenting: Black, Douglas, Murphy

463. *H. P. Hood & Sons v. Du Mond*, 336 U.S. 525 (1949).

Denial of a license under the New York Agricultural and Market Law violated the Commerce Clause and the Federal Agricultural Marketing Act where the denial was on the ground that the expanded facilities would reduce the supply of milk for local markets and result in destructive competition in a market already adequately served.

Justices concurring: Vinson, C.J., Reed, Douglas, Jackson, Burton
Justices dissenting: Black, Frankfurter, Murphy, Rutledge

464. *Schnell v. Davis*, 336 U.S. 933 (1949).

The Boswell Amendment to the Alabama Constitution, which vested unlimited authority in electoral officials to determine whether prospective voters satisfied the literacy requirement, violated the Fifteenth Amendment and the Equal Protection Clause of the Fourteenth Amendment.

465. *Union Nat'l Bank v. Lamb*, 337 U.S. 38 (1949).

Missouri law, providing that a judgment could not be revived after ten years from its rendition, could not be invoked, consistently with the Full Faith and Credit Clause, to prevent enforcement in a Missouri court of a Colorado judgment obtained in 1927 and revived in Colorado in 1946.

Justices concurring: Vinson, C.J., Reed, Douglas, Murphy, Jackson, Burton
Justices dissenting: Black, Frankfurter, Rutledge

466. *Wheeling Steel Corp. v. Glander*, 337 U.S. 562 (1949).

The Ohio *ad valorem* tax levied on accounts receivable of foreign corporations derived from sales of goods manufactured within the state, but exempting receivables owned by residents and domestic corporations, denied foreign corporations equal protection of the laws in violation of the Fourteenth Amendment. The tax was not saved from invalidity by the "reciprocity" provision of the statute imposing it, because this plan was not one that, by credit or otherwise, protected the nonresident or foreign corporation against discrimination.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Murphy, Jackson, Rutledge, Burton
Justices dissenting: Black, Douglas

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

467. *Treichler v. Wisconsin*, 338 U.S. 251 (1949).

Insofar as the Wisconsin emergency tax on inheritances is measured by tangible property located outside the state, the tax violates the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Douglas, Burton, Clark, Minton
Justice dissenting: Black

468. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

Notice by publication, as authorized by the New York Banking Law for purposes of enabling banks managing common trust funds to obtain a judicial settlement of accounts binding on all having an interest in such funds, is not sufficient under the Due Process Clause of the Fourteenth Amendment for determining property rights of persons whose whereabouts are known.

Justices concurring: Vinson, C.J., Black, Reed, Jackson, Clark, Minton, Frankfurter
Justice dissenting: Burton

469. *Sweatt v. Painter*, 339 U.S. 629 (1950).

Texas constitutional and statutory provisions restricting admission to the University of Texas Law School to white students violate the Equal Protection Clause of the Fourteenth Amendment because Negro students denied admission are afforded educational facilities inferior to those available at the University.

470. *United States v. Louisiana*, 339 U.S. 699 (1950).

The Louisiana Constitution provides that the Louisiana boundary includes all islands within three leagues of the coast, and Louisiana statutes provide that the state's southern boundary is 27 marine miles from the shore line. Because the three-mile belt off the shore is in the domain of the Nation rather than that of the states, it follows that the area claimed by Louisiana extending 24 miles seaward beyond the three-mile belt is also in the domain of the Nation rather than of Louisiana. The marginal sea is a national, not a state, concern and national rights are paramount in that area. The United States, therefore, is entitled to a decree upholding such paramount rights and enjoining Louisiana and all persons claiming under it from trespassing upon the area in violation of the rights of the United States, and requiring Louisiana to account for the money derived by it from the area after June 23, 1947.

Justices concurring: Vinson, C.J., Black, Frankfurter, Douglas, Burton
Justices dissenting: Reed, Minton

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

471. *United States v. Texas*, 339 U.S. 707 (1950).

Notwithstanding provisions in Texas laws under which Texas extended its boundary to a line in the Gulf of Mexico 24 marine miles beyond the three-mile limit and asserted ownership of the bed within that area and to the outer edge of the continental shelf, the United States is entitled to a decree sustaining its paramount rights to dominion of natural resources in the area, beyond the low-water mark on the coast of Texas and outside inland waters. Any claim that Texas may have asserted over the marginal belt when it existed as an independent Republic was relinquished upon its admission into the Union on an equal footing with the other states.

Justices concurring: Vinson, C.J., Black, Frankfurter, Douglas, Burton
Justices dissenting: Reed, Minton

472. *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).

Oklahoma law required segregation in educational facilities at institutions of higher learning. As applied to assign an African American student to a special row in the classroom, to a special table in the library, and to a special table in the cafeteria, the law impaired and inhibited the student's ability to study, engage in discussion, exchange views with other students, and in general to learn his profession. The conditions under which the student was required to receive his education deprived him of his right to equal protection guaranteed by the Fourteenth Amendment.

473. *Norton Co. v. Department of Revenue*, 340 U.S. 534 (1951).

The Illinois occupation tax, levied on gross receipts from sales of tangible personal property, cannot be collected on orders sent directly by the customer to the head officer of a corporation in Massachusetts and shipped directly to the customers from that office. These sales are interstate in nature and are immune from state taxation by virtue of the Commerce Clause.

Justices concurring: Vinson, C.J., Black (dissenting in part), Reed (dissenting in part), Frankfurter, Douglas (dissenting in part), Jackson, Burton, Clark (dissenting in part), Minton

474. *Spector Motor Serv. v. O'Connor*, 340 U.S. 602 (1951).

A Connecticut franchise tax for the privilege of doing business in the state, computed at a nondiscriminatory rate on that part of a foreign corporation's net income that is reasonably attributed to its business activities within the state and not levied as compensation for the use of highways, or collected in lieu of an *ad valorem* property tax, or imposed as a fee for inspection, or as a tax on sales or use, cannot

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

constitutionally be applied to a foreign motor carrier engaged exclusively in interstate trucking. A state cannot exact a franchise tax for the privilege of engaging in interstate commerce.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson, Burton, Minton
Justices dissenting: Black, Douglas, Clark

475. *Hughes v. Fetter*, 341 U.S. 609 (1951).

The Wisconsin Wrongful Death Act, authorizing recovery "only for a death caused in this State," and thereby blocking recovery under statutes of other states, must give way to the strong unifying principle embodied in the Full Faith and Credit Clause looking toward maximum enforcement in each state of the obligations or rights created or recognized by the statutes of sister states.

Justices concurring: Vinson, C.J., Black, Douglas, Burton, Clark
Justices dissenting: Reed, Frankfurter, Jackson, Minton

476. *Standard Oil Co. v. Peck*, 342 U.S. 382 (1952).

When boats and barges of an Ohio corporation used in transporting oil along the Mississippi River do not pick up or discharge oil in Ohio, and, apart from stopping therein occasionally for fuel and repairs, are almost continuously outside Ohio and are subject, on an apportionment basis, to taxation by other states, an Ohio tax on their full value violates the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Vinson, C.J., Reed, Clark, Frankfurter, Douglas, Jackson, Burton
Justices dissenting: Black, Minton

477. *Memphis Steam Laundry v. Stone*, 342 U.S. 389 (1952).

A Mississippi privilege tax, levied on the privilege of soliciting business for a laundry not licensed in the state and collected at the rate of $50 on each vehicle used in the business cannot validly be imposed on a foreign corporation operating an establishment in Tennessee and doing no business in Mississippi other than sending trucks thereto to solicit business, and pick up, deliver, and collect for laundry. A tax so administered burdens interstate commerce.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Douglas, Jackson, Burton, Clark, Minton
Justice dissenting: Black

478. *First Nat'l Bank v. United Air Lines*, 342 U.S. 396 (1952).

Illinois law provided that "no action shall be brought or prosecuted in this State to recover damages for a death occurring outside of this State where a right of action for such death exists under the

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U.S. GOVERNMENT
INFORMATION
GPO

laws of the place where such death occurred and services of process in such suit may be had upon the defendant in such place." In a suit brought in a federal district court in Illinois on grounds of diversity of citizenship to recover under the Utah death statute for a death occurring in Utah, the Illinois statute was held to violate the Full Faith and Credit clause.

Justices concurring: Vinson, C.J., Black, Douglas, Jackson, Burton, Clark, Minton
Justices dissenting: Reed, Frankfurter

479. *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952).

Insofar as the New York Education Law forbids the commercial showing of any motion picture without a license and authorizes denial of a license on a censor's conclusion that a film is "sacrilegious," it is void as a prior restraint on freedom of speech and of the press under the First Amendment, made applicable to the states by the Due Process Clause of the Fourteenth Amendment. The statute authorized designated officers to refuse to license the showing of any film that is obscene, indecent, immoral, inhuman, sacrilegious, or the exhibition of which would tend to corrupt morals or incite to crime.

480. *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94 (1952).

As construed and applied, Art. 5–C of the New York Religious Corporations Laws, which authorized transfer of administrative control of the Russian Orthodox churches of North America from the Supreme Church Authority in Moscow to the authorities selected by a convention of the North American churches, is invalid. Legislation that determines, in a hierarchical church, ecclesiastical administration or the appointment of the clergy, or transfers control of churches from one group to another, interferes with the free exercise of religion in violation of the First Amendment.

Justices concurring: Black, Douglas, Frankfurter, Vinson, C.J., Reed, Burton, Clark, Minton
Justice dissenting: Jackson

481. *Wieman v. Updegraff*, 344 U.S. 183 (1952).

Oklahoma law requires each state officer and employee, as a condition of his employment, to take a "loyalty oath," that he is not, and has not been for the preceding five years, a member of any organization listed by the Attorney General of the United States as "communist front" or "subversive." As construed, this statute excludes persons from state employment on the basis of membership in an organization, regardless of their knowledge concerning the activities and purposes of the organization, and therefore violates the Due Process Clause of the Fourteenth Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

482. *Kern-Limerick, Inc. v. Scurlock*, 347 U.S. 110 (1954).

The Arkansas Gross Receipts Tax, levied on the gross receipts of sales within the state, cannot be applied to transactions under which private contractors procured in Arkansas two tractors for use in constructing a naval ammunition depot for the United States under a cost-plus-fixed-fee contract. Applicable federal laws provide that in procuring articles required for accomplishment of the agreement, the contractor shall act as purchasing agent for the Government and that the government not only acquires title but shall be directly liable to the vendor for the purchase price. The tax is void as a levy on the Federal Government.

Justices concurring: Reed, Frankfurter, Jackson, Burton, Clark, Minton
Justices dissenting: Warren, C.J., Black, Douglas

483. *Michigan-Wisconsin Pipe Line Co. v. Calvert*, 347 U.S. 157 (1954).

A Texas tax on the occupation of "gathering gas" measured by the entire volume of gas "taken," as applied to an interstate natural gas pipeline company, where the taxable incidence is the taking of gas from the outlet of an independent gasoline plant within the state for the purpose of immediate interstate transmission, violates the Commerce Clause. As here applied, the state delayed the incidence of the tax beyond the step where production and processing have ceased and transmission in interstate commerce has begun, so that the tax is not levied on the capture or production of the gas, but on its introduction into interstate commerce after production, gathering and processing.

484. *Miller Bros., Co. v. Maryland*, 347 U.S. 340 (1954).

Where residents of nearby Maryland make purchase from appellant in Delaware, some deliveries being made in Maryland by common carrier and some by appellant's truck, seizure of the appellant's truck in Maryland and holding it liable for the Maryland use tax on all goods sold in Delaware to Maryland customers is a denial of due process. The Delaware corporation has not subjected itself to the taxing power of Maryland and has not afforded Maryland a jurisdiction or power to impose upon it a liability for collections of the Maryland use tax.

Justices concurring: Reed, Frankfurter, Jackson, Burton, Minton
Justices dissenting: Warren, C.J., Black, Douglas, Clark

485. *Railway Express Agency v. Virginia*, 347 U.S. 359 (1954).

In addition to "taxes on property of express companies," Virginia provided that "for the privilege of doing business in the State," express companies shall pay an "annual license tax" upon gross receipts earned in the state "on business passing through, into, or out of, this

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U.S. GOVERNMENT
INFORMATION
GPO

State." The gross-receipts tax is in fact and effect a privilege tax, and its application to a foreign corporation doing an exclusively interstate business violated the Commerce Clause.

Justices concurring: Reed, Frankfurter, Jackson, Burton, Minton
Justices dissenting: Warren, C.J., Black, Douglas, Clark

486. *Brown v. Board of Education*, 347 U.S. 483 (1954).

A Kansas law that authorized segregation of white and Negro children in "separate but equal" public schools denies Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment.

487. *Accord: Briggs v. Elliott*, 347 U.S. 483 (1954).

South Carolina constitutional and statutory provisions requiring segregation of white and Negro students in public schools violate the Fourteenth Amendment.

488. *Accord: Davis v. County School Bd.*, 347 U.S. 483 (1954).

Virginia constitutional and statutory provisions requiring segregation of white and Negro students in public schools violate the Fourteenth Amendment.

489. *Accord: Gebhart v. Belton*, 347 U.S. 483 (1954).

Delaware constitutional and statutory provisions requiring segregation of white and Negro students in public schools violate the Fourteenth Amendment.

490. *Castle v. Hayes Freight Lines*, 348 U.S. 61 (1954).

An Illinois law providing for a 90-day suspension of a motor carrier upon a finding of 10 or more violations of regulations calling for a balanced distribution of freight loads in relation to the truck's axles cannot be applied to an interstate motor carrier holding a certificate of convenience and necessity issued by the Interstate Commerce Commission under the Federal Motor Carrier Act. A state may not suspend the carrier's rights to use the state's highways in its interstate operations. The Illinois law, as applied to such carrier, also violates the Commerce Clause.

491. *Society for Savings v. Bowers*, 349 U.S. 143 (1955).

Levy of Ohio's property tax against a mutual saving bank and a federal savings and loan association in their own names, measured by the amount of each bank's capital, surplus, or reserve and undivided profits, without deduction of the value of federal securities owned by

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

each or provision for reimbursement of each bank by its depositors for the tax, is void as a tax upon obligations of the Federal Government (Art. VI, cl. 2).

492. *Griffin v. Illinois*, 351 U.S. 12 (1956).

Illinois statutes provide that a writ of error may be prosecuted on a "mandatory record" kept by the court clerk and consisting of the indictment, arraignment, plea, verdict, and sentence. The "mandatory record" can be obtained free of charge by an indigent defendant. In such instances review is limited to errors on the face of the mandatory record, and there is no review of trial errors such as an erroneous ruling on admission of evidence. No provision was made whereby a convicted person in a non-capital case can obtain a bill of exceptions or report of the trial proceedings, which by statute is furnished free only to indigent defendants sentenced to death. Griffin, an indigent defendant convicted of robbery, accordingly was refused a free certified copy of the entire record, including a stenographic transcript of the proceedings, and therefore was unable to perfect his appeal founded upon nonconstitutional errors of the trial court. Petitioner was held to have been denied due process of law and the equal protection of the laws guaranteed by the Fourteenth Amendment.

Justices concurring: Warren, C.J., Black, Frankfurter, Douglas, Clark
Justices dissenting: Reed, Burton, Minton, Harlan

493. *Covey v. Town of Somers*, 351 U.S. 141 (1956).

A New York statutory procedure that sanctioned notice by mail together with the posting of a copy of said notice at a local post office and the publication thereof in two local newspapers of proceedings to foreclose a lien for delinquent real estate taxes, was constitutionally inadequate and effected a taking of property without due process when employed in the foreclosure of the property of a mentally incompetent woman resident in the taxing jurisdiction and known by the officials thereof to be financially responsible but incapable of handling her affairs.

Justice concurring: Frankfurter (separately)

494. *Walker v. Hutchinson City*, 352 U.S. 112 (1956).

Kansas statutes permitted condemnation proceedings to be instituted by notice either in writing or by publication in an official city paper. Where the commissioners, appointed to determine compensation in condemnation of appellant's land, gave no notice of a hearing except by publication in the official city newspaper, though appellant was a resident of Kansas and his name was known to the city and on its official records, and there was no reason why direct notice could

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U.S. GOVERNMENT
INFORMATION
GPO

not be given, the newspaper publication alone did not measure up to the quality of notice the Due Process Clause of the Fourteenth Amendment requires as a prerequisite to this type of proceeding.

Justices concurring: Warren, C.J., Black, Reed, Douglas, Clark, Harlan
Justices dissenting: Frankfurter, Burton

495. *Butler v. Michigan*, 352 U.S. 380 (1957).

The Michigan Penal Code proscribed the sale to the general reading public of any book containing obscene language "tending to the corruption of the morals of youth." When invoked to convict a proprietor who sold a book having such a potential effect on youth to an adult police officer, the statute violated the due process clause of the Fourteenth Amendment. Thus enforced, the statute would permit the adult population of Michigan to read only what is fit for children.

496. *Gayle v. Browder*, 352 U.S. 903 (1956).

Alabama statutes and Montgomery City ordinances that required segregation of "white" and "colored" races on motor buses in the city violated the Equal Protection Clause of the Fourteenth Amendment.

497. *Morey v. Doud*, 354 U.S. 457 (1957).

A provision of the Illinois Community Currency Exchange Act exempting money orders of a named company, the American Express Company, from the requirement that any firm selling or issuing money orders in the state must secure a license and submit to state regulation, denies equal protection of the laws to those entities that are not exempted. Although the Equal Protection Clause does not require that every state regulation apply to all in the same business, a statutory discrimination must be based on differences that are reasonably related to the purposes of the statute.

Justices concurring: Warren, C.J., Douglas, Burton, Clark, Brennan, Whittaker
Justices dissenting: Black, Frankfurter, Harlan

498. *Eskridge v. Washington Prison Bd.*, 357 U.S. 214 (1958).

Denial of a free trial transcript to an indigent criminal defendant pursuant to a Washington statute that authorized a trial judge to furnish a transcript to an indigent defendant if in the judge's opinion "justice will thereby be promoted" denied equal protection and due process because the indigent defendant did not have the same opportunity that was available to those who could afford the transcripts to have his case reviewed by an appellate court.

Justices concurring: Warren, C.J., Douglas, Clark, Black, Burton, Brennan
Justices dissenting: Harlan, Whittaker

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

499. *Speiser v. Randall*, 357 U.S. 513 (1958).

The California statutory provisions exacting as a prerequisite for property tax exemption that applicants therefor swear that they do not advocate the forcible overthrow of federal or state governments or the support of a foreign government against the United States during hostilities are unconstitutional insofar as they are enforced by procedures placing upon the taxpayer the burden of proving that he is not guilty of advocating that which is forbidden. Such procedures deprive the taxpayer of freedom of speech without the procedural safeguards required by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Black, Frankfurter, Douglas, Burton, Harlan, Brennan, Whittaker

Justice dissenting: Clark

First Unitarian Church v. City of Los Angeles, 357 U.S. 545 (1958). *Enforcement of the same oath requirement through statutory procedures that place upon taxpayers the burden of proving nonadvocacy violates the Due Process Clause of the Fourteenth Amendment.* Same division of Justices as in Speiser v. Randall.

500. *Bibb v. Navajo Freight Lines*, 359 U.S. 520 (1959).

An Illinois statute that requires trucks and trailers operating on state highways to be equipped with specified type of rear fender mudguard, which is different from those permitted in at least 45 other states, and which would seriously interfere with "interline operations" of motor carriers, cannot validly be applied to interstate motor carriers certified by the Interstate Commerce Commission because to do so unreasonably burdens interstate commerce.

Justices concurring: Harlan (separately), Stewart (separately)

501. *State Athletic Comm'n v. Dorsey*, 359 U.S. 533 (1959).

A Louisiana statute prohibiting athletic contests between Negroes and white persons violated the Equal Protection Clause of the Fourteenth Amendment.

502. *Kingsley Pictures Corp. v. Regents*, 360 U.S. 684 (1959).

As construed and applied, the New York Education Law, which requires denial of a license to show a motion picture "presenting adultery as being right and desirable for certain people under certain circumstances," is unconstitutional. Refusal of a license to show a motion picture found to portray adultery alluringly as proper behavior violates the freedom to advocate ideas guaranteed by the First Amendment and protected by the Fourteenth Amendment from infringement by the states.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Black (separately), Frankfurter (separately), Douglas (separately), Clark (separately), Harlan (separately)

503. *Faubus v. Aaron*, 361 U.S. 197 (1959).

Arkansas statutes that empowered the Governor to close the public schools and to hold an election as to whether the schools were to be integrated, as well as to withhold public moneys allocated to such schools on the occasion of their closing and to make such funds available to other public schools or nonprofit private schools to which pupils from a closed school might transfer, violated the Due Process and Equal Protection Clauses of the Fourteenth Amendment.

504. *Phillips Chemical Co. v. Dumas School Dist.*, 361 U.S. 376 (1960).

Texas statutes discriminated against the United States in violation of Article VI, clause 2, by levying a tax on federally owned land and improvements used and occupied by a private concern that was more burdensome than the tax imposed on similarly situated lessees of property owned by Texas and its subdivisions.

Justices concurring: Brennan, Clark, Black, Douglas, Stewart, Warren, C.J., Whittaker, Harlan, Frankfurter (separately)

505. *Rohr Aircraft Corp. v. San Diego County*, 362 U.S. 628 (1960).

Property taxes assessed under California law could not be levied on real estate owned by the Reconstruction Finance Corporation after the latter had declared the property to be surplus and surrendered it to the War Assets Administration for disposal; this exemption arose even before execution of a quitclaim deed transferring title from the RFC to the United States and even though a property had been leased to a private lessee in the name of both the RFC and the United States.

Justices concurring: Clark, Warren, C.J., Harlan, Stewart, Frankfurter, Brennan, Whittaker
Justices dissenting: Douglas, Black

506. *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

An Alabama statute that altered the boundaries of the City of Tuskegee in such manner as to eliminate all but four or five of its 400 African American voters without eliminating any white voter violated the Fifteenth Amendment.

Justice concurring: Whittaker (separately)

507. *Shelton v. Tucker*, 364 U.S. 479 (1960).

An Arkansas statute that required every school teacher, as a condition of employment in state-supported schools and colleges, to file

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

an affidavit listing every organization to which he had belonged or contributed within the preceding five years deprived teachers of associational freedom guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Stewart, Warren, C.J., Brennan, Douglas, Black
Justices dissenting: Frankfurter, Clark, Harlan, Whittaker

508. *Bush v. Orleans Parish School Bd.*, 364 U.S. 500 (1961).

The Louisiana interposition statute that averred that the decision in the school segregation case (*Brown v. Board of Education,* 347 U.S. 483 (1954)) constituted usurpation of state power and that interposed the sovereignty of the state against enforcement of that decision did not assert "a constitutional doctrine," and if taken seriously, is legal defiance of constitutional authority.

509. *Orleans Parish School Bd. v. Bush*, 365 U.S. 569 (1961).

Louisiana statutes that (1) provided for segregation of races in public schools and the withholding of funds from integrated schools; (2) conferred on the Governor the right to close all schools upon the integration of any one of them; and (3) directed the Governor to supersede a school board under a court order to desegregate and take over management of public schools, denied equal protection of the laws.

510. *Ferguson v. Georgia*, 365 U.S. 570 (1961).

When, because a Georgia law that granted a defendant in a criminal trial the right to make an unsworn statement to the jury without subjecting himself to cross-examination, defendant's counsel was denied the right to ask him any question when he took the stand to make his unsworn statement, such application of the Georgia law deprived the defendant of the effective assistance of counsel without due process of law.

Justices concurring: Frankfurter (separately), Clark (separately)

511. *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293 (1961).

A Louisiana statute that prohibited any "non-trading" association from doing business in Louisiana if it is affiliated with any "foreign or out-of-state non-trading" association, any of the officers or directors of which are members of subversive organizations as cited by a House committee or by the United States Attorney General, and that required every non-trading association with an out-of-state affiliate to file annually an affidavit that none of the officers of the affiliate is a member of such organizations, was void for vagueness and violated of due process.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Harlan (separately), Stewart (separately), Frankfurter (separately), Clark (separately)

512. *Torcaso v. Watkins*, 367 U.S. 488 (1961).

A Maryland constitutional provision under which an appointed notary public who would not declare his belief in God was denied his commission imposed an invalid test for public office that violated freedom of belief and religion as guaranteed by the First Amendment, applicable through the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Frankfurter (separately), Harlan (separately)

513. *Marcus v. Search Warrant*, 367 U.S. 717 (1961).

A Missouri statutory procedure that enabled a city police officer, in an ex parte proceeding, to obtain from a trial judge search warrants authorizing seizure of all "obscene" material possessed by wholesale and retail distributors without granting the latter a hearing or even seeing any of the materials in question and without specifying any particular publications, sanctioned search and seizure tactics that violated due process.

Justices concurring: Black (separately), Douglas (separately)

514. *Tugwell v. Bush*, 367 U.S. 907 (1961).

A Louisiana statute that punished the giving to or acceptance by any parent of anything of value as an inducement to sending his child to a school operated in violation of Louisiana law was void for vagueness and was designed to scuttle a desegregation program.

515. *Legislature of Louisiana v. United States*, 367 U.S. 908 (1961).

In an effort to interfere with court-ordered public school desegregation, Louisiana enacted statutes that purported to remove the New Orleans school board and replace it with a new group appointed by the legislature, and that deprived the board of its attorney and substituted the Louisiana Attorney General, and enacted a resolution "addressing out of office" the school superintendent chosen by the board. These enactments violated the Equal Protection Clause of the Fourteenth Amendment.

516. *Cramp v. Board of Pub. Instruction*, 368 U.S. 278 (1961).

A Florida statute that required state and local public employees to swear that they had never lent their "aid, support, advice, counsel, or influence to the Communist Party," and that subjected them to discharge for refusal, was void for vagueness and violated due process.

Justices concurring: Black (separately), Douglas (separately)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

517. *St. Helena Parish School Bd. v. Hall*, 368 U.S. 515 (1962).

A Louisiana statute that authorized the school board of a municipally operated school system to close the schools upon a vote of the electors and that provided that the board might then lease or sell any school building, but that subjected to extensive state control and financial aid the private schools that might acquire such buildings, violated equal protection of the laws because it was intended to continue segregation in schools.

518. *Bailey v. Patterson*, 369 U.S. 31 (1962).

Mississippi statutes that required racial segregation at interstate and intrastate transportation facilities denied equal protection of the law.

519. *Turner v. City of Memphis*, 369 U.S. 350 (1962).

A Tennessee statute, and an administrative regulation issued under it, insofar as they sanctioned racial segregation in a private restaurant operated on premises leased from a city at its municipal airport, denied equal protection of the law.

520. *Central R.R. v. Pennsylvania*, 370 U.S. 607 (1962).

Pennsylvania's capital stock tax, in the nature of a property tax, could not be collected on that portion of a railroad's cars (158 out of 3074) that represented the daily average of its cars located on a New Jersey railroad's lines during a taxable year; as to the latter portion of its cars the tax violated the Commerce Clause and the Due Process Clause.

Justice concurring: Black (separately)

521. *Robinson v. California*, 370 U.S. 660 (1962).

A California statute that, as construed, made the "status" of narcotics addiction a criminal offense, even though the accused had never used narcotics in California and had not been guilty of antisocial behavior in California, was void as inflicting cruel and unjust punishment proscribed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Stewart, Warren, C.J., Brennan, Douglas (separately), Harlan (separately), Black
Justices dissenting: Clark, White

522. *Lassiter v. United States*, 371 U.S. 10 (1962).

Louisiana laws that segregated passengers in terminal facilities of common carriers were unconstitutional because they conflicted with federal law and the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

523. *NAACP v. Button*, 371 U.S. 415 (1963).

A Virginia law that expanded malpractice by attorneys to include acceptance of employment or compensation from any person or organization not a party to a judicial proceeding and having no pecuniary right or liability in it, and that made it an offense for such person or organization to solicit business for an attorney violated freedom of expression and association, as guaranteed by the Due Process Clause of the Fourteenth Amendment when enforced against a corporation, including its attorneys and litigants, whose major purpose is the elimination of racial segregation through litigation that it solicits, institutes, and finances.

Justices concurring: Brennan, Warren, C.J., Goldberg, Douglas (separately), Black
Justices dissenting: White (in part), Harlan, Clark, Stewart

524. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

A Florida statute that did not accord indigent defendants court-appointed counsel in noncapital felony offenses deprived such defendants of due process of law.

Justices concurring: Douglas (separately), Clark (separately), Harlan (separately)

525. *Gray v. Sanders*, 372 U.S. 368 (1963).

A Georgia county unit system for nominating candidates in primaries for state-wide offices, including United States Senators, as set forth in statutory provisions, violated the principle of "one-person, one vote" as required by the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Douglas, Stewart (separately), Clark (separately), Warren, C.J., Brennan, White, Goldberg, Black
Justice dissenting: Harlan

526. *Lane v. Brown*, 372 U.S. 477 (1963).

The Indiana Public Defender Act, insofar as it empowered the Public Defender to refuse to perfect an appeal for an indigent defendant whenever the former believed such an appeal would be unsuccessful and that, independently of such intervention by the Defender, afforded such defendant no alternative means of obtaining a transcript of a *coram nobis* hearing requisite to perfect an appeal from a trial court's denial of a writ of error coram nobis, effected a discriminatory denial of a privilege available as of right to a defendant with the requisite funds and violated the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Harlan (separately), Clark (separately)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

527. *Halliburton Oil Well Co. v. Reily*, 373 U.S. 64 (1963).

Louisiana use tax, as enforced, unconstitutionally discriminates against interstate commerce in that the isolated purchase of an item of used equipment in Louisiana was not subject to its sales tax, whereas an Oklahoma contractor was subjected to the Louisiana use tax on an item of used equipment employed in servicing wells in Louisiana that had been acquired in Oklahoma; and further that the Louisiana sales or use tax was computed on the cost of components purchased in Louisiana or purchased out of state for assembly and use in Louisiana whereas here the contractor paid a use tax on equipment assembled in Oklahoma that reflected not only the purchase price of the components but also the cost of labor and shop overhead incurred in assembling the components into a usable item of equipment.

Justices concurring: Warren, C.J., Douglas, Goldberg, Stewart, White, Harlan, Brennan (separately)

Justices dissenting: Clark, Black

528. *Willner v. Committee on Character*, 373 U.S. 96 (1963).

New York's statutory procedure governing admission to practice law, insofar as it failed to provide, in cases of denial of admission, for a hearing on the grounds for rejection to be accorded the applicant, either before the Committee on Character Fitness established by the Appellate Division of its Supreme Court, or before the Appellate Division itself, was defective and amounted to a denial of due process.

Justices concurring: Douglas, Black, White, Warren, C.J., Goldberg, Brennan, Stewart (separately)

Justices dissenting: Harlan, Clark

529. *Peterson v. City of Greenville*, 373 U.S. 244 (1963).

When a city ordinance required separation of the races in restaurants, a South Carolina trespass statute, when enforced against African Americans who refused to leave a lunch counter in a retail store, amounted to a denial of equal protection of the laws.

Justice concurring: Harlan (separately)

530. *Accord: Gober v. City of Birmingham*, 373 U.S. 374 (1963), as to an Alabama law on trespass.

Justices concurring: Warren, C.J., Black, Douglas, Goldberg, White, Clark, Brennan, Stewart

Justice dissenting: Harlan

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

531. *Lombard v. Louisiana*, 373 U.S. 267 (1963).

When local community policy, as administered by municipal law enforcement officers, proscribed "sit-in demonstrations" against refusal of store proprietors to serve African Americans at lunch counters reserved for white patrons, invoking the Louisiana Criminal Mischief Statute to punish African Americans who engaged in such demonstrations violated the Equal Protection Clause.

Justices concurring: Warren, C.J., Douglas (separately), Black, Brennan, White, Stewart, Goldberg, Clark
Justice dissenting: Harlan

532. *Wright v. Georgia*, 373 U.S. 284 (1963).

Georgia's unlawful assemblies act, which rendered persons open to conviction for a breach of the peace upon their refusal to disperse upon command of police officers, was void for vagueness and violated due process because it did not give adequate warning to Negroes that peaceably playing basketball in a municipal park would expose them to prosecution for violation of the statute.

Justice concurring: Harlan (separately)

533. *Abington School Dist. v. Schempp*, 374 U.S. 203 (1963).

A Pennsylvania law that required the reading, without comment, of verses from the Bible at the opening of each public school day violated the prohibition against the enactment of any law respecting an establishment of religion as incorporated by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Clark, Douglas (separately), Brennan (separately), Goldberg (separately), Harlan (concurs with latter), Warren, C.J., White, Black
Justice dissenting: Stewart

534. *Sherbert v. Verner*, 374 U.S. 398 (1963).

The South Carolina Unemployment Compensation Act, which withheld benefits and deemed ineligible for the receipt thereof a person who has failed without good cause to accept available work when offered to him, if construed as barring a Seventh-Day Adventist from relief because of religious scruples against working on Saturday, abridged the latter's right to the free exercise of religion contrary to the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Brennan, Clark, Warren, C.J., Goldberg, Black, Douglas, Stewart (separately)
Justices dissenting: Harlan, White

535. *Polar Ice Cream & Creamery Co. v. Andrews*, 375 U.S. 361 (1964).

A Florida statute and regulations implementing it that required a milk distributor to purchase its total supply of fluid milk from

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

area producers at a fixed price and to take all milk that these producers offered was invalid under the Commerce Clause because they interfered with distributor's purchases of milk from out-of-state producers.

536. *Anderson v. Martin*, 375 U.S. 399 (1964).

A Louisiana statute requiring that in all primary, general, or special elections, the nomination papers and ballots shall designate the race of the candidates violated the Equal Protection Clause.

537. *Wesberry v. Sanders*, 376 U.S. 1 (1964).

A Georgia statute establishing congressional districts of grossly unequal populations violates Article I, § 2, of the Constitution.

Justices concurring: Black, Douglas, Brennan, White, Goldberg, Warren, C.J.
Justices concurring in part and dissenting in part: Clark
Justices dissenting: Harlan, Stewart

538. *Accord: Martin v. Bush*, 376 U.S. 222 (1964). A Texas statute establishing congressional districts of grossly unequal populations is unconstitutional on authority of Wesberry v. Sanders, 376 U.S. 1 (1964). Same division of Justices as in Wesberry v. Sanders.

539. *City of New Orleans v. Barthe*, 376 U.S. 189 (1964).

A district court decision holding unconstitutional a Louisiana statute requiring segregation of races in public facilities is affirmed.

540. *Sears, Roebuck & Co. v. Stiffel Co.*, 376 U.S. 225 (1964).

An Illinois unfair competition law cannot be applied to bar or penalize the copying of a product that does not qualify for a federal patent, because this use of the state law conflicts with the exclusive power of the Federal Government to grant patents only to true inventions and then only for a limited time.

541. *Baggett v. Bullitt*, 377 U.S. 360 (1964).

Washington statutes requiring state employees to swear that they are not subversive persons and requiring teachers to swear to promote by precept and example respect for flag and institutions of United States and Washington, reverence for law and order, and undivided allegiance to Federal Government, are void for vagueness.

Justices concurring: White, Black, Douglas, Brennan, Stewart, Goldberg, Warren, C.J.
Justices dissenting: Clark, Harlan

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

542. *Hostetter v. Idlewild Bon Voyage Liquor Corp.*, 377 U.S. 324 (1964).

A New York law regulating sale of alcoholic beverages could not constitutionally be applied to a dealer who sold bottled wines and liquors to departing international airline travelers at JFK airport in New York.

Justices concurring: Stewart, Douglas, Clark, White, Warren, C.J.
Justices dissenting: Black, Goldberg

543. *Accord: Department of Alcoholic Beverage Control v. Ammex Warehouse Co.*, 378 U.S. 124 (1964). Lower court voiding of California law affirmed on authority of Hostetter. Same division of Justices as Hostetter.

544. *Department of Revenue v. James B. Beam Distilling Co.*, 377 U.S. 341 (1964).

A Kentucky statute providing for a tax of ten cents per gallon on the importation of whiskey into the state, which was collected while the whiskey was in unbroken packages in an importer's possession, was unconstitutionally applied to the importer of Scotch whiskey from abroad under Art. I, § 10, cl. 2.

Justices concurring: Stewart, Douglas, Clark, White, Warren, C.J.
Justices dissenting: Black, Goldberg

545. *Chamberlin v. Dade County Bd. of Public Instruction*, 377 U.S. 402 (1964).

A Florida statute providing for prayer and devotional reading in public schools is unconstitutional.

546. *Reynolds v. Sims*, 377 U.S. 533 (1964).

Alabama constitutional and statutory provisions that do not apportion seats in both houses of legislature on a population basis violated the Equal Protection Clause.

Justices concurring: Warren, C.J., Black, Douglas, Brennan, Goldberg, White
Justices concurring specially: Clark, Stewart
Justice dissenting: Harlan

547. *Accord: WMCA, Inc. v. Lomenzo*, 377 U.S. 633 (1964).

New York constitutional and statutory provisions that do not apportion seats in both houses of the legislature on the basis of population is unconstitutional.

Justices concurring: Warren, C.J., Black, Douglas, Brennan, Goldberg, White
Justice concurring specially: Clark
Justices dissenting: Harlan, Stewart

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

548. *Accord: Maryland Comm. for Fair Representation v. Tawes*, 377 U.S. 656 (1964). Same division of Justices as in Lomenzo.

549. *Accord: Davis v. Mann*, 377 U.S. 678 (1964). Virginia. Same division of Justices as in Lomenzo.

550. *Accord: Roman v. Sincock*, 377 U.S. 695 (1964). Delaware. Same division of Justices as in Lomenzo, except Justice Stewart concurring specially.

551. *Accord: Lucas v. Forty-Fourth General Assembly of Colorado,*377 U.S. 713 (1964).

An apportionment formula for state legislature written into state constitution is invalid under Equal Protection Clause even though the electorate approved it in a referendum.

Justices concurring: Warren, C.J., Black, Douglas, Brennan, Goldberg, White
Justices dissenting: Clark, Harlan, Stewart

552. *Accord: Meyers v. Thigpen*, 378 U.S. 554 (1964). Washington Legislature. Same division of Justices as in Lomenzo, except Justice Stewart favored limited remand.

553. *Accord: Williams v. Moss*, 378 U.S. 558 (1964). Oklahoma Legislature. Same division of Justices as in Reynolds v. Sims.

554. *Accord: Pinney v. Butterworth*, 378 U.S. 564 (1964). Connecticut Legislature. Same division of Justices as in Reynolds v. Sims.

555. *Accord: Hill v. Davis*, 378 U.S. 565 (1964). Iowa Legislature. Same division of Justices as in Reynolds v. Sims.

556. *A Quantity of Books v. Kansas*, 378 U.S. 205 (1964).

A statute authorizing issuance of *ex parte* a warrant for seizure of allegedly obscene materials prior to a hearing on the issue of obscenity is invalid under First and Fourteenth Amendments.

Justices concurring: Brennan, White, Goldberg, Warren, C.J.
Justices concurring specially: Black, Douglas; Stewart
Justices dissenting: Harlan, Clark

557. *Tancil v. Woolls*, 379 U.S. 19 (1964).

District court decisions holding unconstitutional Virginia statutes requiring notation of race in divorce decrees and separation by race of names on registration, poll tax, and residence certificate lists, and on assessment rolls are affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

558. *Garrison v. Louisiana*, 379 U.S. 64 (1964).

Louisiana's Criminal Defamation Statute is unconstitutional as applied to criticism of official conduct of public officials because it incorporates standards of malice and truthfulness at variance with *New York Times Co. v. Sullivan,* 376 U.S. 254 (1964).

559. *McLaughlin v. Florida*, 379 U.S. 184 (1964).

A criminal statute prohibiting an unmarried interracial couple from habitually living in and occupying the same room in the nighttime violates the Equal Protection Clause.

560. *Stanford v. Texas*, 379 U.S. 476 (1965).

A statute providing for the suppression of the Communist Party and authorizing the issuance of search warrants for subversive books and other materials is constitutionally defective because it does not require a description with particularity of the things to be seized.

561. *Cox v. Louisiana*, 379 U.S. 536 (1965).

A Louisiana breach of the peace statute is unconstitutionally vague.

562. *Freedman v. Maryland*, 380 U.S. 51 (1965).

A Maryland censorship statute requiring prior submission of films for review is invalid because of the absence of procedural safeguards eliminating dangers of censorship.

563. *Carrington v. Rash*, 380 U.S. 89 (1965).

A Texas constitutional provision prohibiting any member of Armed Forces who moves into the state from ever voting in Texas while a member of the Armed Forces violates the Equal Protection Clause.

Justices concurring: Stewart, Black, Douglas, Clark, Brennan, White, Goldberg
Justice dissenting: Harlan

564. *Louisiana v. United States*, 380 U.S. 145 (1965).

Constitutional and statutory provisions requiring prospective voters to satisfy registrars of their ability to understand and give reasonable interpretation of any section of United States or Louisiana Constitutions violate Fourteenth and Fifteenth Amendments.

565. *Reserve Life Ins. Co. v. Bowers*, 380 U.S. 258 (1965).

An Ohio statute imposing a personal property tax upon furniture and fixtures used by foreign insurance company in doing business in Ohio but not imposing a similar tax upon furniture and fixtures used by domestic insurance companies violates the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

566. *American Oil Co. v. Neill*, 380 U.S. 451 (1965).

An Idaho tax statute applied to levy an excise tax on licensed Idaho motor fuel dealer's sale and transfer of gasoline in Utah for importation into Idaho by purchaser violated the Due Process Clause of Fourteenth Amendment.

Justices concurring: Warren, C.J., Douglas, Clark, Harlan, Brennan, Stewart, White, Goldberg
Justices dissenting: Black

567. *Dombrowski v. Pfister*, 380 U.S. 479 (1965).

The Louisiana Subversive Activities and Communist Control Law is unconstitutional because of overbreadth of its coverage in violation of the First Amendment, and because of its lack of procedural due process.

Justices concurring: Brennan, Douglas, White, Goldberg, Warren, C.J.
Justices dissenting: Harlan, Clark

568. *Harman v. Forssenius*, 380 U.S. 528 (1965).

A Virginia statute requiring voters in federal election who do not qualify by paying poll tax to file a certificate of residence six months in advance of election is contrary to Twenty-fourth Amendment, which absolutely abolished payment of a poll tax as a qualification for voting in federal elections.

569. *Jordan v. Silver*, 381 U.S. 415 (1965).

District court decision holding unconstitutional California constitutional provisions on apportionment of state senate is affirmed.

Justices concurring: Warren, C.J., Black, Douglas, Brennan, White, Goldberg
Justices dissenting: Harlan, Clark, Stewart

570. *Griswold v. Connecticut*, 381 U.S. 479 (1965).

A Connecticut statute making it a crime for any person to use any drug or article to prevent conception is an unconstitutional invasion of privacy of married couples.

Justices concurring: Douglas, Clark
Justices concurring specially: Goldberg, Brennan, Warren, C.J., Harlan, White
Justices dissenting: Black, Stewart

571. *Giaccio v. Pennsylvania*, 382 U.S. 399 (1966).

A Pennsylvania statute permitting jurors to determine whether an acquitted defendant should pay the costs of the trial was void under the Due Process Clause of the Fourteenth Amendment because of vagueness and the absence of any standard that would prevent arbitrary imposition of costs.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

572. *Baxstrom v. Herold*, 383 U.S. 107 (1966).

New York's statutory procedure for civil commitment of persons at the expiration of a prison sentence without the jury review available to all others civilly committed in New York and for commitment to an institution maintained by the Department of Correction beyond the expiration of their terms without a judicial determination of dangerous mental illness such as that afforded to all others violates the Equal Protection Clause.

573. *Harper v. Virginia Bd. of Elections*, 383 U.S. 663 (1966).

Virginia constitutional provisions making payment of poll taxes a qualification of eligibility to vote violate the Equal Protection Clause.

Justices concurring: Douglas, Clark, Brennan, White, Fortas, Warren, C.J.
Justices dissenting: Black, Harlan, Stewart

574. *Accord: Texas v. United States*, 384 U.S. 155 (1966).

A Texas poll tax is unconstitutional.

575. *Elfbrandt v. Russell*, 384 U.S. 11 (1966).

An Arizona loyalty oath is unconstitutionally overbroad and inclusive.

Justices concurring: Douglas, Black, Brennan, Fortas, Warren, C.J.
Justices dissenting: White, Clark, Harlan, Stewart

576. *Mills v. Alabama*, 384 U.S. 214 (1966).

An Alabama statute making it a criminal offense to electioneer or solicit votes on election day as applied to a newspaper editor who published an editorial on election day urging people to vote a certain way on a referendum issue violated First and Fourteenth Amendments.

577. *Rinaldi v. Yeager*, 384 U.S. 305 (1966).

A New Jersey statute requiring an unsuccessful appellant to repay the cost of a transcript used in preparing his appeal out of his institutional earning when he is jailed but that does not apply to unsuccessful appellants given suspended sentences, placed on probation, or fined violates the Equal Protection Clause.

Justices concurring: Stewart, Black, Douglas, Brennan, Clark, White, Fortas, Warren, C.J.
Justice dissenting: Harlan

578. *Alton v. Tawes*, 384 U.S. 315 (1966).

A district court decision holding unconstitutional Maryland congressional districting is affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

579. *Carr v. City of Altus*, 385 U.S. 35 (1966).

A district court decision holding unconstitutional under the Commerce Clause a Texas statute forbidding anyone to withdraw water from any underground sources in state without authorization of legislature is affirmed.

580. *Swann v. Adams*, 385 U.S. 440 (1967).

A Florida statute apportioning legislative seats falls short of required population equality.

Justices concurring: White, Black, Douglas, Clark, Brennan, Fortas, Warren, C.J.
Justices dissenting: Harlan, Stewart

581. *Kirkpatrick v. Preisler*, 385 U.S. 450 (1967).

A district court decision holding unconstitutional Missouri's 1965 congressional districting law is summarily affirmed.

582. *Short v. Ness Produce Co.*, 385 U.S. 537 (1967).

A district court decision holding to violate the Commerce Clause an Oregon statute requiring sellers of imported meat to label it with country of origin, post notices in their establishment that it is being sold, and keep record of transactions involving it, is affirmed.

583. *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).

A New York statute requiring removal of teachers for "treasonable or seditious" utterances or acts is unconstitutionally vague because it apparently bans mere advocacy of abstract doctrine, and a statute that makes Communist Party membership prima facie evidence of disqualification for teaching in public schools is unconstitutionally broad.

Justices concurring: Brennan, Black, Douglas, Fortas, Warren, C.J.
Justices dissenting: Clark, Harlan, Stewart, White

584. *National Bellas Hess, Inc. v. Department of Revenue*, 386 U.S. 753 (1967).

The Commerce Clause forbids application of Illinois use tax statute to a seller whose only connection with customers in the state is by common carrier or by mail.

Justices concurring: Stewart, Brennan, Harlan, Clark, White, Warren, C.J.
Justices dissenting: Fortas, Black, Douglas

585. *Holding v. Blankenship*, 387 U.S. 94 (1967).

An Oklahoma obscenity statute empowering a commission to investigate and to recommend prosecutions of offending parties is unconstitutional on authority of *Bantam Books v. Sullivan,* 372 U.S. 58 (1963).

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

586. *Reitman v. Mulkey*, 387 U.S. 369 (1967).

A California constitutional provision adopted on referendum repealing "open housing" law and prohibiting state abridgement of realty owner's right to sell and lease, or to refuse to sell and lease, as he pleases violates the Equal Protection Clause.

Justices concurring: White, Douglas, Brennan, Fortas, Warren, C.J.
Justices dissenting: Harlan, Black, Clark, Stewart

587. *Berger v. New York*, 388 U.S. 41 (1967).

A New York eavesdrop statute that does not require particularity with respect to the crime suspected and conversations sought, sufficiently limit period of order's effectiveness, terminate order once desired conversation is overheard, or require notice or showing of exigent circumstances to justify dispensing with notice, violates Fourth and Fourteenth Amendments.

Justices concurring: Clark, Douglas, Brennan, Fortas, Warren, C.J.
Justices dissenting: Black, Harlan, White

588. *Loving v. Virginia*, 388 U.S. 1 (1967).

A Virginia statute prohibiting interracial marriage violates Equal Protection Clause.

589. *Washington v. Texas*, 388 U.S. 14 (1967).

A Texas statute prohibiting persons charged as co-participants in the same crime from testifying for one another violated the Sixth and Fourteenth Amendments.

590. *Whitehill v. Elkins*, 389 U.S. 54 (1967).

A Maryland loyalty oath is unconstitutionally vague when read with surrounding authorization and supplementary statutes that infringe on rights of association.

Justices concurring: Douglas, Black, Brennan, Fortas, Marshall, Warren, C.J.
Justices dissenting: Harlan, Stewart, White

591. *Lucas v. Rhodes*, 389 U.S. 212 (1967).

Ohio's congressional districting statute violates principles of population equality established in *Wesberry v. Sanders,* 376 U.S. 1 (1964).

Justices concurring: Warren, C.J., Black, Douglas, Brennan, White, Fortas
Justices dissenting: Harlan, Stewart

592. *Rockefeller v. Wells*, 389 U.S. 421 (1967).

A district court decision holding unconstitutional New York's congressional districting statute is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Warren, C.J., Black, Douglas, Brennan, Stewart, White, Fortas, Marshall
Justice dissenting: Harlan

593. *Zschernig v. Miller*, 389 U.S. 429 (1968).

An Oregon statute that barred an alien from taking personal property intestate unless American citizens had reciprocal rights with alien's country, unless American citizens had right to receive payment within United States from estates of decedents dying in that foreign country, and unless Oregon courts were presented proof that alien heir would receive benefit, use, and control of inheritance without confiscation, was void as an intrusion by state into field of foreign affairs reserved to Federal Government.

Justices concurring: Douglas, Black, Brennan, Stewart, Fortas, Warren, C.J.
Justices concurring specially: Harlan
Justice dissenting: White

594. *Dinis v. Volpe*, 389 U.S. 570 (1968).

A district court decision holding Massachusetts congressional districting statute unconstitutional is summarily affirmed.

595. *Louisiana Financial Assistance Comm'n v. Poindexter*, 389 U.S. 571 (1968).

A district court decision holding unconstitutional a tuition grant statute authorizing payments to children attending private schools as part of an anti-desegregation program is summarily affirmed.

596. *Kirk v. Gong*, 389 U.S. 574 (1968).

A district court decision holding unconstitutional a Florida congressional districting statute is affirmed.

597. *James v. Gilmore*, 389 U.S. 572 (1968).

A district court decision holding unconstitutional a Texas loyalty oath statute is summarily affirmed.

598. *Lee v. Washington*, 390 U.S. 333 (1968).

District court decisions holding that Alabama statutes requiring racial segregation in prisons and jails violate the Equal Protection Clause is summarily affirmed.

599. *Scafati v. Greenfield*, 390 U.S. 713 (1968).

District court decision holding unconstitutional as applied to a prisoner who had been sentenced prior to, but paroled after, enactment of a Massachusetts statute that forbade a prisoner from earning good conduct deductions for the first six months after his reincarceration following violation of parole is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

600. *Levy v. Louisiana*, 391 U.S. 68 (1968).

Louisiana's wrongful death statute creating a right of action in a surviving child or children as interpreted to mean only legitimate child or children denies illegitimate children equal protection of the laws.

Justices concurring: Douglas, Brennan, White, Fortas, Marshall, Warren, C.J.
Justices dissenting: Harlan, Black, Stewart

601. *Glona v. American Guar. & Liab. Ins. Co.*, 391 U.S. 73 (1968).

A Louisiana statute barring wrongful death recovery by parents of illegitimate child but allowing recovery by parent of legitimate child violates equal protection.

602. *Rabeck v. New York*, 391 U.S. 462 (1968).

A provision of New York's obscenity law is unconstitutionally vague.

Justices concurring: Warren, C.J., Black, Douglas, Brennan, Stewart, White, Fortas, Marshall
Justices dissenting: Harlan

603. *Witherspoon v. Illinois*, 391 U.S. 510 (1968).

An Illinois statute, itself no longer in code but held to be incorporated in the general juror challenge statute, that authorizes automatic challenge for cause of any potential juror scrupled against capital punishment in capital cases, is invalid.

Justices concurring: Stewart, Brennan, Fortas, Marshall, Warren, C.J.
Justices concurring specially: Douglas
Justices dissenting: Black, Harlan, White

604. *Williams v. Rhodes*, 393 U.S. 23 (1968).

Series of Ohio election statutes that imposed insurmountable obstacles to the success of independent parties and candidates in obtaining a place on the ballot violate the Equal Protection Clause.

Justices concurring: Black, Douglas, Brennan, Fortas, Marshall
Justices concurring specially: Harlan
Justices dissenting: Warren, C.J., Stewart, White

605. *Louisiana Educ. Comm'n for Needy Children v. Poindexter*, 393 U.S. 17 (1968).

A district court decision holding unconstitutional a Louisiana tuition grant statute as part of an anti-desegregation program is summarily affirmed.

606. *Epperson v. Arkansas*, 393 U.S. 97 (1968).

An Arkansas statute prohibiting the teaching of evolution in public schools of the state violates the First and Fourteenth Amendments.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

607. *WHYY, Inc. v. Borough of Glassboro*, 393 U.S. 117 (1968).

A New Jersey statute providing exemption from property taxes only of those nonprofit corporations chartered in New Jersey denies equal protection to a Pennsylvania corporation qualified to do business in New Jersey.

Justices concurring: Warren, C.J., Douglas, Harlan, Brennan, Stewart, White, Fortas, Marshall
Justice dissenting: Black

608. *South Carolina State Bd. of Educ. v. Brown*, 393 U.S. 222 (1968).

A district court decision holding unconstitutional a South Carolina statute providing for scholarship grants for children attending private schools as part of antidesegregation program is summarily affirmed.

609. *Kirkpatrick v. Preisler*, 394 U.S. 526 (1968).

A Missouri congressional districting statute is unconstitutional because the population deviations from precise mathematical equality among districts were not unavoidable.

Justices concurring: Brennan, Black, Douglas, Marshall, Warren, C.J.
Justice concurring specially: Fortas
Justices dissenting: Harlan, Stewart, White

610. *Accord: Wells v. Rockefeller*, 394 U.S. 542 (1969),voiding New York's congressional districting plan.

611. *Stanley v. Georgia*, 394 U.S. 557 (1969).

A Georgia statute construed to prohibit possession in the home of obscene materials for one's own private and personal use violates First and Fourteenth Amendments.

612. *Street v. New York*, 394 U.S. 576 (1969).

A New York statute insofar as it punishes verbal abuse of the flag violates the First and Fourteenth Amendments.

Five-to-four division of Court not on this issue.

613. *Shapiro v. Thompson*, 394 U.S. 618 (1969).

A Connecticut statute imposing a one-year residency requirement on eligibility for welfare assistance infringes the right to travel and violates the Equal Protection Clause.

Justices concurring: Brennan, Douglas, Fortas, Stewart, White, Marshall
Justices dissenting: Warren, C.J., Black, Harlan

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

614. *Accord: Reynolds v. Smith*, 394 U.S. 618 (1969).

Pennsylvania's one-year residence requirement for eligibility for welfare assistance infringes the right to travel and violates equal protection.

615. *Moore v. Ogilvie*, 394 U.S. 814 (1969).

An Illinois statute requiring independent candidates to present 25,000 signatures, including 200 signatures from each of at least 50 of the state's 200 counties, violates the Equal Protection Clause.

Justices concurring: Douglas, Black, Brennan, White, Fortas, Marshall, Warren, C.J.
Justices dissenting: Stewart, Harlan

616. *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969).

A Wisconsin prejudgment garnishment statute that authorizes freezing a defendant's wages between garnishment and culmination of suit without affording the defendant a hearing violates the Due Process Clause.

Justices concurring: Douglas, Brennan, Stewart, White, Marshall, Warren, C.J.
Justice concurring specially: Harlan
Justice dissenting: Black

617. *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

Ohio's Criminal Syndicalism Statute, which proscribes advocacy of use of force in absence of requirement that such advocacy be directed to inciting or producing imminent lawless action and be likely to incite or produce such action, violates the First and Fourteenth Amendments.

618. *Kramer v. Union Free School Dist.*, 395 U.S. 621 (1969).

A New York statute limiting eligibility to vote in school district elections to persons who own taxable real property in district or who are parents of children enrolled in the local public schools violates the Equal Protection Clause.

Justices concurring: Warren, C.J., Douglas, Brennan, White, Marshall
Justices dissenting: Stewart, Black, Harlan

619. *Cipriano v. City of Houma*, 395 U.S. 701 (1969).

A Louisiana statute limiting eligibility to vote on issuance of municipal utility revenue bonds to property owners violates the Equal Protection Clause.

Justices concurring: Warren, C.J., Douglas, Brennan, White, Marshall
Justices concurring specially: Black, Stewart, Harlan

620. *Turner v. Fouche*, 396 U.S. 346 (1970).

A Georgia statute limiting eligibility for school board membership to property holders violates the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

621. *Wyman v. Bowens*, 397 U.S. 49 (1970).

A district court decision holding unconstitutional a New York statute denying welfare assistance to persons coming into state with the intent to obtain such assistance is summarily affirmed.

622. *Hadley v. Junior College Dist.*, 397 U.S. 50 (1970).

A Missouri statutory scheme for election of trustees of junior college district that allocated trustees to lesser populated districts rather than those of greater populations violated the Equal Protection Clause.

Justices concurring: Black, Douglas, Brennan, White, Marshall
Justices dissenting: Burger, C.J., Harlan, Stewart

623. *In re Winship*, 397 U.S. 358 (1970).

A New York statute providing that proof of acts establishing delinquency of a minor must be by a preponderance of the evidence violates Due Process Clause, which requires proof beyond a reasonable doubt.

Justices concurring: Brennan, Douglas, Harlan, White, Marshall
Justices dissenting: Burger, C.J., Black, Stewart

624. *Baldwin v. New York*, 399 U.S. 66 (1970).

A New York statute providing for trial without jury in New York City of misdemeanors punishable upon conviction with sentences of up to one year violates Sixth and Fourteenth Amendments, which require jury trials when possible sentence is six months or more.

Justices concurring: White, Brennan, Marshall
Justices concurring specially: Black, Douglas
Justices dissenting: Burger, C.J., Harlan, Stewart

625. *City of Phoenix v. Kolodziejski*, 399 U.S. 204 (1970).

Arizona constitutional and statutory provisions that limit eligibility to vote in referendum on issuance of general obligation bonds to property owners violate the Equal Protection Clause.

Justices concurring: White, Black, Douglas, Brennan, Marshall
Justices dissenting: Stewart, Harlan, Burger, C.J.

626. *Williams v. Illinois*, 399 U.S. 235 (1970).

An Illinois statute providing for extension of jail sentences to work off unpaid fine at $5 a day violates the Equal Protection Clause as applied to an indigent convict unable to pay his fine.

627. *Rockefeller v. Socialist Workers Party*, 400 U.S. 806 (1970).

A district court decision holding unconstitutional New York statutory provisions for geographic dispersion of signatures on candidates'

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

petitions and discriminating against independent candidates' ability to obtain signatures in ways absent from major party candidates is summarily affirmed.

628. *Parish School Bd. v. Stewart*, 400 U.S. 884 (1970).

A district court decision holding unconstitutional Louisiana constitutional and statutory provisions limiting eligibility to vote in general obligation bond authorization elections is summarily affirmed.

629. *Bower v. Vaughan*, 400 U.S. 884 (1970).

A district court decision holding unconstitutional Arizona's one-year residency requirement for treatment in state hospital is summarily affirmed.

630. *Rafferty v. McKay*, 400 U.S. 954 (1970).

A district court decision holding unconstitutional a California loyalty oath similar to that condemned in *Baggett v. Bullitt,* 377 U.S. 360 (1964), is summarily affirmed.

631. *Wisconsin v. Constantineau*, 400 U.S. 433 (1971).

A Wisconsin statute providing for "posting" of "excessive" drinkers to bar them from taverns and similar places denies procedural due process by not requiring notice and opportunity to be heard.

632. *Groppi v. Wisconsin*, 400 U.S. 505 (1971).

A Wisconsin statute that categorically precludes a change of venue for trial of misdemeanor cases violates Sixth and Fourteenth Amendments.

Justices concurring: Stewart, Douglas, Harlan, Brennan, White, Marshall
Justices concurring specially: Blackmun, Burger, C.J.
Justice dissenting: Black

633. *Boddie v. Connecticut*, 401 U.S. 371 (1971).

Connecticut's statutory imposition of fees as a prerequisite to obtain judicial dissolution of marriage violates due process as applied to persons unable to pay the fees.

Justices concurring: Harlan, Stewart, White, Marshall, Blackmun
Justices concurring specially: Douglas, Brennan
Justice dissenting: Black

634. *Tate v. Short*, 401 U.S. 395 (1971).

A Texas statute (and ordinance of City of Houston) that provide for imprisonment of persons unable to pay a fine for period calculated at $5 a day violate the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

635. *North Carolina State Bd. of Educ. v. Swann*, 402 U.S. 43 (1971).

An anti-busing law that flatly forbids assignment of any student on account of race and prohibits busing for such purpose is unconstitutional.

636. *Bell v. Burson*, 402 U.S. 535 (1971).

A Georgia statute providing for automatic suspension of driver's license upon involvement in auto accident unless security for amount of damages is posted violates due process in not first affording driver a hearing to establish a reasonable possibility that judgment may be rendered against him as result of accident.

637. *Nyquist v. Lee*, 402 U.S. 935 (1971).

A district court decision holding unconstitutional New York's anti-busing law is summarily affirmed.

638. *Whitcomb v. Chavis*, 403 U.S. 124 (1971).

Legislative apportionment and districting statute of Indiana, though its multimember features are not unconstitutional, provides for too much population inequality and is void.

Justices concurring: White, Black, Douglas, Brennan, Marshall, Blackmun, Burger, C.J.
Justices dissenting: Harlan, Stewart

639. *Connell v. Higginbotham*, 403 U.S. 207 (1971).

A Florida loyalty oath provision that requires a public employee to swear he does not believe in the violent overthrow of the government or be dismissed violates due process by not providing for an inquiry into his reasons for refusing to take the oath.

Justices concurring: Burger, C.J., Black, Harlan, White, Blackmun
Justices concurring specially: Marshall, Douglas, Brennan
Justice dissenting: Stewart

640. *Graham v. Richardson*, 403 U.S. 365 (1971).

An Arizona statute that denies welfare assistance to aliens who have not been in the United States for 15 years violates equal protection and intrudes into the Federal Government's exclusive powers over admission of aliens.

641. *Sailer v. Leger*, 403 U.S. 365 (1971).

A Pennsylvania statute that limits welfare assistance to United States citizens violates equal protection and intrudes into the Federal Government's exclusive powers over admission of aliens.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

642. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

A Pennsylvania statute providing for reimbursement of sectarian schools for expenses of providing certain secular educational services violates the Establishment Clause of the First Amendment as applied to the states through the Fourteenth.

Justices concurring: Burger, C.J., Harlan, Stewart, Blackmun
Justices concurring specially: Black, Douglas, Brennan, Marshall
Justice dissenting: White

643. *Earley v. DiCenso*, 403 U.S. 602 (1971).

A Rhode Island statute providing for salary supplements to be paid to teachers in sectarian schools violates the Establishment Clause.

644. *Accord: Sanders v. Johnson*, 403 U.S. 955 (1971).

A district court decision holding unconstitutional Connecticut Nonpublic School Secular Education Act is affirmed.

645. *Pease v. Hansen*, 404 U.S. 70 (1971).

A Montana durational residency requirement as condition on eligibility to state-financed public assistance is unconstitutional under *Shapiro v. Thompson,* 394 U.S. 618 (1969).

646. *Reed v. Reed*, 404 U.S. 71 (1971).

An Idaho statute giving preference to males over females for appointment as administrator of a decedent's estate violates the Equal Protection Clause.

647. *Dunn v. Rivera*, 404 U.S. 1054 (1972).

A district court decision holding unconstitutional Connecticut one-year residency requirement for eligibility to welfare assistance is summarily affirmed.

648. *Wyman v. Lopez*, 404 U.S. 1055 (1972).

A district court decision holding unconstitutional New York one-year residency requirement for eligibility to welfare assistance is summarily affirmed.

649. *Lindsey v. Normet*, 405 U.S. 56 (1972).

An Oregon statute requiring tenants who wish to appeal housing eviction order to file bond in twice the amount of rent expected to accrue during pendency of appeal violates the Equal Protection Clause.

650. *Bullock v. Carter*, 405 U.S. 134 (1972).

Texas' filing fee system, which imposes on candidates the costs of the primary election operation and affords no alternative opportunity

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

for candidates unable to pay the fees to obtain access to the ballot, violates the Equal Protection Clause.

651. *Dunn v. Blumstein*, 405 U.S. 330 (1972).

Tennessee's one-year residency requirement as a condition of registration to vote burdens right to travel and violates the Equal Protection Clause.

Justices concurring: Marshall, Douglas, Brennan, Stewart, White
Justices concurring specially: Blackmun
Justice dissenting: Burger, C.J.

652. *Caniffe v. Burg*, 405 U.S. 1034 (1972).

A district court decision invalidating a Massachusetts statute that imposes as a condition for registering to vote an additional 6-month state residency requirement on persons who have already resided within the town or district for six months as violating the Equal Protection Clause is summarily affirmed.

653. *Davis v. Kohn*, 405 U.S. 1034 (1972).

A district court decision invalidating, as impermissibly burdening the right to vote and the right to travel, a Vermont one-year residency requirement for voting, is summarily affirmed.

654. *Cody v. Andrews*, 405 U.S. 1034 (1972).

A district court decision invalidating on equal protection grounds a North Carolina one-year residency requirement for voting is summarily affirmed.

655. *Donovan v. Keppel*, 405 U.S. 1034 (1972).

A district court decision invalidating on equal protection grounds a Minnesota six-month residency requirement for voting is summarily affirmed.

656. *Whitcomb v. Affeldt*, 405 U.S. 1034 (1972).

A district court decision invalidating as burdening the right to vote and violating equal protection an Indiana six-month residency requirement for voting is summarily affirmed.

657. *Amos v. Hadnott*, 405 U.S. 1035 (1972).

A district court decision invalidating on equal protection grounds Alabama's six-month county residency requirement and three-month precinct residency requirement for voting is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

658. *Virginia State Bd. of Elections v. Bufford*, 405 U.S. 1035 (1972).

A district court decision holding that Virginia's one-year residency requirement for voting violates equal protection is summarily affirmed.

659. *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

A Massachusetts statute making it a crime to dispense any contraceptive article to an unmarried person, except to prevent disease, is unconstitutional.

Justices concurring: Brennan, Douglas, Stewart, Marshall
Justices concurring specially: White, Blackmun
Justice dissenting: Burger, C.J.

660. *Gooding v. Wilson*, 405 U.S. 518 (1972).

A Georgia statute making it a crime to use language of or to another tending to cause a breach of the peace, which is not limited to "fighting words," is unconstitutionally vague and overbroad.

Justices concurring: Brennan, Douglas, Stewart, White, Marshall
Justices dissenting: Blackmun, Burger, C.J.

661. *Stanley v. Illinois*, 405 U.S. 645 (1972).

An Illinois statute that presumes without a hearing the unfitness of the father of illegitimate children to have custody upon death or disqualification of the mother denies him due process and equal protection.

Justices concurring: White, Douglas, Brennan, Stewart, Marshall
Justices dissenting: Burger, C.J., Blackmun

662. *Weber v. Aetna Casualty & Surety Co.*, 406 U.S. 164 (1972).

A Louisiana workmen's compensation statute, which relegates unacknowledged illegitimate children to a status inferior to legitimate and acknowledged illegitimate children, violates the Equal Protection Clause.

Justices concurring: Powell, Douglas, Brennan, Stewart, White, Marshall, Burger, C.J.
Justices concurring specially: Blackmun
Justice dissenting: Rehnquist

663. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

Wisconsin's compulsory school attendance law, insofar as it does not exempt Amish children from coverage following completion of the eighth grade, violates the Free Exercise Clause of the First Amendment, applicable via the Fourteenth Amendment.

Justices concurring: Burger, C.J., Brennan, Stewart, White, Marshall, Blackmun, (in part) Douglas

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting (in part): Douglas

664. *Brooks v. Tennessee*, 406 U.S. 605 (1972).

A Tennessee statute that requires a criminal defendant if he is going to testify to do so before any other witness for him violates the Fifth, Sixth, and Fourteenth Amendments.

Justices concurring: Brennan, Douglas, White, Marshall, Powell
Justice concurring specially: Stewart
Justices dissenting: Burger, C.J., Blackmun, Rehnquist

665. *Jackson v. Indiana*, 406 U.S. 715 (1972).

Indiana's pretrial commitment procedure for allegedly incompetent defendants, which provides more lenient standards for commitment than the procedure for those persons not charged with any offense, and more stringent standards for release, violates both due process and equal protection.

666. *James v. Strange*, 407 U.S. 128 (1972).

A Kansas statute enabling the state to recover in subsequent civil proceedings legal defense fees for indigent defendants violates the Equal Protection Clause because it dispenses with the protective exemptions that state law erected for other civil judgment debtors.

667. *Fuentes v. Shevin*, 407 U.S. 67 (1972).

Florida's replevin statutes, which permit installment sellers or other persons alleging entitlement to property to cause the seizure of the property without any notice or opportunity to be heard on the issues, violate the Due Process Clause.

Justices concurring: Stewart, Douglas, Brennan, Marshall
Justices dissenting: White, Blackmun, Burger, C.J.

668. *Parham v. Cortese*, 407 U.S. 67 (1972). *Pennsylvania's replevin statute, which permits installment sellers to cause the seizure of property without affording notice or opportunity to contest to the persons possessing the property, violates the Due Process Clause.* Same division of Justices as Fuentes v. Shevin.

669. *State Dep't of Health & Rehab. Servs. v. Zarate,*407 U.S. 918 (1972).

A district court decision holding unconstitutional under the Equal Protection Clause Florida's denial of welfare assistance to noncitizens is summarily affirmed.

670. *United States v. Scotland Neck City Bd. of Educ.*, 407 U.S. 484 (1972).

A North Carolina statute that authorized the creation of a new school district in a city that was part of a larger county school system

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

is void because its effect would be to impede the dismantling of the dual school system by affording a refuge to white students fleeing desegregation.

671. *Furman v. Georgia*, 408 U.S. 238 (1972).

Statutory imposition of capital punishment upon criminal conviction either at discretion of jury or of the trial judge may not be carried out. Georgia's statute in the view of two Justices is unconstitutional because the death penalty is cruel and unusual punishment per se, in violation of the Eighth and Fourteenth Amendments, while in the view of three Justices the statute is unconstitutional as applied because of the discriminatory or arbitrary manner in which death is imposed upon convicted defendants in violation of the Eighth and Fourteenth Amendments.

Justices concurring specially: Douglas, Brennan, Stewart, White, Marshall
Justices dissenting: Burger, C.J., Blackmun, Powell, Rehnquist

672. *Texas Bd. of Barber Examiners v. Bolton*, 409 U.S. 807 (1972).

A district court decision holding invalid under the Equal Protection Clause Texas statutes prohibiting licensed cosmetologists from working with male customers and prohibiting licensed barbers from working with female customers is summarily affirmed.

673. *Essex v. Wolman*, 409 U.S. 808 (1972).

A district court decision holding void under the Establishment Clause of the First Amendment an Ohio statute providing a reimbursement grant to parents of children attending nonpublic schools is summarily affirmed.

674. *Robinson v. Hanrahan*, 409 U.S. 38 (1972).

An Illinois statute providing for mailing of vehicle forfeiture proceeding notification to the home address of a vehicle owner is unconstitutional as applied to person known to the state to be incarcerated and not at home.

675. *Amos v. Sims*, 409 U.S. 942 (1972).

A district court decision holding unconstitutional an Alabama legislative apportionment law is summarily affirmed.

676. *Fugate v. Potomac Electric Power Co.*, 409 U.S. 942 (1972).

A district court decision holding invalid under the Equal Protection Clause a Virginia statute allowing reimbursement to utilities required by interstate highway construction to relocate their lines in cit-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

ies and towns but denying reimbursement to utilities required by interstate highway construction to relocate lines in counties is summarily affirmed.

677. *Ward v. Village of Monroeville*, 409 U.S. 57 (1972).

An Ohio statute authorizing trial for certain ordinance violations and traffic offenses before mayor responsible for village finances when the fines, forfeitures, costs, and fees imposed in the mayor's courts provided a substantial portion of village funds denied defendants opportunity for trial before an impartial and disinterested tribunal.

Justices concurring: Brennan, Douglas, Stewart, Marshall, Blackmun, Powell, Burger, C.J.
Justices dissenting: White, Rehnquist

678. *Evco v. Jones*, 409 U.S. 91 (1972).

New Mexico's gross receipts tax is unconstitutionally applied to proceeds from transactions whereby material is produced in state under contract for delivery to out-of-state clients because it impermissibly burdens interstate commerce.

679. *Georges v. McClellan*, 409 U.S. 1120 (1973).

A district court decision holding unconstitutional under the Due Process Clause a Rhode Island prejudgment attachment statute is summarily affirmed.

680. *Gomez v. Perez*, 409 U.S. 535 (1973).

A Texas law denying right of enforced paternal support to illegitimate children while granting it to legitimate children violates the Equal Protection Clause.

681. *Roe v. Wade*, 410 U.S. 113 (1973).

A Texas statute making it a crime to procure or to attempt to procure an abortion except on medical advice to save the life of the mother infringes upon a woman's right of privacy protected by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Blackmun, Douglas, Brennan, Stewart, Marshall, Powell, Burger, C.J.
Justices dissenting: White, Rehnquist

682. *Doe v. Bolton*, 410 U.S. 179 (1973).

A Georgia statute permitting abortions under prescribed circumstances nevertheless invalidly imposed a number of procedural limitations: that the abortion be performed in an accredited hospital, be approved by a staff committee and two licensed physicians other than woman's own doctor, and be available only to residents.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Blackmun, Douglas, Brennan, Stewart, Marshall, Powell, Burger, C.J.

Justices dissenting: White, Rehnquist

683. *Mahan v. Howell*, 410 U.S. 315 (1973).

A portion of a Virginia apportionment statute assigning large numbers of naval personnel to actual location of station when evidence showed substantial numbers resided in surrounding areas distorted population balance of districts and was void.

684. *Whitcomb v. Communist Party of Indiana*, 410 U.S. 976 (1973).

A district court decision holding invalid under the First and Fourteenth Amendments an Indiana statute requiring political party to submit oath that party has no relationship to a foreign government as a condition of ballot access is summarily affirmed.

685. *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973).

A New Mexico use tax may not constitutionally be applied on personal property that an Indian tribe purchased out-of-state and installed as a permanent improvement on an off-reservation ski resort owned and operated by tribe.

686. *McClanahan v. Arizona Tax Comm'n*, 411 U.S. 164 (1973).

Arizona's income tax is invalidly applied to Navajo Indian residing on reservation and whose income is wholly derived from reservation sources.

687. *New Jersey Welfare Rights Org. v. Cahill*, 411 U.S. 619 (1973).

A New Jersey statute denying assistance to families in which parents are not ceremonially married denies equal protection to children in such families.

Justices concurring: Douglas, Brennan, Stewart, White, Marshall, Blackmun, Powell, Burger, C.J.

Justice dissenting: Rehnquist

688. *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

A Wisconsin statute as interpreted to permit revocation of parole without a hearing denies due process of law.

689. *Parker v. Levy*, 411 U.S. 978 (1973).

A district court decision voiding as an arbitrary denial of equal protection Louisiana's constitutional provision and statute distributing a property relief fund among political subdivisions is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

690. *Miller v. Gomez*, 412 U.S. 914 (1973).

A district court decision holding a denial of equal protection a New York statute denying a jury trial on the issue of dangerousness to persons being committed to hospitals for the criminally insane after a felony indictment but before trial is summarily affirmed.

691. *Vlandis v. Kline*, 412 U.S. 441 (1973).

A Connecticut statute creating an irrebuttable presumption that a student from out-of-state at the time he applied to a state college remained a nonresident for tuition purposes for his entire student career violated the Due Process Clause.

Justices concurring: Stewart, Brennan, Marshall, Blackmun, Powell
Justice concurring specially: White
Justices dissenting: Burger, C.J., Rehnquist, Douglas

692. *Wardius v. Oregon*, 412 U.S. 470 (1973).

An Oregon statute requiring a defendant to give pretrial notice of alibi defense and names of supporting witnesses but denying the defendant any reciprocal right of discovery of rebuttal evidence denies him due process of law.

693. *White v. Regester*, 412 U.S. 755 (1973).

The establishment of multimember legislative districts in certain Texas urban areas in the context of pervasive electoral discrimination against blacks and Mexican-Americans denied equal protection of laws.

694. *White v. Weiser*, 412 U.S. 783 (1973).

Texas' congressional districting law creates districts with too great a population disparity and is void under the Equal Protection Clause.

695. *Levitt v. Committee for Public Educ. & Religious Liberty*, 413 U.S. 472 (1973).

A New York statute to reimburse nonpublic schools for administrative expenses incurred in carrying out state-mandated examination and record-keeping requirements, but requiring no accounting and separating of religious and nonreligious uses, violates the Establishment Clause.

Justices concurring: Burger, C.J., Stewart, Blackmun, Powell, Rehnquist
Justices concurring specially: Douglas, Brennan, Marshall
Justice dissenting: White

696. *Sugarman v. Dougall*, 413 U.S. 634 (1973).

A New York statute providing that only United States citizens may hold permanent positions in competitive civil service violates the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Blackmun, Douglas, Brennan, Stewart, White, Marshall, Powell, Burger, C.J.
Justice dissenting: Rehnquist

697. *Committee for Pub. Educ. and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973).

New York education and tax laws providing grants to nonpublic schools for maintenance and repairs of facilities and providing tuition reimbursements and income tax benefits to parents of children attending nonpublic schools violate the Establishment Clause.

Justices concurring: Powell, Douglas, Brennan, Stewart, Marshall, Blackmun
Justices concurring and dissenting: Burger, C.J., Rehnquist
Justice dissenting: White

698. *Sloan v. Lemon*, 413 U.S. 825 (1973).

A Pennsylvania statute providing for reimbursement of parents for portion of tuition expenses in sending children to nonpublic schools violates the Establishment Clause.

Justices concurring: Powell, Douglas, Brennan, Stewart, Marshall, Blackmun
Justices dissenting: White, Rehnquist, Burger, C.J.

699. *Grit v. Wolman*, 413 U.S. 901 (1973).

N Ohio statute granting tax credits to parents of private school children violates the Establishment Clause.

700. *Stevenson v. West*, 413 U.S. 902 (1973).

South Carolina's legislative apportionment statute is invalid.

701. *Nelson v. Miranda*, 413 U.S. 902 (1973).

Arizona constitutional and statutory provisions denying public employment to aliens violate the Equal Protection Clause.

702. *Texas v. Pruett*, 414 U.S. 802 (1973).

A federal court decision that a Texas statutory system that denies good time credit to convicted felons in jail pending appeal but allows good time credit to incarcerated nonappealing felons unconstitutionally burdens the right of appeal is summarily affirmed.

703. *Kusper v. Pontikes*, 414 U.S. 51 (1973).

An Illinois statute prohibiting anyone who has voted in one party's primary election from voting in another party's primary election for at least 23 months violates the First and Fourteenth Amendments.

Justices concurring: Stewart, Douglas, White, Marshall, Powell
Justice concurring specially: Burger, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Blackmun, Rehnquist

704. *Lefkowitz v. Turley*, 414 U.S. 70 (1973).

A New York statute providing for cancellation of public contracts and disqualification of contractors from doing business with the state for refusal to waive immunity from prosecution and to testify concerning state contracts violates the Fifth Amendment privilege against self-incrimination.

705. *Danforth v. Rodgers*, 414 U.S. 1035 (1973).

A district court decision invalidating an Missouri abortion statute is summarily affirmed.

706. *Communist Party of Indiana v. Whitcomb*, 414 U.S. 441 (1974).

An Indiana statute prescribing a loyalty oath as a qualification for access to the ballot violates the First and Fourteenth Amendments.

707. *O'Brien v. Skinner*, 414 U.S. 524 (1974).

New York election law that permits persons incarcerated outside their county of residence while awaiting trial to register and vote absentee, but denying absentee privilege to persons incarcerated in their county of residence, denies equal protection.

Justices concurring: Burger, C.J., Douglas, Brennan, Stewart, White, Marshall, Powell
Justices dissenting: Blackmun, Rehnquist

708. *Wallace v. Sims*, 415 U.S. 902 (1974).

A district court decision holding invalid Alabama's legislative apportionment statute is summarily affirmed.

709. *Memorial Hospital v. Maricopa County*, 415 U.S. 250 (1974).

An Arizona statute imposing a one-year county residency requirement for indigents' eligibility for nonemergency medical care at state expense infringes the upon right to travel and violates the Equal Protection Clause.

Justices concurring: Marshall, Brennan, Stewart, White, Powell
Justices concurring specially: Douglas, Blackmun, Burger, C.J.
Justice dissenting: Rehnquist

710. *Davis v. Alaska*, 415 U.S. 308 (1974).

An Alaska statute protecting anonymity of juvenile offenders, as applied to prohibit cross-examination of a prosecution witness for possible bias, violates the Confrontation Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Burger, C.J., Douglas, Brennan, Stewart, Marshall, Blackmun, Powell
Justices dissenting: White, Rehnquist

711. *Smith v. Goguen*, 415 U.S. 566 (1974).

A Massachusetts statute punishing anyone who treats the flag "contemptuously" without anchoring the proscription to specified conduct and modes is unconstitutionally vague.

Justices concurring: Powell, Douglas, Brennan, Stewart, Marshall
Justice concurring specially: White
Justices dissenting: Blackmun, Rehnquist, Burger, C.J.

712. *Lubin v. Panish*, 415 U.S. 709 (1974).

A California statute imposing a filing fee as the only means to get on the ballot denied indigents equal protection.

713. *Schwegmann Bros. Giant Super Markets v. Louisiana Milk Comm'n*, 416 U.S. 922 (1974).

A district court decision holding invalid as a burden on interstate commerce a Louisiana statute construed to permit a commission to regulate prices at which dairy products are sold outside the state to Louisiana retailers is affirmed.

714. *Indiana Real Estate Comm'n v. Satoskar*, 417 U.S. 938 (1974).

A district court decision invalidating an Indiana statute limiting real estate dealer licenses to citizens is summarily affirmed.

715. *Marburger v. Public Funds for Public Schools*, 417 U.S. (1974).

District court decisions invalidating under the Establishment Clause New Jersey laws providing reimbursement to parents of nonpublic school children for textbooks and other materials are summarily affirmed.

716. *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241 (1974).

A Florida statute compelling newspapers to publish free replies by political candidates criticized by newspapers violates the First Amendment.

717. *Spence v. Washington*, 418 U.S. 405 (1974).

A Washington State statute prohibiting "improper use" of flag or display of the flag with any emblem superimposed on it was invalidly applied to a person who taped a peace symbol on the flag in a way so as not to damage it and who then displayed it upside down from his own property.

Justices concurring: Brennan, Stewart, Marshall, Powell
Justices concurring specially: Douglas, Blackmun

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Rehnquist, White, Burger, C.J.

718. *Cahn v. Long Island Vietnam Moratorium Comm.*, 418 U.S. 906 (1974).

An appellate court decision holding invalid on its face a New York statute restricting display of the American flag, and prohibiting superimposition of symbols on a flag, is summarily affirmed.

719. *Franchise Tax Board v. United Americans*, 419 U.S. 890 (1974).

A district court decision striking down under First Amendment a California statute providing state income-tax reductions for taxpayers sending their children to nonpublic schools is summarily affirmed.

Justices concurring: Brennan, Douglas, Stewart, Marshall, Blackmun, Powell
Justices dissenting: White, Rehnquist, Burger, C.J.

720. *Taylor v. Louisiana*, 419 U.S. 522 (1975).

Constitutional and statutory provisions that a woman should not be selected for jury service unless she had previously filed a written declaration of her desire to be subject to jury service violates the Sixth Amendment right of defendants to be tried before juries composed of a representative cross section of the community.

Justices concurring: White, Douglas, Brennan, Stewart, Marshall, Blackmun, Powell
Justice concurring specially: Burger, C.J.
Justice dissenting: Rehnquist

721. *North Georgia Finishing v. Di-Chem*, 419 U.S. 601 (1975).

Georgia statutes permitting a writ of garnishment to be issued in pending suits on the conclusory affidavit of plaintiff, prescribing filing of a bond as the only method of dissolving the writ, which deprives defendant of the use of the property pending the litigation, and making no provision for an early hearing, violates Fourteenth Amendment's Due Process Clause.

Justices concurring: White, Douglas, Brennan, Stewart, Marshall
Justice concurring specially: Powell
Justices dissenting: Blackmun, Rehnquist, Burger, C.J.

722. *Goss v. Lopez*, 419 U.S. 565 (1975).

An Ohio statute authorizing suspension without a hearing of public school students for up to 10 days for misconduct denies students procedural due process in violation of the Fourteenth Amendment.

Justices concurring: White, Douglas, Brennan, Stewart, Marshall
Justices dissenting: Powell, Blackmun, Rehnquist, Burger, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

723. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975).

A Georgia statute making it a misdemeanor to publish or broadcast the name of a rape victim may not be applied to such publishing or broadcasting when the name is part of a public record; consistent with the First Amendment, publication of such public record information is absolutely privileged.

724. *Austin v. New Hampshire*, 420 U.S. 656 (1975).

A New Hampshire commuters income tax imposed on nonresidents violates the Privileges and Immunities Clause, Art. IV. § 2, cl. 1, because the state imposed no income tax on its residents' domestic income and exempted from tax income earned by its residents outside the state, which meant that the tax fell exclusively on nonresidents and was not offset even approximately by other taxes imposed upon residents alone.

Justices concurring: Marshall, Brennan, Stewart, White, Powell, Rehnquist, Burger, C.J.
Justice dissenting: Blackmun

725. *Stanton v. Stanton*, 421 U.S. 7 (1975).

Utah's age of majority statute applied in the context of child support requirements obligating parental support of a son to age 21 but a daughter only to age 18 is an invalid gender classification under the Equal Protection Clause of the Fourteenth Amendment.

726. *Hill v. Stone*, 421 U.S. 289 (1975).

Texas constitution and statutes and city charter limiting the right to vote in city bond issue elections to persons who have listed property for taxation in the election district in the year of the election violates the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell
Justices dissenting: Rehnquist, Stewart, Burger, C.J.

727. *Meek v. Pittenger*, 421 U.S. 349 (1975) (subsequently overruled).

Pennsylvania laws authorizing direct provision to nonpublic school children of "auxiliary services", *i.e.*, counseling, testing, speech and hearing therapy, etc., and loans to the nonpublic schools for instructional material and equipment, constitute unlawful assistance to religion in violation of the First Amendment.

Justices concurring: Stewart, Douglas, Brennan, Marshall, Blackmun, Powell
Justices dissenting: Burger, C.J., Rehnquist

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

728. *Bigelow v. Virginia*, 421 U.S. 809 (1975).

A Virginia statute making it a misdemeanor, by sale or circulation of any publication, to encourage or prompt the procuring of an abortion, as applied to the editor of a weekly newspaper who published an advertisement of an out-of-state abortion, violates the First Amendment.

Justices concurring: Blackmun, Douglas, Brennan, Stewart, Marshall, Powell, Burger, C.J.
Justices dissenting: Rehnquist, White

729. *Herring v. New York*, 422 U.S. 853 (1975).

A New York statute granting the trial judge in a nonjury criminal case the power to deny counsel the opportunity to make a summation of the evidence before the rendition of judgment violates the Sixth Amendment.

Justices concurring: Stewart, Douglas, Brennan, White, Marshall, Powell
Justices dissenting: Rehnquist, Blackmun, Burger, C.J.

730. *Turner v. Department of Employment Security*, 423 U.S. 44 (1975).

A Utah statute making pregnant women ineligible for unemployment compensation for a period extending from 12 weeks before expected childbirth until six weeks following violates the Fourteenth Amendment's Due Process Clause.

Justices concurring: Brennan, Stewart, White, Marshall, Powell
Justices dissenting: Rehnquist, Blackmun, Burger (from summary action only), C.J.

731. *Schwartz v. Vanasco*, 423 U.S. 1041 (1976).

A district court decision invalidating as overbroad under the First Amendment New York law prohibiting attacks on candidate based on race, sex, religion, or ethnic background and prohibiting misrepresentations of candidate's qualifications, positions, or political affiliation is summarily affirmed.

732. *Tucker v. Salera*, 424 U.S. 959 (1976).

A district court decision voiding a Pennsylvania election law provision requiring that candidates of "political bodies" collect nominating petition signatures between the 10th and 7th Wednesdays prior to primary election and file them no later than the 7th Wednesday prior to primary, insofar as it disqualifies papers signed after the 7th Wednesday, is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

733. *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976).

A state statute declaring it unprofessional conduct for a licensed pharmacist to advertise the price of prescription drugs violates the First Amendment right of citizens to receive such information.

Justices concurring: Blackmun, Brennan, Stewart, White, Marshall, Powell
Justice concurring specially: Burger, C.J.
Justice dissenting: Rehnquist

734. *California State Bd. of Pharmacy v. Terry*, 426 U.S. 913 (1976).

A district court decision holding to violate the First Amendment a California statute prohibiting the advertisement of the retail price of prescription drugs and prohibiting representation that price is a discount price, is summarily affirmed.

735. *Bryan v. Itasca County*, 426 U.S. 373 (1976).

Minnesota laws imposing personal property taxes cannot under the Supremacy Clause be constitutionally applied to an Indian's mobile home located on the reservation.

736. *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976).

Missouri's abortion law that required, *inter alia*, spousal and parental consent before an abortion could be performed in appropriate circumstances, and that proscribed the saline amniocentesis abortion procedure after the first 12 weeks of pregnancy, was an unconstitutional infringement upon the liberty of pregnant women who wished to terminate their pregnancies.

Justices concurring: Blackmun, Brennan, Stewart, Marshall, Powell
Justice dissenting: Stevens (on parental consent)
Justices dissenting: White, Rehnquist, Burger, C.J.

737. *Gerstein v. Coe*, 428 U.S. 901 (1976).

An appellate court decision invalidating the parental and spousal consent requirements of Florida's abortion statute is summarily affirmed on the basis of *Planned Parenthood v. Danforth*.

738. *Woodson v. North Carolina*, 428 U.S. 280 (1976).

A North Carolina statute making the death penalty mandatory upon conviction of first-degree murder violates the Eighth Amendment, because determination to impose death must be individualized.

Justices concurring: Stewart, Powell, Stevens
Justices concurring specially: Brennan, Marshall
Justices dissenting: Rehnquist, Blackmun, White, Burger, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

739. *Roberts v. Louisiana*, 428 U.S. 325 (1976).

A Louisiana statute making the death penalty mandatory upon conviction of first-degree murder violates the Eighth Amendment.

740. *Williams v. Oklahoma*, 428 U.S. 907 (1976).

Oklahoma's death penalty statute violates the Eighth Amendment for the same reasons that North Carolina's and Louisiana's were held invalid in *Woodson* and *Roberts, supra*.

741. *Sendak v. Arnold*, 429 U.S. 968 (1976).

An Indiana statute requiring all abortions, including those during first trimester of pregnancy, to be performed in a hospital or licensed health facility was held unconstitutional by the district court and decision is summarily affirmed.

Justices concurring: Brennan, Stewart, Marshall, Blackmun, Powell, Stevens
Justices dissenting: White, Rehnquist, Burger, C.J.

742. *Exon v. McCarthy*, 429 U.S. 972 (1976).

A district court holding that a Nebraska statutory scheme that fails to provide a method by which independent candidates for President may appear on ballot other than through certification by political party violates the First and Fourteenth Amendments is summarily affirmed.

743. *Craig v. Boren*, 429 U.S. 190 (1976).

Oklahoma's statutory prohibition of sale of "nonintoxicating" 3.2% beer to males under 21 and to females under 18 constituted an impermissible gender-based classification that denied equal protection to males 18–20.

Justices concurring: Brennan, White, Marshall, Blackmun, Powell, Stevens
Justice concurring specially: Stewart
Justices dissenting: Burger, C.J., Rehnquist

744. *Lefkowitz v. C.D.R. Enterprises*, 429 U.S. 1031 (1977).

A district court decision holding invalid as a discrimination against aliens a New York law granting public works employment preference to citizens who have resided in state for at least 12 months is summarily affirmed.

745. *Boston Stock Exchange v. State Tax Comm'n*, 429 U.S. 318 (1977).

A New York transfer tax on securities transactions structured so that transactions involving an out-of-state sale are taxed more heavily than most transactions involving a sale within the state discriminates against interstate commerce in violation of the Commerce Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

746. *Guste v. Weeks*, 429 U.S. 1056 (1977).

A district court decision voiding a Louisiana statute that effectively forbade abortions, that prohibited publicizing availability of abortion services, that required spousal or parental consent, and that forbade state employees to recommend abortions, is summarily affirmed.

747. *Bowen v. Women's Services*, 429 U.S. 1067 (1977).

A district court decision invalidating Indiana's parental consent requirement for abortion upon minor during first 12 weeks of pregnancy is summarily affirmed.

748. *Wooley v. Maynard*, 430 U.S. 705 (1977).

A New Hampshire requirement that state license plates bear the motto "Live Free or Die" and making it a misdemeanor to obscure the motto coerces dissemination of an ideological message by person on his own property and violates First Amendment.

Justices concurring: Burger, C.J., Brennan, Stewart, White, Marshall, Powell, Stevens
Justices dissenting: Rehnquist, Blackmun

749. *Trimble v. Gordon*, 430 U.S. 762 (1977).

An Illinois law allowing illegitimate children to inherit by intestate succession only from their mothers while legitimate children may take from both parents denies illegitimates the equal protection of the laws.

Justices concurring: Powell, Brennan, White, Marshall, Stevens
Justices dissenting: Burger, C.J., Stewart, Blackmun, Rehnquist

750. *United States Trust Co. v. New Jersey*, 431 U.S. 1 (1977).

Retroactive repeal of a New Jersey statutory covenant under which bonds had been sold by the Port Authority, the covenant having limited the authority's ability to subsidize rail passenger transportation from revenues and reserves pledged as security for the bonds, impaired the obligations of the contract in violation of Article I, § 10, cl. 1

Justices concurring: Blackmun, Rehnquist, Stevens, Burger, C.J.
Justices dissenting: Brennan, White, Marshall

751. *Chappelle v. Greater Baton Rouge Airport Dist.*, 431 U.S. 159 (1977).

Louisiana's statutory qualification of ownership of assessed property in a jurisdiction in which an airport is located as condition of appointment to the airport commission is invalid.

Justices concurring: Burger, C.J., Brennan, Stewart, White, Marshall, Blackmun, Powell, Stevens

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice dissenting: Rehnquist

752. *Roberts v. Louisiana*, 431 U.S. 633 (1977).

A Louisiana statute imposing a mandatory death sentence upon one convicted of first-degree murder of police officer engaged in performance of his duties violates the Eighth Amendment.

Justices concurring: Stewart, Powell, Stevens
Justices concurring specially: Brennan, Marshall
Justices dissenting: Burger, C.J., Blackmun, White, Rehnquist

753. *Carey v. Population Services Int'l*, 431 U.S. 678 (1977).

A New York law making it a crime (1) for any person to sell or distribute contraceptives to minors under 16, (2) for anyone other than a licensed pharmacist to distribute contraceptives to persons 16 or over, and (3) for anyone to advertise or display contraceptives, violates First and Fourteenth Amendments.

Justices concurring: Brennan, Stewart, Marshall, Blackmun
Justices concurring specially: White, Powell, Stevens
Justices dissenting: Burger, C.J., Rehnquist

754. *Lefkowitz v. Cunningham*, 431 U.S. 801 (1977).

A New York statute automatically removing from office and disqualifying from any office for the next five years any political party officer who refuses to testify or to waive immunity against subsequent criminal prosecution when subpoenaed before an authorized tribunal violates Fifth Amendment self-incrimination clause.

Justices concurring: Burger, C.J., Stewart, White, Blackmun, Powell
Justices concurring specially: Brennan, Marshall
Justice dissenting: Stevens

755. *Nyquist v. Mauclet*, 432 U.S. 1 (1977).

A New York statute barring from access to state financial assistance for higher education aliens who have not either applied for citizenship or affirmed the intent to apply when they qualify violates the Equal Protection Clause.

Justices concurring: Blackmun, Brennan, White, Marshall, Stevens
Justices dissenting: Burger, C.J., Powell, Stewart, Rehnquist

756. *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333 (1977).

A Washington statute requiring that all apples sold or shipped into the state in closed containers be identified by no grade on containers other than an applicable federal grade or a designation that apples are ungraded violates the Commerce Clause by burdening and discriminating against interstate sale of apples.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

757. *Wolman v. Walter*, 433 U.S. 229 (1977) (subsequently overruled).

Ohio's loan of instructional material and equipment to nonpublic religious schools and transportation and services for field trips for nonpublic school pupils violates the First Amendment religion clauses.

Justices concurring: Blackmun, Brennan, Stewart, Marshall, Stevens
Justices dissenting: Burger, C.J., White, Rehnquist, Powell (as to field trips only)

758. *Shaffer v. Heitner*, 433 U.S. 186 (1977).

A Delaware statute authorizing a court of the state to take jurisdiction of a lawsuit by sequestering property of a defendant that happens to be located in state violates the Due Process Clause because it permits state courts to exercise jurisdiction in the absence of sufficient contacts among defendant, litigation, and state.

759. *Jernigan v. Lendall*, 433 U.S. 901 (1977).

A district court decision invalidating an Arkansas law that requires independent candidates for office to file for office no later than first Tuesday in April is summarily affirmed.

760. *Coker v. Georgia*, 433 U.S. 584 (1977).

A Georgia statute authorizing the death penalty as punishment for rape violates the Eighth Amendment.

Justices concurring: White, Stewart, Blackmun, Stevens
Justices concurring specially: Brennan, Marshall, Powell
Justices dissenting: Burger, C.J., Rehnquist

761. *New York v. Cathedral Academy*, 434 U.S. 125 (1977).

New York's authorization for reimbursement to nonpublic schools for performance of certain state-mandated services for the remainder of school year to replace a reimbursement program declared unconstitutional also violates First Amendment religion clause.

Justices concurring: Stewart, Brennan, Marshall, Blackmun, Powell, Stevens
Justices dissenting: White, Rehnquist, Burger, C.J.

762. *Zablocki v. Redhail*, 434 U.S. 374 (1978).

A Wisconsin statute that requires court permission to marry for any resident having minor children in his custody and who is under a court order to support and that conditions permission on a showing that the support obligation has been met and that the children are not and are not likely to become public charges, violates Equal Protection Clause.

Justices concurring: Marshall, Brennan, White, Blackmun, Burger, C.J.
Justices concurring specially: Stewart, Powell, Stevens

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice dissenting: Rehnquist

763. *Ballew v. Georgia*, 435 U.S. 223 (1978).

A Georgia statute directing certain trials in criminal cases to be before five-person juries unconstitutionally impairs the right to trial by jury.

764. *McDaniel v. Paty*, 435 U.S. 618 (1978).

Tennessee's statutory qualification for delegates to state constitutional conventions, which incorporates a constitutional ban on ministers or priests serving as members of the legislature, violates the Free Exercise Clause.

765. *First Nat'l Bank v. Bellotti*, 435 U.S. 765 (1978).

A Massachusetts criminal statute that banned banks and business corporations from making expenditures to influence referendum votes on any questions not affecting the property, business, or assets of the corporation violated the First Amendment.

Justices concurring: Powell, Stewart, Blackmun, Stevens, Burger, C.J.
Justices dissenting: White, Brennan, Marshall, Rehnquist

766. *Landmark Communications v. Virginia*, 435 U.S. 829 (1978).

A Virginia statute making it a misdemeanor to divulge information regarding proceedings before a state judicial review commission cannot constitutionally be applied to persons who are not parties before the commission.

767. *Hicklin v. Orbeck*, 437 U.S. 518 (1978).

An "Alaska Hire" statute mandating that state residents be preferred to nonresidents in employment on oil and gas pipeline work violates Article IV, § 2, the Privileges and Immunities Clause.

768. *City of Philadelphia v. New Jersey*, 437 U.S. 617 (1978).

A New Jersey law prohibiting importation into the state for disposal at landfills of solid or liquid waste violates the Commerce Clause.

Justices concurring: Stewart, Brennan, White, Marshall, Blackmun, Powell, Stevens
Justices dissenting: Rehnquist, Burger, C.J.

769. *Allied Structural Steel Co. v. Spannaus*, 438 U.S. 234 (1978).

Minnesota's statutory imposition on existing negotiated collective bargaining agreements of different terms respecting pensions impaired the employer's rights under the Contracts Clause.

Justices concurring: Stewart, Powell, Rehnquist, Stevens, Burger, C.J.
Justices dissenting: Brennan, White, Marshall

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

770. *Lockett v. Ohio*, 438 U.S. 586 (1978).

An Ohio statute authorizing imposition of death penalty upon conviction of first-degree murder unconstitutionally restricted consideration of mitigating factors by the sentencing party.

Justices concurring: Burger, C.J., Stewart, Powell, Stevens
Justices concurring specially: White, Marshall, Blackmun
Justices dissenting: Rehnquist

771. *Duren v. Missouri*, 439 U.S. 357 (1979).

A Missouri statute, implementing a constitutional provision, which provides for the excusal of any women requesting exemption from jury service, operates to violate the fair cross section requirement of Sixth and Fourteenth Amendments because of the under representation of women jurors that results.

Justices concurring: White, Brennan, Stewart, Marshall, Blackmun, Powell, Stevens, Burger, C.J.
Justice dissenting: Rehnquist

772. *Colautti v. Franklin*, 439 U.S. 379 (1979).

Provisions of a Pennsylvania abortion law that require the physician to make a determination that the fetus is not viable and if it is viable to exercise the same care to preserve the fetus' life and health that would be required in the case of a fetus intended to be born alive are void for vagueness under the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Blackmun, Brennan, Stewart, Marshall, Powell, Stevens
Justices dissenting: White, Rehnquist, Burger, C.J.

773. *Illinois State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173 (1979).

An Illinois law requiring new political parties and independent candidates to obtain signatures of 5% of the number of persons who voted at the previous election for such office in order to get on the ballot in political subdivisions of the state, insofar as it applies to mandate the obtaining of a greater number and proportion of signatures than is required to get on the ballot for statewide office, lacks a rational basis and violates the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Marshall, Brennan, Stewart, White, Powell
Justices concurring specially: Blackmun, Stevens, Rehnquist, Burger, C.J.

774. *Orr v. Orr*, 440 U.S. 268 (1979).

An Alabama statute that imposes alimony obligations on husbands but not on wives violates the Equal Protection Clause of the Fourteenth Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Brennan, Stewart, White, Marshall, Blackmun, Stevens
Justices dissenting (on other grounds): Powell, Rehnquist, Burger, C.J.

775. *Ashcroft v. Freiman*, 440 U.S. 941 (1979).

A federal court decision invalidating under the Fourteenth Amendment's Due Process Clause a Missouri statute requiring doctor to verbally inform any woman seeking an abortion that, if a live born infant results, the woman will lose her parental rights, is summarily affirmed.

776. *Quern v. Hernandez*, 440 U.S. 951 (1979).

A district court decision voiding as denial of due process under Fourteenth Amendment an Illinois attachment law because it permits attachment prior to filing of complaint and prior to notice to debtor is summarily affirmed.

777. *Burch v. Louisiana*, 441 U.S. 130 (1979).

Statutory implementation of a Louisiana constitutional provision permitting conviction for a nonpetty offense by five out of six jurors violates the right to trial by jury guaranteed by the Sixth and Fourteenth Amendments.

778. *Hughes v. Oklahoma*, 441 U.S. 322 (1979).

An Oklahoma statute prohibiting transportation or shipment for sale outside the state of natural minnows seined or procured from waters within the state violates the Commerce Clause.

Justices concurring: Brennan, Stewart, White, Marshall, Blackmun, Powell, Stevens
Justices dissenting: Rehnquist, Burger, C.J.

779. *Caban v. Mohammed*, 441 U.S. 380 (1979).

A New York law permitting an unwed mother but not an unwed father to block the adoption of their child by withholding consent is an impermissible gender distinction violating the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Powell, Brennan, White, Marshall, Blackmun
Justices dissenting: Stewart, Stevens, Rehnquist, Burger, C.J.

780. *Japan Line v. County of Los Angeles*, 441 U.S. 434 (1979).

Imposition of a California *ad valorem* property tax upon cargo containers that are based, registered, and subjected to property tax in Japan results in multiple taxation of instrumentalities of foreign commerce and violates the Commerce Clause.

Justices concurring: Blackmun, Brennan, Stewart, White, Marshall, Powell, Stevens, Burger, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice dissenting: Rehnquist

781. *Beggans v. Public Funds for Public Schools*, 442 U.S. 907 (1979).

A federal court decision invalidating a New Jersey statute that allowed taxpayers a personal deduction from gross income for each of their dependent children attending nonpublic elementary or secondary schools as a violation of the First Amendment's religion clause is summarily affirmed.

782. *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97 (1979).

A West Virginia statute that makes it a crime for a newspaper to publish, without the written approval of the juvenile court, the name of any youth charged as a juvenile offender violates the First and Fourteenth Amendments.

783. *Bellotti v. Baird*, 443 U.S. 622 (1979).

A Massachusetts law requiring parental consent for an abortion for a woman under age 18 and providing for a court order permitting abortion for good cause if parental consent is refused violates the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Powell, Stewart, Rehnquist, Burger, C.J.
Justices concurring specially: Stevens, Brennan, Marshall, Blackmun
Justice dissenting: White

784. *Vance v. Universal Amusement Co.*, 445 U.S. 308 (1980).

A Texas public nuisance statute authorizing state judges, on the basis of a showing that a theater exhibited obscene films in the past, to enjoin its future exhibition of films not yet found to be obscene is an invalid prior restraint in violation of the First and Fourteenth Amendments.

Justices concurring: Brennan, Stewart, Marshall, Blackmun, Stevens
Justices dissenting (on other grounds): Powell, Burger, C.J.
Justices dissenting: White, Rehnquist

785. *Vitek v. Jones*, 445 U.S. 480 (1980).

A Nebraska statute that authorizes authorities to summarily transfer a prison inmate from jail to another institution if a physician finds that he suffers from a mental disease or defect and cannot be given proper treatment in jail violates the liberty guaranteed by the Due Process Clause of the Fourteenth Amendment unless the transfer is accompanied by adequate procedural protections.

Justices concurring: White, Brennan, Marshall, Powell, Stevens
Justices dissenting (on other grounds): Stewart, Blackmun, Rehnquist, Burger, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

786. *Payton v. New York*, 445 U.S. 573 (1980).

A New York statute authorizing police officers to enter a private residence without a warrant and without exigent circumstances to effectuate a felony arrest violates the Fourth and Fourteenth Amendments.

Justices concurring: Stevens, Brennan, Stewart, Marshall, Blackmun, Powell
Justices dissenting: White, Rehnquist, Burger, C.J.

787. *Wengler v. Druggists Mutual Ins. Co.*, 446 U.S. 142 (1980).

Missouri's workers' compensation law denying a widower benefits on his wife's work-related death unless he either is mentally or physically incapacitated or proves dependence on her earnings, but granting a widow death benefits regardless of her dependency, is gender discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: White, Brennan, Stewart, Marshall, Blackmun, Powell, Burger, C.J.
Justice dissenting: Rehnquist

788. *Lewis v. BT Investment Managers, Inc.,*447 U.S. 27 (1980).

A Florida statute prohibiting out-of-state banks, bank holding companies, and trust companies from owning or controlling a business within the state that sells investment advisory services violates the Commerce Clause.

789. *Carey v. Brown*, 447 U.S. 455 (1980).

An Illinois statute that prohibits picketing of residences or dwellings, but exempts peaceful picketing of such buildings that are places of employment in which there is a labor dispute, violates the Equal Protection Clause of the Fourteenth Amendment.

Justices concurring: Brennan, Stewart, White, Marshall, Powell, Stevens
Justices dissenting: Rehnquist, Blackmun, Burger, C.J.

790. *Beck v. Alabama*, 447 U.S. 625 (1980).

Alabama's capital punishment statute, which forbids giving the jury the option of convicting a defendant of a lesser included offense but requires it to convict on the capital offense or acquit, violates the Eighth and Fourteenth Amendments.

791. *Minnesota v. Planned Parenthood*, 448 U.S. 901 (1980).

A federal court decision holding that a Minnesota statute authorizing grants for pre-pregnancy family planning to hospitals and health

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

maintenance organizations but prohibiting such grants to other non-profit organizations if they perform abortions violates equal protection clause is summarily affirmed.

792. *Stone v. Graham*, 449 U.S. 39 (1980).

A Kentucky statute requiring a copy of Ten Commandments, purchased with private contributions, to be posted on the wall of each public classroom in the state violates the Establishment Clause of the First Amendment.

Justices concurring: Brennan, White, Marshall, Powell, Stevens
Justices dissenting: Burger, C.J., Blackmun, Stewart, Rehnquist

793. *Webb's Fabulous Pharmacies v. Beckwith*, 449 U.S. 155 (1980).

Florida's statutory authorization for county to retain as its own interest accruing on interpleader fund deposited in registry of county court was a taking violating the Fifth and Fourteenth Amendments.

794. *Weaver v. Graham*, 450 U.S. 24 (1981).

A Florida statute repealing an earlier law and reducing the amount of "gain time" for good conduct and obedience to prison rules deducted from a convicted prisoner's sentence is an invalid *ex post facto* law as applied to one whose crime was committed prior to the statute's enactment.

795. *Jefferson County v. United States*, 450 U.S. 901 (1981).

A court of appeals decision holding invalid a Colorado statute that imposed use tax on government-owned, contractor operated facility as constituting *ad valorem* general property tax on Federal Government property and thus contravening the Supremacy Clause is summarily affirmed.

796. *Democratic Party v. Wisconsin,*450 U.S. 107 (1981).

A Wisconsin law mandating national convention delegates chosen at party's state convention to vote at the national convention for the candidate prevailing in the state's preference primary, in which voters may participate without regard to party affiliation, violates the First Amendment right of association of the national party, whose rules preclude seating of delegates who were not selected in accordance with national party rules, including the limiting of the selection process to those voters affiliated with the party.

Justices concurring: Stewart, Brennan, White, Marshall, Stevens, Burger, C.J.
Justices dissenting: Powell, Blackmun, Rehnquist

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

797. *Kirchberg v. Feenstra*, 450 U.S. 455 (1981).

A Louisiana statute giving husband unilateral right to dispose of jointly-owned community property without wife's consent is an impermissible sex classification and violates the Equal Protection Clause.

798. *Kassel v. Consolidated Freightways Corp.*, 450 U.S. 662 (1981).

An Iowa statute barring 65-foot double-trailer trucks on state's highways, while all neighboring states permit them, violates the Commerce Clause.

Justices concurring: Powell, White, Blackmun, Stevens
Justices concurring specially: Brennan, Marshall
Justices dissenting: Rehnquist, Stewart, Burger, C.J.

799. *Maryland v. Louisiana*, 451 U.S. 725 (1981).

Louisiana's "first-use tax" statute, which, because of exceptions and credits, imposes a tax only on natural gas moving out-of-state, impermissibly discriminates against interstate commerce, and another provision that required pipeline companies to allocate the cost of tax to ultimate consumer is preempted by federal law.

800. *Little v. Streater*, 452 U.S. 1 (1981).

A Connecticut statute requiring person in paternity action who requests blood grouping tests to bear cost of tests denies due process in violation of Fourteenth Amendment to an indigent against whom state has required institution of paternity action.

801. *Campbell v. John Donnelly & Sons*, 453 U.S. 916 (1981).

A court of appeals decision holding to violate the First Amendment a Maine statute prohibiting roadside billboards, except for signs announcing place and time of religious or civic events, election campaign signs, and signs erected by historic and cultural institutions, is summarily affirmed.

802. *Louisiana Dairy Stabilization Bd. v. Dairy Fresh Corp.*, 454 U.S. 884 (1981).

A court of appeals decision holding to violate the Commerce Clause a Louisiana milk industry regulatory statute, which required all dairy product processors, including out-of-state processors, who sell dairy products to retailer or distributor for resale in state to pay assessment per unit of milk for use in administration and enforcement of statute, is summarily affirmed.

803. *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491 (1985).

A court of appeals decision holding to violate the First Amendment a Washington statute that authorized courts to issue temporary

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

and permanent injunctions, without providing prompt trial on merits, against any business that regularly sells or exhibits "lewd matter" is summarily affirmed.

804. *Firestone v. Let's Help Florida*, 454 U.S. 1130 (1982).

A court of appeals decision holding to violate the First Amendment a Florida statute that restricts size of contributions to political committees organized to support or oppose referenda is summarily affirmed.

805. *Treen v. Karen B.*, 455 U.S. 913 (1982).

A court of appeals decision holding to violate the Establishment Clause of the First Amendment a Louisiana statute authorizing school boards to permit students to participate in one-minute prayer period at start of school day, upon parental consent, is summarily affirmed.

806. *Santosky v. Kramer*, 455 U.S. 745 (1982).

A New York law authorizing termination of parental rights upon proof by only a fair preponderance of the evidence violates the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Blackmun, Brennan, Marshall, Powell, Stevens
Justices dissenting: Rehnquist, White, O'Connor, Burger, C.J.

807. *California State Bd. of Equalization v. United States*, 456 U.S. 901 (1982).

A court of appeals decision invalidating as an impermissible infringement of the immunity of the United States from state taxation a California sales tax based on gross rentals paid by United States to lessors of data processing and other equipment, which permitted the lessor to maximize profit only by separately stating and collecting a tax from the lessee, is summarily affirmed.

808. *Brown v. Hartlage*, 456 U.S. 45 (1982).

A Kentucky statute prohibiting candidates from offering material benefits to voters in consideration for their votes violates the First Amendment's freedom of speech clause as applied to a candidate's promise to serve at a salary less than that fixed by law if elected.

809. *Mills v. Habluetzel*, 456 U.S. 91 (1982).

A Texas statute imposing a one-year period from date of birth to bring action to establish paternity of illegitimate child, paternity being necessary for child to obtain support from father at any time during his minority, denies equal protection of the laws.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

810. *Larson v. Valente*, 456 U.S. 228 (1982).

A Minnesota charitable solicitations law exempting from registration and reporting only those religious organizations that receive more than half of their total contributions from members or affiliated organizations is an impermissible denominational preference and violates the First Amendment's Establishment Clause.

Justices concurring: Brennan, Marshall, Blackmun, Powell, Stevens
Justices dissenting: White, Rehnquist (on merits); O'Connor, Burger, C.J. (on standing)

811. *Greene v. Lindsey*, 456 U.S. 444 (1982).

A Kentucky statute authorizing service of process in forcible entry and detainer action by posting summons in a conspicuous place if no one could be found on premises denies due process on showing that notices are often removed before defendants find them.

Justices concurring: Brennan, White, Marshall, Blackmun, Powell, Stevens
Justices dissenting: O'Connor, Rehnquist, Burger, C.J.

812. *Zobel v. Williams*, 457 U.S. 55 (1982).

An Alaska law providing a dividend distribution to all state's adult residents from earnings on oil and mineral development in state denies equal protection of the laws by determining amount of dividend for each person by the length of residency in state.

Justices concurring: Burger, C.J., Brennan, White, Marshall, Blackmun, Powell, Stevens
Justice concurring specially: O'Connor
Justice dissenting: Rehnquist

813. *Plyler v. Doe*, 457 U.S. 202 (1982).

A Texas statute withholding state funds from local school districts for the education of any children not legally admitted into United States and authorizing boards to deny enrollment to such children denies equal protection of the laws.

Justices concurring: Brennan, Marshall, Blackmun, Powell, Stevens
Justices dissenting: Burger, C.J., White, Rehnquist, O'Connor

814. *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982).

A Massachusetts statute requiring, under all circumstances, exclusion of press and public during testimony of minor victim of a sex offense violates the First Amendment.

Justices concurring: Brennan, White, Marshall, Blackmun, Powell
Justice concurring specially: O'Connor
Justices dissenting: Burger, C.J., Rehnquist, Stevens

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

815. *Edgar v. MITE Corp.*, 457 U.S. 624 (1982).

Illinois take-over statute, which extensively regulates tender offerors and imposes registration and reporting requirements, because it directly regulates and prevents interstate tender offers and because the burdens on interstate commerce are excessive compared with local interests served, violates the Commerce Clause.

Justices concurring: White, Blackmun, Powell, Stevens, O'Connor, Burger, C.J.
Justices dissenting: Marshall, Brennan, Rehnquist (all on mootness grounds)

816. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982).

A New York statute requiring landlords to permit installation of cable television wiring on their property and limiting fee charged to that determined to be reasonable by a commission (which set a one-time $1 fee) constituted a taking of property in violation of the Fifth and Fourteenth Amendments.

817. *Washington v. Seattle School Dist.*, 458 U.S. 457 (1982).

A Washington statute, enacted by initiative vote of the electorate, barring school boards from busing students for racially integrative purposes, denies equal protection of the laws.

Justices concurring: Blackmun, Brennan, Marshall, White, Stevens
Justices dissenting: Powell, Rehnquist, O'Connor, Burger, C.J.

818. *Enmund v. Florida*, 458 U.S. 782 (1982).

Florida's felony-murder statute, authorizing the death penalty solely for participation in a robbery in which another robber kills someone, violates the Eighth Amendment.

Justices concurring: White, Brennan, Marshall, Blackmun, Stevens
Justices dissenting: O'Connor, Powell, Rehnquist, Burger, C.J.

819. *Sporhase v. Nebraska ex rel. Douglas*, 458 U.S. 941 (1982).

A Nebraska state statute requiring a permit before anyone withdraws ground water from any well located in the state and transports it across state line and providing for denial of permit unless the state to which the water will be transported grants reciprocal rights to withdraw and transport water into Nebraska violates the Commerce Clause.

Justices concurring: Stevens, Brennan, White, Marshall, Blackmun, Powell, Burger, C.J.
Justices dissenting: Rehnquist, O'Connor

820. *Brown v. Socialist Workers '74 Campaign Comm.*, 459 U.S. 87 (1982).

An Ohio statute requiring candidates to disclose the names and addresses of campaign contributors and the recipients of campaign ex-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

penditures is invalid, under the First Amendment, as applied to a minor political party whose members and supporters may be subjected to harassment or reprisals.

Justices concurring: Marshall, Brennan, White, Powell, Burger, C.J.
Justice concurring specially: Blackmun
Justices concurring in part and dissenting in part: O'Connor, Rehnquist, Stevens

821. *Larkin v. Grendel's Den*, 459 U.S. 116 (1982).

A Massachusetts statute permitting any church to block issuance of a liquor license to any establishment to be located within 500 feet of the church violates the Establishment Clause by delegating governmental decisionmaking to a church.

Justices concurring: Burger, C.J., Brennan, White, Marshall, Blackmun, Powell, Stevens
Justice dissenting: Rehnquist

822. *King v. Sanchez*, 459 U.S. 801 (1982).

Federal district court's decision invalidating New Mexico legislative reapportionment as violating the one person, one vote requirement of the Equal Protection Clause because the "votes cast" formula resulted in substantial population variances among districts, is summarily affirmed.

823. *Minneapolis Star & Tribune Co. v. Minnesota Comm'r of Revenue*, 460 U.S. 575 (1983).

Minnesota's ink and paper use tax violates the First Amendment by providing "differential treatment" for the press.

Justices concurring: O'Connor, Brennan, Marshall, Powell, Stevens, Burger, C.J.
Justices concurring specially: White, Blackmun
Justice dissenting: Rehnquist

824. *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

An Ohio statute requiring independent candidates for President and Vice-President to file nominating petitions by March 20 in order to qualify for the November ballot is unconstitutional as substantially burdening the associational rights of the candidates and their supporters.

Justices concurring: Stevens, Brennan, Marshall, Blackmun, Burger, C.J.
Justices dissenting: Rehnquist, White, Powell, O'Connor

825. *Kolender v. Lawson*, 461 U.S. 352 (1983).

A California statute requiring that a person detained in a valid *Terry* stop provide "credible and reliable" identification is unconstitutionally vague, in violation of the Fourteenth Amendment's Due Process Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: O'Connor, Brennan, Marshall, Blackmun, Powell, Stevens
Justices dissenting: White, Rehnquist

826. *Pickett v. Brown*, 462 U.S. 1 (1983).

Tennessee's two-year statute of limitations for paternity and child support actions violates the equal protection rights of illegitimates.

827. *Planned Parenthood Ass'n v. Ashcroft*, 462 U.S. 476 (1983).

A Missouri statute requiring that all abortions performed after the first trimester of pregnancy be performed in a hospital unreasonably infringes upon the right of a woman to have an abortion.

Justices concurring (on this issue only): Powell, Brennan, Marshall, Blackmun, Stevens, Burger, C.J.
Justices dissenting: O'Connor, White, Rehnquist

828. *Karcher v. Daggett*, 462 U.S. 725 (1983).

New Jersey's congressional districting statute creating districts in which the deviation between largest and smallest districts was 0.7%, or 3,674 persons, violates Art. I, § 2's "equal representation" requirement as not resulting from a good-faith effort to achieve population equality.

Justices concurring: Brennan, Marshall, Blackmun, Stevens, O'Connor
Justices dissenting: White, Powell, Rehnquist, Burger, C.J.

829. *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791 (1983).

An Indiana statute providing for constructive notice to mortgagee of tax sale of real property violates the Due Process Clause of the Fourteenth Amendment; instead, personal service or notice by mail is required.

Justices concurring: Marshall, Brennan, White, Blackmun, Stevens, Burger, C.J.
Justices dissenting: O'Connor, Powell, Rehnquist

830. *Healy v. United States Brewers Ass'n*, 464 U.S. 909 (1983).

An appeals court decision invalidating as an undue burden on interstate commerce the beer price "affirmation" provisions of Connecticut's liquor control laws, which restrict out-of-state sales to prices set for in-state sales, is summarily affirmed.

831. *Westinghouse Elec. Corp. v. Tully*, 466 U.S. 388 (1984).

New York's corporate franchise tax unconstitutionally discriminates against interstate commerce by allowing an offsetting credit for receipts from products shipped from an in-state place of business.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

832. *Wallace v. Jaffree*, 466 U.S. 924 (1984).

An appeals court decision holding invalid under the Establishment Clause an Alabama statute authorizing the recitation in public schools of a government-composed prayer is summarily affirmed.

833. *Bernal v. Fainter*, 467 U.S. 216 (1984).

A Texas requirement that a notary public be a United States citizen furthers no compelling state interest and denies equal protection of the laws to resident aliens.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell, Stevens, O'Connor, Burger, C.J.
Justice dissenting: Rehnquist

834. *Armco, Inc. v. Hardesty*, 467 U.S. 638 (1984).

A West Virginia gross receipts tax on businesses selling tangible property at wholesale unconstitutionally discriminates against interstate commerce because it exempts local manufacturers.

Justices concurring: Powell, Brennan, White, Marshall, Blackmun, Stevens, O'Connor, Burger, C.J.
Justice dissenting: Rehnquist

835. *Secretary of State of Maryland v. Joseph H. Munson Co.*, 467 U.S. 947 (1984).

Maryland's prohibition on charitable organizations paying more than 25% of solicited funds for expenses of fundraising violates the Fourteenth Amendment by creating an unnecessary risk of chilling protected First Amendment activity.

Justices concurring: Blackmun, Brennan, White, Marshall, Stevens
Justices dissenting: Rehnquist, Powell, O'Connor, Burger, C.J.

836. *Brown v. Brandon*, 467 U.S. 1223 (1984).

A federal district court decision that an Ohio congressional districting plan is invalid because population variances were shown to be not unavoidable and were not justified by legitimate state interest is summarily affirmed.

837. *Bacchus Imports, Ltd. v. Dias,* ,468 U.S. 263 (1984).

Hawaii's excise tax on wholesale liquor sales, exempting sales of specified local products, violates the Commerce Clause by discriminating in favor of local commerce.

Justices concurring: White, Marshall, Blackmun, Powell, Burger, C.J.
Justices dissenting: Stevens, Rehnquist, O'Connor

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

838. *Deukmejian v. National Meat Ass'n*, 469 U.S. 1100 (1985).

An appeals court holding that California tax on sales by out-of-state beef processors discriminates against interstate commerce in violation of the Commerce Clause, there being no corresponding and comparable tax on in-state processors, is summarily affirmed.

839. *Westhafer v. Worrell Newspapers*, 469 U.S. 1200 (1985).

An appeals court decision holding invalid under the First Amendment an Indiana statute punishing as contempt the publication of the name of an individual against whom a sealed indictment or information has been filed is summarily affirmed.

840. *Metropolitan Life Ins. Co. v. Ward*, 470 U.S. 869 (1985).

Alabama's domestic preference tax, imposing a substantially lower gross premiums tax rate on domestic insurance companies than on out-of-state insurance companies, violates the Equal Protection Clause.

Justices concurring: Powell, White, Blackmun, Stevens, Burger, C.J.
Justices dissenting: O'Connor, Brennan, Marshall, Rehnquist

841. *Board of Educ. v. National Gay Task Force*, 470 U.S. 903 (1985).

A court of appeals decision holding unconstitutionally overbroad in violation of the First and Fourteenth Amendments an Oklahoma statute prohibiting advocating, encouraging, or promoting homosexual conduct is affirmed by equally divided vote.

842. *Hunter v. Underwood*, 471 U.S. 222 (1985).

A provision of Alabama Constitution requiring disenfranchisement for crimes involving moral turpitude, adopted in 1901 for the purpose of racial discrimination, violates the Equal Protection Clause.

843. *Williams v. Vermont*, 472 U.S. 14 (1985).

Vermont's use tax discriminating between residents and nonresidents in application of a credit for automobile sales taxes paid to another state violates the Equal Protection Clause.

Justices concurring: White, Brennan, Marshall, Stevens, Burger, C.J.
Justices dissenting: Blackmun, Rehnquist, O'Connor

844. *Wallace v. Jaffree*, 472 U.S. 38 (1985).

An Alabama statute authorizing a one-minute period of silence in public schools "for meditation or voluntary prayer" violates the Establishment Clause, the record indicating that the sole legislative purpose in amending the statute to add "or voluntary prayer" was to return voluntary prayer to the public schools.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Stevens, Brennan, Marshall, Blackmun, Powell
Justice concurring specially: O'Connor
Justices dissenting: White, Rehnquist, Burger, C.J.

845. *Jensen v. Quaring*, 472 U.S. 478 (1985).

An appeals court decision holding invalid Nebraska's driver's licensing requirement that applicant be photographed, and that photo be affixed to license, as burdening the free exercise of sincerely held religious beliefs against submitting to being photographed, is affirmed by equally divided vote.

846. *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491 (1985).

Washington "moral nuisance" statute is invalid under the First Amendment to the extent that it proscribes exhibition of films or sale of publications inciting "lust," defined as referring to normal sexual desires.

Justices concurring: White, Blackmun, Rehnquist, Stevens, O'Connor, Burger, C.J.
Justices dissenting on other grounds: Brennan, Marshall

847. *Hooper v. Bernalillo County Assessor*, 472 U.S. 612 (1985).

A New Mexico property tax exemption for Vietnam War veterans who became residents before May 8, 1976, violates the Equal Protection Clause as not meeting the rational basis test.

Justices concurring: Burger, C.J., Brennan, White, Marshall, Blackmun
Justices dissenting: Stevens, Rehnquist, O'Connor

848. *Estate of Thornton v. Caldor, Inc.*, 472 U.S. 703 (1985).

A Connecticut statute requiring employers to honor the Sabbath day of the employee's choice violates the Establishment Clause.

Justices concurring: Burger, C.J., Brennan, White, Marshall, Blackmun, Powell, Stevens, O'Connor
Justice dissenting: Rehnquist

849. *Philadelphia Newspapers v. Hepps*, 475 U.S. 767 (1986).

A Pennsylvania statute incorporating the common-law rule that defamatory statements are presumptively false violates the First Amendment as applied to a libel action brought by a private figure against a media defendant; instead, the plaintiff must bear the burden of establishing falsity.

Justices concurring: O'Connor, Brennan, Marshall, Blackmun, Powell
Justices dissenting: Stevens, White, Rehnquist, Burger, C.J.

850. *Brown-Forman Distillers Corp. v. New York State Liquor Auth.*, 476 U.S. 573 (1986).

New York's affirmation law, having the practical effect of controlling liquor prices in other states, violates the Commerce Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Marshall, Powell, O'Connor, Burger, C.J.
Justice concurring specially: Blackmun
Justices dissenting: Stevens, White, Rehnquist

851. *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986) (subsequently overruled in part).

A Pennsylvania statute prescribing a variety of requirements for performance of an abortion, including informed consent, reporting of various information concerning the mother's history and condition, and standard-of-care and second-physician requirements after viability, infringes a woman's *Roe v. Wade* right to have an abortion.

Justices concurring: Blackmun, Brennan, Marshall, Powell, Stevens
Justices dissenting: Burger, C.J., White, Rehnquist, O'Connor

852. *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898 (1986).

New York Civil Service Law's employment preference for New York residents who are honorably discharged veterans and were New York residents when they entered military service violates the Equal Protection Clause.

Justices concurring: Brennan, Marshall, Blackmun, Powell
Justices concurring specially: White, Burger, C.J.
Justices dissenting: Stevens, O'Connor, Rehnquist

853. *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208 (1986).

A Connecticut statute imposing a "closed primary" under which persons not registered with a political party may not vote in its primaries violates the First and Fourteenth Amendments by preventing political parties from entering into political association with individuals of their own choosing.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell
Justices dissenting: Stevens, Scalia, O'Connor, Rehnquist, C.J.

854. *Babbitt v. Planned Parenthood*, 479 U.S. 925 (1986).

An appeals court decision invalidating Arizona statute prohibiting grant of public funds to any organization performing abortion-related services is summarily affirmed.

855. *Wilkinson v. Jones*, 480 U.S. 926 (1987).

An appeals court decision holding unconstitutionally vague and overbroad Utah statute barring cable television systems from showing "indecent material" is summarily affirmed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

856. *Arkansas Writers' Project, Inc. v. Ragland*, 481 U.S. 221 (1987).

Arkansas' sales tax exemption for newspapers and for "religious, professional, trade, and sports journals" published within the state violates the First and Fourteenth Amendments as a content-based regulation of the press.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell, O'Connor
Justice concurring specially: Stevens
Justices dissenting: Scalia, Rehnquist, C.J.

857. *Miller v. Florida*, 482 U.S. 423 (1987).

Florida's revised sentencing guidelines law, under which the presumptive sentence for certain offenses was raised, contravenes the *ex post facto* clause of Article I as applied to someone who committed those offenses before the revision.

858. *Booth v. Maryland*, 482 U.S. 496 (1987).

A Maryland statute requiring preparation of a "victim impact statement" describing the effect of a crime on a victim and his family violates the Eighth Amendment to the extent that it requires introduction of the statement at the sentencing phase of a capital murder trial. *Booth* was overruled in *Payne v. Tennessee,* 501 U.S. 808 (1991).

Justices concurring: Powell, Brennan, Marshall, Blackmun, Stevens
Justices dissenting: White, O'Connor, Scalia, Rehnquist, C.J.

859. *Edwards v. Aguillard*, 482 U.S. 578 (1987).

A Louisiana statute mandating balanced treatment of "creation-science" and "evolution-science" in the public schools is an invalid establishment of religion in violation of the First Amendment.

Justices concurring: Brennan, Marshall, Powell, Stevens, O'Connor
Justice concurring specially: White
Justices dissenting: Scalia, Rehnquist, C.J.

860. *Sumner v. Shuman*, 483 U.S. 66 (1987).

A Nevada statute under which a prison inmate convicted of murder while serving a life sentence without possibility of parole is automatically sentenced to death is invalid under the Eighth Amendment as preventing the sentencing authority from considering as mitigating factors aspects of a defendant's character or record.

Justices concurring: Blackmun, Brennan, Marshall, Powell, Stevens, O'Connor
Justices dissenting: White, Scalia, Rehnquist, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

861. *Tyler Pipe Indus. v. Washington State Dep't of Revenue*, 483 U.S. 232 (1987).

A Washington manufacturing tax, applicable to products manufactured in-state and sold out-of-state, but containing an exemption for products manufactured and sold in-state, discriminates against interstate commerce in violation of the Commerce Clause.

Justices concurring: Stevens, Brennan, White, Marshall, Blackmun, O'Connor
Justices dissenting: Scalia, Rehnquist, C.J.

862. *American Trucking Ass'ns v. Scheiner*, 483 U.S. 266 (1987).

Pennsylvania statutes imposing lump-sum annual taxes on operation of trucks on state's roads violate the Commerce Clause as discriminating against interstate commerce.

Justices concurring: Stevens, Brennan, White, Marshall, Blackmun
Justices dissenting: O'Connor, Powell, Rehnquist, C.J., Scalia

863. *Hartigan v. Zbaraz*, 484 U.S. 171 (1987).

A federal appeals court ruling holding unconstitutional a provision of the Illinois Parental Notice Abortion Act requiring that minors wait 24 hours after informing parents before having an abortion is affirmed by equally divided vote.

864. *City of Manassas v. United States*, 485 U.S. 1017 (1988).

A federal appeals court decision invalidating as discriminatory against the United States a Virginia statute that imposes a personal property tax on property leased from the United States, but not on property leased from the Virginia Port Authority or from local transportation districts, is summarily affirmed.

865. *New Energy Co. of Indiana v. Limbach*, 486 U.S. 269 (1988).

An Ohio statute granting a tax credit for ethanol fuel if the ethanol was produced in Ohio, or if produced in another state that grants a similar credit to Ohio-produced ethanol fuel, discriminates against interstate commerce in violation of the Commerce Clause.

866. *Maynard v. Cartwright*, 486 U.S. 356 (1988).

Oklahoma statutory aggravating circumstances, permitting imposition of capital punishment upon a jury's finding that a murder was "especially heinous, atrocious, or cruel," are unconstitutionally vague in violation of the Eighth Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

867. *Meyer v. Grant*, 486 U.S. 414 (1988).

A Colorado law punishing as felony the payment of persons who circulate petitions for ballot initiative abridges the right to engage in political speech, and therefore violates the First and Fourteenth Amendments.

868. *Clark v. Jeter*, 486 U.S. 456 (1988).

Pennsylvania's 6-year statute of limitations for paternity actions violates the Equal Protection Clause as insufficiently justified under heightened scrutiny review.

869. *Shapero v. Kentucky Bar Ass'n*, 486 U.S. 466 (1988).

The Kentucky Supreme Court's rule containing categorical prohibition of attorney direct mail advertising targeted at persons known to face particular legal problems violates First and Fourteenth Amendments.

Justices concurring: Brennan, White, Marshall, Blackmun, Stevens, Kennedy
Justices dissenting: O'Connor, Scalia, Rehnquist, C.J.

870. *Bendix Autolite Corp. v. Midwesco Enterprises, Inc.*, 486 U.S. 888 (1988).

An Ohio statute tolling its 4-year limitations period for breach of contract and fraud actions brought against out-of-state corporations that do not appoint an agent for service of process within the state—and thereby subject themselves to the general jurisdiction of Ohio courts—violates the Commerce Clause.

Justices concurring:: Kennedy, Brennan, White, Marshall, Blackmun, Stevens, O'Connor
Justice concurring specially: Scalia
Justice dissenting: Rehnquist, C.J.

871. *Supreme Court of Virginia v. Friedman*, 487 U.S. 59 (1988).

The Virginia Supreme Court rule imposing residency requirement for admission to the bar on motion, without taking the bar exam, by persons licensed to practice law in other jurisdictions, violates the Privileges and Immunities Clause of Article IV, § 2.

Justices concurring: Kennedy, Brennan, White, Marshall, Blackmun, Stevens, O'Connor
Justices dissenting: Rehnquist, C.J., Scalia

872. *Riley v. National Federation of the Blind*, 487 U.S. 781 (1988).

Three different aspects of North Carolina's Charitable Solicitations Act unconstitutionally infringe freedom of speech. These aspects are: limitations on reasonable fees that professional fundraisers may charge; a requirement that professional fundraisers disclose to potential donors the percentage of donated funds previously used for charity; and a requirement that professional fundraisers be licensed.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Brennan, White, Marshall, Blackmun, Scalia, Kennedy
Justice concurring in part and dissenting in part: Stevens
Justices dissenting: Rehnquist, C.J., O'Connor

873. *Thompson v. Oklahoma*, 487 U.S. 815 (1988).

An Oklahoma statutory scheme, setting no minimum age for capital punishment, and separately providing that juveniles may be tried as adults, violates Eighth Amendment by permitting capital punishment to be imposed for crimes committed before age 16.

Justices concurring: Stevens, Brennan, Marshall, Blackmun
Justice concurring specially: O'Connor
Justices dissenting: Scalia, White, Rehnquist, C.J.

874. *Coy v. Iowa*, 487 U.S. 1012 (1988).

An Iowa procedure, authorized by statute, placing a one-way screen between defendant and complaining child witnesses in sex abuse cases, thereby sparing witnesses from viewing defendant, violates the Confrontation Clause right to face-to-face confrontation with one's accusers.

Justices concurring: Scalia, Brennan, White, Marshall, Stevens, O'Connor
Justices dissenting: Blackmun, Rehnquist, C.J.

875. *Allegheny Pittsburgh Coal Co. v. Webster County Comm'n*, 488 U.S. 336 (1989).

A West Virginia county's tax assessments denied equal protection to property owners whose assessments, based on recent purchase price, ranged from 8 to 35 times higher than comparable neighboring property for which the assessor failed over a 10-year period to readjust appraisals.

876. *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1 (1989).

A Texas sales tax exemption for publications published or distributed by a religious faith and consisting of teachings of that faith or writings sacred to that faith violates the Establishment Clause of the First Amendment.

Justices concurring: Brennan, Marshall, Stevens
Justices concurring specially: White, Blackmun, O'Connor
Justices dissenting: Scalia, Kennedy, Rehnquist, C.J.

877. *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214 (1989).

Provisions of the California Elections Code forbidding the official governing bodies of political parties from endorsing or opposing candidates in primary elections, and imposing other requirements on the organization and composition of the governing bodies, are invalid un-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

der the First Amendment. The ban on endorsements violates free speech and associational rights; the organizational restrictions violate associational rights.

878. *Barnard v. Thorstenn*, 489 U.S. 546 (1989).

A Virgin Islands rule requiring one year's residency prior to admission to the bar violates the Privileges and Immunities Clause of Art. IV, § 2. Justifications for the rule do not constitute "substantial" reasons for discriminating against nonresidents; nor does the discrimination bear a "substantial relation" to legitimate objectives.

Justices concurring: Kennedy, Brennan, Marshall, Blackmun, Stevens, Scalia
Justices dissenting: Rehnquist, C.J., White, O'Connor

879. *Davis v. Michigan Dep't of Treasury*, 489 U.S. 803 (1989).

Michigan's income tax law, by providing exemption for retirement benefits of state employees but not for retirement benefits of federal employees, discriminates against federal employees in violation of 4 U.S.C. § 111 and in violation of the constitutional doctrine of intergovernmental tax immunity.

Justices concurring: Kennedy, Brennan, White, Marshall, Blackmun, O'Connor, Scalia, Rehnquist, C.J.
Justice dissenting: Stevens

880. *Quinn v. Millsap*, 491 U.S. 95 (1989).

A provision of the Missouri Constitution, interpreted by the Missouri Supreme Court as requiring property ownership as a qualification for appointment to a "board of freeholders" charged with making recommendations for reorganization of St. Louis city and county governments, violates the Equal Protection Clause.

881. *The Healy v. Beer Institute*, 491 U.S. 324 (1989).

Connecticut's beer price affirmation law, requiring out-of-state shippers to affirm that prices charged in-state wholesalers are no higher than prices charged contemporaneously in three bordering states, violates the Commerce Clause.

Justices concurring: Blackmun, Brennan, White, Marshall, Kennedy
Justice concurring specially: Scalia
Justices dissenting: Rehnquist, C.J., Stevens, O'Connor

882. *Texas v. Johnson*, 491 U.S. 397 (1989).

Texas' flag desecration statute, prohibiting any physical mistreatment of the American flag that the actor knows would seriously offend other persons, is inconsistent with the First Amendment as applied to an individual who burned an American flag as part of a political protest.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Brennan, Marshall, Blackmun, Scalia, Kennedy
Justices dissenting: Rehnquist, C.J., White, O'Connor, Stevens

883. *The Florida Star v. B.J.F.*, 491 U.S. 524 (1989).

A Florida statute making it unlawful to print the name of a sexual assault victim is invalid under the First Amendment as applied to uphold an award of damages against a newspaper for publishing a sexual assault victim's name when the information was truthful, was lawfully obtained, and was otherwise publicly available as a result of a botched press release from the sheriff's department.

Justices concurring: Marshall, Brennan, Blackmun, Stevens, Kennedy
Justice concurring specially: Scalia
Justices dissenting: White, O'Connor, Rehnquist, C.J.

884. *McKoy v. North Carolina*, 494 U.S. 433 (1990).

North Carolina's capital sentencing statute, interpreted to prevent a jury from considering any mitigating factor that the jury does not unanimously find, violates the Eighth Amendment. Instead, each juror must be allowed to consider and give effect to what he or she believes to be established mitigating evidence.

Justices concurring: Marshall, Brennan, White, Blackmun, Stevens
Justice concurring specially: Kennedy
Justices dissenting: Scalia, O'Connor, Rehnquist, C.J.

885. *Butterworth v. Smith*, 494 U.S. 624 (1990).

A Florida statute prohibiting the disclosure of grand jury testimony violates the First Amendment insofar as it prohibits a grand jury witness from disclosing, after the term of the grand jury has ended, information covered by his own testimony.

886. *Peel v. Illinois Attorney Disciplinary Comm'n*, 496 U.S. 91 (1990).

An Illinois rule of professional responsibility violates the First Amendment by completely prohibiting an attorney from holding himself out as a civil trial specialist certified by the National Board of Trial Advocacy.

Justices concurring: Stevens, Brennan, Blackmun, Kennedy
Justice concurring specially: Marshall
Justices dissenting: White, O'Connor, Scalia, Rehnquist, C.J.

887. *Hodgson v. Minnesota*, 497 U.S. 417 (1990).

Minnesota's requirement that a woman under 18 notify both her parents before having an abortion is invalid as a denial of due process because "it does not reasonably further any legitimate state interest." However, an alternative judicial bypass system saves the statute as a whole.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Stevens, Brennan, Marshall, Blackmun, O'Connor
Justices dissenting: Kennedy, White, Scalia, Rehnquist, C.J.

888. *Connecticut v. Doehr*, 501 U.S. 1 (1991).

A Connecticut statute authorizing a private party to obtain prejudgment attachment of real estate without prior notice to the owner, and without a showing of extraordinary circumstances, violates the Due Process Clause of the Fourteenth Amendment as applied in conjunction with a civil action for assault and battery.

889. *Simon & Schuster v. New York Crime Victims Bd.*, 502 U.S. 105 (1991).

New York State's "Son of Sam" law, under which a criminal's income from works describing his crime is placed in escrow and made available to victims of the crime, violates the First Amendment. The law establishes a financial disincentive to create or publish works with a particular content, and is not narrowly tailored to serve the state's compelling interests in ensuring that criminals do not profit from their crimes, and that crime victims are compensated.

Justices concurring: O'Connor, White, Stevens, Scalia, Souter, Rehnquist, C.J.
Justices concurring specially: Blackmun, Kennedy

890. *Norman v. Reed*, 502 U.S. 279 (1992).

Two provisions of Illinois' election law unconstitutionally infringe on the right of ballot access guaranteed under the First and Fourteenth Amendments. The first provision, as interpreted by the Illinois Supreme Court, prevented a "new political party" in Cook County from using the name of a party already "established" in the city of Chicago. The second required that new political parties qualify for the ballot by submitting petitions signed by 25,000 voters from each voting district to be represented in a multi-district political subdivision.

Justices concurring: Souter, White, Blackmun, Stevens, O'Connor, Kennedy, Rehnquist, C.J.
Justice dissenting: Scalia

891. *Wyoming v. Oklahoma*, 502 U.S. 437 (1992).

An Oklahoma statute requiring that all coal-fired Oklahoma utilities burn a mixture containing at least 10% Oklahoma-mined coal discriminates against interstate commerce in violation of the implied "negative" component of the Commerce Clause.

Justices concurring: White, Blackmun, Stevens, O'Connor, Kennedy, Souter
Justices dissenting: Rehnquist, C.J., Scalia, Thomas

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

892. *Foucha v. Louisiana*, 504 U.S. 71 (1992).

A Louisiana statute allowing an insanity acquittee no longer suffering from mental illness to be confined indefinitely in a mental institution until he is able to demonstrate that he is not dangerous to himself or to others violates due process.

Justices concurring: White, Blackmun, Stevens, O'Connor, Souter
Justices dissenting: Kennedy, Thomas, Scalia, Rehnquist, C.J.

893. *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

Application of the state's use tax to mail order sales by an out-of-state company with neither outlets nor sales representatives in the state places an undue burden on interstate commerce in violation of the "negative" or "dormant" Commerce Clause. A physical presence within the taxing state is necessary in order to meet the "substantial nexus" requirement of the Commerce Clause.

894. *Chemical Waste Management, Inc. v. Hunt*, 504 U.S. 334 (1992).

Alabama's fee for in-state disposal of hazardous wastes generated out-of-state is invalid as a direct discrimination against interstate commerce. Alabama failed to establish that the discrimination against interstate commerce is justified by any factor other than economic protectionism, and failed to show that its valid interests (*e.g.*, protection of health, safety, and the environment) can not be served by less discriminatory alternatives. The fee is not supportable by analogy to quarantine laws, since the state permits importation of hazardous wastes if the fee is paid.

895. *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Nat. Resources Dep't*, 504 U.S. 353 (1992).

Waste import restrictions of Michigan's Solid Waste Management Act violate the Commerce Clause. The restrictions, which prohibit landfills from accepting out-of-county waste unless explicitly authorized by the county's solid waste management plan, directly discriminate against interstate commerce and are not justified as serving any valid health and safety purposes that can not be served adequately by nondiscriminatory alternatives.

896. *Kraft Gen. Foods v. Iowa Dep't of Revenue*, 505 U.S. 71 (1992).

An Iowa statute imposing a business tax on corporations facially discriminates against foreign commerce in violation of the Commerce Clause by allowing corporations to take a deduction for dividends received from domestic, but not foreign, subsidiaries.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

897. *Planned Parenthood of S.E. Pennsylvania v. Casey*, 505 U.S. 833 (1992).

One aspect of the Pennsylvania Abortion Control Act of 1982—a requirement for spousal notification—is invalid as an undue interference with a woman's right to an abortion.

898. *Edenfield v. Fane*, 507 U.S. 761 (1993).

A rule of the Florida Board of Accountancy banning "direct, in-person, uninvited solicitation" of business by certified public accountants is inconsistent with the free speech guarantees of the First Amendment.

Justices concurring: Kennedy, White, Blackmun, Stevens, Scalia, Souter, Thomas, Rehnquist, C.J.
Justice dissenting: O'Connor

899. *Oregon Waste Systems, Inc. v. Department of Envtl. Quality,*511 U.S. 93 (1994).

Oregon's imposition of a surcharge on in-state disposal of solid waste generated in other states—a tax three times greater than the fee charged for disposal of waste that was generated in Oregon—constitutes an invalid burden on interstate commerce. The tax is facially discriminatory against interstate commerce, is not a valid compensatory tax, and is not justified by any other legitimate state interest.

Justices concurring: Thomas, Stevens, O'Connor, Scalia, Kennedy, Souter, Ginsburg
Justices dissenting: Rehnquist, C.J., Blackmun

900. *Associated Industries v. Lohman*, 511 U.S. 641 (1994).

Missouri's uniform, statewide use tax constitutes an invalid discrimination against interstate commerce in those counties in which the use tax is greater than the sales tax imposed as a local option, even though the overall statewide effect of the use tax places a lighter aggregate tax burden on interstate commerce than on intrastate commerce.

901. *Montana Dep't of Revenue v. Kurth Ranch*, 511 U.S. 767 (1994).

Montana's tax on the possession of illegal drugs, to be "collected only after any state or federal fines or forfeitures have been satisfied," constitutes punishment, and violates the prohibition, derived from the Double Jeopardy Clause, against successive punishments for the same offense.

Justices concurring: Stevens, Blackmun, Kennedy, Souter, Ginsburg
Justices dissenting: Rehnquist, C.J., O'Connor, Scalia, Thomas

902. *West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186 (1994).

A Massachusetts milk pricing order, imposing an assessment on all milk sold by dealers to Massachusetts retailers, is an unconstitu-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

tional discrimination against interstate commerce because the entire assessment is then distributed to Massachusetts dairy farmers in spite of the fact that about two-thirds of the assessed milk is produced out of state. The discrimination imposed by the pricing order is not justified by a valid factor unrelated to economic protectionism.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg
Justices concurring specially: Scalia, Thomas
Justices dissenting: Rehnquist, C.J., Blackmun

903. *Honda Motor Co. v. Oberg*, 512 U.S. 415 (1994).

A provision of the Oregon Constitution, prohibiting judicial review of the amount of punitive damages awarded by a jury unless the court can affirmatively say there is no evidence to support the verdict, is invalid under the Due Process Clause of the Fourteenth Amendment. Judicial review of the amount awarded was one of the few procedural safeguards available at common law, yet Oregon has removed that safeguard without providing any substitute procedure, and with no indication that the danger of arbitrary awards has subsided.

Justices concurring: Stevens, Blackmun, O'Connor, Scalia, Kennedy, Souter, Thomas
Justices dissenting: Ginsburg, Rehnquist, C.J.

904. *Board of Educ. of Kiryas Joel Village v. Grumet*, 512 U.S. 687 (1994).

A New York State law creating a special school district for an incorporated village composed exclusively of members of one small religious sect violates the Establishment Clause.

Justices concurring: Souter, Blackmun, Stevens, O'Connor, Ginsburg
Justice concurring specially: Kennedy
Justices dissenting: Scalia, Thomas, Rehnquist, C.J.

905. *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995).

Ohio's prohibition on the distribution of anonymous campaign literature abridges the freedom of speech. The law, aimed at speech designed to influence voters in an election, is a limitation on political expression subject to exacting scrutiny. Neither of the interests asserted by Ohio justifies the limitation.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer
Justice concurring specially: Thomas
Justices dissenting: Scalia, Rehnquist, C.J.

906. *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995).

An amendment to the Arkansas Constitution denying ballot access to congressional candidates who have already served three terms in the House of Representatives or two terms in the Senate is invalid

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

as conflicting with the qualifications for office set forth in Article I of the U.S. Constitution, (specifying age, duration of U.S. citizenship, and state inhabitancy requirements). Article I sets the exclusive qualifications for a United States Representative or Senator.

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Thomas, O'Connor, Scalia, Rehnquist, C.J.

907. *Hurley v. Irish-American Gay Group*, 515 U.S. 557 (1995).

Application of Massachusetts' public accommodations law to require the private organizers of a St. Patrick's Day parade to allow participation in the parade by a gay and lesbian group wishing to proclaim its members' gay and lesbian identity violates the First Amendment because it compels parade organizers to include in the parade a message they wish to exclude.

908. *Miller v. Johnson*, 515 U.S. 900 (1995).

Georgia's congressional districting plan violates the Equal Protection Clause. The district court's finding that race was the predominant factor in drawing the boundaries of the Eleventh District was not clearly erroneous. The state did not meet its burden under strict scrutiny review to demonstrate that its districting was narrowly tailored to achieve a compelling interest.

Justices concurring: Kennedy, O'Connor, Scalia, Thomas, Rehnquist, C.J.
Justices dissenting: Stevens, Ginsburg, Breyer, Souter

909. *Fulton Corp. v. Faulkner*, 516 U.S. 325 (1996).

North Carolina's intangibles tax on a fraction of the value of corporate stock owned by North Carolina residents inversely proportional to the corporation's exposure to the state's income tax, violates the "dormant" Commerce Clause. The tax facially discriminates against interstate commerce, and is not a "compensatory tax" designed to make interstate commerce bear a burden already borne by intrastate commerce.

910. *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484 (1996).

Rhode Island's statutory prohibition against advertisements that provide the public with accurate information about retail prices of alcoholic beverages abridges freedom of speech protected by the First Amendment, and is not shielded from constitutional scrutiny by the Twenty-first Amendment. There is not a "reasonable fit" between the blanket prohibition and the state's goal of reducing alcohol consumption.

Justices concurring: Stevens, Scalia (in part), Kennedy (in part), Souter (in part), Thomas (in part), Ginsburg (in part)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring specially: Scalia, Thomas, O'Connor, Souter, Breyer, Rehnquist, C.J.

911. *Romer v. Evans*, 517 U.S. 620 (1996).

Amendment 2 to the Colorado Constitution, which prohibits all legislative, executive, or judicial action at any level of state or local government if that action is designed to protect homosexuals, violates the Equal Protection Clause of the Fourteenth Amendment. The amendment, adopted by statewide referendum in 1992, does not bear a rational relationship to a legitimate governmental purpose.

Justices concurring: Kennedy, Stevens, O'Connor, Souter, Ginsburg, Breyer
Justices dissenting:: Scalia, Thomas, Rehnquist, C.J.

912. *Shaw v. Hunt*, 517 U.S. 899 (1996).

North Carolina's congressional districting law, containing the racially gerrymandered 12th Congressional District as well as another majority-black district, violates the Equal Protection Clause because, under strict scrutiny applicable to racial classifications, creation of District 12 was not narrowly tailored to serve a compelling state interest. Creation of District 12 was not necessary to comply with either section 2 or section 5 of the Voting Rights Act, and the lower court found that the redistricting plan was not actually aimed at ameliorating past discrimination.

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas
Justices dissenting: Stevens, Ginsburg, Souter, Breyer

913. *Bush v. Vera*, 517 U.S. 952 (1996).

Three congressional districts created by Texas law constitute racial gerrymanders that are unconstitutional under the Equal Protection Clause. The district court correctly held that race predominated over legitimate districting considerations, including incumbency, and consequently strict scrutiny applies. None of the three districts is narrowly tailored to serve a compelling state interest.

Justices concurring: O'Connor, Kennedy, Rehnquist, C.J.
Justices concurring specially: O'Connor, Kennedy, Thomas, Scalia
Justices dissenting: Stevens, Ginsburg, Breyer, Souter

914. *United States v. Virginia*, 518 U.S. 515 (1996).

Virginia's exclusion of women from the educational opportunities provided by Virginia Military Institute denies to women the equal protection of the laws. A state must demonstrate "exceedingly persuasive justification" for gender discrimination, and Virginia has failed to do so in this case.

Justices concurring: Ginsburg, Stevens, O'Connor, Kennedy, Souter, Breyer

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice concurring specially: Rehnquist, C.J.
Justice dissenting: Scalia

915. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996).

Mississippi statutes that condition appeals from trial court decrees terminating parental rights on the affected parent's ability to pay for preparation of a trial transcript violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

Justices concurring: Ginsburg, Stevens, O'Connor, Souter, Breyer
Justice concurring specially: Kennedy
Justice dissenting: Rehnquist, C.J., Thomas, Scalia

916. *Lynce v. Mathis*, 519 U.S. 433 (1997).

A Florida statute canceling early release credits awarded to prisoners as a result of prison overcrowding violates the Ex Post Facto Clause, Art. I, § 10, cl. 1, as applied to a prisoner who had already been awarded the credits and released from custody.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer, Rehnquist, C.J.
Justice concurring specially: Thomas, Scalia

917. *Chandler v. Miller*, 520 U.S. 305 (1997).

A Georgia statute requiring that candidates for state office certify that they have passed a drug test effects a "search" that is plainly not tied to individualized suspicion, and does not fit within the "closely guarded category of constitutionally permissible suspicionless searches," and hence violates the Fourth Amendment. Georgia has failed to establish existence of a "special need, beyond the normal need for law enforcement," that can justify such a search.

Justices concurring: Ginsburg, Stevens, O'Connor, Scalia, Kennedy, Souter, Thomas, Breyer
Justice dissenting: Rehnquist, C.J.

918. *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U.S. 564 (1997).

Maine's property tax law, which contains an exemption for charitable institutions but limits that exemption to institutions serving principally Maine residents, is a form of protectionism that violates the "dormant" Commerce Clause as applied to deny exemption status to a nonprofit corporation that operates a summer camp for children, most of whom are not Maine residents.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Breyer
Justice dissenting: Scalia, Thomas, Ginsburg, Rehnquist, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

919. *Lunding v. New York Tax Appeals Tribunal*, 522 U.S. 287 (1998).

A New York law that effectively denies only nonresident taxpayers an income tax deduction for alimony paid violates the Privileges and Immunities Clause of Art. IV, § 2. New York did not adequately justify its failure to treat resident and nonresident taxpayers with substantial equality.

Justices concurring: O'Connor, Stevens, Scalia, Souter, Thomas, Breyer
Justice dissenting: Ginsburg, Kennedy, Rehnquist, C.J.

920. *Knowles v. Iowa*, 525 U.S. 113 (1998).

An Iowa statute authorizing law enforcement officers to conduct a full-blown search of an automobile when issuing a traffic citation violates the Fourth Amendment. The rationales that justify a search incident to arrest do not justify a similar search incident to a traffic citation.

921. *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999).

Three conditions that Colorado placed on the petition process for ballot initiatives—that petition circulators be registered voters, that they wear identification badges, and that initiative sponsors report the names and addresses of circulators and the amounts paid to each—impermissibly restrict political speech in violation of the First and Fourteenth Amendments.

Justices concurring: Ginsburg, Stevens, Scalia, Kennedy, Souter
Justice concurring specially: Thomas
Justice concurring in part and dissenting in part: O'Connor, Souter, Rehnquist, C.J.

922. *South Central Bell Tel. Co. v. Alabama*, 526 U.S. 160 (1999).

Alabama's franchise tax law discriminates against foreign corporations in violation of the Commerce Clause. The law establishes a domestic corporation's tax base as the par value of its capital stock, a value that the corporation may set at whatever level it chooses. The tax base of a foreign corporation, on the other hand, contains balance sheet items that the corporation cannot so manipulate.

923. *Saenz v. Roe*, 526 U.S. 489 (1999).

A provision of California's Welfare and Institutions Code limiting new residents, for the first year they live in California, to the level of welfare benefits that they would have received in the state of their prior residence abridges the right to travel in violation of the Fourteenth Amendment.

Justices concurring: Stevens, O'Connor, Scalia, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Rehnquist, C.J., Thomas

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

924. *Rice v. Cayetano*, 528 U.S. 495 (2000).

A provision of the Hawaii Constitution restricting the right to vote for trustees of the Office of Hawaiian Affairs to persons who are descendants of people inhabiting the Hawaiian Islands in 1778 is a race-based voting qualification that violates the Fifteenth Amendment. Ancestry can be—and in this case is—a proxy for race.

Justices concurring: Kennedy, Rehnquist, C.J., O'Connor, Scalia, Thomas
Justices concurring specially: Breyer, Souter
Justices dissenting: Stevens, Ginsburg

925. *Carmell v. Texas,*529 U.S. 513 (2000).

A Texas law that eliminated a requirement that the testimony of a sexual assault victim age 14 or older must be corroborated by two other witnesses violates the Ex Post Facto Clause of Art. I, § 10 as applied to a crime committed while the earlier law was in effect. So applied, the law falls into the category of an *ex post facto* law that requires less evidence in order to convict. Under the old law, the petitioner could have been convicted only if the victim's testimony had been corroborated by two witnesses, while under the amended law the petitioner was convicted on the victim's testimony alone.

Justices concurring: Stevens, Scalia, Souter, Thomas, Breyer
Justices dissenting: Ginsburg, Rehnquist, C.J., O'Connor, Kennedy

926. *Troxel v. Granville,*530 U.S. 57 (2000).

A Washington State law allowing "any person" to petition a court "at any time" to obtain visitation rights whenever visitation "may serve the best interests" of a child is unconstitutional as applied to an order requiring a parent to allow her child's grandparents more extensive visitation than the parent wished. Because no deference was accorded to the parent's wishes, the parent's due process liberty interest in making decisions concerning her child's care, custody, and control was violated.

Justices concurring: O'Connor, Rehnquist, C.J., Ginsburg, Breyer
Justices concurring specially: Souter, Thomas
Justices dissenting: Stevens, Scalia, Kennedy

927. *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

A New Jersey "hate crime" statute that allows a judge to extend a sentence upon finding by a preponderance of the evidence that the defendant, in committing a crime for which he has been found guilty, acted with a purpose to intimidate because of race, violates the Fourteenth Amendment's Due Process Clause and the Sixth Amendment's requirements of speedy and public trial by an impartial jury. Any fact

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury and established beyond a reasonable doubt.

Justices concurring: Stevens, Scalia, Souter, Thomas, Ginsburg
Justices concurring specially: Thomas
Justices dissenting: O'Connor, Rehnquist, C.J., Kennedy, Breyer

928. *California Democratic Party v. Jones*, 530 U.S. 567 (2000).

California's "blanket primary" law violates the First Amendment associational rights of political parties. The law lists all candidates on one ballot and allows primary voters to choose freely among candidates without regard to party affiliation. The law "adulterate[s]" a party's candidate-selection process by forcing the party to open up that process to persons wholly unaffiliated with the party, and is not narrowly tailored to serve a compelling state interest.

Justices concurring: Scalia, Rehnquist, C.J., O'Connor, Kennedy, Souter, Thomas, Breyer
Justices dissenting: Stevens, Ginsburg

929. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).

Application of New Jersey's public accommodations law to require the Boy Scouts of America to admit an avowed homosexual as a member and assistant scout master violates the organization's First Amendment associational rights. The general mission of the Scouts, to instill values in young people, is expressive activity entitled to First Amendment protection, and requiring the Scouts to admit a gay scout leader would contravene the Scouts' asserted policy disfavoring homosexual conduct.

Justices concurring: Rehnquist, C.J., O'Connor, Scalia, Kennedy, Thomas
Justices dissenting: Stevens, Souter, Ginsburg, Breyer

930. *Stenberg v. Carhart*, 530 U.S. 914 (2000).

Nebraska's statute criminalizing the performance of "partial birth abortions" is unconstitutional under principles set forth in *Roe v. Wade* and *Planned Parenthood v. Casey*. The statute lacks an exception for instances in which the banned procedure is necessary to preserve the health of the mother, and, because it applies to the commonplace dilation and evacuation procedure as well as to the dilation and extraction method, imposes an "undue burden" on a woman's right to an abortion.

Justices concurring: Breyer, Stevens, O'Connor, Souter, Ginsburg
Justices dissenting: Rehnquist, C.J., Scalia, Kennedy, Thomas

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

931. *Cook v. Gralike*, 531 U.S. 510 (2001).

Provisions of the Missouri Constitution requiring identification on primary and general election ballots of congressional candidates who failed to support term limits in the prescribed manner are unconstitutional. States do not have power reserved by the Tenth Amendment to give binding instructions to their congressional representatives, and the "Elections Clause" of Article I, section 4, does not authorize the regulation. The Missouri ballot requirements do not relate to "times" or "places," and are not valid regulations of the "manner" of holding elections.

Justices concurring: Stevens, Scalia, Kennedy, Ginsburg, Breyer
Justices concurring specially: Rehnquist, C.J., Kennedy, Thomas, O'Connor, Souter

932. *Bartnicki v. Vopper*, 532 U.S. 514 (2001).

A Pennsylvania prohibition on disclosure of the contents of an illegally intercepted electronic communication violates the First Amendment as applied in this case. The defendants, a talk show host and a community activist, played no part in the illegal interception, and obtained the tapes lawfully. The subject matter of the disclosed conversation, involving a threat of violence in a labor dispute, was "a matter of public concern."

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Rehnquist, C.J., Scalia, Thomas

933. *Lorillard Tobacco Co. v. Reilly,*533 U.S. 525 (2001).

Massachusetts' restrictions on outdoor advertising and point-of-sale advertising of smokeless tobacco and cigars violate the First Amendment. The regulations prohibit outdoor advertising within 1,000 feet of a school, park, or playground, and prohibit "point-of-sale" advertising placed lower than five feet above the floor of retail establishments. These restrictions do not satisfy the fourth step of the *Central Hudson* test for regulation of commercial speech. That step requires a "reasonable fit" between the means and ends of a regulation, yet the regulations are not "narrowly tailored" to achieve such a fit.

Justices concurring: O'Connor, Scalia, Kennedy, Souter (point-of-sale restrictions only), Thomas
Justices dissenting: Stevens, Ginsburg, Breyer, Souter (outdoor advertising only)

934. *Ring v. Arizona*, 536 U.S. 584 (2002).

Arizona's capital sentencing law violates the Sixth Amendment right to jury trial by allowing a sentencing judge to find an aggravating circumstance necessary for imposition of the death penalty. The governing principle was established in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), holding that any fact (other than the fact of a prior conviction)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury and proved beyond a reasonable doubt. The required finding of an aggravating circumstance exposed the defendant to a greater punishment than that authorized by the jury's guilty verdict.

Justices concurring: Ginsburg, Stevens, Scalia, Kennedy, Souter, Thomas
Justice concurring specially: Breyer
Justices dissenting: O'Connor, Rehnquist, C.J.

935. *Atkins v. Virginia*, 536 U.S. 304 (2002).

Virginia's capital punishment law is invalid to the extent that it authorizes execution of the mentally retarded. Execution of a mentally retarded individual constitutes cruel and unusual punishment prohibited by the Eighth Amendment. Circumstances have changed since the Court upheld the practice in *Penry v. Lynaugh,* 492 U.S. 302 (1989); since that time 16 states have prohibited the practice, none has approved it, and thus "a national consensus" has developed against execution of the mentally retarded. The Court's "independent evaluation of the issue reveals no reason to disagree with the judgment of the legislatures" that have created this national consensus.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Rehnquist, C.J., Scalia, Thomas

936. *Stogner v. California*, 539 U.S. 607 (2003).

A California statute that permits resurrection of an otherwise time-barred criminal prosecution for sexual abuse of a child, and that was itself enacted after the pre-existing limitations period had expired for the crimes at issue, violates the Ex Post Facto Clause of Art. I, § 10, cl. 1.

Justices concurring: Breyer, Stevens, O'Connor, Souter, Ginsburg
Justices dissenting: Kennedy, Scalia, Thomas, Rehnquist, C.J.

937. *Virginia v. Black*, 538 U.S. 343 (2003).

The provision of Virginia's cross-burning statute stating that a cross burning "shall be *prima facie* evidence of an intent to intimidate" is unconstitutional.

Justices concurring: O'Connor, Stevens, Breyer, Rehnquist, C.J.
Justices concurring specially: Souter, Kennedy, Ginsburg
Justices dissenting: Scalia, Thomas

938. *Lawrence v. Texas*, 539 U.S. 558 (2003).

A Texas statute making it a crime for two people of the same sex to engage in sodomy violates the Due Process Clause of the Fourteenth Amendment. The right to liberty protected by the Due Process

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Clause includes the right of two adults, "with full and mutual consent from each other, [to] engag[e] in sexual practices common to a homosexual lifestyle."

Justices concurring: Kennedy, Stevens, Souter, Ginsburg, Breyer
Justice concurring specially: O'Connor
Justices dissenting: Scalia, Thomas, Rehnquist, C.J.

939. *Blakely v. Washington*, 542 U.S. 296 (2004).

Washington State's sentencing law, which allows a judge to impose a sentence above the standard range if he finds "substantial and compelling reasons justifying an exceptional sentence," is inconsistent with the Sixth Amendment right to trial by jury.

Justices concurring: Scalia, Stevens, Souter, Thomas, Ginsburg
Justices dissenting: O'Connor, Breyer, Kennedy, Rehnquist, C.J.

940. *Granholm v. Heald*, 544 U.S. 460 (2005).

Michigan and New York laws that allow in-state wineries to sell wine directly to consumers but prohibit or discourage out-of-state wineries from doing so discriminate against interstate commerce in violation of the Commerce Clause, and are not authorized by the Twenty-first Amendment.

Justices concurring: Kennedy, Scalia, Souter, Ginsburg, Breyer
Justices dissenting: Stevens, O'Connor, Thomas, Rehnquist, C.J.

941. *Halbert v. Michigan*, 545 U.S. 605 (2005).

A Michigan statute making appointment of appellate counsel discretionary with the court for indigent criminal defendants who plead nolo contendere or guilty is unconstitutional to the extent that it deprives indigents of the right to the appointment of counsel to seek "first-tier review" in the Michigan Court of Appeals.

Justices concurring: Ginsburg, Stevens, O'Connor, Kennedy, Souter, Breyer
Justices dissenting: Thomas, Scalia, Rehnquist, C.J.

942. *Roper v. Simmons*, 543 U.S. 551 (2005).

Missouri's law setting the minimum age at 16 for persons eligible for the death penalty violates the Eighth Amendment's ban on cruel and unusual punishment as applied to persons who were under 18 at the time they committed their offense.

Justices concurring: Kennedy, Stevens, Souter, Ginsburg, Breyer
Justices dissenting: O'Connor, Scalia, Thomas, Rehnquist, C.J.

943. *Jones v. Flowers*, 547 U.S. 220 (2006).

Arkansas statute violated due process when interpreted not to require the Arkansas Commissioner of State Lands to take additional

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

reasonable steps to notify a property owner of intent to sell the property to satisfy a tax delinquency, after the initial notice was returned by the Post Office unclaimed.

Justices concurring: Roberts, C.J., Stevens, Souter, Ginsburg, Breyer
Justices dissenting: Thomas, Scalia, Kennedy

944. *Randall v. Sorrell*, 548 U.S. 230 (2006).

Vermont campaign finance statute's limitations on both expenditures and contributions violated freedom of speech.

Justices concurring: Breyer, Roberts, C.J., Alito, Kennedy, Thomas, Scalia
Justices dissenting: Stevens, Souter, Ginsberg

945. *Abdul-Kabir v. Quarterman*, 550 U.S. 233, 237 (2007).

Texas capital sentencing statute impermissibly prevented sentencing "jurors from giving meaningful consideration to constitutionally relevant mitigating evidence."

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Roberts, C.J., Scalia, Thomas, Alito

946. *Brewer v. Quarterman*, 550 U.S. 286, 288 (2007).

"Texas capital sentencing statute impermissibly prevented sentencing jury from giving meaningful consideration to constitutionally relevant mitigating evidence."

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Roberts, C.J., Scalia, Thomas, Alito

947. *Kennedy v. Louisiana*, 554 U.S. 407 (2008).

Louisiana's statute that permits the death penalty for rape of a child under 12 is unconstitutional because the Eighth Amendment bars "the death penalty for the rape of a child where the crime did not result, and was not intended to result, in the death of the victim."

Justices concurring: Kennedy, Stevens, Souter, Ginsburg, Breyer
Justices dissenting: Alito, Roberts, C.J., Scalia, Thomas

948. *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008).

A District of Columbia statute that banned virtually all handguns, and required that any other type of firearm in the home be dissembled or bound by a trigger lock at all times violates the Second Amendment, which the Court held to protect individuals' right to bear arms.

Justices concurring: Scalia, Roberts, C.J., Kennedy, Thomas, Alito
Justices dissenting: Stevens, Souter, Ginsburg, Breyer

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

949. *Brown v. Entertainment Merchants Association*, 564 U.S. ___, No. 08–1448, slip op. (2011).

California state law that imposed a civil fine of up to $1,000 for selling or renting "violent video games" to minors, and required their packaging to be so labeled, struck down as violation of the First Amendment, despite argument that, as related to the sale of these games to minors, that this form of speech fell out of First Amendment scrutiny.

Justices concurring: Scalia, Kennedy, Souter, Ginsburg, Sotomayor, Kagan
Justices concurring specially: Alito, Roberts, C.J.
Justices dissenting: Thomas, Breyer

950. *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U.S. ___, No. 10–238, slip op. (2011).

Court struck down as violation of the First Amendment an Arizona voluntary public financing system which granted an initial allotment to the campaigns of candidates for state office who agreed to certain requirements and limitations, and made matching funds available if the expenditures of a privately financed opposing candidate, combined with the expenditures of any independent groups supporting that opposing candidacy, exceeded the publically funded campaign's initial allotment.

Justices concurring: Roberts, C.J., Scalia, Kennedy, Thomas, Alito
Justices dissenting: Kagan, Ginsburg, Breyer, Sotomayor

951. *Sorrell v. IMS Health, Inc.*, 564 U.S. ___, No. 10–779, slip op. (2011).

New Hampshire restrictions on pharmacies and "data-miners" selling or leasing information on the prescribing behavior of doctors for marketing purposes and related restrictions limiting the use of that information by pharmaceutical companies struck down as content-based and speaker-based restrictions on free speech, since there were numerous exceptions, including provisions allowing such prescriber-identifying information to be used for health care research.

Justices concurring: Kennedy, Roberts, C.J., Scalia, Thomas, Alito, Sotomayor
Justices dissenting: Breyer, Ginsburg, Kagan

952. *Miller v. Alabama*, 567 U.S. ___, No. 10–9646, slip op. (2012).

Court struck down on Eighth Amendment grounds Alabama and Arkansas statutes mandating life imprisonment without possibility of parole for juvenile offenders convicted of homicide.

Justices concurring: Kagan, Kennedy, Ginsburg, Breyer, Sotomayor
Justices dissenting: Roberts, C.J., Scalia, Thomas, Alito

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

953. *American Tradition Partnership, Inc. v. Bullock*, 564 U.S. ___, No. 11–1179, slip op. (2012).

Montana law barring corporate expenditures in support of, or opposition to, a candidate or a political party struck down as violative of First Amendment, despite legislative record that independent corporate expenditures can lead to corruption or appearance of corruption.

Justices concurring (per curiam): Roberts, C.J., Scalia, Kennedy, Thomas, Alito
Justices dissenting: Breyer, Ginsburg, Sotomayor, Kagan

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INFORMATION
GPO

II. ORDINANCES HELD UNCONSTITUTIONAL

1. *Weston v. City Council of Charleston*, 27 U.S. (2 Pet.) 449 (1829).

A city ordinance that levied a tax on stock issued by the United States impaired the federal borrowing power and was void (Art. VI).

Justices concurring: Marshall, C.J., Washington, Duvall, Story
Justices dissenting: Johnson, Thompson

2. *Cannon v. City of New Orleans*, 87 U.S. (20 Wall.) 577 (1874).

A New Orleans ordinance of 1852, imposing a charge for use of piers measured by tonnage of vessel, levied an invalid tonnage duty.

3. *Murray v. City of Charleston*, 96 U.S. 432 (1878).

A Charleston, South Carolina, tax ordinance which withheld from interest payments on municipal bonds a tax levied after issuance of such bonds at a fixed rate of interest impaired the obligation of contract (Art. I, § 10).

Justices concurring: Strong, Waite, C.J., Clifford, Bradley, Swayne, Harlan, Field
Justices dissenting: Miller, Hunt

4. *Moran v. City of New Orleans*, 112 U.S. 69 (1884).

A New Orleans ordinance, so far as it imposed license tax upon persons owning and running towboats to and from the Gulf of Mexico, was an invalid regulation of commerce.

5. *New Orleans Gas Co. v. Louisiana Light Co.*, 115 U.S. 650 (1885).

A municipal ordinance granting to a public utility an exclusive right to supply the city with gas, and state constitutional provision abolishing outstanding monopolistic grants, impaired the obligation of contract when enforced against a previously chartered utility which, through consolidation, had inherited the monopolistic, exclusive privileges of two utility corporations chartered prior to the constitutional proviso and ordinance.

6. *New Orleans Water-Works Co. v. Rivers*, 115 U.S. 674 (1885).

When a utility is chartered with an exclusive privilege of supplying a city with water, a subsequently enacted ordinance authorizing an individual to supply water to a hotel impaired the obligation of contract.

7. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

A San Francisco ordinance regulating certain phases of the laundry business, as arbitrarily enforced against Chinese, held to violate the equal protection of the laws.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

8. *Leloup v. Port of Mobile*, 127 U.S. 640 (1888).

A Mobile, Alabama, ordinance that levied an occupational license tax on a telegraph company doing an interstate business was void.

9. *McCall v. California*, 136 U.S. 104 (1890).

A San Francisco ordinance that imposed a license tax on a soliciting agent for a foreign corporation was void as levying a tax on interstate commerce.

Justices concurring: Lamar, Miller, Field, Bradley, Harlan, Blatchford
Justices dissenting: Fuller, C.J., Gray, Brewer

10. *Brennan v. City of Titusville*, 153 U.S. 289 (1894).

An ordinance of a Pennsylvania city requiring a license tax of a soliciting agent for a manufacturer in another state was held invalid as imposing a tax upon interstate commerce.

11. *City of Walla Walla v. Walla Walla Water Co.*, 172 U.S. 1 (1898).

A Washington city ordinance that authorized construction of a municipal water works impaired the obligation of a contract previously negotiated with a private utility providing the same service.

12. *City of Los Angeles v. Los Angeles City Water Co.*, 177 U.S. 558 (1900).

Ordinance expanding city limits beyond those to be served by a utility leasing a municipality's water works and effecting diminution of the rates stipulated in the original agreement without any equivalent compensation impaired the obligation of contract between the utility and the city.

13. *City of Detroit v. Detroit Citizens' St. Ry.*, 184 U.S. 368 (1902).

City ordinances that adjusted the rate of fare stipulated in agreements made with a street railway company held to impair the obligation of contract.

14. *Caldwell v. North Carolina*, 187 U.S. 622 (1903).

Greensboro ordinance imposing a license on photographic business, as applied to an agent of an out-of-state corporation, was held an invalid regulation of commerce.

15. *Postal Telegraph-Cable Co. v. Borough of Taylor*, 192 U.S. 64 (1904).

Ordinance of Taylor, Pennsylvania authorizing an inspection fee on telegraph companies doing an interstate business held to be an unreasonable and invalid regulation of commerce.

Justices concurring: Peckham, Fuller, C.J., Brown, White, McKenna, Holmes, Day

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Harlan, Brewer

16. *City of Cleveland v. Cleveland City Ry.*, 194 U.S. 517 (1904).

Ordinance reducing the rate of fares to be charged by railway companies lower than cited in previous ordinances held to impair the obligation of contract.

17. *Dobbins v. City of Los Angeles*, 195 U.S. 223 (1904).

No change in the neighborhood having occurred between passage of two zoning ordinances, the second, which excluded a gas company from erecting a plant within the area authorized by the first ordinance, was held to effect an arbitrary deprivation of property without due process of law.

18. *City of Cleveland v. Cleveland Electric Ry.*, 201 U.S. 529 (1906).

Ordinance according to a consolidated municipal railway an extension of the duration date of franchises issued to its predecessors, in consideration of which substantial sums were expended on improvements, gave rise to a new contract, which was impaired by later attempt on the part of the city to reduce the rate stipulated in the franchises thus extended.

19. *Rearick v. Pennsylvania*, 203 U.S. 507 (1906).

A Sunbury, Pennsylvania ordinance imposing a license fee for the solicitation of orders for the sale of merchandise not of the parties own manufacture imposed an invalid burden on interstate commerce when applied to a Pennsylvania agent of an Ohio company who solicited orders for the latter's products and upon receipt of the latter, consigned to a designated purchaser, consummated the sale by delivering the merchandise to such purchaser and, upon the latter's approval of the parcel delivered, collected the purchase price for transmission to the Ohio employer.

20. *Mayor of Vicksburg v. Vicksburg Waterworks Co.*, 206 U.S. 496 (1907).

Municipal contract with utility fixing the maximum rate to be charged for supplying water to inhabitants was invalidly impaired by subsequent ordinances altering said rates.

21. *Londoner v. City of Denver*, 210 U.S. 373 (1908).

The due process requirements of notice and hearing in connection with the assessment of taxes were violated by a municipal assessment ordinance which afforded the taxpayer the privilege of filing objections but no opportunity to support his objections by argument and proof in open hearing.

Justices concurring: Moody, Harlan, Brewer, White, Peckham, McKenna, Day

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Fuller, C.J., Holmes

22. *City of Minneapolis v. Street Ry.*, 215 U.S. 417 (1910).

Minneapolis ordinance of 1907, directing the sale of six train tickets for 25¢, was void as impairing the contract which arose from passage of the ordinance of 1875 granting to a railway a franchise expiring in 1923 and establishing a fare of not less than 5¢.

23. *Eubank v. City of Richmond*, 226 U.S. 137 (1912).

Municipal ordinance requiring authorities to establish building lines on separate blocks back of the public streets and across private property upon the request of less than all the owners of the property affected invalidly authorized the taking of property, not for public welfare but for the convenience of other property owners; and therefore violated due process.

24. *Williams v. City of Talladega*, 226 U.S. 404 (1912).

A $100 license fee imposed by ordinance of an Alabama city on a foreign telegraph company, part of whose business income was derived from the transmission of messages for the Federal Government was void as a tax on a federal instrumentality (Art. VI).

25. *Grand Trunk Western Ry. v. City of South Bend*, 227 U.S. 544 (1913).

South Bend, Indiana, ordinance of 1901 repealing portion of an ordinance of 1866 authorizing a railroad to lay double tracks on one of its streets impaired the obligation of contract contrary to Art. I, § 10.

Justices concurring: Lamar, Holmes, White, C.J., Lurton, Van Devanter, McKenna, Day (separately)
Justices dissenting: Hughes, Pitney

26. *City of Owensboro v. Cumberland Telephone Co.*, 230 U.S. 58 (1913).

An ordinance of a Kentucky municipality which required a telephone company to remove from the streets poles and wires installed under a prior ordinance granting permission to do so, without restriction as to the duration of such privilege, or, in the alternative, pay a rental not prescribed in the original ordinance impaired an obligation of contract contrary to Art. I, § 10.

Justices concurring: Lurton, White, C.J., Holmes, Van Devanter, Lamar
Justices dissenting: Day, McKenna, Hughes, Pitney

27. *Boise Water Co. v. Boise City*, 230 U.S. 84 (1913).

An ordinance of an Idaho municipality, adopted in 1906, that subjected a water company to monthly rental fees for the use of its streets invalidly impaired the obligation of contract arising under an ordi-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

nance of 1889 which granted a predecessor company the privilege of laying water pipes under the city streets without payment of any charge for the exercise of such right.

28. *Old Colony Trust Co. v. City of Omaha*, 230 U.S. 100 (1913).

An ordinance of a Nebraska municipality adopted in 1908 requiring, without any showing of the necessity therefor, a utility to remove its poles and wires from the city streets invalidly impaired an obligation of contract arising from an ordinance of 1884 granting in perpetuity the privilege of erecting and maintaining poles and wires for the transmission of power.

29. *Adams Express Co. v. City of New York*, 232 U.S. 14 (1914).

New York city ordinances requiring an express company to obtain a local license, exacting license fees for express wagons and drivers, and requiring drivers to be citizens, to the extent that they extended to interstate commerce, imposed invalid burdens on such commerce.

Accord: U.S. Express Co. v. City of New York, 232 U.S. 35 (1914).

30. *City of Sault Ste. Marie v. International Transit Co.*, 234 U.S. 333 (1914).

Michigan city municipal ordinance which compelled operator of a ferry between Canadian and Michigan points to take out a license imposed an invalid burden on the privilege of engaging in foreign commerce.

31. *South Covington Ry. v. City of Covington*, 235 U.S. 537 (1915).

Kentucky municipal ordinance, insofar as it sought to regulate the number of street cars to be run, and the number of passengers allowed in each car, between interstate points imposed an unreasonable burden on interstate commerce. Also, the requirement that temperature in the cars never be permitted to be below 50° was unreasonable and violated due process.

32. *Gast Realty Co. v. Schneider Granite Co.*, 240 U.S. 55 (1916).

St. Louis ordinance which levied one-fourth of the cost of paving on property fronting on the street and the remaining three-fourths upon all property in the taxing district according to area and without equality as to depth denied equal protection of the laws.

33. *Buchanan v. Warley*, 245 U.S. 60 (1917).

A Louisville, Kentucky, ordinance which forbade "colored" persons to occupy houses in blocks where the majority of the houses were occupied by whites was deemed to prevent sales of lots in such blocks to African Americans and to deprive the latter of property without due process of law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

34. Accord: *Harmon v. Tyler*, 273 U.S. 668 (1927), voiding a similar New Orleans ordinance.

35. Accord: *City of Richmond v. Deans*, 281 U.S. 704 (1930), voiding a similar Richmond, Virginia, ordinance.

36. *Northern Ohio Traction & Light Co. v. Ohio ex rel. Pontius*, 245 U.S. 574 (1918).

Resolution of Stark County commissioners in 1912 purporting to revoke an electric railway franchise previously granted in perpetuity by appropriate county authorities in 1892 amounted to state action impairing the obligation of contract.

Justices concurring: McReynolds, White, C.J., McKenna, Holmes, Van Devanter, Pitney
Justices dissenting: Clarke, Brandeis

37. *City of Denver v. Denver Union Water Co.*, 246 U.S. 178 (1918).

Rates fixed by a Denver ordinance pertaining to the charges to be collected for services by a water company deprived the latter of its property without due process of law by reason of yielding a return of 4.3% compared with prevailing rates in the city of 6% and higher obtained on secured and unsecured loans.

Justices concurring: Pitney, White, C.J., McReynolds, Day, Van Devanter, McKenna
Justices dissenting: Holmes, Brandeis, Clarke

38. *City of Covington v. South Covington St. Ry.*, 246 U.S. 413 (1918).

A Kentucky city ordinance of 1913 purporting to grant a 25-year franchise for a street railway over certain streets to the best bidder impaired the obligation of contract of an older street railway accorded a perpetual franchise over the same street.

Justices concurring: Holmes, Pitney, White, C.J., McReynolds, Day, Van Devanter, McKenna
Justices dissenting: Clark, Brandeis

39. *Detroit United Ry. v. City of Detroit*, 248 U.S. 429 (1919).

A Detroit ordinance that compelled street railway company to carry passengers on continuous trips over franchise lines to and over nonfranchise lines, and vice versa, for a fare no greater than its franchises entitled it to charge upon the former alone impaired the obligation of the franchise contracts; and insofar as its enforcement would result in a deficit, also deprived the company of its property without due process.

Justices concurring: Day, Pitney, White, C.J., McReynolds, Van Devanter, McKenna
Justices dissenting: Clarke, Holmes, Brandeis

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

40. *City of Los Angeles v. Los Angeles Gas Corp.*, 251 U.S. 32 (1919).

A Los Angeles ordinance authorizing city to establish lighting system of its own could not effect removal of fixtures of a lighting company occupying streets pursuant to rights granted by a prior franchise without paying compensation required by Due Process Clause.

Justices concurring: McKenna, White, C.J., Holmes, Day, Van Devanter, McReynolds, Brandeis
Justices dissenting: Pitney, Clarke

41. *City of Houston v. Southwestern Tel. Co.*, 259 U.S. 318 (1922).

A Houston ordinance was void because the rates it fixed were confiscatory and deprived the utility of its property without due process of law.

42. *City of Paducah v. Paducah Ry.*, 261 U.S. 267 (1923).

Fares prescribed by an ordinance of Kentucky city were confiscatory and deprived the utility of property without due process of law.

43. *Texas Transp. Co. v. City of New Orleans*, 264 U.S. 150 (1924).

A New Orleans license tax ordinance could not be validly enforced as to the business of a corporation employed as agent by owners of vessels engaged exclusively in interstate and foreign commerce, where its business was a necessary adjunct of said commerce and consisted of the soliciting and engaging of cargo, the nomination of vessels to carry it, arranging for delivery on wharf and for stevedores, payment of ships' disbursements, issuing bills of lading, and collecting freight charges.

Justices concurring: Sutherland, Taft, C.J., Sanford, McReynolds, Butler, McKenna, Van Devanter
Justices dissenting: Brandeis, Holmes

44. *Real Silk Mills v. City of Portland*, 268 U.S. 325 (1925).

A Portland, Oregon, ordinance that exacted a license fee and a bond for insuring delivery from solicitors who go from place to place taking orders for goods for future delivery and receiving deposits in advance was invalid as unduly burdening interstate commerce when enforced against solicitors taking orders for an out-of-state corporation which confirmed the orders, shipped the merchandise directly to the customers, and permitted the solicitors to retain the deposited portion of the purchase as compensation.

45. *Mayor of Vidalia v. McNeely*, 274 U.S. 676 (1927).

An ordinance of Louisiana municipality that exacted license as a condition precedent for operation of a ferry across boundary waters separating two states imposed an invalid burden on interstate commerce.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

46. *Delaware, L. & W.R.R. v. Town of Morristown*, 276 U.S. 182 (1928).

A New Jersey municipal ordinance that compelled use of railroad station grounds for a public hackstand without compensation deprived the railroad of property without due process.

Justices concurring: Brandeis, Holmes (separately)

47. *Sprout v. City of South Bend*, 277 U.S. 163 (1928).

An Indiana municipal ordinance that exacted from motor bus operators a license fee adjusted to the seating capacity of a bus could not be validly enforced against an interstate carrier, for the fee was not exacted to defray expenses of regulating traffic in the interest of safety, or to defray the cost of road maintenance or as an occupation tax imposed solely on account of intrastate business.

48. *Nectow v. City of Cambridge*, 277 U.S. 183 (1928).

A Massachusetts municipal zoning ordinance that placed owner's land in a residential district with resulting inhibition of use for commercial purposes deprived the owner of property without due process because the requirement did not promote health, safety, morals, or general welfare.

49. *Washington ex rel. Seattle Title Trust Co. v. Roberge,*278 U.S. 116 (1928).

A municipal (Washington) zoning ordinance that conditioned issuance of a permit to enlarge a home for the aged in a residential area on the approval of the owners of two-thirds of the property within 400 feet of the proposed building violated due process because the condition bore no relationship to public health, safety, and morals and entailed an improper delegation of legislative power to private citizens.

50. *Lovell v. City of Griffin*, 303 U.S. 444 (1938).

A Griffin, Georgia, ordinance that exacted a permit for the distribution of literature by hand or otherwise violated freedom of press as guaranteed by the Due Process Clause of the Fourteenth Amendment by imposing censorship in advance of publication.

51. *Hague v. CIO*, 307 U.S. 496 (1939).

A Jersey City ordinance forbidding distribution of printed matter and the holding, without permits, of public meetings in streets and other public places withheld freedom of speech and assembly contrary to the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Roberts, Black, Frankfurter, Douglas, Stone, Reed, Hughes (concurred with opinions of Robert Stone), C.J.
Justices dissenting: McReynolds, Butler

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

52. *Schneider v. New Jersey*, 308 U.S. 147 (1939).

Irvington, New Jersey, ordinance prohibiting solicitation and distribution of circulars by canvassing from house to house, unless licensed by the police, violates the First Amendment as applied to one who delivered religious literature and solicited contributions door to door.

Justices concurring: Hughes, C.J., Butler, Stone, Roberts, Reed, Frankfurter, Douglas, Black
Justice dissenting: McReynolds

53. Accord: *Kim Young v. California*, 308 U.S. 147 (1939).

Los Angeles ordinance invalid on same basis.

54. Accord: *Snyder v. City of Milwaukee,*308 U.S. 147 (1939).

Milwaukee ordinance invalid on same basis.

55. Accord: *Nichols v. Massachusetts*, 308 U.S. 147 (1939).

Worcester, Massachusetts, ordinance invalid on same basis.

56. *McGoldrick v. Gulf Oil Corp.*, 309 U.S. 414 (1940).

The New York City sales tax cannot be collected on sales to vessels engaged in foreign commerce of fuel oil manufactured from imported crude petroleum in bond. Thus enforced, the city ordinance is invalid as an infringement of congressional regulations of foreign and interstate commerce (Art. I, § 8, cl. 3).

57. *Carlson v. California*, 310 U.S. 106 (1940).

A Shasta County, California, ordinance making it unlawful for any person to carry or display any sign or badge in the vicinity of any place of business for the purpose of inducing others to refrain from buying or working there, or for any person to loiter or picket in the vicinity of any place of business for such purpose, violates freedom of speech and press guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Hughes, C.J., Stone, Roberts, Black, Reed, Frankfurter, Douglas, Murphy
Justice dissenting: McReynolds

58. *Jamison v. Texas*, 318 U.S. 413 (1943).

A Dallas ordinance made it unlawful to throw any handbills, circulars, cards, newspapers or any advertising material upon any street or sidewalk in the city. As applied, the ordinance prohibited the dissemination of information, a denial of the freedom of the press, and

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

where the handbills contained an invitation to participate in a religious activity, a denial of freedom of religion, in violation of the First and Fourteenth Amendments.

59. *Largent v. Texas*, 318 U.S. 418 (1943).

A Paris City ordinance making it unlawful for any person to solicit orders or to sell books, wares or merchandise within the residential portion of Paris without a permit is invalid as applied. The ordinance abridges the freedom of religion, speech, and press guaranteed by the Fourteenth Amendment in that it forbids the distribution of religious publications without a permit, the issuance of which is in the discretion of a municipal officer.

60. *Jones v. City of Opelika*, 319 U.S. 103 (1943).

An Opelika, Alabama, ordinance imposing licenses and taxes on various businesses cannot constitutionally be applied to the business of selling books and pamphlets on the streets or from house to house. As applied the ordinance infringes liberties of speech and press and religion guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Stone, C.J., Black, Douglas, Murphy, Rutledge
Justices dissenting: Reed, Roberts, Frankfurter, Jackson

61. *Murdock v. Pennsylvania*, 319 U.S. 105, 113 (1943).

An ordinance of the City of Jeanette providing that all persons soliciting orders for merchandise of any kind, or persons delivering such articles under such orders, must procure a license and pay a fee, violates the First and Fourteenth Amendments when applied to persons soliciting orders for religious books and pamphlets, because "[a] state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."

Justices concurring: Stone, C.J., Black, Douglas, Murphy, Rutledge
Justices dissenting: Roberts, Reed, Frankfurter, Jackson

62. *Martin v. City of Struthers*, 319 U.S. 141 (1943).

An ordinance of Struthers, Ohio, made it unlawful for any person distributing handbills, circulars, or other advertisements to ring the door bell, sound the door knocker, or otherwise summon occupants of any residence to the door for the purpose of receiving such handbills, etc. The ordinance, as applied to one distributing leaflets advertising a religious meeting, interfered with the rights of freedom of speech and press guaranteed by the First Amendment. The ordinance, by failing to distinguish between householders who are willing to receive the literature and those who are not, extended further than was necessary for protection of the community.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Stone, C.J., Black, Frankfurter, Douglas, Murphy, Rutledge
Justices dissenting: Roberts, Reed, Jackson

63. *Follett v. Town of McCormick*, 321 U.S. 573 (1944).

A McCormick, South Carolina, ordinance required agents selling books to pay a license fee of $1.00 per day or $15.00 per year. The constitutional guarantee of religious freedom under the First and Fourteenth Amendments precludes exacting a book agent's license fee from a distributor of religious literature notwithstanding that his activities are confined to his hometown and his livelihood is derived from contributions requested for the literature distributed.

Justices concurring: Stone, C.J., Black, Reed, Douglas, Murphy, Rutledge
Justices dissenting: Roberts, Frankfurter, Jackson

64. *Nippert v. City of Richmond*, 327 U.S. 416 (1946).

A Richmond, Virginia, City Code imposed upon persons "engaged in business as solicitors an annual license tax of $50.00 plus one-half of one per centum of their gross receipts or commissions for the preceding license year in excess of $1,000.00." Permit of Director of Public Safety was required before issuance of the license. The ordinance violated the Commerce Clause because it discriminated against out-of-state merchants in favor of local ones and operated as a barrier to the introduction of out-of-state merchandise.

Justices concurring: Stone, C.J., Reed, Frankfurter, Rutledge, Burton
Justices dissenting: Black, Douglas, Murphy

65. *Joseph v. Carter & Weekes Stevedoring Co.*, 330 U.S. 422 (1947).

A New York City law provided that, for the privilege of carrying on within the city any trade, business, or profession, every person shall pay a tax of one-tenth of one per centum upon all receipts received in or allocable to the city during the year. The excise tax levied on the gross receipts of a stevedoring corporation is invalid as a burden on interstate and foreign commerce in violation of the Commerce Clause.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Douglas (dissenting in part), Murphy (dissenting in part), Jackson, Rutledge (dissenting in part), Burton
Justice dissenting: Black

66. *Saia v. New York*, 334 U.S. 558 (1948).

A Lockport ordinance forbidding use of sound amplification excepted public dissemination, through loudspeakers, of news, matters of public concern, and athletic activities, provided that the latter be done under permission obtained from the Chief of Police. The ordinance is unconstitutional on its face as a prior restraint on speech, in

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

violation of the First Amendment, made applicable to the states by the Fourteenth Amendment. No standards were prescribed for the exercise of discretion by the Chief of Police.

Justices concurring: Vinson, C.J., Black, Douglas, Murphy, Rutledge
Justices dissenting: Reed, Frankfurter, Jackson, Burton

67. *Terminiello v. City of Chicago*, 337 U.S. 1 (1949).

A Chicago ordinance proscribed the making of improper noises or other conduct contributing to a breach of the peace. Petitioner was convicted of violating said ordinance by reason of the fact that he had addressed a large audience in an auditorium where he had vigorously criticized various political and racial groups as well as the disturbances produced by an angry and turbulent crowd protesting his appearance. At this trial, the judge instructed the jury that any behavior that stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance, violates the ordinance. As construed and applied by the trial court the ordinance violates the right of free speech guaranteed by the First Amendment and made applicable to the states by the Fourteenth Amendment.

Justices concurring: Black, Reed, Douglas, Murphy, Rutledge
Justices dissenting: Vinson, C.J., Frankfurter, Jackson, Burton

68. *Kunz v. New York*, 340 U.S. 290 (1951).

Because of prior denunciation of other religious beliefs, appellant's license to conduct religious meetings on New York City streets was revoked. A local ordinance forbade the holding of such meetings without a license but contained no provisions for revocation of such licenses and no standard to guide administrative action in granting or denying permits. Appellant was convicted for holding religious meetings without a permit. The ordinance was held to grant discretionary power to control in advance the right of citizens to speak on religious issues and to impose a prior restraint on the exercise of freedom of speech and religion.

Justices concurring: Vinson, C.J., Black, Reed, Frankfurter, Douglas, Burton, Clark, Minton
Justices dissenting: Jackson

69. *Dean Milk Co. v. City of Madison*, 340 U.S. 349 (1951).

A Madison, Wisconsin, ordinance prohibited the sale of milk as pasteurized unless it had been processed and bottled at an approved plant within a radius of five miles from the central square of Madison. An Illinois corporation, engaged in gathering and distributing milk from farms in Illinois and Wisconsin was denied a license to sell milk within

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

the city solely because its pasteurization plants were more than five miles away. The ordinance unjustifiably discriminated against interstate commerce in violation of the Commerce Clause.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson, Burton, Clark
Justices dissenting: Black, Douglas, Minton

70. *Gelling v. Texas*, 343 U.S. 960 (1952).

Marshall City, Texas, motion picture censorship ordinance, as enforced, was unconstitutional as denying freedom of speech and press protected by the Due Process Clause of the Fourteenth Amendment.

71. *Fowler v. Rhode Island*, 345 U.S. 67 (1953).

A Pawtucket ordinance read: "No person shall address any political or religious meeting in any public park, but this section shall not be construed to prohibit any political or religious club or society from visiting any public park in a body, provided that no public address shall be made under the auspices of such club or society in such park." Because services of a Jehovah's Witnesses sect differed from those conducted by other religious groups, in that the former were marked by lectures rather than confined to orthodox rituals, that sect was prevented from holding religious meetings in parks. Thus applied, the ordinance was held to violate the First and Fourteenth Amendments, including the Equal Protection Clause.

72. *Slochower v. Board of Higher Education*, 350 U.S. 551 (1956).

Section 903 of the New York City Charter provides that whenever a city employee invokes the privilege against self-incrimination to avoid answering inquiries into his official conduct by a legislative committee, his employment shall terminate. The summary dismissal thereunder, without notice and hearing, of a teacher at City College who was entitled to tenure and could be discharged only for cause and after notice, hearing and appeal, violated the Due Process Clause of the Fourteenth Amendment. Invocation of the privilege to justify refusal to answer questions of a congressional committee concerning membership in the Communist Party in 1948–1949 cannot be viewed as the equivalent either to a confession of guilt or a conclusive presumption of perjury.

Justices concurring: Black (concurring specially), Douglas (concurring specially), Warren, C.J., Frankfurter, Clark
Justices dissenting: Reed, Burton, Minton, Harlan

73. *Holmes v. City of Atlanta*, 350 U.S. 879 (1955).

Atlanta ordinance that reserved certain public parks and golf courses for white persons only violated the Equal Protection Clause of the Fourteenth Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

74. *West Point Grocery Co. v. City of Opelika*, 354 U.S. 390 (1957).

Ordinance of Opelika, Alabama, provided that a wholesale grocery business that delivers groceries in the city from points without the city must pay an annual privilege tax of $250. As applied to a Georgia corporation that solicits orders in the city and consummates purchases by deliveries originating in Georgia, the tax is invalid under the Commerce Clause.

Justices concurring: Warren, C.J., Frankfurter, Douglas, Burton, Clark, Harlan, Brennan, Whittaker
Justice dissenting: Black

75. *Lambert v. California*, 355 U.S. 225 (1957).

Los Angeles Municipal Code made it unlawful for a person who has been convicted of a crime punishable in California as a felony to remain in the city longer than five days without registering with the Chief of Police. Applied to a person who is not shown to have had actual knowledge of his duty to register, this ordinance violates the Due Process Clause of the Fourteenth Amendment of the Constitution.

Justices concurring: Warren, C.J., Black, Douglas, Clark, Brennan
Justices dissenting: Frankfurter, Burton, Harlan, Whittaker

76. *Staub v. City of Baxley*, 355 U.S. 313 (1958).

Baxley, Georgia, made it an offense to "solicit" membership in any "organization, union or society" requiring the payment of "fees [or] dues" without first receiving a permit from the Mayor and Council. Issuance or refusal may occur after the character of the applicant, the nature of the organization in which memberships are to be solicited, and its effect upon the general welfare of the City have been considered. Appellant had been convicted for soliciting memberships in a labor union without a license. The ordinance is void on its face because it makes enjoyment of freedom of speech contingent upon the will of the Mayor and City Council and thereby constitutes a prior restraint upon that freedom contrary to the Fourteenth Amendment of the Constitution.

Justices concurring: Warren, C.J., Douglas, Black, Burton, Harlan, Brennan, Whittaker
Justices dissenting: Frankfurter, Clark

77. *Smith v. California*, 361 U.S. 147 (1959).

A Los Angeles City ordinance making it unlawful for any bookseller to possess any obscene publication denies him freedom of press, as guaranteed by the Due Process Clause of the Fourteenth Amendment, when it is judicially construed to make him absolutely liable criminally for mere possession of a book, later adjudged to be obscene, not-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

withstanding that he had no knowledge of its contents. Such construction would tend to restrict the books he sells to those he has inspected and thereby to limit the public's access to constitutionally protected publications.

Justices concurring: Clark, Warren, C.J., Whittaker, Brennan, Stewart, Black (separately), Frankfurter (separately), Douglas (separately), Harlan (dissenting in part; separately)

78. *Bates v. City of Little Rock*, 361 U.S. 516 (1960).

Little Rock and North Little Rock, Arkansas, ordinances that, as a condition of exempting charitable organizations from an annual business license tax, required the disclosure of the identity of the officers and members of said organizations, as enforced against the N.A.A.C.P., denied members of the latter freedom of association, press, and speech as guaranteed by the Due Process Clause of the Fourteenth Amendment.

Justices concurring: Brennan, Clark, Frankfurter, Stewart, Warren, C.J., Whittaker, Harlan, Black (separately), Douglas (separately)

79. *Talley v. California*, 362 U.S. 60 (1960).

Los Angeles ordinance that forbade distribution under any circumstance of any handbill that did not have printed on it the name and address of the person who prepared, distributed, or sponsored it was void on its face as abridging freedom of speech and press guaranteed by the Due Process Clause of the Fourteenth Amendment. The ordinance was not limited to identifying those responsible for fraud, false advertising, libel, disorder, or littering.

Justices concurring: Warren, C.J., Stewart, Harlan (separately), Douglas, Black
Justices dissenting: Clark, Frankfurter, Whittaker

80. *Schroeder v. City of New York*, 371 U.S. 208 (1962).

New York City Water Supply Act, insofar as it authorized notification of land owners, whose summer resort property would be adversely affected by city's diversion of water, by publication of notices in January in New York City official newspaper and in newspapers in the county where the resort property was located as well as by notices posted on trees and poles along the waterway adjacent to such property, did not afford the quality of notice, *i.e.*, to the owners' permanent home address, required by the Due Process Clause of the Fourteenth Amendment.

81. *Camara v. Municipal Court*, 387 U.S. 523 (1967).

San Francisco ordinance authorizing warrantless entry of residential property to inspect for housing code violations violates Fourth and Fourteenth Amendments.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

82. *See v. City of Seattle*, 387 U.S. 541 (1967).

Seattle ordinance authorizing warrantless entry of commercial property to inspect for fire code violations violates Fourth and Fourteenth Amendments.

83. *Teitel Film Corp. v. Cusack*, 390 U.S. 139 (1968).

Chicago motion picture censorship ordinance is unconstitutional in several procedural respects.

84. *Avery v. Midland County*, 390 U.S. 474 (1968).

Enactment of Midland County, Texas commissioners court drawing boundaries for districts of election of members does not comply with required "one-man, one-vote" standard.

Justices concurring: White, Black, Douglas, Brennan, Warren, C.J.
Justices dissenting: Harlan, Fortas, Stewart

85. *Interstate Circuit, Inc. v. City of Dallas*, 390 U.S. 676 (1968).

Dallas ordinance providing for classification of motion pictures as not suitable for viewing by young persons does not provide adequate standards and is void for vagueness.

Justices concurring: Marshall, Black, Douglas, Brennan, Stewart, White, Fortas, Warren, C.J.
Justices dissenting: Harlan

86. *Hunter v. Erickson*, 393 U.S. 385 (1969).

Amendment to Akron, Ohio city charter providing that any ordinance enacted by council dealing with discrimination in housing was not to be effective until approved by referendum whereas no other enactment had to be so submitted violated Equal Protection Clause.

Justices concurring: White, Douglas, Brennan, Fortas, Marshall, Warren, C.J.
Justices concurring specially: Harlan, Stewart
Justices dissenting: Black

87. *Coates v. City of Cincinnati*, 402 U.S. 611 (1971).

Cincinnati ordinance making it unlawful for three or more persons to assemble on a sidewalk and conduct themselves in a manner annoying to passers-by is unconstitutionally vague and violates rights to assembly and association.

Justices concurring: Stewart, Douglas, Harlan, Brennan, Marshall
Justices concurring specially: Black
Justices dissenting: White, Blackmun, Burger, C.J.

88. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972).

A Jacksonville, Florida vagrancy ordinance is void for vagueness because it fails to give a person fair notice that his contemplated con-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

duct is forbidden, because it encourages arbitrary and erratic enforcement of the law, because it makes criminal activities which by modern standards are normally innocent, and because it vests unfettered discretion in police.

89. *Police Dep't of Chicago v. Mosley*, 408 U.S. 92 (1972).

A Chicago ordinance prohibiting all picketing within a certain distance of any school except labor picketing violates the Equal Protection Clause by impermissibly distinguishing between types of peaceful picketing.

90. *Cason v. City of Columbus*, 409 U.S. 1053 (1972).

A Columbus, Ohio ordinance prohibiting use of abusive language toward another as applied by court below without limitation to fighting words cannot sustain conviction.

91. *Lewis v. City of New Orleans*, 415 U.S. 130 (1974).

New Orleans ordinance interpreted by state courts to punish the use of opprobrious words to police officer without limitation of offense to uttering of fighting words is invalid.

Justices concurring: Brennan, Douglas, Stewart, White, Marshall
Justice concurring specially: Powell
Justices dissenting: Blackmun, Rehnquist, Burger, C.J.

92. *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975).

A Jacksonville, Florida ordinance making it a public nuisance and a punishable offense for a drive-in movie theater to exhibit films containing nudity, when the screen is visible from a public street or place, is facially invalid as an infringement of First Amendment rights.

Justices concurring: Powell, Douglas, Brennan, Stewart, Marshall, Blackmun
Justices dissenting: White, Rehnquist, Burger, C.J.

93. *Hynes v. Mayor of Oradell*, 425 U.S. 610 (1976).

An Oradell, New Jersey ordinance requiring that advance written notice be given to local police by any person desiring to canvass, solicit, or call from house to house for a charitable or political purpose was held void for vagueness.

Justices concurring: Burger, C.J., Brennan, Stewart, White, Marshall, Blackmun, Powell
Justice dissenting: Rehnquist

94. *Linmark Assocs. v. Township of Willingboro*, 431 U.S. 85 (1977).

A Wilingboro, New Jersey ordinance prohibiting posting of real estate "For Sale" and "Sold" signs for the purpose of stemming what the township perceived as flight of white homeowners violated the First Amendment.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

95. *Moore v. City of East Cleveland*, 431 U.S. 494 (1977).

An East Cleveland zoning ordinance that limited housing occupancy to members of single family and restrictively defined family so as to prevent an extended family, *i.e.*, two grandchildren by different children residing with grandmother, violated the Due Process Clause.

Justices concurring: Powell, Brennan, Marshall, Blackmun
Justice concurring specially: Stevens
Justices dissenting: Stewart, Rehnquist, White; Burger (on other grounds)

96. *Carter v. Miller*, 434 U.S. 356 (1978).

A lower court's invalidation on equal protection grounds of a Chicago ordinance that permanently denies public chauffeur's license to applicants previously convicted of certain crimes, but making revocation of previously licensed persons convicted of the same offenses discretionary, is affirmed by an equally divided Court.

97. *Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620 (1980).

A Schaumburg, Illinois ordinance prohibiting door-to-door or on-the-street solicitation of contributions by charitable organizations that do not use at least 75 percent of their receipts for "charitable purposes" violates First and Fourteenth Amendment speech protections.

Justices concurring: White, Brennan, Stewart, Marshall, Blackmun, Powell, Stevens, Burger, C.J.
Justice dissenting: Rehnquist

98. *Edwards v. Service Machine & Shipbuilding Corp.*, 449 U.S. 913 (1980).

A court of appeals decision voiding on Commerce Clause grounds an ordinance of St. Mary Parish, Louisiana requiring non-local job seekers and local workers seeking new jobs to obtain an identification card, to provide fingerprints and a photograph, and to pay a fee, is summarily affirmed.

99. *Town of Southampton v. Troyer*, 449 U.S. 988 (1980).

A court of appeals decision invalidating on First Amendment grounds an ordinance of Southampton, New York barring door-to-door solicitation without prior consent of the occupant, but excepting canvassers who have lived in the municipality at least six months, is affirmed.

100. *Schad v. Borough of Mount Ephraim*, 452 U.S. 61 (1981).

A Mount Ephraim, New Jersey zoning ordinance construed to bar the offering of live entertainment within the township violated the First Amendment.

Justices concurring: White, Brennan, Stewart, Marshall, Blackmun, Powell

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice concurring specially: Stevens
Justices dissenting: Burger, C.J., Rehnquist

101. *Metromedia v. City of San Diego*, 453 U.S. 490 (1981).

A complex ban on billboard displays within the City of San Diego, excepting certain onsite signs and 12 categories of particular signs, violates First Amendment.

Justices concurring: White, Stewart, Marshall, Powell
Justices concurring specially: Brennan, Blackmun, Stevens (in part)
Justices dissenting: Burger, C.J., Rehnquist

102. *Citizens Against Rent Control v. City of Berkeley*, 454 U.S. 290 (1981).

A Berkeley, California ordinance limiting to $250 any contributions to committees formed to support or oppose ballot measures submitted to popular vote violates the First Amendment.

Justices concurring: Burger, C.J., Brennan, Powell, Rehnquist, Stevens
Justices concurring specially: Marshall, Blackmun, O'Connor
Justice dissenting: White

103. *Rusk v. Espinosa*, 456 U.S. 951 (1982).

A court of appeals decision affirming a federal district court injunction of an Albuquerque, New Mexico ordinance, as a violation of the First Amendment, is summarily affirmed. The ordinance regulated solicitation by charitable organizations but exempted solicitation by religious groups for religious but not for secular purposes.

104. *Giacobbe v. Andrews*, 459 U.S. 801 (1982).

A federal district court decision holding that New York City's plan for apportioning 10 at-large seats for the City Council among the City's five boroughs violates the one person, one vote requirements of the Equal Protection Clause, which was summarily affirmed by the U.S. Court of Appeals for the Second Circuit, is summarily affirmed.

105. *City of Akron v. Akron Center for Reproductive Health*, 462 U.S. 416 (1983) (subsequently overruled in part).

An Akron, Ohio ordinance regulating the circumstances of abortions is unconstitutional in the following respects: by requiring all abortions performed after the first trimester to be performed in a hospital, by requiring parental consent or court order for abortions performed on minors under age 15, by requiring the attending physician to provide detailed information on which "informed consent" may be premised, by requiring a 24-hour waiting period, and by requiring disposal of fetal remains in a "humane and sanitary manner."

Justices concurring: Powell, Brennan, Marshall, Blackmun, Stevens, Burger, C.J.
Justices dissenting: O'Connor, White, Rehnquist

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

106. *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985).

A Cleburne, Texas zoning requirement of a special use permit for operation of a home for the mentally retarded in an area where boarding homes, nursing and convalescent homes, and fraternity or sorority houses are permitted without such special use permits is a denial of equal protection as applied, the record containing no rational basis for the distinction.

Justices concurring: White, Powell, Rehnquist, Stevens, O'Connor, Burger, C.J.
Justices concurring specially: Marshall, Brennan, Blackmun

107. *Hudnut v. American Booksellers Ass'n*, 475 U.S. 1001 (1986).

Appeals court decision holding invalid under the First Amendment an Indianapolis ordinance prohibiting as pornography "graphic sexually explicit subordination of women" without regard to appeal to prurient interests or offensiveness to community standards is summarily affirmed.

108. *City of Houston v. Hill*, 482 U.S. 451 (1987).

Houston ordinance making it unlawful to "oppose, molest, abuse, or interrupt" police officer in performance of duty is facially overbroad in violation of the First Amendment.

Justices concurring: Brennan, White, Marshall, Blackmun, Stevens
Justices concurring specially: Powell, O'Connor, Scalia
Justice dissenting: Rehnquist, C.J.

109. *Board of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987).

Los Angeles Board of Airport Commissioners resolution banning all "First Amendment activities" at airport is facially overbroad in violation of the First Amendment.

110. *City of Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750 (1988).

Lakewood, Ohio ordinance vesting in the mayor unbridled discretion to grant or deny a permit for location of news racks on public property violates the First Amendment.

Justices concurring: Brennan, Marshall, Blackmun, Scalia
Justices dissenting: White, Stevens, O'Connor

111. *City of Richmond v. J.A. Croson Co.,*488 U.S. 469 (1989).

Richmond, Virginia requirement that contractors awarded city construction contracts must subcontract at least 30% of the dollar amount to "minority business enterprises" violates the Equal Protection Clause.

Justices concurring: O'Connor, White, Stevens, Kennedy, Rehnquist, C.J.
Justice concurring specially: Scalia
Justices dissenting: Marshall, Brennan, Blackmun

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

112. *New York City Bd. of Estimate v. Morris*, 489 U.S. 688 (1989).

New York City Charter procedures for electing City's Board of Estimate, consisting of three members elected citywide (the Mayor, the comptroller, and the president of the City Council) and the elected presidents of the city's five boroughs, violate the one-person, one-vote requirements derived from the Equal Protection Clause.

Justices concurring: White, Marshall, O'Connor, Scalia, Kennedy, Rehnquist, C.J.
Justices concurring specially: Blackmun, Brennan, Stevens

113. *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990).

Dallas licensing scheme for "sexually oriented" businesses, as applied to businesses that engage in protected First Amendment activity, constitutes an invalid prior restraint on protected activity. The ordinance fails to place a time limit within which the licensing authority must act, and fails to provide a prompt avenue for judicial review.

Justices concurring: O'Connor, Stevens, Kennedy
Justices concurring specially: Brennan, Marshall, Blackmun
Justices dissenting: White, Scalia, Rehnquist, C.J.

114. *R. A. V. v. City of St. Paul*, 505 U.S. 377 (1992).

St. Paul, Minnesota's Bias-Motivated Crime Ordinance, which punishes the display of a symbol which one knows will arouse anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender, is facially invalid under the First Amendment because it discriminates solely on the basis of the subjects that speech addresses.

Justices concurring: Scalia, Kennedy, Souter, Thomas, Rehnquist, C.J.
Justices concurring specially: White, Blackmun, O'Connor, Stevens

115. *Lee v. Weisman*, 505 U.S. 577 (1992).

Providence, Rhode Island's use of members of the clergy to offer prayers at official public secondary school graduation ceremonies violates the First Amendment's Establishment Clause. The involvement of public school officials with religious activity was "pervasive," to the point of creating a state-sponsored and state-directed religious exercise in a public school; officials not only determined that an invocation and benediction should be given, but also selected the religious participant and provided him with guidelines for the content of nonsectarian prayers.

Justices concurring: Kennedy, Blackmun, Stevens, O'Connor, Souter
Justices dissenting: Scalia, White, Thomas, Rehnquist, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

116. *Lee v. International Soc'y for Krishna Consciousness*, 505 U.S. 830 (1992).

A regulation of the Port Authority of New York and New Jersey banning leafleting ("the sale or distribution of . . . printed or written material" to passers-by) within the airport terminals operated by the facility is invalid under the First Amendment.

Justices concurring (per curiam): Blackmun, Stevens, O'Connor, Kennedy, Souter
Justices dissenting: Rehnquist, C.J., White, Scalia, Thomas

117. *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993).

Cincinnati's refusal, pursuant to an ordinance prohibiting distribution of commercial handbills on public property, to allow the distribution of commercial publications through freestanding news racks located on public property, while at the same time allowing similar distribution of newspapers and other noncommercial publications, violates the First Amendment.

Justices concurring: Stevens, Blackmun, O'Connor, Scalia, Kennedy, Souter
Justices dissenting: Rehnquist, C.J., White, Thomas

118. *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993).

Hialeah, Florida's ordinances banning the killing of animals in a ritual sacrifice are unconstitutional as infringing the free exercise of religion by members of the Santeria religion.

Justices concurring: Kennedy, White, Stevens, Scalia, Souter, Thomas, Rehnquist, C.J.
Justices concurring specially: Blackmun, O'Connor

119. *C & A Carbone, Inc. v. Town of Clarkstown*, 511 U.S. 383 (1994).

Clarkstown, New York's "flow control" ordinance, which requires all solid waste within the town to be processed at a designated transfer station before leaving the municipality, discriminates against interstate commerce and is invalid under the Commerce Clause.

Justices concurring: Kennedy, Stevens, Scalia, Thomas, Ginsburg
Justice concurring specially: O'Connor
Justices dissenting: Souter, Blackmun, Rehnquist, C.J.

120. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994).

Ladue, Missouri's ordinance, which prohibits all signs but makes exceptions for several narrow categories, violates the First Amendment by prohibiting a resident from placing in the window of her home a sign containing a political message. By prohibiting residential signs that carry political, religious, or personal messages, the ordinance forecloses "a venerable means of communication that is both unique and important."

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

121. *City of Chicago v. Morales*, 527 U.S. 41 (1999).

Chicago's Gang Congregation Ordinance, which prohibits "criminal street gang members" from "loitering" with one another or with other persons in any public place after being ordered by a police officer to disperse, violates the Due Process Clause of the Fourteenth Amendment. The ordinance violates the requirement that a legislature establish minimal guidelines for law enforcement.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Scalia, Thomas, Rehnquist, C.J.

122. *Watchtower Bible & Tract Soc'y v. Village of Stratton*, 536 U.S. 150 (2002).

The Ohio village's ordinance making it a misdemeanor offense to engage in door-to-door advocacy without first registering with the mayor and receiving a permit, required to be shown to an officer or resident who so requests, violates the First Amendment. The free and unhampered distribution of pamphlets is "an age-old form of missionary evangelism," and is also important for the dissemination of ideas unrelated to religion. The ordinance is not narrowly tailored to serve the village's "important," interests in preventing crime, preventing fraud, and protecting privacy.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer
Justices concurring specially: Scalia, Thomas
Justice dissenting: Rehnquist, C.J.

123. *Polar Tankers, Inc. v. City of Valdez, Alaska*, 557 U.S. ___, No. 08–310 (2009).

Alaska city's "ordinance imposing a personal property tax upon '[b]oats and vessels of at least 95 feet in length' that regularly travel to the City, are kept or used within the City, or which annually take on at least $1 million worth of cargo or engage in other business transactions of comparable value in the City," violates the Tonnage Clause (Art. I, § 10, cl. 3).

Justices concurring: Breyer, Scalia, Kennedy, Ginsburg, Alito
Justices concurring specially: Roberts, C.J., Thomas
Justice dissenting: Stevens, Souter

124. *McDonald v. Chicago*, 561 U.S. ___, No. 08–1521, slip op. (2010).

A Chicago ordinance effectively banning handgun possession by almost all private citizens who reside in the city, and an Oak Park, Illinois ordinance that makes it "unlawful for any person to possess . . . any firearm" including handguns, violate the Second Amendment. A plurality of the Court found that the Second Amendment is fully applicable to the states through the Fourteenth Amendment, as self-defense through use of firearms is "fundamental to the Nation's scheme

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

of ordered liberty," and handguns are the preferred firearm for protection of one's home and family. Justice Thomas found that the Second Amendment was applicable to the states under the Privileges or Immunities Clause.

Justices concurring: Alito, Roberts, C.J., Scalia, KennedyAlito
Justices concurring specially: Thomas
Justices dissenting: Stevens, Breyer, Ginsburg, Sotomayor

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

III. STATE AND LOCAL LAWS HELD PREEMPTED BY FEDERAL LAW

1. *Society for the Propagation of the Gospel v. New Haven*, 21 U.S. (8 Wheat.) 464 (1823).

The property of a charitable corporation chartered by the Crown, being specifically protected by the treaty of peace of 1783, an act of Vermont adopted in 1794 and purporting to convey such property to local subdivisions was void.

2. *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824).

Because of conflict with the federal licensing act of 1793 authorizing vessels to navigate coastal waters, a New York statute granting to certain persons an exclusive right to navigate New York waters was void.

3. *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1832).

A Georgia law that imposed penalties on white persons who, without first obtaining a license, established a residence within the limits of the Cherokee Nation, was unenforceable because of a conflict with treaties negotiated by the United States with such Indian tribes and because it extended to an area beyond the jurisdiction of the state.

4. *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539 (1842).

A Pennsylvania statute (1826) that penalized an owner's recovery of a runaway slave violated Art. IV, § 2, cl. 3, and federal legislation implementing the latter provision.

Justices concurring: Story, Catron, McKinley, Taney (separately), C.J., Thompson (separately), Baldwin (separately), Wayne (separately), Daniel (separately), McLean (separately)

5. *Searight v. Stokes*, 44 U.S. (3 How.) 151 (1845).

Because, under federal acts ceding to Pennsylvania that part of the Cumberland Road within its limits, and Pennsylvania laws accepting the same, the carriage of mail over such road was to be free from toll, and later Pennsylvania law imposing tolls on coaches transporting passengers could not extend to the mail carried in such coaches.

Justices concurring: Taney, C.J., Story, Wayne, Catron, McKinley, Nelson
Justices dissenting: McLean, Daniel

6. *Neil, Moore & Co. v. Ohio*, 44 U.S. (3 How.) 720 (1845).

An Ohio toll levied on passengers transported on mail coaches traversing Cumberland Road in that state, but which exempted passen-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

gers traveling on other coaches, was void by reason of conflict with the terms of federal and Ohio acts adopted in relation to transfer and acceptance of said part of the road by Ohio.

Justices concurring: Taney, C.J., Story, McLean, Wayne, Catron, McKinley, Nelson

Justice dissenting: Daniel

7. *Sinnot v. Davenport*, 63 U.S. (22 How.) 227 (1860).

An Alabama statute requiring owners of steamboats navigating the waters of that state to register under the penalty of a $500 fine for each offense was in conflict with the act of Congress providing for the enrollment and license of vessels engaged in the coastwise trade and therefore inoperative.

Accord: Foster v. Davenport, 63 U.S. (22 How.) 244 (1860), which held that this statute also was inoperative when applied to a lighter and a towboat assisting the movement wholly within Alabama territorial waters of vessels engaged in foreign and interstate commerce.

8. *Van Allen v. The Assessors*, 70 U.S. (3 Wall.) 573 (1866).

A New York law authorizing localities to tax as personal property national bank stock held by residents, but which imposed no comparable tax on shares of state banks, violated federal legislation authorizing state taxation of national bank stock at rates no higher than those imposed on state bank shares. Taxation of the capital of state banks did not provide such equality, for that part of the capital of state banks invested in federal securities was exempt.

Justices concurring: Grier, Davis, Nelson, Clifford, Miller, Field

Justices dissenting: Chase, C.J., Wayne, Swayne

9. *Accord: Bradley v. Illinois*, 71 U.S. (4 Wall.) 459 (1867), voiding a similar Illinois tax law on the ground that a tax on the capital of state banks was not the equivalent of the state tax on shares of national banks and accordingly the tax on the latter was in conflict with federal law consenting to taxation of national bank shares at rates not in excess of those imposed on shares of state banks.

10. *The Moses Taylor*, 71 U.S. (4 Wall.) 411 (1867).

A California statute vesting state courts with in rem jurisdiction over vessels for causes of action cognizable in admiralty invalidly infringed the admiralty jurisdiction exclusively conferred upon federal courts by § 9 of the Judiciary Act.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

11. *The Hine v. Trevor*, 71 U.S. (4 Wall.) 555 (1867).

Iowa statute providing an *in rem* remedy in state courts for maritime causes of action was void by reason of conflict with § 9 of the Judiciary Act of 1789, which vested admiralty jurisdiction exclusively in the federal courts.

12. *The Kansas Indians*, 72 U.S. (5 Wall.) 737 (1867).

When a treaty with Indian tribes exempted their lands from levy, sale, and forfeiture, Kansas could not validly collect its tax on lands held in severalty by members of such tribes under patents issued them pursuant to such treaty. Tribal Indians thus recognized by the National Government are exempt from the jurisdiction of the state.

13. *The New York Indians*, 72 U.S. (5 Wall.) 761 (1867).

A New York statute imposing a tax on lands reserved to an Indian tribe by treaty was void, notwithstanding provision therein that sale of land for nonpayment of the tax would not affect the right of occupancy by the Indians.

14. *Bank v. Supervisors*, 74 U.S. (7 Wall.) 26 (1868).

New York tax could not be collected on United States notes expressly exempted from state taxation by federal law authorizing their issuance as legal tender.

15. *The Belfast*, 74 U.S. (7 Wall.) 624 (1869).

Inasmuch as a shipper's lien under a contract of carriage between ports within the same State is a maritime lien enforceable by *in rem* proceedings exclusively within the admiralty jurisdiction of federal court, an Alabama law creating a maritime lien enforceable by *in rem* proceedings in its own courts was void.

16. *Pensacola Telegraph Co. v. Western Union Telegraph Co.*, 96 U.S. 1 (1878).

Florida legislative grant of a telegraphic monopoly held "inoperative" as in conflict with a congressional act dealing with the construction of telegraph lines and based on its commerce and postal power.

Justices concurring: Waite, C.J., Clifford, Strong, Bradley, Swayne, Miller
Justices dissenting: Field, Hunt

17. *Sprague v. Thompson*, 118 U.S. 90 (1886).

Georgia law requiring out-of-state coastal vessels, subject to certain discriminating exemptions, to take on a pilot upon entering Georgia ports, was void by reason of conflict with federal pilotage law.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

18. *Western Union Tel. Co. v. Massachusetts*, 125 U.S. 530 (1888).

Massachusetts law, authorizing an injunction to restrain tax delinquents from doing business until payments are made, could not be validly invoked to restrain a telegraph company operating lines over United States military and post roads pursuant to federal authorization.

19. *Harman v. City of Chicago*, 147 U.S. 396 (1893).

A Chicago ordinance imposing a license tax on tug boats licensed under federal authority and engaged in interstate commerce held invalid.

20. *Gulf, C. & S. F. Ry. v. Hefley*, 158 U.S. 98 (1895).

Texas statute regulating railroad rates, when applied to interstate freight transportation, was held to conflict with Interstate Commerce Act.

21. *Ohio v. Thomas*, 173 U.S. 276 (1899).

Ohio statute which regulated the use of oleomargarine in the state held void as applied to a soldiers' home in Ohio created by Congress and administered as a federal institution.

22. *Home Savings Bank v. City of Des Moines*, 205 U.S. 503 (1907).

An Iowa law levying a tax on a state bank, assessed on its shares measured by the value of its capital, surplus, and individual earnings, was void insofar as the assessment embraced federal bonds owned by the bank and was in conflict with a federal enactment exempting such bonds from state taxes.

Justices concurring: Moody, Brewer, White, McKenna, Holmes, Day
Justices dissenting: Fuller, C.J., Harlan, Peckham

23. *Northern Pacific Ry. v. Washington*, 222 U.S. 370 (1912).

Consistent with doctrine of national supremacy and preemption, state laws, including one of the State of Washington, regulating hours of service embracing employees of interstate carriers, became inoperative immediately upon the adoption of the Federal Hours of Service Law notwithstanding that the latter did not go into effect until a year after its passage.

24. *Southern Ry. v. Reid*, 222 U.S. 424 (1912).

A North Carolina statute requiring carriers to transport interstate freight as soon as it was received was unenforceable due to conflict with § 2 of the Hepburn Act of 1906 (34 Stat. 584), forbidding interstate railway carriers to make shipments until rates had been fixed and published by the Interstate Commerce Commission, which had not yet acted on this matter.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: McKenna, Holmes, Hughes, Van Devanter, Lamar, White, C.J.
Justice dissenting: Lurton

Accord: Southern Ry. v. Reid & Beam, 222 U.S. 444 (1912).

Accord: Southern Ry. v. Burlington Lumber Co., 225 U.S. 99 (1912).

25. *Chicago, R. I. & P. Ry. v. Hardwick Elevator Co.*, 226 U.S. 426 (1913).

Congress, by enactment of the Hepburn Act (34 Stat. 584 (1906)) having preempted the field of regulation pertaining to the duty of carriers to deliver cars in interstate commerce, a Minnesota Reciprocal Demurrage Law imposing like regulations was void.

26. *Accord: St. Louis, I. Mt. & S. Ry. v. Edwards*, 227 U.S. 265 (1913).

Arkansas Demurrage Law of 1907 penalizing carriers for failure to notify consignees of arrival of shipments was similarly held void.

27. *Adams Express Co. v. Croninger*, 226 U.S. 491 (1913).

A Kentucky law which precluded an interstate carrier from contracting to limit its liability to an agreed or declared value was void as conflicting with the Carmack Amendment, which preempted the field of regulation pertaining to the liability of interstate carriers for loss and damage to interstate shipments.

28. *Accord: Chicago, B. & Q. Ry. v. Miller*, 226 U.S. 513 (1913).

An Iowa law and a provision of the Nebraska Constitution were held to have been superseded by the Carmack Amendment.

29. *Accord: Chicago, St. P., M. & O. Ry. v. Latta*, 226 U.S. 519 (1913).

A Nebraska constitutional provision was held to have been superseded by the Carmack Amendment.

30. *McDermott v. Wisconsin*, 228 U.S. 115 (1913).

A Wisconsin food labeling law was invalid insofar as it exacted labeling requirements, as to articles in interstate commerce, that conflicted with those required under the Federal Pure Food and Drug Act, imposed an invalid burden on interstate commerce.

31. *Missouri, K. & T. Ry. v. Harriman Bros.*, 227 U.S. 657 (1913).

Because the federal Carmack Amendment preempted the field of regulation pertaining to determination of an interstate railroad's liability for loss or damages to goods in transit, Texas law outlawing contractual stipulations specifying a period of limitations for filing of claims by a shipper which was briefer than that sanctioned by the federal law was unenforceable.

Justices concurring: Lurton, McKenna, Holmes, Hughes (separately), Day, Van Devanter, Lamar, White, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justice dissenting: Pitney

32. *St. Louis, S. F. & T. Ry. v. Seale*, 229 U.S. 156 (1913).

When the Federal Employers' Liability Act was applicable, by reason that the injured employee was engaged in interstate commerce, a Texas law affording a remedy for said injuries was superseded by reason of the supremacy of the former.

Justices concurring: Van Devanter, McKenna, Holmes, Day, Lurton, Hughes, Pitney, White, C.J.
Justice dissenting: Lamar

33. *New York Cent. R.R. v. Hudson County,*227 U.S. 248 (1913).

Congress having expressly included ferries used in connection with interstate railroads in its legislation regulating interstate commerce, two New Jersey municipal ordinances fixing passenger rates for travel on ferries between New Jersey and New York points were superseded and therefore invalid.

34. *Chicago, B. & Q. R.R. v. Hall*, 229 U.S. 511 (1913).

An attachment, under Iowa law, of a railroad worker's wages, which was obtained less than four months prior to the worker's having been adjudicated bankrupt, conflicted with a provision of federal bankruptcy law that nullified liens obtained within four months prior to the filing of a petition in bankruptcy and hence was not entitled to full faith and credit in Nebraska courts.

35. *Erie R.R. v. New York*, 233 U.S. 671 (1914).

Congress's having completely preempted the field by its Hours of Service Act of 1907, notwithstanding that the act did not take effect until 1908, a New York labor law of 1907 regulating hours of service of railroad telegraph operators engaged in interstate commerce was invalid.

36. *Globe Bank v. Martin*, 236 U.S. 288 (1915).

Attachments and liens on real estate of a bankrupt, acquired pursuant to Kentucky laws within four months prior to the filing of a petition in bankruptcy under federal law, were null and void, and distribution of the proceeds from the sale of such real estate was governed by federal rather than by state law.

37. *Southern Ry. v. Railroad Comm'n*, 236 U.S. 439 (1915).

An Indiana statute requiring railway companies to place grab-irons and hand-holds on the sides and ends of every car having been superseded by the Federal Safety Appliance Act, penalties imposed un-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

der the former could not be recovered as to cars operated on interstate railroads, although engaged only in intrastate traffic.

38. *Kirmeyer v. Kansas*, 236 U.S. 568 (1915).

A Kansas prohibition law could not be validly enforced to prevent Kansas dealer from accepting orders for alcoholic beverages which were to be completed by interstate delivery to Kansas purchasers from a point in Missouri; under the federal Wilson Act the interstate transportation did not end until delivery to the consignee was completed.

39. *Charleston & W. Car. Ry. v. Varnville Furniture Co.,*237 U.S. 597 (1915).

A South Carolina law that imposed a penalty on carriers for their failure to adjust claims within 40 days imposed an invalid burden on interstate commerce and also was in conflict with the federal Carmack Amendment.

40. *Rossi v. Pennsylvania*, 238 U.S. 62 (1915).

A Pennsylvania liquor law could not be enforced against one who solicited orders for the delivery of alcoholic beverages to be shipped to the consignee from another state; under the federal Wilson Act of 1890 liquor shipped in interstate commerce did not become subject to state regulation until after delivery to the consignee.

41. *New York Central R.R. v. Winfield*, 244 U.S. 147 (1917).

Congress, by enactment of the Federal Employees' Liability Act, having preempted the field as to determination of the liability of interstate railroad carriers to compensate employees for injuries sustained while engaged in interstate commerce, award under New York Workmen's Compensation Act for injuries sustained in interstate commerce by railway employee could not be upheld.

Justices concurring: Van Devanter, Holmes, Pitney, McReynolds, Day, McKenna, White, C.J.
Justices dissenting: Brandeis, Clarke

42. *Accord: Erie R.R. v. Winfield*, 244 U.S. 170 (1917).

For the same reason, a New Jersey Workmen's Compensation Act was held inapplicable to a railway worker injured while engaged in interstate commerce.

Justices concurring: Van Devanter, Holmes, Day, Pitney, McKenna, McReynolds, White, C.J.
Justices dissenting: Brandeis, Clarke

43. *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917).

New York Workmen's Compensation Act was unconstitutional as applied to employees engaged in maritime work, for it afforded a rem-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

edy unknown to common law, and hence was not among the common law remedies saved to suitors from exclusive federal admiralty jurisdiction by the Judiciary Act of 1789.

Justices concurring: McReynolds, Day, Van Devanter, McKenna, White, C.J.
Justices dissenting: Holmes (separately), Pitney (separately), Brandeis, Clarke

Accord: Clyde S.S. Co. v. Walker, 244 U.S. 255 (1917).

Justices concurring: McReynolds, Day, Van Devanter, McKenna, White, C.J.
Justices dissenting: Holmes, Pitney, Brandeis, Clarke

44. *Accord: Steamship Bowdoin Co. v. Industrial Accident Comm'n of California*, 246 U.S. 648 (1918), as to the inoperative effect of a California Workmen's Compensation Act.

45. *American Express Company v. Caldwell*, 244 U.S. 617 (1917).

Consistent with natural supremacy, a South Dakota law regulating advance of interstate rates could not be applied to changes in intrastate rates which a carrier put into effect pursuant to an order of the Interstate Commerce Commission to abate discrimination against interstate traffic.

Justices concurring: Brandeis, Holmes, Pitney, McReynolds, Day, Clarke, Van Devanter, White, C.J.
Justice dissenting: McKenna

46. *New Orleans & N.E.R.R. v. Scarlet*, 249 U.S. 528 (1919).

Mississippi "Prima Facie" act, relieving plaintiff of burden of proof to establish negligence, could not constitutionally be applied by a state court in suits under the Federal Employees' Liability Act.

Accord: Yazoo & M.V.R.R. v. Mullins, 249 U.S. 531 (1919).

47. *Pennsylvania R.R. v. Public Service Comm'n*, 250 U.S. 566 (1919).

Pennsylvania law, as applied to an interstate train terminated by a mail car, forbidding operation of any train consisting of United States mail, or express, cars without rear end of car being equipped with a platform with guard rails and steps was inoperative by reason of conflict with federal legislation and regulations which preempted the field.

Justices concurring: Holmes, McKenna, Day, Van Devanter, Pitney, McReynolds, Brandeis, White, C.J.
Justice dissenting: Clarke

48. *Postal Telegraph-Cable Co. v. Warren-Godwin Co.*, 251 U.S. 27 (1919).

By virtue of federal legislation preempting the field, Mississippi law could not be applied to determine validity of a contract by a telegraph company limiting its responsibility when its lower rate is paid for unrepeated interstate messages.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Holmes, McKenna, Day, Van Devanter, McReynolds, Brandeis, Clarke, White, C.J.
Justice dissenting: Pitney

49. *Western Union Tel. Co. v. Boegli*, 251 U.S. 315 (1920).

Federal legislation having preempted the field, Indiana law could no longer subject a telegraph company to a penalty for failure to deliver promptly in Indiana a message sent from a point in Illinois.

50. *Merchant's Nat'l Bank v. Richmond*, 256 U.S. 635 (1921).

A Richmond, Virginia, ordinance and a Virginia statute that, as construed, levied a tax on state and national bank shares at the aggregate rate of $1.75 per $100 of valuation and upon intangibles at the aggregate rate of 85 per $100 valuation, a substantial proportion of which property was in the hands of individual taxpayers, were void as in conflict with federal law prohibiting discriminatory taxation of national bank shares for the reason that the tax was imposed on the national bank stocks to the aggregate value of more than $8,000,000 whereas the value of state bank stocks taxed was only $6,000,000.

51. *First Nat'l Bank v. California*, 262 U.S. 366 (1923).

A California law that escheated to a state bank deposits unclaimed for 20 years, notwithstanding that no notice of residence has been filed with the bank by the depositor or any claimant, was invalid as applied to deposits in national banks because of conflict with federal law.

52. *Bunch v. Cole*, 263 U.S. 250 (1923).

When lease of an Indian allotment, made by the allottee in excess of the powers of alienation granted by federal law, is declared null and void by federal law, Oklahoma statute, as judicially applied, which gave the lease the effect of a tenancy at will and as controlling the amount of compensation which the allottee may recover for use and occupation by the lessees also was void, consistently with the principle of national supremacy.

53. *Sperry Oil Co. v. Chisholm*, 264 U.S. 488 (1924).

An Oklahoma law that required that a lease on a family homestead be executed by the wife as well as by the husband was inoperative, consistently with the principle of national supremacy, to the extent that under federal law Congress had empowered a Cherokee Indian to make an oil or gas lease on his restricted "homestead" allotment subject only to the approval of the Secretary of the Interior.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

54. *Missouri ex rel. Burnes Nat'l Bank v. Duncan*, 265 U.S. 17 (1924).

Because the Federal Reserve Act authorizes national banks to act as executors, a Missouri law was ineffective, under the principle of national supremacy, to withhold such powers from such banks.

Justices concurring: Holmes, Sanford, Brandeis, McKenna, Van Devanter, Butler, Taft, C.J.

Justices dissenting: Sutherland, McReynolds

55. *Asakura v. City of Seattle*, 265 U.S. 332 (1924).

A Seattle ordinance that limited the pawnbroking business to citizens was void as applied to a Japanese alien lawfully admitted into the United States and protected by a treaty with Japan according to nationals of the latter country the right to carry on a "trade."

56. *Missouri Pacific R.R. v. Stroud*, 267 U.S. 404 (1925).

When carrier had two routes by which freight might move between two points in a state, the second of which was partly interstate, a suit against the carrier for discrimination in the furnishing of cars which arose out of use of the interstate route in conformity with the carrier's practice was governed by the Interstate Commerce Act, and the Missouri law governing such discrimination was superseded and inapplicable (Art. VI).

57. *Lancaster v. McCarty*, 267 U.S. 427 (1925).

A federal law (39 Stat. 441 (1916)) that authorized carriers to limit liability upon property received for transportation to value declared by shipper, where the rates were based on such value pursuant to authority of Interstate Commerce Commission, superseded Texas law in respect to a claim for damage to goods shipped intrastate between Texas points for the reason that the tariff and classification had been adopted by the carrier pursuant to an order of the Commission requiring it to remove discrimination against interstate commerce which had resulted from lower Texas intrastate rates.

58. *Davis v. Cohen*, 268 U.S. 638 (1925).

When the Federal Transportation Act of 1920 provided that suits on claims arising out of federal wartime control of the railroads might be brought against a federal agent, if instituted within two years after federal control had ended, Massachusetts law allowing amendments of proceedings prior to judgment, could not be invoked to substitute the Agent as defendant more than two years after federal control had ended; the suit in which the substitution was attempted had erroneously been filed against the railroad rather than against the Federal Director General during the period of federal control, and since

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

the substitution amounted to filing a new action, invocation of the Massachusetts law was repugnant to the Federal Transportation Act's provisions as to limitations.

59. *First Nat'l Bank v. Anderson*, 269 U.S. 341 (1926).

As applied to national banks, an Iowa tax law providing for a levy on shares of such banks at rates less favorable than the rates applied to moneyed capital invested in competition with such banks was repugnant to federal law prohibiting such discrimination (Art. VI).

60. *Oregon-Washington Co. v. Washington*, 270 U.S. 87 (1926).

Federal legislation having preempted the field, a Washington law that established a quarantine against importation of hay and alfalfa meal, except in sealed containers, coming from areas in other states harboring the alfalfa weevil, was inoperative.

Justices concurring: Taft, C.J., Holmes, Van Devanter, Brandeis, Butler, Sanford, Stone

Justices dissenting: McReynolds, Sutherland

61. *Napier v. Atlantic Coast Line R.R.,*272 U.S. 605 (1926).

The Federal Boiler Inspection Act having occupied the field of regulation pertaining to locomotive equipment on interstate highways, a Georgia law requiring cab curtains and automatic fire box doors was preempted.

62. *Missouri Pacific R.R. v. Porter*, 273 U.S. 341 (1927).

Congress's having occupied the field by its own legislation, an Arkansas law that prohibited carriers from incorporating into their bills of lading stipulations exempting the carriers from liability for loss of shipments by fire not due to the carriers' negligence was preempted.

63. *First Nat'l Bank v. Hartford*, 273 U.S. 548 (1927).

Wisconsin tax law, as imposed on shares of a national bank, was in conflict with a federal law prohibiting state taxation of such shares at rates in excess of those levied on moneyed capital employed in competition with the business of such banks and was therefore inoperative as to the shares of such banks.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

64. *Accord: Minnesota v. First Nat'l Bank*, 273 U.S. 561 (1927), holding inoperative for the same reason a Minnesota law taxing national bank shares.

65. *Accord: Commercial Nat'l Bank v. Custer County*, 275 U.S. 502 (1927), holding inoperative a similar Montana tax law.

66. *Accord: Keating v. Public Nat'l Bank*, 284 U.S. 587 (1932), holding inoperative for the same reason a New York tax law.

67. *Montana Nat'l Bank v. Yellowstone County*, 276 U.S. 499 (1928).

A Montana law that levied a tax on national bank shares was inconsistent with a federal law prohibiting a levy on such shares "at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State."

68. *Hunt v. United States*, 278 U.S. 96 (1928).

Arizona game laws were not enforceable in a national game preserve and could not be invoked to prevent the killing of wild deer in the preserve as ordered by federal officers acting under the authority of federal law.

69. *International Shoe Co. v. Pinkus*, 278 U.S. 261 (1929).

An Arkansas insolvency law was superseded by the Federal Bankruptcy Act to the extent that a creditor of one who invoked the state laws was entitled to have his claim paid by the state receiver in conformity with the order of distribution sanctioned by the federal law.

Justices concurring: Butler, Holmes, Stone, Sanford, Van Devanter, Taft, C.J.
Justices dissenting: McReynolds, Brandeis, Sutherland

70. *Nielsen v. Johnson*, 279 U.S. 47 (1929).

An Iowa inheritance tax law that discriminated against nonresident alien heirs violated a treaty with Denmark.

71. *Carpenter v. Shaw*, 280 U.S. 363 (1930).

An Oklahoma law that imposed a 3% tax on the gross value of royalties from oil and gas was void as a tax on the right reserved to Indians as owners and lessors of the fee when applied to Indians who had received allotments exempted under the Atoka agreement and leased by them for production of oil and gas (Art. VI).

72. *Lindgren v. United States*, 281 U.S. 38 (1930).

The right of action given under the Federal Merchant Marine Act to the personal representative to recover damages on behalf of beneficiaries for the death of a seaman resulting from negligence was exclu-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

sive and precluded a right of recovery because of unseaworthiness predicated upon the death statute of Virginia, where the injury was sustained.

73. *Baizley Iron Works v. Span*, 281 U.S. 222 (1930).

A Pennsylvania Workmen's Compensation Act could not be invoked to obtain recovery for injuries sustained by a workman while painting angle irons in the engine room of a ship tied to a pier in navigable waters; recovery was controlled exclusively by federal maritime law.

Justices concurring: McReynolds, Sutherland, Butler, Van Devanter
Justices dissenting: Stone, Holmes, Brandeis

74. *Accord: Employers' Liability Assurance Co. v. Cook*, 281 U.S. 233 (1930).

A Texas workman's compensation law is inapplicable for the same reason.

Justices concurring: McReynolds, Butler, Sutherland, Van Devanter, Stone (separately), Holmes (separately), Brandeis (separately)

75. *Santovincenzo v. Egan*, 284 U.S. 30 (1931).

A New York law pertaining to the descent of property of an alien decedent was inoperative as to the property of an alien because of the conflicting provisions of a treaty negotiated with the nation to which the decedent owed allegiance.

76. *Van Huffel v. Harkelrode*, 284 U.S. 225 (1931).

Federal bankruptcy courts are empowered to sell the real estate of bankrupts free from liens for state taxes; lien laws of Ohio stipulating that the liens were to attach to the property were ineffective to prevent the federal court from transferring the liens from the property to the proceeds of the sale.

77. *Henkel v. Chicago, St. P., M. & O. Ry.*, 284 U.S. 444 (1932).

A Minnesota statute fixing amounts to be paid as compensation or in fees to expert witnesses could not be applied to determine costs in a federal court proceeding because the statute was superseded by a federal enactment determining the fees to be paid witnesses.

78. *Murray v. Gerrick & Co.*, 291 U.S. 315 (1934).

Washington Workman's Compensation Act, adopted after the United States had acquired exclusive jurisdiction over a tract that became Puget Sound Navy Yard, could not be invoked by the widow and child of a worker fatally injured while working for a contractor in the Yard because Congress by law had consented only to suits by a personal representative under the Washington Wrongful Death Statute.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

79. *Jennings v. United States Fidelity & Guaranty Co.*, 294 U.S. 216 (1935).

Section of Indiana Bank Collection Code which purported to make the owners of paper which a bank had collected, but which it had not satisfied, preferred claimants in the event of the bank's failure, regardless of whether the funds representing such paper could be traced or identified as part of the bank's assets or intermingled with or converted into other assets of the bank, was inoperative as to a national bank by reason of conflict with applicable federal law.

80. *Accord: Old Company's Lehigh v. Meeker Co.*, 294 U.S. 227 (1935), embracing a comparable New York statutory provision.

81. *Schuylkill Trust Co. v. Pennsylvania*, 296 U.S. 113 (1935).

A Pennsylvania law that levied a tax on trust companies was in conflict with provisions of federal law proscribing discriminatory taxation of national bank shares by virtue of deductions allowed trust company for amounts represented by shares owned in Pennsylvania corporations already taxed or exempted, without any corresponding deduction on account of nontaxable federal securities owned or on account of national bank shares already taxed.

Justices concurring: Roberts, Hughes, C.J., Van Devanter, Butler, McReynolds, Sutherland
Justices dissenting: Cardozo, Brandeis, Stone

82. *Oklahoma v. Barnsdall Corp.*, 296 U.S. 521 (1936).

An Oklahoma law that levied a tax on the gross production of oil, as applied to oil produced by lessees of lands of Indian tribes, was not authorized by a federal law consenting to levy of a different tax, and hence was inoperative as a tax on a federal instrumentality.

83. *Lawrence v. Shaw*, 300 U.S. 345 (1937).

A North Carolina property tax law could not be enforced so as to levy a tax on bank deposits made by petitioner as guardian of an incompetent veteran of World War I; by the terms of applicable federal law bank deposits which resulted from the receipt of federal veterans benefits payments were exempted from local taxation.

84. *Hines v. Davidowitz*, 312 U.S. 52 (1941).

A Pennsylvania alien registration statute, imposing requirements at variance with those set forth in the Federal Alien Registration Act of 1940 containing a comprehensive scheme for the regulation of aliens, is rendered unenforceable by reason of conflict with federal legislative and treaty-making powers.

Justices concurring: Roberts, Black, Reed, Frankfurter, Douglas, Murphy

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices dissenting: Stone, Hughes, C.J., McReynolds

85. *Federal Land Bank v. Bismarck Lumber Co.*, 314 U.S. 95 (1941).

Because the Federal Farm Loan Act exempts federal land banks from state taxes, other than those on property acquired in the course of dealings, the North Dakota sales tax cannot validly be collected on the sale of materials to a federal land bank to be used in improving real estate (Art. VI, cl. 2).

86. *Cloverleaf Butter Co. v. Patterson*, 315 U.S. 148 (1942).

Consistently with the Supremacy Clause, federal laws and regulations relating to the entire process of manufacture of renovated butter supersede state laws under which Alabama officials inspected and seized packing stock butter acquired by a manufacturer of renovated butter for interstate commerce.

Justices concurring: Roberts, Black, Reed, Douglas, Jackson
Justices dissenting: Stone, C.J., Frankfurter, Murphy, Byrnes

87. *Tulee v. Washington*, 315 U.S. 681 (1942).

Being repugnant to the terms of a treaty concluded with the Yakima Indians reserving to the members of the tribe the right to take fish at all usual places in common with the citizens of Washington Territory, a Washington law requiring such Indians to pay license fees for the exercise of such privilege cannot be enforced.

88. *Pollock v. Williams*, 322 U.S. 4 (1944).

Florida Statute of 1941, §§ 817.09 and 817.10, made it a misdemeanor to induce advances with intent to defraud by a promise to perform labor, and further made failure to perform labor for which money had been obtained *prima facie* evidence of intent to defraud. The statute violates the Thirteenth Amendment and the Federal Antipeonage Act for it cannot be said that a plea of guilty is uninfluenced by the statute's threat to convict by its prima facie evidence section.

Justices concurring: Roberts, Black, Frankfurter, Douglas, Murphy, Jackson, Rutledge
Justices dissenting: Stone, C.J., Reed

89. *Hill v. Florida ex rel. Watson*, 325 U.S. 538 (1945).

A Florida law providing that no one shall be licensed as a "business agent" of a labor union without meeting certain specified standards and that all labor unions in the state must file annual reports disclosing certain information and pay an annual fee circumscribes the "full freedom" to choose collective bargaining agents secured to employees by the National Labor Relations Act.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Stone, C.J., Black, Reed, Douglas, Murphy, Jackson, Rutledge
Justices dissenting: Roberts, Frankfurter

90. *First Iowa Hydro-Electric Coop. v. FPC*, 328 U.S. 152 (1946).

An Iowa statute requiring a permit for construction of a dam in navigable waters is preempted to the extent that it purports to authorize a state veto of a hydro-electric project licensed by the Federal Power Commission pursuant to the Federal Power Act. While the Federal Power Act authorizes the Commission to require a licensee to comply with requirements of state law that are not inconsistent with federal purposes, these federal purposes may not be subordinated to state control through operation of the state permitting requirement.

Justices concurring: Burton, Stone, C.J., Black, Reed, Douglas, Murphy, Rutledge
Justice dissenting: Frankfurter

91. *Bethlehem Steel Co. v. New York Employment Relations Bd.*, 330 U.S. 767 (1947).

Where the National Labor Relations Board had asserted general jurisdiction over unions of foreman employed by industries subject to the National Labor Relations Act but had refused to certify such unions as collective bargaining representatives on the ground that to do so at the time would obstruct rather than further effectuation of the purposes of the Act, certification of such unions by the New York Employment Relations Board under a state act is invalid as in conflict with the National Labor Relations Act and the Commerce Clause of the Constitution.

92. *Accord: Plankington Packing Co. v. WERB*, 338 U.S. 953 (1950).

A decision of the Wisconsin Supreme Court upholding a similar action by the Wisconsin Employment Relations Board is summarily reversed.

93. *Rice v. Santa Fe Elevator Corp.,*331 U.S. 218 (1947).

By amendments of the United States Warehouse Act, Congress terminated the dual system of regulation and substituted an exclusive system of federal regulations of warehouses licensed under the federal act. Such warehouses therefore no longer need to obtain Illinois licenses or comply with Illinois laws regulating those phases of the warehouse business which have been regulated under the federal act. Compliance with Illinois law is limited to those phases of the business that the federal act expressly subjects to state law.

Justices concurring: Vinson, C.J., Black, Reed, Douglas, Murphy, Jackson, Burton
Justices dissenting: Frankfurter, Rutledge

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

94. *Seaboard Air Line R.R. v. Daniel*, 333 U.S. 118 (1948).

A South Carolina law providing that any railroad line within the state must be owned and operated only by state-created corporations may not be applied to prevent a Virginia corporation, so authorized by the Interstate Commerce Commission under § 5 of the Interstate Commerce Act, from owning and operating an entire railway system with mileage in South Carolina.

95. *Takahashi v. Fish & Game Comm'n*, 334 U.S. 410 (1948).

California's requirement that every person bringing fish ashore in the state for sale obtain a commercial fishing license, but denying such a license to any person ineligible for citizenship, precluded a resident Japanese alien from earning his living as a commercial fisherman in the ocean waters off the state and was invalid both under the Equal Protection Clause of the Fourteenth Amendment and under a federal statute (42 U.S.C. § 1981).

Justices concurring: Vinson, C.J., Black, Frankfurter, Douglas, Murphy, Rutledge, Burton
Justices dissenting: Reed, Jackson

96. *La Crosse Tel. Corp. v. WERB*, 336 U.S. 18 (1949).

Certification by the state employment relations board under a Wisconsin labor relations act of a union as the collective bargaining representative of employees engaged in interstate commerce is invalid as in conflict with the National Labor Relations Act; the employer is invalid as applied to deny utility employees the right to strike. As applied, the law conflicts with the National Labor Relations Act.

Justices concurring: Vinson, C.J., Black, Reed, Douglas, Jackson, Clark
Justices dissenting: Frankfurter, Burton, Minton

97. *H. P. Hood & Sons v. Du Mond*, 336 U.S. 525 (1949).

Denial of a license under the New York Agricultural and Market Law violated the Commerce Clause of the Constitution and the Federal Agricultural Marketing Act where the denial was based on grounds that the expanded facilities would reduce the supply of milk for local markets and result in destructive competition in a market already adequately served.

Justices concurring: Vinson, C.J., Reed, Douglas, Jackson, Burton
Justices dissenting: Black, Frankfurter, Murphy, Rutledge

98. *Wissner v. Wissner*, 338 U.S. 655 (1950).

The California community property law could not be invoked to sustain an award to a deceased soldier's widow of one-half of the proceeds of an insurance policy issued under the National Life Insurance

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Act; the federal law accords the insured soldier the right to designate his beneficiary, in this instance, his mother, and his widow, not having been designated, is expressly precluded from acquiring a vested right to these proceeds.

99. *New Jersey Ins. Co. v. Division of Tax Appeals*, 338 U.S. 665 (1950).

Collection by a New Jersey taxing district of a tax on intangible property of a stock insurance company, computed without deducting the principal amount of certain United States bonds and accrued interest thereon was invalid by reason of conflict with federal law exempting federal obligations from state and local taxation.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson, Burton, Clark, Minton
Justice dissenting: Black

100. *United Automobile Workers v. O'Brien*, 339 U.S. 454 (1950).

The strike vote provision of the Michigan Mediation Law, which prohibits the calling of a strike unless a state-prescribed procedure for mediation is followed and unless a majority of the employees in a state-defined bargaining unit authorizes the strike, conflicts with the National Labor Relations Act and is invalid.

101. *Bus Employees v. WERB*, 340 U.S. 383 (1951).

The Wisconsin Public Utility Anti-Strike Law, which substituted arbitration upon order of the Wisconsin Employment Relations Board for collective bargaining whenever an impasse is reached in the bargaining process, is invalid as applied to deny utility employees the right to strike. As applied, the law conflicts with the National Labor Relations Act.

Justices concurring: Vinson, C.J., Black, Reed, Douglas, Jackson, Clark
Justices dissenting: Frankfurter, Burton, Minton

102. *Carson v. Roane-Anderson Co.*, 342 U.S. 232 (1952).

Tennessee Retailers' Sales Tax Act could not be enforced as to sales of commodities to a contractor employed by the Atomic Energy Commission; the contractor's activities were those of the Commission and exempt under federal law.

103. *Accord: General Electric Co. v. Washington*, 347 U.S. 909 (1954), embracing exemption of a similar contractor from Washington business and occupation tax law.

104. *Dameron v. Brodhead*, 345 U.S. 322 (1953).

Where a serviceman domiciled in one state is assigned to military duty in another state, the latter state (here Colorado) is barred by § 514

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

of the Soldiers and Sailor's Civil Relief Act of 1940 from imposing a tax on his tangible personal property temporarily located within its borders, even when the state of his domicile has not taxed such property.

Justices concurring: Vinson, C.J., Reed, Frankfurter, Jackson, Burton, Clark, Minton
Justices dissenting: Black, Douglas

105. *Franklin Nat'l Bank v. New York*, 347 U.S. 373 (1954).

Insofar as the New York Banking Law forbids national banks to use the word "saving" or "savings in their business or advertising," it conflicts with federal laws expressly authorizing national banks to receive deposits and to exercise incidental powers and is void.

Justices concurring: Warren, C.J., Black, Frankfurter, Douglas, Jackson, Burton, Clark, Minton
Justice dissenting: Reed

106. *Castle v. Hayes Freight Lines*, 348 U.S. 61 (1954).

An Illinois law providing for a 90-day suspension of a motor carrier upon a finding of 10 or more violations of regulations calling for a balanced distribution of freight loads in relation to the truck's axles cannot be applied to an interstate motor carrier holding a certificate of convenience and necessity issued by the Interstate Commerce Commission under the Federal Motor Carrier Act. A state may not suspend the carrier's rights to use the state's highways in its interstate operations. The Illinois law, as applied to such carrier, also violates the Commerce Clause.

107. *Pennsylvania v. Nelson*, 350 U.S. 497 (1956).

The Smith Act, as amended, 18 U.S.C. § 2385, which prohibits the knowing advocacy of the overthrow of the Government of the United States by force and violence, supersedes the enforceability of the Pennsylvania Sedition Act, which proscribes the same conduct. The scheme of federal regulation is so pervasive as to make reasonable the inference that the Congress left no room for the states to supplement it—enforcement of state sedition acts presents a serious danger of conflict with the administration of the federal program.

Justices concurring: Warren, C.J., Black, Frankfurter, Douglas, Clark, Harlan
Justices dissenting: Reed, Burton, Minton

108. *Railway Employes' Dep't v. Hanson*, 351 U.S. 225 (1956).

A "right to work" provision of the Nebraska Constitution cannot be invoked to invalidate a "union shop" agreement between an inter-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

state railroad and unions of its employees for the reason that such "union shop" agreement is expressly authorized by § 2(11) of the Railway Labor Act.

109. *Leslie Miller, Inc. v. Arkansas*, 352 U.S. 187 (1956).

An Arkansas statute requiring licensing of contractors cannot be applied to a federal contractor operating pursuant to a contract issued under authority of the Armed Services Procurement Act of 1947.

110. *Guss v. Utah Labor Bd.*, 353 U.S. 1 (1957).

The Utah Labor Board, acting pursuant to Utah law, may not exercise jurisdiction over a labor dispute involving an employer engaged in interstate commerce if the NLRB declined to exercise jurisdiction and had not ceded jurisdiction to the state board pursuant to § 10(a) of the National Labor Relations Act.

Justices concurring: Warren, C.J., Black, Frankfurter, Douglas, Harlan, Brennan
Justices dissenting: Burton, Clark

111. *Public Util. Comm'n v. United States*, 355 U.S. 534 (1958).

A California statute making contingent upon prior approval by its Public Utilities Commission of the Federal Government's practice, sanctioned by federal procurement law, of negotiating special rates with carriers for the transportation of federal property in California is void as conflicting with the federal practices.

Justices concurring: Black, Frankfurter, Douglas, Clark, Brennan, Whittaker
Justices dissenting: Warren, C.J., Burton, Harlan

112. *City of Chicago v. Atchison, T. & S.F. Ry.*, 357 U.S. 77 (1958).

As applied to a newly organized motor carrier hired by interstate railroads operating in and out of Chicago to transfer interstate passengers and their baggage between different railway terminals in that City, the provision in the Chicago Municipal Code requiring any new transfer service to obtain a certificate of convenience and necessity plus approval of the City Council is unconstitutional. Chicago has no power to decide whether the new motor carrier can operate a service which is an integral part of interstate railway transportation subject to regulations under the Federal Interstate Commerce Act.

Justices concurring: Warren, C.J., Black, Douglas, Clark, Brennan, Whittaker
Justices dissenting: Frankfurter, Burton, Harlan

113. *Teamsters Union v. Oliver*, 358 U.S. 283 (1959).

An Ohio antitrust law cannot be invoked to prohibit enforcement of a collective bargaining agreement between a group of interstate mo-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

tor carriers and local labor unions, which agreement stipulates that truck drivers owning and driving their own vehicles shall be paid the prescribed wages plus at least a prescribed minimum rental for the use of their vehicles. The state antitrust law, insofar as it is applied to prevent contracting parties from enforcing agreement upon a subject matter as to which the National Labor Relations Act directs them to bargain, is invalid.

Justices concurring: Black, Douglas, Clark, Harlan, Brennan
Justice dissenting: Whittaker

114. *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959).

The failure of the NLRB to assume jurisdiction does not leave California free to apply its laws defining torts and regulating labor relations for purposes of awarding damages to an employer for economic injuries resulting from the picketing of his plant by labor unions not selected by his employees as their bargaining agent. Since the employer is engaged in interstate commerce, California laws cannot be applied to matters falling within the compass of the National Labor Relations Act.

Justices concurring: Harlan, Clark, Whittaker, Stewart (separately)

115. *Accord: DeVries v. Baumgartner's Electric Co.*, 359 U.S. 498 (1959), as to a South Dakota law.

Justices concurring: Frankfurter, Brennan, Warren, C.J., Black, Douglas
Justices dissenting: Clark, Harlan, Whittaker, Stewart

116. *Accord: Superior Court v. Washington ex rel. Yellow Cab*, 361 U.S. 373 (1960), as to a Washington law.

117. *Accord: Bogle v. Jakes Foundry Co.*, 362 U.S. 401 (1960), as to a Tennessee law.

118. *Accord: McMahon v. Milam Mfg. Co.*, 368 U.S. 7 (1961), as to a Mississippi law.

119. *Accord: Marine Engineers v. Interlake Co.*, 370 U.S. 173 (1962), as to a Minnesota law.

120. *Accord: Waxman v. Virginia*, 371 U.S. 4 (1962), as to a Virginia law prohibiting picketing by non-employees.

121. *Accord: Construction Laborers v. Curry*, 371 U.S. 542 (1963), involving enjoinder of picketing as violating Georgia right-to-work law.

Justice concurring: Harlan (separately)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

122. *Accord: Journeymen & Plumbers' Union v. Borden*, 373 U.S. 690 (1962), as to a Texas law.

Justices concurring: Harlan, Warren, C.J., Brennan, Black, Stewart, White
Justices dissenting: Douglas, Clark

123. *Accord: Iron Workers Local 207 v. Perko,*373 U.S. 701 (1963), as to an Ohio law.

Justices concurring: Harlan, Warren, C.J., White, Brennan, Stewart, Black
Justices dissenting: Douglas, Clark

124. *Boynton v. Virginia*, 364 U.S. 454 (1960).

A Virginia statute making it a misdemeanor for any person to remain on the premises of another after having been forbidden to do so could not be enforced against a Negro for refusing to leave the section reserved for white people in a restaurant in a bus terminal by reason of conflict with provision of Interstate Commerce Act forbidding interstate motor vehicle bus carriers from subjecting persons to unjust discrimination.

Justices concurring: Black, Douglas, Warren, C.J., Brennan, Stewart, Frankfurter, Harlan
Justices dissenting: Whittaker, Clark

125. *United States v. Oregon*, 366 U.S. 643 (1961).

An Oregon escheat law could not be applied to support state's claim to property of a resident who died without a will or heirs in a Veterans' Hospital in Oregon; the United States has asserted title to the property under a superseding federal law.

Justices concurring: Black, Warren, C.J., Brennan, Stewart, Frankfurter, Harlan, Clark
Justices dissenting: Douglas, Whittaker

126. *United States v. Shimer*, 367 U.S. 374 (1961).

Pennsylvania Deficiency Judgment Act had been displaced by applicable provisions of the Federal Servicemen's Readjustment Act of 1944, and regulations issued thereunder, and could not be invoked to bar suit by the Veterans' Administration against a veteran to recover the indemnity for a defaulted home loan which it had guaranteed and which had been foreclosed by the lender.

Justices concurring: Harlan, Brennan, Stewart, Warren, C.J., Clark, Whittaker, Frankfurter
Justices dissenting: Black, Douglas

127. *Federal Land Bank v. Kiowa County*, 368 U.S. 146 (1961).

A Kansas statute declaring that oil and gas leases and the royalties derived therefrom were taxable as personal property could not be

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

applied to subject to local taxation an oil and gas lease and income therefrom derived by a Federal Land Bank from property acquired in satisfaction of a debt; under supervening federal law such Land Banks were exempted from all taxes "except taxes on real estate."

Justice concurring specially: Black

128. *United States v. Union Central Life Ins. Co.*, 368 U.S. 291 (1961).

A Michigan law regulating the manner in which a federal tax lien must be recorded was in conflict with applicable provisions of the Internal Revenue Code and therefore was ineffective for purposes of withholding priority to the Government's lien.

Justices concurring: Black, Frankfurter, Brennan, Warren, C.J., Clark, Stewart, Whittaker, Harlan
Justice dissenting: Douglas

129. *Campbell v. Hussey*, 368 U.S. 297 (1961).

Congress having preempted the field by enactment of the Federal Tobacco Inspection Act establishing uniform standards for classification of tobacco, a Georgia law which required Type 14 tobacco grown in Georgia to be identified with a white tag could not be enforced.

Justices concurring: Douglas, Whittaker (separately), Warren, C.J., Brennan, Stewart, Clark
Justices dissenting: Black, Frankfurter, Harlan

130. *Free v. Bland*, 369 U.S. 663 (1962).

Treasury regulations creating a right of survivorship in United States Savings Bonds preempted application of conflicting provisions of Texas Community Property Law which prohibited a married couple from taking advantage of such survivorship regulations whenever the purchase price of said bonds was paid out of community property.

131. *State Bd. of Ins. v. Todd Shipyards*, 370 U.S. 451 (1962).

A Texas law imposing a premium tax on insured parties who purchased insurance from insurers not licensed to sell insurance in Texas could not be collected, consistently with the Federal McCarran-Ferguson Act, on insurance contracts purchased in New York from a London insurer by the terms of which premiums thereon and claims thereunder were payable in New York.

Justices concurring: Douglas, Brennan, Warren, C.J., Stewart, Harlan, Clark
Justice dissenting: Black

132. *Lassiter v. United States*, 371 U.S. 10 (1962).

Louisiana laws that segregated passengers in terminal facilities of common carriers were unconstitutional by reason of conflict with federal law and the Equal Protection Clause.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

133. *United States v. Buffalo Savings Bank*, 371 U.S. 228 (1963).

A New York law that provided that payments out of proceeds of a foreclosure of property to discharge state tax liens should be deemed "expenses" of the mortgage foreclosure sale was ineffective to defeat priority accorded by federal law to federal tax liens antedating liens for state and local real property taxes and assessments.

Justices concurring: Warren, C.J., Black, Brennan, Stewart, Goldberg, Harlan, Clark, White
Justice dissenting: Douglas

134. *Paul v. United States*, 371 U.S. 245 (1963).

A California statute that authorized the fixing of minimum wholesale and retail prices for milk could not be enforced as to purchases of milk for military consumption or for resale at commissaries at federal military installations in California; conflicting federal statutes and regulations governing procurement with appropriated funds of goods for the Armed Forces required competitive bidding or negotiation reflecting active competition which would be nullified by minimum prices determined by factors not specified in federal law.

Justices concurring: Douglas, Black, Warren, C.J., White, Brennan, Clark
Justices dissenting: Stewart, Harlan, Goldberg

135. *Michigan Nat'l Bank v. Robertson*, 372 U.S. 591 (1963).

Suability of an out-of-state national bank in courts of Nebraska is determined by applicable provisions of the federal banking laws and not by recourse to a Nebraska statute defining the venue of local actions involving liability under the Nebraska Installment Loan Act.

Justices concurring: Black (separately), Douglas (separately)

136. *Accord: Mercantile Nat'l Bank v. Langdeau*, 371 U.S. 555 (1963), as to venue in Texas.

Justices concurring: White, Stewart, Brennan, Warren, C.J., Goldberg
Justices dissenting: Harlan, Douglas, Black

137. *Sperry v. Florida*, 373 U.S. 379 (1963).

A Florida law regulating admission to the bar could not be enforced, consistently with the principle of national supremacy, to prevent a person admitted to practice before the United States Patent Office as a Patent Attorney from serving clients in the latter capacity in Florida.

138. *Bus Employees v. Missouri*, 374 U.S. 74 (1963).

Missouri's King-Thompson Act, which authorized the governor to seize and operate a public utility when the public welfare was jeopar-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

dized by a strike threat, was inconsistent with 29 U.S.C. § 157 of the National Labor Relations Act defining the rights of employees as to collective bargaining and, consistently with national supremacy, could not be enforced.

139. *Corbett v. Stergios*, 381 U.S. 124 (1965).

Iowa's reciprocal inheritance law conditioning the right of nonresident aliens to take Iowa real property by intestate succession upon existence of a reciprocal right of United States citizens to take real property upon same terms and conditions in alien's country could not under United States-Greece treaty and Supremacy Clause bar Greek national from inheriting property.

140. *Nash v. Florida Industrial Comm'n*, 389 U.S. 235 (1967).

A Florida unemployment compensation law disqualifying for benefits any person unemployed as a result of a labor dispute when applied to disqualify a person who has filed an unfair labor practice charge against her employer because of her discharge conflicts with federal labor law and is void under Supremacy Clause.

141. *Rosado v. Wyman*, 397 U.S. 397 (1970).

A New York statute changing levels of benefits and deleting items to be included in levels of benefit which reduced moneys to recipients conflicted with federal law which required states to adjust upward in terms of increases costs of living amounts deemed necessary for subsistence.

Justices concurring: Harlan, Douglas, Brennan, Stewart, White, Marshall
Justices dissenting: Black, Burger, C.J.

142. *Lewis v. Martin*, 397 U.S. 552 (1970).

A California statute reducing the amount of dependent children funds going to any household by the amount of funds imputed to presence of a "man-in-the-house" who was not legally obligated to support the child or children conflicts with federal law as interpreted by valid HEW regulations.

Justices concurring: Douglas, Harlan, Brennan, Stewart, White, Marshall
Justices dissenting: Burger, C.J., Black

143. *California Dep't of Human Resources Dev. v. Java*, 402 U.S. 121 (1971).

A California statute providing for suspension of unemployment compensation if the former employer appeals an eligibility decision of a departmental examiner, the suspension to last until decision of the appeal, conflicts with the federal act's requirement that compensation must be paid when due.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

144. *Perez v. Campbell*, 402 U.S. 637 (1971).

An Arizona statute providing that a discharge in bankruptcy shall not operate to relieve a judgment creditor under the Motor Vehicle Safety Responsibility Act of any obligation under the Act conflicts with the provision of the federal bankruptcy law which discharges a debtor of all but specified judgments.

145. *Townsend v. Swank*, 404 U.S. 282 (1971).

An Illinois statute and implementing regulations which made needy dependent children 18 through 20 years old eligible for welfare benefits if they were attending high school or vocational training school but not if they were attending college or university conflicts with federal social security law.

146. *Sterrett v. Mothers' & Children's Rights Org.*, 409 U.S. 809 (1972).

A district court decision holding invalid as in conflict with the federal Social Security Act an Indiana statute denying benefits to persons aged 16 to 18 who are eligible but for the fact that they are not regularly attending school is summarily affirmed.

147. *Philpott v. Welfare Board*, 409 U.S. 413 (1973).

A New Jersey statute providing for recovery by the state of reimbursement for financial assistance when the recipient subsequently obtains funds cannot be applied to obtain reimbursement out of federal disability insurance benefits inasmuch as federal law bars subjecting such funds to any legal process.

148. *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973).

A Burbank, California ordinance placing an 11 p.m. to 7 a.m. curfew on jet take-offs from its local airport is invalid as in conflict with the regulatory scheme of federal statutory control.

Justices concurring: Douglas, Brennan, Blackmun, Powell, Burger, C.J.
Justices dissenting: Rehnquist, Stewart, White, Marshall

149. *Department of Game v. Puyallup Tribe*, 414 U.S. 44 (1973).

A Washington State statute construed to prohibit net fishing by members of the Tribe conflicts with the Tribe's treaty rights and is invalid.

150. *Beasley v. Food Fair*, 416 U.S. 653 (1974).

North Carolina's right-to-work law giving employees discharged by reason of union membership a cause of action against their employer cannot be applied to supervisors in view of 29 U.S.C. § 164(a), which provides that no law should compel an employer to treat a supervisor as an employee.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

151. *Letter Carriers v. Austin*, 418 U.S. 264 (1974).

A Virginia statute creating cause of action for "insulting words" as construed to permit recovery for use in labor dispute of words "scab" and similar words is preempted by federal labor law.

Justices concurring: Marshall, Brennan, Stewart, White, Blackmun
Justice concurring specially: Douglas
Justices dissenting: Powell, Rehnquist, Burger, C.J.

152. *Moe v. Confederated Salish & Kootenai Tribes,*425 U.S. 463 (1976).

Montana laws imposing personal property taxes, vendor license fees, and a cigarette sales tax may not constitutionally be applied to reservation Indians under Supremacy Clause because federal statutory law precludes such application.

153. *Kleppe v. New Mexico*, 426 U.S. 529 (1976).

A New Mexico law providing for the roundup and sale by a state agency of "estrays" cannot under the Supremacy Clause be constitutionally applied to unbranded and unclaimed horses and burros on public lands of the United States that are protected by federal law.

154. *Machinists & Aerospace Workers v. WERC*, 427 U.S. 132 (1976).

A Wisconsin statute proscribing concerted efforts by employees to interfere with production, except through actual strikes, cannot under the Supremacy Clause be constitutionally applied to union members' concerted refusal to work overtime during negotiations for renewal of an expired contract since such conduct was intended by Congress to be regulable by neither the states nor the NLRB.

Justices concurring: Brennan, White, Marshall, Blackmun, Power, Burger, C.J.
Justices dissenting: Stevens, Stewart, Rehnquist

155. *Jones v. Rath Packing Co.*, 430 U.S. 519 (1977).

California's statutory imposition of weight requirements in packaging for sale of bacon and flour which did not allow for loss of weight resulting from moisture loss during distribution while the applicable federal law does is invalid (1) as to bacon because of express federal law and (2) as to flour because adherence to state law would defeat a purpose of the federal law.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell, Stevens, Burger, C.J.
Justices dissenting: Rehnquist, Stewart as to flour

156. *Douglas v. Seacoast Products, Inc.*, 431 U.S. 265 (1977).

A Virginia statute prohibiting nonresidents from fishing within certain state waters is preempted by federal enrollment and licensing laws that grant an affirmative right to fish in coastal waters.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

157. *Dothard v. Rawlinson*, 433 U.S. 321 (1977).

Alabama statutory height and weight requirements for prison guards have an impermissible discriminatory effect upon women, and under the Supremacy Clause must yield to the federal fair employment law.

Justices concurring: Stewart, Brennan, Marshall, Blackmun, Powell, Rehnquist, Stevens, Burger, C.J.
Justice dissenting: White

158. *Maher v. Buckner*, 434 U.S. 898 (1977).

A Connecticut statutory rule rendering ineligible for welfare benefits individuals who have transferred assets within seven years of applying for benefits unless they can prove the transfer was made for "reasonable consideration" is inconsistent with the Social Security Act and therefore void.

159. *Ray v. Atlantic Richfield Co.*, 435 U.S. 151 (1978).

Certain provisions of a Washington statute imposing design or safety standards on oil tankers using state waters and banning operation in those waters of tankers exceeding certain weights, as well as certain pilotage requirements, are invalid as conflicting with federal law.

Justices concurring: Ginsburg, Kennedy, Souter, Breyer, Rehnquist, C.J.
Justices concurring specially: O'Connor, Thomas
Justice dissenting: Stevens

160. *Hisquierdo v. Hisquierdo*, 439 U.S. 572 (1979).

California's community property statute, under which property acquired during the marriage by either spouse belongs to both, may not be applied to award a divorced spouse an interest in the other spouse's pension benefits under the Railroad Retirement Act, because the act precludes subjecting benefits to any legal process to deprive recipients.

Justices concurring: Blackmun, Brennan, White, Marshall, Powell, Stevens, Burger, C.J.
Justices dissenting: Stewart, Rehnquist

161. *Miller v. Youakim*, 440 U.S. 125 (1979).

An Illinois law differentiating between children who reside in foster homes with relatives and those who do not reside with relatives and giving the latter greater benefits than the former conflicts with federal law, which requires the same benefits be provided regardless of whether the foster home is operated by a relative.

162. *Arizona Pub. Serv. Co. v. Snead*, 441 U.S. 141 (1979).

Arizona's imposition of tax upon electricity produced in state and sold outside the state, which is not offset against other taxes as is the

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

case with electricity sold within state, violates a federal statute prohibiting any state from taxing the generation or transmission of electricity in a manner that discriminates against out-of-state consumers, and thus is unenforceable.

163. *California Retail Liquor Dealers Ass'n v. Midcal Aluminum*, 445 U.S. 97 (1980).

A California statute requiring all wine producers and wholesalers to file fair trade contracts or price schedules with the state and to follow the price lists is a resale price maintenance scheme that violates the Sherman Act.

164. *Ventura County v. Gulf Oil Corp.*, 445 U.S. 947 (1980).

Ventura County, California zoning ordinances governing oil exploration and extraction activities cannot be applied to a company which holds a lease from the United States Government because federal law preempts the field.

165. *Washington v. Confederated Colville Tribes,*447 U.S. 134 (1980).

Imposition of a Washington State motor vehicle excise tax and mobile home, camper, and trailer taxes on vehicles owned by the Tribe or its members and used both on and off the reservation violates federal law and cannot stand under the Supremacy Clause.

Justices concurring: White, Brennan, Marshall, Blackmun, Powell, Stevens, Burger, C.J.
Justices dissenting: Stewart, Rehnquist

166. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136 (1980).

Imposition of Arizona's motor carrier license tax and use fuel tax on a non-Indian enterprise authorized to do business in Arizona but operating entirely on reservation conflicts with federal law and cannot stand under the Supremacy Clause.

Justices concurring: Marshall, Brennan, White, Blackmun, Powell, Burger, C.J.
Justices dissenting: Stevens, Stewart, Rehnquist

167. *Central Machinery Co. v. Arizona Tax Comm'n*, 448 U.S. 160 (1980).

Arizona's imposition of tax upon on-reservation sale of farm machinery to Indian tribe by non-Indian, off-reservation enterprise conflicts with federal law and is invalid under the Supremacy Clause.

Justices concurring: Marshall, Brennan, White, Blackmun, Burger, C.J.
Justices dissenting: Stewart, Powell, Rehnquist, Stevens

168. *Chicago & N.W. Transp. Co. v. Kalo Brick & Tile Co.*, 450 U.S. 311 (1981).

An Iowa statute subjecting to damages a common carrier who abandons service and thereby injures shippers is preempted by the Inter-

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

state Commerce Act, which empowers the ICC to approve cessation of service on branch lines upon carrier petitions.

169. *Alessi v. Raybestos-Manhattan, Inc.*, 451 U.S. 504 (1981).

A New Jersey workmen's compensation provision denying employers the right to reduce retiree's pension benefits by the amount of a compensation award under the act is preempted by federal pension regulation law.

170. *Maryland v. Louisiana*, 451 U.S. 725 (1981).

Louisiana's "first-use tax" statute which, because of exceptions and credits, imposes a tax only on natural gas moving out-of-state, impermissibly discriminates against interstate commerce, and another provision that required pipeline companies to allocate cost of the tax to the ultimate consumer is preempted by federal law.

171. *McCarty v. McCarty*, 453 U.S. 210 (1981).

California community property statute, to the extent it treated retired pay of Army officers as property divisible between spouses on divorce, is preempted by federal law.

Justices concurring: Blackmun, White, Marshall, Powell, Stevens, Burger, C.J.
Justices dissenting: Rehnquist, Brennan, Stewart

172. *Agsalud v. Standard Oil Co.*, 454 U.S. 801 (1981).

A court of appeals decision holding preempted by federal pension law Hawaii law requiring employers to provide their employees with a comprehensive prepaid health care plan is summarily affirmed.

173. *Blum v. Bacon*, 457 U.S. 132 (1982).

A provision of New York's emergency assistance program precluding assistance to persons receiving AFDC to replace a lost or stolen AFDC grant is contrary to valid federal regulations proscribing inequitable treatment under the emergency assistance program.

174. *Fidelity Fed. Savings & Loan Ass'n v. de la Cuesta,*458 U.S. 141 (1982).

California's prohibition on unreasonable restraints on alienation, construed to prohibit "due-on-sale" clauses in mortgage contracts, is preempted by Federal Home Loan Bank Board regulations permitting federal savings and loan associations to include such clauses in their contracts.

Justices concurring: Blackmun, Brennan, White, Marshall, O'Connor, Burger, C.J.
Justices dissenting: Rehnquist, Stevens

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

175. *Ramah Navajo School Bd. v. Bureau of Revenue*, 458 U.S. 832 (1982).

A New Mexico tax imposed on the gross receipts that a non-Indian construction company received from a tribal school board for construction of a school for Indian children on reservation is preempted by federal law.

Justices concurring: Marshall, Brennan, Blackmun, Powell, O'Connor, Burger, C.J.
Justices dissenting: Rehnquist, White, Stevens

176. *Memphis Bank & Trust Co. v. Garner*, 459 U.S. 392 (1983).

A Tennessee tax on the net earnings of banks, applied to interest earned on obligations of the United States, is void as conflicting with 31 U.S.C. § 3124.

177. *Busbee v. Georgia*, 459 U.S. 1166 (1983).

A federal district court decision that Georgia's congressional redistricting plan is invalid as having a racially discriminatory purpose in conflict with the Voting Rights Act is summarily affirmed.

178. *Pennsylvania Public Utility Comm'n v. CONRAIL*, 461 U.S. 912 (1983).

A federal district court decision holding that federal statutes (the Federal Railroad Safety Act and the locomotive boiler inspection laws) preempt a Pennsylvania law requiring locomotives to maintain speed records and indicators, summarily affirmed by an appeals court, is summarily affirmed.

179. *Exxon Corp. v. Eagerton*, 462 U.S. 176 (1983).

Prohibition on pass-through to consumers of an increase in Alabama's oil and gas severance tax is invalid as conflicting with the Natural Gas Act to the extent that it applies to sales of gas in interstate commerce.

180. *Philco Aviation v. Shacket*, 462 U.S. 406 (1983).

An Illinois statute recognizing the validity of an unrecorded, oral sale of an aircraft is preempted by the Federal Aviation Act's provision that unrecorded "instruments" of transfer are invalid.

181. *Shaw v. Delta Air Lines*, 463 U.S. 85 (1983).

The New York Human Rights Law is preempted by ERISA to the extent that it prohibits practices that are lawful under the federal law.

182. *American Bank & Trust Co. v. Dallas County*, 463 U.S. 855 (1983).

A Texas property tax on bank shares, computed on the basis of a bank's net assets without any deduction for the value of United States obligations held by the bank, is invalid as conflicting with Rev. Stat. § 3701 (31 U.S.C. § 3124).

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Blackmun, Brennan, White, Marshall, Powell, Burger, C.J.
Justices dissenting: Rehnquist, Stevens

183. *Arcudi v. Stone & Webster Engineering*, 463 U.S. 1220 (1983).

An appeals court holding that a Connecticut statute requiring employers to provide health and life insurance to former employees is preempted by ERISA as related to an employee benefit plan, is summarily affirmed.

184. *Aloha Airlines v. Director of Taxation*, 464 U.S. 7 (1983).

A Hawaii "property tax" on the gross income of airlines operating within the state is preempted by a federal prohibition on state taxes on carriage of air passengers "or on the gross receipts derived therefrom."

185. *Southland Corp. v. Keating*, 465 U.S. 1 (1984).

California's franchise law, requiring judicial resolution of certain claims, is preempted by the United States Arbitration Act, which precludes judicial resolution in state or federal courts of claims that contracting parties agree to submit to arbitration.

Justices concurring: Burger, C.J., Brennan, Marshall, Blackmun, Powell
Justice concurring in part and dissenting in part: Stevens
Justices dissenting: O'Connor, Rehnquist

186. *Texas v. KVUE–TV*, 465 U.S. 1092 (1984).

An appeals court holding that a Texas statute regulating the broadcast of political advertisements is preempted by the Federal Election Campaign Act of 1971 to the extent that it imposes sponsorship identification requirements on advertising for candidates for federal office, and to the extent that it conflicts with federal regulation of political advertising rates, is summarily affirmed.

187. *Michigan Canners Ass'n v. Agricultural Marketing Bd.,*467 U.S. 461 (1984).

A Michigan statute making agricultural producers' associations the exclusive bargaining agents and requiring payment of service fees by non-member producers is preempted as conflicting with federal policy of the Agricultural Fair Practices Act of 1967, protecting the right of farmers to join or not join such associations.

188. *Capital Cities Cable, Inc. v. Crisp,*467 U.S. 691 (1984).

The Oklahoma Constitution's general ban on advertising of alcoholic beverages, as applied to out-of-state cable television signals carried by in-state operators, is preempted by federal regulations implementing the Communications Act.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

189. *Lawrence County v. Lead-Deadwood School Dist.*, 469 U.S. 256 (1985).

A South Dakota statute requiring local governments to distribute federal payments in lieu of taxes in the same manner that they distribute general tax revenues conflicts with the Payment in Lieu of Taxes Act, which provides that the recipient local government may use the payment for any governmental purpose.

Justices concurring: White, Brennan, Marshall, Blackmun, Powell, O'Connor, Burger, C.J.
Justices dissenting: Rehnquist, Stevens

190. *Gerace v. Grocery Mfrs. of America*, 474 U.S. 801 (1985).

An appeals court decision holding that federal laws (the Food, Drug, and Cosmetic Act; the Meat Inspection Act; and the Poultry Products Act) preempt a New York requirement that cheese alternatives be labeled "imitation" is summarily affirmed.

191. *Wisconsin Dep't of Industry v. Gould, Inc.*, 475 U.S. 282 (1986).

A Wisconsin statute debarring from doing business with the state persons or firms guilty of repeat violations of the National Labor Relations Act is preempted by that Act.

192. *Exxon Corp. v. Hunt*, 475 U.S. 355 (1986).

A New Jersey statute creating an oil spill compensation fund is preempted by the Comprehensive Environmental Response, Compensation, and Liability Act to the extent that the state fund is used to finance cleanup activities at sites listed in the National Contingency Plan.

Justices concurring: Marshall, Brennan, White, Blackmun, Rehnquist, O'Connor, Burger, C.J.
Justice dissenting: Stevens

193. *Three Affiliated Tribes v. Wold Engineering*, 476 U.S. 877 (1986).

A North Dakota statute disclaiming jurisdiction over actions brought by tribal Indians suing non-Indians in state courts over claims arising in Indian country is preempted by federal Indian law (Pub. L. 280).

Justices concurring: O'Connor, White, Marshall, Blackmun, Powell, Burger, C.J.
Justices dissenting: Rehnquist, Brennan, Stevens

194. *Offshore Logistics, Inc. v. Tallentire,*477 U.S. 207 (1986).

Louisiana's wrongful death statute is preempted by the Death on the High Seas Act as applied to a helicopter crash 35 miles off shore.

Justices concurring: O'Connor, White, Blackmun, Rehnquist, Burger, C.J.
Justices dissenting: Powell, Brennan, Marshall, Stevens

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

195. *Roberts v. Burlington Industries*, 477 U.S. 901 (1986).

An appeals court holding that New York severance pay requirements were preempted by ERISA is summarily affirmed.

196. *Brooks v. Burlington Industries*, 477 U.S. 901 (1986).

An appeals court holding that North Carolina severance pay requirements were preempted by ERISA is summarily affirmed.

197. *Thornburg v. Gingles*, 478 U.S. 30 (1986).

North Carolina's legislative redistricting plan, creating multimember districts having the effect of impairing the opportunity of black voters to participate in the political process, is invalid under § 2 of the Voting Rights Act.

Justices concurring: Brennan, White, Marshall, Blackmun, Stevens
Justices concurring specially: O'Connor, Powell, Rehnquist, Burger.
Justices concurring in part and dissenting in part: Stevens, Marshall, Blackmun.

198. *Rose v. Arkansas State Police*, 479 U.S. 1 (1986).

A provision of Arkansas' workers' compensation act requiring that death benefits be reduced by the amount of any federal benefits paid is preempted by a federal requirement that federal benefits be "in addition to any other benefit due"; a contrary ruling by an Arizona appeals court is summarily reversed.

199. *324 Liquor Corp. v. Duffy*, 479 U.S. 335 (1987).

A section of New York's alcoholic beverage control law establishing retail price maintenance violates section 1 of the Sherman Act, and is not saved by the Twenty-First Amendment.

Justices concurring: Powell, Brennan, White, Marshall, Blackmun, Stevens, Scalia
Justices dissenting: O'Connor, Rehnquist, C.J.

200. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

A California statute governing the operation of bingo games is preempted as applied to Indian tribes conducting on-reservation games.

Justices concurring: White, Brennan, Marshall, Blackmun, Powell, Rehnquist, C.J.
Justices dissenting: Stevens, O'Connor, Scalia

201. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

A Riverside County, California ordinance regulating the operation of bingo and various card games is preempted as applied to Indian tribes conducting on-reservation games.

Justices concurring: White, Brennan, Marshall, Blackmun, Powell, Rehnquist, C.J.
Justices dissenting: Stevens, O'Connor, Scalia

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

202. *Perry v. Thomas*, 482 U.S. 483 (1987).

The Federal Arbitration Act preempts a section of California Labor Code providing that actions for collection of wages may be maintained "without regard to the existence of any private agreement to arbitrate."

Justices concurring: Marshall, Brennan, White, Blackmun, Powell, Scalia, Rehnquist, C.J.

Justices dissenting: Stevens, O'Connor

203. *Montana v. Crow Tribe of Indians*, 484 U.S. 997 (1988).

A federal appeals court decision that Montana's coal severance and gross proceeds taxes, as applied to Indian-owned coal produced by non-Indians, are preempted by federal Indian policies underlying the Mineral Leasing Act of 1938, is summarily affirmed.

204. *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988).

A Michigan statute requiring approval of the Michigan Public Service Commission before a natural gas company may issue long-term securities is preempted as applied to companies subject to FERC regulation under the Natural Gas Act.

205. *Bennett v. Arkansas*, 485 U.S. 395 (1988).

An Arkansas statute authorizing seizure of prisoners' property in order to defray costs of incarceration is invalid as applied to Social Security benefits, exempted from legal process by 42 U.S.C. § 407(a).

206. *Mackey v. Lanier Collection Agency & Service, Inc.*, 486 U.S. 825 (1988).

A Georgia statute barring garnishment of funds or benefits of employee benefit plans subject to ERISA is preempted by ERISA § 514(a) as a state law that "relates to" covered plans.

Justices concurring: White, Brennan, Marshall, Stevens, Rehnquist, C.J.

Justices dissenting: Kennedy, Blackmun, O'Connor, Scalia

207. *Felder v. Casey*, 487 U.S. 131 (1988).

Wisconsin's notice-of-claim statute, requiring that persons suing state or local governments or officials in state court must give notice and then refrain from filing suit for an additional period, is preempted as applied to civil rights actions brought in state court under 42 U.S.C. § 1983.

Justices concurring: Brennan, White, Marshall, Blackmun, Stevens, Scalia, Kennedy

Justices dissenting: O'Connor, Rehnquist, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

208. *Boyle v. United Technologies Corp.*, 487 U.S. 500 (1988).

Virginia tort law governing product design defects is preempted by federal common law as applied to suits against government contractors for damages resulting from design defects in military equipment if the equipment conformed to reasonably precise specifications and if the contractor warned the government of known dangers.

Justices concurring: Scalia, White, O'Connor, Kennedy, Rehnquist, C.J.
Justices dissenting: Brennan, Marshall, Blackmun, Stevens

209. *Bonito Boats, Inc. v. Thunder Craft Boats, Inc.*, 489 U.S. 141 (1989).

A Florida statute prohibiting the use of the direct molding process to duplicate unpatented boat hulls, and creating a cause of action in favor of the original manufacturer, is preempted by federal patent law as conflicting with the balance Congress has struck between patent protection and free trade in industrial design.

210. *Davis v. Michigan Dep't of Treasury*, 489 U.S. 803 (1989).

Michigan's income tax law, by providing exemption for retirement benefits of state employees but not for retirement benefits of Federal employees, discriminates against federal employees in violation of 4 U.S.C. § 111 and in violation of the constitutional doctrine of intergovernmental tax immunity.

Justices concurring: Kennedy, Brennan, White, Marshall, Blackmun, O'Connor, Scalia, Rehnquist, C.J.
Justice dissenting: Stevens

211. *FMC Corp. v. Holliday*, 498 U.S. 52 (1990).

A provision of Pennsylvania's motor vehicle financial responsibility law prohibiting subrogation and reimbursement from a claimant's tort recovery for benefits received from a self-insured health care plan is preempted by ERISA as "relat[ing] to [an] employee benefit plan."

Justices concurring: O'Connor, White, Marshall, Blackmun, Scalia, Kennedy, Rehnquist, C.J.
Justice dissenting: Stevens

212. *Ingersoll-Rand Co. v. McClendon*, 498 U.S. 133 (1990).

A Texas common law claim that an employee was wrongfully discharged to prevent his attainment of benefits under a plan covered by ERISA is preempted as a "State law" that "relates to" a covered benefit plan. The state cause of action also "conflicts directly" with an exclusive ERISA cause of action.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

213. *County of Yakima v. Yakima Indian Nation*, 502 U.S. 251 (1992).

The County of Yakima, Washington's excise tax on sales of allotted Indian land does not constitute permissible "taxation of land" within the meaning of § 6 of the General Allotment Act, and is invalid.

214. *Barker v. Kansas*, 503 U.S. 594 (1992).

A Kansas tax on military retirement benefits is inconsistent with 4 U.S.C. § 111, which allows states to tax federal employees' compensation if the tax does not discriminate "because of the source" of the compensation. No similar tax is applied to state and local government retirees, and there are no significant differences between the two classes of taxpayers that justify the different tax treatment.

215. *Gade v. National Solid Wastes Mgmt. Ass'n*, 505 U.S. 88 (1992).

Illinois' "dual impact" laws designed to protect both employees and the general public by requiring training and licensing of hazardous waste equipment operators are preempted by § 18(b) of the Occupational Safety and Health Act, 29 U.S.C. § 667(b), which requires states to obtain federal approval before enforcing occupational safety and health standards relating to issues governed by federal standards.

216. *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504 (1992).

Two claims, based on New Jersey law and brought against cigarette companies for damages for lung cancer allegedly resulting from smoking, are preempted under the Federal Cigarette Labeling and Advertising Act: failure-to-warn claims requiring a showing that the tobacco companies' post-1969 advertising should have included additional warnings, and fraudulent misrepresentation claims predicated on state law restrictions on advertising.

217. *Oklahoma Tax Comm'n v. Sac & Fox Nation*, 508 U.S. 114 (1993).

Oklahoma may not impose income taxes or motor vehicle taxes on members of the Sac and Fox Nation who live in "Indian country," whether the land is within reservation boundaries, on allotted lands, or in dependent communities. Such tax jurisdiction is considered to be preempted unless Congress has expressly provided to the contrary.

218. *Department of Treasury v. Fabe*, 508 U.S. 491 (1993).

An Ohio statute setting priority of claims against insolvent insurance companies is preempted by the federal priority statute, 31 U.S.C. § 3713, which accords first priority to the United States, to the extent that the Ohio law protects the claims of creditors who are not policyholders. Insofar as it protects the claims of policyholders, the law is saved from preemption by section 2(b) of the McCarran-Ferguson Act.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Justices concurring: Blackmun, White, Stevens, O'Connor, Rehnquist, C.J.
Justices dissenting: Kennedy, Scalia, Souter, Thomas

219. *American Airlines, Inc. v. Wolens*, 513 U.S. 219 (1995).

The Illinois Consumer Fraud Act, to the extent that it authorizes actions in state court challenging as "unfair or deceptive" marketing practices an airline company's changes in its frequent flyer program, is preempted by the Airline Deregulation Act, which prohibits states from "enact[ing] or enforc[ing] any law . . . relating to [air carrier] rates, routes, or services."

Justices concurring: Ginsburg, Kennedy, Souter, Breyer, Rehnquist, C.J.
Justices concurring specially: O'Connor, Thomas
Justice dissenting: Stevens

220. *Oklahoma Tax Comm'n v. Chickasaw Nation*, 515 U.S. 450 (1995).

Oklahoma may not impose its motor fuels excise tax upon fuel sold by Chickasaw Nation retail stores on tribal trust land. The legal incidence of the motor fuels tax falls on the retailer, located within Indian country, and the petitioner did not properly raise the issue of whether Congress had authorized such taxation in the Hayden-Cartwright Act.

221. *Barnett Bank of Marion County v. Nelson*, 517 U.S. 25 (1996).

A federal law empowering national banks in small towns to sell insurance (12 U.S.C. § 92) preempts a Florida law prohibiting banks from dealing in insurance. The federal law contains no explicit statement of preemption, but preemption is implicit because the state law stands as an obstacle to the accomplishment of one of the federal law's purposes.

222. *Doctor's Associates, Inc. v. Casarotto*, 517 U.S. 681 (1996).

A Montana law declaring an arbitration clause unenforceable unless notice that the contract is subject to arbitration appears in underlined capital letters on the first page of the contract is preempted by the Federal Arbitration Act.

Justices concurring: Ginsburg, Stevens, O'Connor, Scalia, Kennedy, Souter, Breyer, Rehnquist, C.J.
Justice dissenting: Thomas

223. *Foster v. Love*, 522 U.S. 67 (1997).

A Louisiana statute that provides for an "open primary" in October for election of Members of Congress and that provides that any candidate receiving a majority of the vote in that primary "is elected," conflicts with the federal law, 2 U.S.C. §§ 1 and 7, that provides for a uniform federal election day in November, and is void to the extent of

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

conflict. "[A] contested selection of candidates for a congressional office that is concluded as a matter of law before the federal election day . . . clearly violates § 7."

224. *United States v. Locke*, 529 U.S. 89 (2000).

Four Washington State regulations governing oil tanker operations and manning are preempted. Primarily through Title II of the Ports and Waterways Safety Act of 1972, Congress has occupied the field of regulation of general seaworthiness of tankers and their crews, and there is no room for these state regulations imposing training and English language proficiency requirements on crews and imposing staffing requirements for navigation watch. State reporting requirements applicable to certain marine incidents are also preempted.

225. *Beneficial Nat'l Bank v. Anderson*, 539 U.S. 1 (2003).

Alabama's usury statute is preempted by sections 85 and 86 of the National Bank Act as applied to interest rates charged by national banks.

Justices concurring: Stevens, O'Connor, Kennedy, Souter, Ginsburg, Breyer, Rehnquist, C.J.
Justices dissenting: Scalia, Thomas

226. *American Ins. Ass'n v. Garamendi*, 539 U.S. 396 (2003).

California's Holocaust Victim Insurance Relief Act, which requires any insurance company doing business in the state to disclose information about policies that it or "related" companies sold in Europe between 1920 and 1945, is preempted as interfering with the Federal Government's conduct of foreign relations.

Justices concurring: Souter, O'Connor, Kennedy, Breyer, Rehnquist, C.J.
Justices dissenting: Ginsburg, Stevens, Scalia, Thomas

227. *Aetna Health, Inc. v. Davila*, 542 U.S. 200 (2004).

Suits brought in state court alleging that HMOs violated their duty under the Texas Health Care Liability Act "to exercise ordinary care when making health care treatment decisions" are preempted by ERISA § 502(a), which authorizes suit "to recover benefits due [a participant] under the terms of his plan."

228. *Gonzales v. Raich*, 545 U.S. 1 (2005).

California law allowing use of marijuana for medical purposes is preempted by the Controlled Substances Act's categorical prohibition of the manufacture and possession of marijuana.

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: O'Connor, Thomas, Rehnquist, C.J.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

229. *Arkansas Department of Health and Human Services v. Ahlborn*, 547 U.S. 268 (2006).

Arkansas statute that imposes lien on tort settlements in an amount equal to Medicaid costs, even when Medicaid costs exceed the portion of the settlement that represents medical costs, is preempted by the Federal Medicaid law insofar as the Arkansas statute applies to amounts other than medical costs.

230. *League of United Latin American Citizens v. Perry*, 548 U.S. 399 (2006).

Part III of the opinion found a Texas redistricting statute to violate the federal Voting Rights Act because it diluted the voting power of Latinos.

Justices concurring in Part III: Kennedy, Stevens, Souter, Ginsberg, Breyer
Justices dissenting from Part III: Roberts, C.J., Alito, Scalia, Thomas

231. *Watters v. Wachovia Bank, N.A.*, 550 U.S. 1 (2007).

A national bank's state-chartered subsidiary real estate lending business is subject to federal, not state, law.

Justices concurring: Ginsburg, Alito, Breyer, Kennedy, Souter
Justices dissenting: Stevens, Roberts, C.J., Scalia

232. *Riegel v. Medtronic, Inc.*, 128 S. Ct. 999 (2008).

The Federal Food, Drug, and Cosmetic Act bars common-law claims challenging the safety and effectiveness of medical devices that have been given premarket approval by the FDA.

Justices concurring: Scalia, Roberts, C.J., Kennedy, Souter, Thomas, Breyer, Alito, Stevens
Justice dissenting: Ginsburg

233. *Rowe v. New Hampshire Motor Transport Association*, 128 S. Ct. 989 (2008).

The federal Motor Carrier Act of 1980, which prohibits states from enacting any law related to a motor carrier price, route, or service, preempts two provisions of a Maine statute that regulate the delivery of tobacco to customers within the state.

234. *Haywood v. Drown*, 556 U.S. ___, No. 07–10374, slip op. (2009).

New York statute that gave the state's supreme courts—its trial courts of general jurisdiction—jurisdiction over suits brought under 42 U.S.C. § 1983, except in the case of suits seeking money damages from corrections officers, was preempted because it was "contrary to Congress's judgment that *all* persons who violate federal rights while acting under color of state law shall be held liable for damages."

Justices concurring: Stevens, Kennedy, Souter, Ginsburg, Breyer
Justices dissenting: Thomas, Roberts, C.J., Scalia, Alito

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

235. *PLIVA Inc. v. Mensing*, 564 U.S. ___, No. 09–993 (2011).

Louisiana statute which provides for liability where a manufacturer has a duty to warn of a products is preempted by federal labeling requirements, despite the fact that the manufacturer of a generic drug could have sought assistance from the Food and Drug Administration to convince manufacturers of the brand-name equivalent drug to change their labeling, allowing the generic manufacturer to follow suit.

Justices concurring: Thomas, Roberts, C.J., Scalia, Alito
Justice concurring in all but Part III–B–2: Kennedy
Justices dissenting: Sotomayor, Ginsburg, Breyer, Kagan

236. *National Meat Ass'n v. Harris*, 565 U.S. ___, No. 10–224, slip op. (2012).

California state statute dictating what slaughterhouses must do with pigs that cannot walk preempted by provision of the Federal Meat Inspection Act (FMIA) expressly preempting state requirements that are in addition to, or different than, those made under the FMIA, where FMIA is more permissive.

237. *Kurns v. Railroad Friction Products Corp.*, 565 U.S. ___, No. 10–879, slip op. (2012).

Pennsylvania state-law tort claim by the estate of maintenance engineer alleging defective design of locomotive components and failure to warn of attendant dangers held preempted by the Locomotive Inspection Act, where purpose of the Act was found to be regulation of locomotive equipment generally and not limited to regulation of activities of locomotive operators or use of locomotives while engaged in transportation.

Justices concurring: Thomas, Roberts, C.J., Scalia, Kennedy, Alito, Kagan
Justices dissenting in part: Sotomayor, Ginsburg, Breyer

238. *Arizona v. United States*, 567 U.S. ___, No. 11–182, slip op. (2012).

Arizona state penalties for violating federal alien registration requirements held preempted by federal law that occupied the field; state sanctions against unauthorized aliens seeking employment or working held preempted by comprehensive system of federal employer sanctions that eschewed employee sanctions; state authority for police arrests of individuals believed to be deportable on criminal grounds held preempted as upsetting careful policy balance struck by Congress; state policy of checking immigration status of individuals stopped by police during ordinary course of state law enforcement activities held not to be preempted on its face because federal law contemplated and facilitated status checks.

Justices concurring: Kennedy, Roberts, C.J., Ginsburg, Breyer, Sotomayor
Justices dissenting in part: Scalia, Thomas, Alito

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

239. *Wos v. E.M.A.*, 568 U.S. ___, No. 12–98, slip op. (2013).

North Carolina law on reimbursing the cost of state-funded medical treatment which presumed what portion of a tort case settlement arising from both medical and nonmedical claims could be attributed to medical claims held preempted by federal Medicaid statute's anti-lien provision, 42 U.S.C. §1396p(a)(1). Where settlement of birth injury medical malpractice claim did not allocate money between medical and nonmedical claims, state law's irrebutable presumption that up to one-third of all damages recovered could be allocated to medical expenses is preempted by requirement that only that portion of a judgment or settlement "designated as payments for medical care" could be recovered.

Justices concurring: Kennedy, Ginsburg, Breyer, Alito, Sotomayor, Kagan
Justices dissenting: Roberts, C.J., Scalia, Thomas

240. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. ___, No. 12–71, slip op. (2013).

Arizona law requiring proof of citizenship in order to register to vote preempted by the National Voter Registration Act (NVRA). NVRA requires states to establish uniform voter registration procedures for federal elections when applying for a driver's license, and when registering by mail or in person at certain state and local public offices. Court held that Arizona's documentary proof of citizenship requirement is preempted by the NVRA's mandate that states "accept and use" a specified federal form, which implies that the federal form is to be considered sufficient without additional documentation. Rejected argument that traditional doctrine of presumption against preemption applies, as the Elections Clause of the Constitution, Article I, § 4, specfically confers upon Congress the power to alter state regulations regarding the "Times, Places and Manner" of holding federal elections.

Justices concurring: Scalia, Roberts, C.J., Ginsburg, Breyer, Sotomayor, Kagan
Justices dissenting: Thomas, Alito

241. *Hillman v. Maretta*, 569 U.S. ___, No. 11–1221, slip op. (2013)

Virginia law that revokes a death benefit beneficiary designation to a spouse in the event of a divorce also provides that, if such revocation is preempted by federal law, the person who would have benefitted from the revoked designation has a cause of action against the former spouse. The Federal Employees' Group Life Insurance Act of 1954 (FEGLIA), which establishes an insurance program for federal employees, permits an employee to name a beneficiary of life insurance proceeds. Congress's purpose in passing this provision was to establish a clear and predictable procedure for an employee to indicate who the intended beneficiary of his life insurance shall be, and this purpose is

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

in direct conflict with the Virginia statute providing for a cause of action against the intended beneficiary. Accordingly, the state provision is pre-empted by FEGLIA.

Justices concurring: Sotomayor, Roberts, C.J., Kennedy, Ginsburg, Breyer, Kagan, Scalia

Justices concurring specially: Thomas, Alito

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U.S. GOVERNMENT
INFORMATION
GPO