

## INDEX

### A

	Page
Abandoned property, state laws.....	1730–32
Abortion:	
Advertising of .....	1177, 1771
Constitutional right to .....	1768–78
Demonstrations, protests outside clinics .....	1255–57
Indigent women, right to public assistance .....	1773–74, 2025
Parental consent to minor's.....	1771, 1777
Partial birth abortions .....	1777
Spousal consent.....	1771, 1777
Threats against abortion doctors .....	1204
Absentee voting .....	2000–01
Abstention doctrine .....	837–39
Academic freedom .....	1151, 1154
Access to ballot, equal protection.....	2001–05, 2028
Access to broadcasting, press .....	1189–92
Access to courts by litigants.....	1835–36, 2023–25, 2028–30
Access to courts by public, press .....	1165–69
Access to prisons by public, press .....	1171–73
Accusation, notice of, specificity .....	1516–17
Act of state doctrine.....	573, 594, 727
Addiction, drug, alcohol, punishment .....	1597–98
Administrative agencies:	
Adjudication by .....	645–48
Combination of functions .....	1797–98
Decisionmaking, bias in .....	1797–98
Delegations to .....	75–76
Due process in .....	1445–47, 1809–11
Presidential creation, status .....	464
Administrative inspections, searches .....	1294–99
Administrative Procedure Act .....	85, 704–06, 1798
Administrative regulations:	
Judicial review of .....	78, 1445–47
Modification of congressional legislation by .....	85–86
Violations of, how punished .....	91–92
Admiralty, federal court jurisdiction in:	
Airplane crashes and .....	772
Congress, powers .....	362, 767–69
Contracts, maritime .....	770–71
Federal-state powers, exclusivity, concurrency .....	775–81
Jury trial and .....	769, 774
Prize cases .....	770, 773
Proceedings in .....	773–74
Saving to suitors, state court jurisdiction .....	773, 776, 832
Seamen, rights as to contracts, maritime torts, etc. ....	770–73, 776–81
Territorial reach of power .....	774–75
Types of cases under .....	770–73
Wrongful death, maritime, actions for .....	780–81
Adoption of children .....	894, 1983

Advertising:	
Commercial speech.....	1176-85
Public issue advertising.....	1189-90, 1207
Public forum, access.....	1240, 1241
State regulation, equal protection .....	1931-32
Advice and consent.....	537, 542-43
Advisory opinions.....	651-53, 681-82, 707-09
Advocacy, permissible governmental limitation.....	1091-1105, 1109-10, 1126-29
Affirmative action .....	1963-70, 1986-88
Affirmative defenses, criminal trials .....	1861-62
Age classifications:	
Equal protection and.....	1913
Right to vote, 18-year-olds.....	2113
Agriculture, production, marketing, commerce .....	197, 203-05
Air Force. <i>See</i> Armed forces.	
Airplanes, state taxation, jurisdiction .....	242, 262, 1744
Airports, state regulation of flight times, preemption.....	267-68
Alcoholic beverages. <i>See</i> Intoxicating liquors	
Alcoholism, criminal liability for.....	1597-98
Alibi defense, burden of proof, discovery.....	1856, 1862
Alien and Sedition Acts.....	284, 738, 1078, 1199-1201
Aliens. <i>See also</i> Immigration and naturalization.	
Admission to bar .....	1973
Chinese Exclusion Case, Act .....	294-95
Due process, entitlement to .....	1436, 1443-45, 1450
Education, entitlement to.....	1976-77
Employment restrictions .....	1450, 1971-76
Equal protection .....	1450, 1911-13, 1915, 1971-77
Jury service.....	1972
Land holdings, state curbs .....	1677-78, 1971
Police, employment as.....	1974-75
Suits by, against, in federal courts.....	813
Teachers, employment as .....	1974-75
Voting.....	1972
Alliances, States not to enter .....	380
Ambassadors, Public Ministers, Consuls:	
Defined, appointment, salary, etc .....	529-31
Reception of foreign ambassadors.....	563
Suits affecting, federal courts .....	764-65
Amendment of Constitution .....	939-55
Amnesty. <i>See</i> Pardons; President, powers	
Ancestry, as proxy for race .....	2052
Anonymous, unsigned materials, distribution .....	1258-59
Anti-injunction statute, state court proceedings .....	673-74, 840-41
Antitrust laws, monopolies:	
Communications media, application to .....	1188-89
Equal protection challenges to .....	1936-37
Federal, interstate commerce application .....	190-93
Labor unions, application to.....	193
Lobbying activities, application to .....	1163
State, due process, equal protection .....	1717, 1936-37
Appeals, corrective process, civil proceedings .....	1844
Appeals, corrective process, criminal trials:	
Appeals not necessarily required .....	1871-73

Appeals, corrective process, criminal trials—Continued	
Burdening of appellate process .....	1872, 2023–27
Double jeopardy after appeal .....	1382–84
Indigents, imposition of fees, costs .....	2023–27
Prosecution appeals .....	1377–78, 1385–86
Appointments Clause .....	533–39, 542–43
Appointments, recess .....	560–62
Apportionment and districting. <i>See</i> House of Representatives; Legislatures, state.	
Appropriations:	
Required for withdrawal of funds from Treasury.....	378–79
Support of armies, limitations .....	330
Arbitration, compulsory, due process .....	1698
Arms, right to keep and bear .....	1273–75
Armed forces:	
Appropriations for, limited.....	330, 378
Civilians, discharged servicemen, dependents, court-martial jurisdiction .....	316–319
Congress, power to raise and maintain.....	329–32
Conscription, validity .....	330–32
Courts-martial, due process, judicial review, etc.....	334–38, 1446
Offenses arising in, trial for .....	334–37
Peacetime draft, validity .....	331–32
Personnel, federal exemption of insurance, property, state taxation, garnishment.....	334
Speech, other constitutional rights of servicemen.....	332–33
Arraignment, delay in, effect on confession .....	1413–14
Arrest:	
Fourth Amendment.....	1292–94
Members of Congress, privilege from .....	134
Assembly and petition, rights of ( <i>See also</i> Speech and Press).....	1267–71
Assembly, right of, privileges and immunities .....	1675
Association, freedom of .....	102–03, 1103–05, 1114–25, 1129–32, 1141–44, 1154–55, 1902
Associations, standing to sue .....	699
Attainder, bills of:	
Federal .....	365–68
State .....	381–82
Attorneys ( <i>See also</i> Counsel, assistance of):	
Admission, durational residency .....	2020
Advertising by .....	1178, 1184
Aliens, admission of .....	1973
Bar membership, oaths, loyalty inquiries .....	365–68, 1103–04, 1112, 1131
Integrated bar, First Amendment .....	1124
Solicitation of clients.....	1178
State regulation, attorney practicing in more than one State .....	1932
Automobiles:	
Bankruptcy, federal release, preemption .....	304
Jurisdiction, out-of-state motorists .....	1819
License revocation, due process .....	1801, 1814
Searches of .....	1291, 1299, 1322, 1323–26, 1329–30
Stolen, federal criminal jurisdiction .....	210–11, 1615
<b>B</b>	
Bail, right to, excessive .....	1565–69
Ballot:	
Access to, candidates, parties.....	2001–05, 2027–28

Ballot—Continued	
Racial designation on .....	1963
Bankruptcy:	
Congress, powers as to .....	68, 299–304, 1459–60
Courts, conferral of jurisdiction on .....	643–45
Debtors, eligible for relief .....	299–300
Indigents, imposition of filing fees on .....	1922
Municipal subdivisions, when eligible for relief .....	302
Retroactive regulation, due process .....	300, 1459–60
State laws, federal recognition of .....	302
State laws, preemption .....	302–04
State laws, validity in absence of federal .....	303
Banks:	
Chartering by Congress, effect of necessary and proper clause .....	359–60
Depositors, privacy interest .....	1290, 1780
State regulation .....	1719–20
Baseball, not interstate commerce .....	171
Belief, freedom of .....	1061–63, 1110–14
Bicameralism .....	70–71
Bill of Rights:	
Application to States .....	1001–08
Formulation and adoption .....	999–1001
Meaning as applied to Federal Government, States .....	1007–08
Unenumerated rights .....	1605–07
Bills of attainder. <i>See Attainder, bills of.</i>	
Bills of credit, States not to emit .....	380–81
Birth control, state restrictions, justiciability, validity .....	697, 1606, 1779
Bivens actions. <i>See Constitutional torts.</i>	
Blood samples, taking of, search and seizure .....	1307, 1334, 1348
Blue ribbon juries, validity .....	1508
Blue Sky Laws, business regulation .....	1823
Borrowing power (federal) .....	168, 306–07
Boundary disputes, suits between states .....	790–91
Bricker Amendment .....	506, 529
Bridges across navigable streams, state powers .....	224
Broadcasting, regulation, First Amendment .....	83, 178, 1189–92, 1193–95
Burden of proof, due process .....	1840–43, 1859–65
Burden on commerce. <i>See Interstate commerce, State powers</i>	
Business affected with a public interest .....	1700–03
Business regulation and due process .....	1716–24
Busing:	
religious schools, public support for .....	1023, 1033, 1037
school desegregation .....	1947–48, 1953–55
<b>C</b>	
Cable television regulations, copyright .....	317
Campaign finance restrictions, First Amendment .....	1154–62
Candidacy for elective office:	
Constitutional guarantees .....	916, 1736, 1995–97, 2001–05
Loyalty oaths .....	1133
Capital punishment:	
Constitutionality .....	1573–97
Diminished capacity: .....	
Juveniles .....	1591–92

Capital punishment—Continued	
Diminished capacity:—Continued	
Mental retardation.....	1590–91
Habeas corpus, limitations on review.....	1593–97
Harmless error review .....	1586
Individualized consideration .....	1582–85
Judge, imposition of death penalty by.....	1579
Jurors opposed to death penalty, exclusion.....	1510–12, 1575
Jury factfinding role .....	1580
Limited discretion, jury guidance .....	1579
Murder, punishment for .....	1578
Procedural requirements, aggravating and mitigating facts.....	1580–86
Proportionality.....	1597–1601
Racial discrimination, statistical disparity in imposition.....	1592–93, 1857–58
Rape, punishment for .....	1587–88
Standards, legislative .....	1580–83
Unintended taking of life, felony murder.....	1588–89
Victim impact evidence.....	1586–87
Capitol grounds, Washington, picketing on .....	1239
Carriers:	
federal regulation, ICC .....	186
state regulation, taxation, commerce clause .....	231–53
Cases and controversies, federal courts:	
Actual disputes, requisite to.....	681–83
Adverseness of parties .....	684
Collusive, feigned suits.....	684–85
Mootness .....	715–20
Real interest of litigant.....	706–07
Ripeness .....	712–15
Standing.....	686–706
Stockholder suits.....	686
Taxpayer suits.....	688–90
Censorship. <i>See</i> Speech and press, freedom of expression.	
Census.....	120–22
Child labor, state, federal bans .....	208, 211, 1614, 1694
Children:	
Civil commitment of.....	1886
Corporal punishment, schools.....	1603, 1806, 1738
Custody, control, natural parent .....	1806, 1841, 1994
Exposure to nudity, indecency, protection from .....	1222, 1225, 1232–35
Illegitimates.....	1990–95
Pornography, use of children in .....	1230–31
Sex crime victim, testimony .....	1523–24
Cigarettes, state regulations, advertising .....	263–64, 1176
Citizenship:	
Corporations not citizens .....	1673
Definition .....	1671–74
Denaturalization, expatriation.....	290–94, 1673–74
Desertion in time of war, loss of citizenship.....	291, 292, 1506
Discrimination between natural-born and naturalized.....	288–90
Diversity cases.....	801–04
Marriage to foreign citizens, loss of.....	291, 1673
National, state citizenship, distinction.....	1672

- Citizenship—Continued
- Naturalized citizens, classes, privileges, etc ..... 283–94
  - Privileges and immunities of ..... 1674–78
  - Renunciation of ..... 290–94, 1673
  - Slaves, former slaves ..... 1671–73
  - Voting in foreign elections, loss of ..... 292, 293, 1673
- Citizen suits, standing ..... 688
- Civil commitment, institutionalization ..... 1789–92, 1884–86
- Civil trials, juries in ..... 1547–61
- Civil rights. *See also* Racial discrimination.
- Private discrimination, federal power over ..... 218–20, 1659–61, 1886–87, 2038–41
  - Regulation under commerce power ..... 218–20
  - Jurisdiction of federal courts ..... 757–58
- Civil War:
- Habeas corpus suspension ..... 363–64
  - Prize cases, legality of blockade ..... 328
  - Claims court ..... 640–41
  - Class actions ..... 718–20, 800
  - Clear and present danger ..... 1093–1110
  - Coal, federal regulation, mining ..... 197–98, 1476
  - Coastal zones:
    - Ownership of minerals in ..... 925–26
    - State regulations of use ..... 224, 237, 915
  - Coining money, congressional power ..... 305–06
  - Collective bargaining, governmental promotion ..... 196–97, 198–201, 1697–1700
  - Comity, accommodation between federal-state judicial systems ..... 837
  - Comity clause. *See* Privileges and immunities of state citizens.
  - Commandeering of state government ..... 970–73
  - Commerce. *See* Interstate Commerce; Foreign Commerce.
  - Commerce Court ..... 630
  - Commercial speech and First Amendment ..... 1176–85
  - Common law, federal ..... 805–12, 1494
  - Communications industries, governmental regulation ..... 1189–95
  - Communist Party:
    - Compelled registration of ..... 1129, 1408
    - Disqualification for membership in ..... 1129–32
    - Punishment for membership in ..... 1129–30
  - Commuters, taxation ..... 919
  - Compacts among States ..... 424–27
  - Company town, free speech in ..... 1246
  - Compensation Clause, compensation of judges ..... 630–32
  - Competency to stand trial, criminal defendant ..... 1865–66
  - Compulsory process, criminal trials ..... 1525
  - Computers and privacy ..... 1781
  - Condemnation. *See* Taking of property by government
  - Conditional spending, grants-in-aid ..... 164–67
  - Confessions, due process, self-incrimination ..... 1411–31
  - Confidentiality, restraint on publication ..... 1219–20
  - Confrontation, administrative proceedings ..... 1798
  - Confrontation of witnesses, criminal trials:
    - Absent witness, prosecution responsibility to produce ..... 1517–18, 1521
    - Background and purpose ..... 1517–19
    - Cross-examination, relation to ..... 1517, 1522, 1743

Confrontation of witnesses, criminal trials—Continued	
Confession, use at joint trial .....	1519
Hearsay rule, relation to .....	1517, 1518–22
Sex crime case, protection of child witness.....	1523–24
Witness plea of self-incrimination .....	1519
Congress ( <i>See also</i> Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate)	
Adjournments, temporary.....	129
Appointing power of President, incursion on.....	534–35
Bills, how enacted, authentication .....	143–49, 728–29
Concurrent resolutions, uses.....	148–49
Congressional veto .....	149–51
Journal of proceedings.....	129, 132
Judicial direction, immunity, limits on.....	104–07, 134–41, 733–35
Members of Senate or House of Representatives:	
Appointment to civil office.....	141–43
Arrest, privilege from .....	134
Attendance, compulsion of.....	129
Compensation, intervening election before change.....	133–34, 2115
Conflict of interest .....	131
Discipline, punishment, expulsion.....	131–32
Elections, each House to judge .....	129–30
Elections, state, federal regulation .....	124–28, 118–21, 1154–62, 2058–63
Exclusion .....	114–17, 131–32, 734–35
Expulsion .....	129, 131–32
Impeachment, inapplicable to .....	608
Incompatible offices .....	142–43
Ineligibility for certain offices .....	141–42
Qualification, when fulfilled, exclusivity.....	114–17
Service in military, reserves, National Guard.....	142–43
Speech or debate privilege.....	134–41
Standing to sue .....	700–03
Terms of office.....	109, 123, 2079–80
Power to define constitutional rights .....	2041–47, 2058–63
Powers denied:	
Attainder.....	365–68
Direct taxes .....	371–75
Export taxes .....	375–77
Ex post facto laws .....	369–71
Habeas corpus, suspension of writ .....	363–65
Port preferences .....	377
Titles of nobility .....	379
Powers generally:	
Admission of new states .....	924
Bankruptcy .....	299–304
Borrowing .....	168, 306–07
Census.....	120–22
Coining money.....	305–06
Consent to interstate compacts.....	426
Consent to state taxes on imports and exports .....	419
Consent to state tonnage duties, etc. ....	423
Copyrights and patents .....	312–321
Courts, establishment of inferior courts .....	321, 629–30, 821–23

## Congress—Continued

## Members of Senate or House of Representatives—Continued

District of Columbia.....	351–55
Elections for House and Senate, regulation.....	124–28
Enforcement of full faith and credit among states.....	908
Enforcement of Fifteenth Amendment.....	2056–63
Enforcement of Fourteenth Amendment.....	2036–47
Enforcement of Nineteenth Amendment.....	2085
Enforcement of Thirteenth Amendment .....	1657, 1658–61
Enforcement of Twenty-fourth Amendment .....	2107–08
Enforcement of Twenty-sixth Amendment .....	2113
Enforcement of Twenty-third Amendment .....	2105
Federal courts, establishment of inferior courts.....	821–25
Interstate and foreign commerce .....	168–282
Investigations .....	93–109
Legislative courts, establishment .....	634–36
Legislative power generally .....	63
Legislative jurisdiction over property.....	355–57
Militia .....	349–51
Naturalization and citizenship .....	283–99
Necessary and proper legislation.....	357–62
Nominations, advice and consent.....	491, 533, 542
Post offices and post roads .....	307–12
Presidential Electors, time for choosing.....	449
Public lands and territories, regulation and disposal .....	930–34
Punishment of counterfeiting.....	306
Punishment of piracies, offenses against law of nations .....	321–23
Punishment of treason.....	868–69
Spending and taxing .....	152–68
Supreme Court, appellate jurisdiction .....	815–31
Treaties, advice and consent.....	491, 492, 497–99
War powers.....	323–49
Powers in relation to courts .....	632–33, 636, 650–51, 669–71, 673–76, 818–31, 840–41
Powers in relation to Executive:	
Amnesty, pardon .....	491
Conduct of foreign relations, cooperation with President.....	563–70
Declaration of war .....	326–29, 469–75
Demand for papers.....	553–60
Executive officers, control, direction of .....	543–53, 581–86
Imposition of binding obligations on .....	594–600
Impoundment.....	578–81
Investigations .....	95–96
Military forces abroad, congressional control of presidential discretion .....	469–75
Removal powers, restriction .....	543–553
Veto, when effective, how overridden .....	145–52
Quorum, how computed, effect of absence.....	104, 130, 131, 132, 148
Resolutions, etc., how made effective, status.....	148–49
Revenue bills, origin, amendment .....	143–45
Rules of procedure, determination .....	129
Yea-and-nay votes, entry into journal .....	129, 132
Congressional employees, judicial direction of .....	109, 139–41
Congressional districting. <i>See</i> House of Representatives; States.	
Congressional investigations. <i>See</i> Investigations, congressional.	

Congressional Pay Amendment.....	133–34, 942, 944–45, 948, 2115–16
Congressional veto .....	67, 149–51
Conscientious objection to military service.....	1054–55, 1066–67, 1441
Conscription, Selective Service .....	330–32, 1663–64
Conservation, state interests, effectuation .....	231, 248, 914–16, 1724–28
Constitution, amendment of:	
Congress, proposal by .....	940–41
Convention, proposal by .....	941–42
Judicial review of.....	940, 946, 947–48, 953–55
President, approval not required .....	941
Ratification .....	942–53
Referendum not valid means of ratification .....	952
Scope of power.....	939–40
State withdrawal of ratification.....	946–52
Time limits for ratification.....	942–53, 953–55
Constitutional fact, theory of, judicial review.....	829
Constitutional torts.....	606, 757
Contempt of Congress.....	107–09
Contempt of court:	
Administrative agencies, enforcement of orders.....	666–67
Congress, power to restrict courts .....	657
Due process limitations on .....	661–65
Federal courts, powers of.....	654–67
First Amendment, limitations of .....	659–60, 1097–99
Impartial tribunal, right to .....	663–65
Injunctions, court orders, violations of as .....	665–66
Jury trial, right to.....	662–63, 1506
Pardoning power of President.....	487–89, 656
Punishment, limitations .....	654–56
Summary punishment, notice and hearing.....	661–62
Content regulation, First Amendment .....	1195–1238
Contingent legislation.....	80–81
Contraceptives, access to.....	1606, 1779, 1785–86
Contractors with Federal Government:	
state taxation.....	977–79
First Amendment protections .....	1148
Contract, freedom of.....	1689–1700
Contracts, impairment:	
by States .....	386–419
by Federal Government .....	1458
Convict-made goods, barred from commerce.....	1450, 1616
Copyrights and patents.....	312–21
Corporal punishment in schools .....	1603, 1806, 1815
Corporations:	
Chartered by Congress, basis of power, state regulation, taxation .....	360–61, 755–56, 973–74
Charters, termination by State .....	1716
Charters, when contracts, immune from state impairment .....	394–99
Citizenship for diversity jurisdiction purposes .....	802–04
Citizenship, privileges and immunities, national citizenship, not available.....	1567
Due process of law, protected as “persons”.....	1436, 1679–80
Equal protection of law, entitled to .....	1904
Expression, rights of .....	1085, 1176–92

## Corporations—Continued

- Foreign, appointment of agent for service of process..... 1819, 1822
- Foreign, equal protection limitation on taxation, regulation ..... 1904–05, 1925–26
- Foreign, state control of admission, licensing, operation, taxation ..... 236, 239–41, 249–51, 1716–17
- Foreign, suability, service of process..... 880–81, 1821–29
- Stockholders' actions, derivative actions, security for costs ..... 1835
- Suits by, state laws preventing, burdening ..... 236
- Costs, damages, penalties, state courts, due process ..... 1837–39
- Counsel, assistance of, civil proceedings ..... 1799–1800
- Counsel, assistance of, criminal proceedings:
  - Background, basis ..... 1525–26
  - Appointment of, right established in federal courts..... 1526, 1527–28
  - Appointment of, right established in state courts..... 1526, 1528, 1530
  - Arraignment ..... 1537–38
  - Capital cases, special circumstances rule ..... 1527–1528–30
  - Commitment proceedings ..... 1544
  - Critical stage analysis ..... 1537–38, 1541–44
  - Custodial interrogation..... 1418–22, 1538–41
  - Defendant access to counsel ..... 1533
  - Defendant right to self-representation ..... 1536–37
  - Effective assistance of counsel ..... 1533–36
  - Grand jury witness ..... 1362–63
  - Lineups, identifications ..... 1541–44
  - Misdemeanors..... 1530–31
  - Parole hearings..... 1877–81
  - Post-conviction proceedings..... 1544
  - Preliminary hearings ..... 1537–38
  - Prison disciplinary hearings..... 1873–77
  - Probation revocation ..... 1877–81
  - Retained counsel, right to..... 1531–33
  - Self-representation ..... 1536–37
  - Summation of counsel, right to..... 1533
  - Waiver, standards ..... 1527–28
- Counterfeiting, punishment of ..... 306
- County governing bodies, apportionment..... 2006–08
- County unit system, election of candidates, validity ..... 2016
- Court of Claims ..... 640
- Court of Customs and Patent Appeals ..... 640
- Courthouses, jails, picketing around ..... 1239–40
- Courts (Federal):
  - Abolition of by Congress ..... 630
  - Accommodation with state courts ..... 837–42
  - Actual dispute requirement..... 681–83
  - Admiralty, maritime cases ..... 179–82, 765–81
  - Adverseness of parties required..... 684
  - Advisory opinions not rendered ..... 651–53, 681–82, 707–09
  - Ambassadors, ministers, suits affecting ..... 764–65
  - Ancillary, inherent powers ..... 654–80
  - Appellate jurisdiction, congressional power ..... 818–31
  - Attorneys in, admission, disbarment..... 679–80
  - Award of execution, necessity for ..... 653–54, 709
  - Bankruptcy courts..... 643–45

## Courts (Federal)—Continued

- Cases and controversies, attributes ..... 682–84  
Cases arising under Constitution, laws, treaties, federal questions ..... 751–53  
Cases between a State and citizens of another State ..... 795–99  
Cases between a State or its citizens and a foreign state or its citizens ..... 812–15  
Cases between citizens of different States; diversity jurisdiction ..... 799–812  
Cases between citizens of same State claiming land under grants of different States ..... 812  
Cases between States ..... 790–95  
Circuit courts ..... 630  
Civil rights statutory jurisdiction ..... 757–58  
Class actions in ..... 718–20, 800  
Common law, federal ..... 805–12  
Concurrent jurisdiction with state courts ..... 831–61  
Concurrent jurisdiction with Supreme Court of original jurisdiction matters ..... 815–19  
Congress, powers over ..... 632–33, 636, 650–51, 669–71, 673–76, 818–31, 840–41  
Collective bargaining agreements, suits on ..... 756  
Contempt power ..... 654–67  
Corporations, citizens for diversity purposes ..... 802–04  
Declaratory judgments ..... 654, 709–12  
District of Columbia, citizenship of residents for diversity purposes ..... 353–54, 800–01  
District of Columbia, courts of ..... 641–43  
Diversity of citizenship jurisdiction ..... 799–812  
Domestic relations cases in ..... 802  
Duty to decide constitutional cases ..... 742–45  
Executive privilege, judicial review ..... 553–59  
Exhaustion of state remedies ..... 672, 839, 843–44  
Federal question jurisdiction ..... 751–64  
Foreign states, suing in, sued in ..... 813–14  
Immunity from state court restraint ..... 836  
Immunity from suit, United States ..... 784–86  
Immunity from suit, foreign states ..... 812–13  
Impeachment of judges ..... 608–10, 613–14  
Inferior federal courts ..... 629–30, 821  
Injunctions, judicial power, congressional control ..... 590–91, 636, 673–76, 824, 840–41  
Judgments, finality of, requisite ..... 651–53  
Judicial review ..... 735–50  
Judicial self-restraint, rules of ..... 742–50  
Jurisdictional amount ..... 800, 821  
Legislative courts ..... 361, 634–45  
Mandamus, issuance by ..... 668–69, 738  
Nonjudicial functions, power of Congress to vest in courts ..... 636–37, 651–54, 707–09  
Pendent jurisdiction ..... 758–60  
Political questions ..... 513, 570–75, 620–21, 724–35, 935–36, 943, 947–48, 953–55  
President, discretionary acts, review ..... 725–26  
President, subordinates, power over ..... 583–84  
President, use of troops to enforce court orders ..... 587–88, 589–91  
Probate cases in ..... 802  
Redistricting power of ..... 2010, 2015  
Referees, masters, etc., appointment ..... 678–79  
Removal of state court cases to ..... 361, 753–55, 859–61  
Retroactivity of decisions ..... 720–24  
Rule making powers ..... 79, 676–77

Courts (Federal)—Continued	
Specialized jurisdiction .....	632–34
Standing.....	686–706
State court proceedings, restraint of .....	843–48
State law in .....	775–81, 805–12
States, immunity from suits in .....	1625–52
States, judgments against, enforcement .....	794–95
States, suits against by citizens of another State .....	795–96
States, suits against by United States.....	783–84, 1634, 1636
States, suits between .....	790–95
States, suits on behalf of citizens .....	797–99
Stockholder suits.....	686, 802–03
Suits between citizens of different States.....	799–812
United States, suits to which a party.....	782–90
Wrts and processes, congressional control.....	668–73, 840–41
Courts (State):	
Access to, due process, equal protection.....	1835–36, 2028–30
Admiralty, common law remedies .....	773–74, 775–81
Autonomy of.....	833–36
Closure to public and press .....	1166–69
Concurrent jurisdiction with federal courts .....	831–61
Consuls, suable in, limitations.....	764–65
Discrimination through enforcement of private actions .....	1891–93
Disobedience of Supreme Court mandates.....	833–34
Federal courts, accommodation with .....	837–42
Federal laws, duty to enforce.....	834–36, 962–63, 987–88
Immunity in, congressional conferral.....	961–62, 1405–06
Indian reservations, crimes on, jurisdiction.....	928
Jurisdiction, how obtained .....	1817–34
Naturalization of aliens in .....	283
Nonresident witnesses, attendance .....	918
Nonresidents, access to.....	765, 917–18
Removal of cases to federal court .....	361, 753–55, 859–61
Restraint of proceedings by federal courts.....	843–48
Review of decisions by U.S. Supreme Court .....	761–64
Courts-martial, jurisdiction, review, due process.....	334–389, 345, 1446–47
Creationism, required teaching in public schools.....	1048
Crimes, federal:	
Congressional definition.....	91–92, 359, 1494
Federalism limits .....	216–17
Crimes, infamous, how determined .....	1365–66
Criminal procedure, state, due process .....	1844–84
Criminal prosecutions, federal .....	1361–67, 1493–94
Criminal trials, federal, place of trial.....	1514–16
Cross burnings, First Amendment issues .....	1206
Cross-examination.....	1743–1744
Cruel and unusual punishment .....	1570–1603
Alcoholism, punishment as crime .....	1597–98
Background, interpretation .....	1570–71
Capital punishment .....	1573–97
Citizenship, divestiture of .....	1572–73
Corporal punishment, schoolchildren, not applicable .....	1603
Drug addiction as crime .....	1597–98

Cruel and unusual punishment—Continued	
Prison conditions .....	1601–03
Proportionality.....	1597–1601
Recidivism statutes .....	1599–1601
<b>D</b>	
Death penalty. <i>See</i> Capital punishment	
Debt pooling, adjustment, banning of business .....	1724, 1932
Debtor-creditor relations, due process.....	1801, 1812–13
Declaratory judgments in federal courts.....	361, 753–55, 859–61
Defamation:	
Free speech protections .....	1207–15
Labor disputes, protection, state jurisdiction .....	275
Defenses in civil actions, limitations on, due process .....	1836–37
De jure–de facto distinction, state action .....	1889–90
Delegation doctrine, legislative power.....	73–93, 340–42, 677
Deportation. <i>See</i> Aliens.	
Desegregation .....	1942–63
Detainers, observance of by other States, effect .....	895
Die, right to.....	1792–94
Disabled persons.....	1590–91, 1765, 1789–92, 1884–86, 2046–47
Disclosure, mandatory reporting .....	1115, 1122–23, 1129, 1407–11
Discovery in administrative proceedings.....	1798
Discovery in criminal proceedings .....	1856, 1857–59
Discovery, press, defamation cases .....	1214
District of Columbia:	
Background of clause .....	351–52
Citizens of, diversity jurisdiction .....	353–54, 800–01
Commerce of, congressional power .....	173
Courts.....	353–54, 800–01
“Home Rule” .....	353
Presidential electors, vote for .....	2105–06
Residents of, rights .....	354
Retrocession .....	352
Seat of government, congressional powers.....	351–55
Districting. <i>See</i> House of Representatives; States; Legislatures.	
Diversity jurisdiction, federal courts:	
Background, reasons for .....	799–800
Citizens of District of Columbia.....	353–54, 800–01
Citizenship, how determined, natural persons, corporations .....	801–04
Class actions in .....	800, 802
Law applied in.....	805–12
Manufactured diversity .....	804–05
State, meaning of in clause .....	800–01
Divorce ( <i>See also</i> Due process of law; Full faith and credit):	
Access to courts to obtain, filing fees.....	2028
Durational residency qualification.....	2017–19
Out-of-state decrees, full faith and credit .....	882–88
Domestic violence, protection of states against insurrection, etc.....	934–35
Door-to-door solicitation, protections .....	1261–63
Dormant commerce clause. <i>See</i> Interstate commerce, state powers	
Double jeopardy:	
Acquittal, reprosecution.....	1377–80
Application to States.....	1368–70

Double jeopardy—Continued	
Civil punishments .....	1371
Collateral estoppel .....	1391
Conviction, reprocsecution .....	1381–86
Dual sovereign doctrine .....	1369–70
Government appeals, when permitted .....	1377–80, 1381, 1382–84
Mistrials.....	1373–77
Offense, same, multiple, how determined.....	1386–91
Punishment, multiple .....	1386–89
Same evidence rule .....	1387
Same transaction test.....	1390–91
Sentences, increase after appeal.....	1384–86
State-municipal prosecution barred.....	1370
Draft card burning .....	1138–39, 1264
Dramatic productions, public, when protected .....	1138, 1235–38
Dred Scott decision.....	1671–72
Driver's license, suspension, revocation .....	1801, 1814
Drug testing .....	1334–36
Dual federalism .....	153, 175, 218, 259, 959, 963–65, 986, 1613–14
Dual sovereign rule, double jeopardy, self-incrimination .....	1369–70, 1402
Due process of law (Fifth Amendment):	
Administrative proceedings, fair hearing.....	1440–43
Administrative proceedings, judicial review .....	1445–47
Aliens, entry, deportation.....	1443–45, 1450
Common law actions, abrogation .....	1460–61
Criminal trials.....	1436–38
Economic regulation.....	1451–53
Equal protection incorporated.....	1447–50
Hearsay .....	1517
Indians, governance .....	282
Legislative power, limitation on .....	1436
Notice and hearing.....	1440–43
Police power.....	1450–51
Procedural due process .....	1438–47
Public utilities, regulation.....	1451–52
Railroad regulation .....	1452–53
Retroactive legislation .....	1456–59
Retroactive taxation .....	1454–56
Segregation in District of Columbia schools .....	1448
States, not protected by against United States .....	1436
Substantive due process .....	1447–61
Takings, excessive regulation.....	1473–90
Taxation .....	1453–54
Due process of law (Fourteenth Amendment):	
Abortion .....	1768–78
Application of Bill of Rights to States .....	1001–08
Business enterprises, rates, charges, conditions of service, etc. ....	1700–03
Civil commitment.....	1789–92, 1884–86
Civil proceedings, jurisdiction, service of process.....	1817–29
Compelled services, expenditures by railroads, other corporations .....	1712–15
Confrontation and cross examination .....	1796, 1798, 1852–53
Counsel .....	1799–1800, 1853
Criminal procedure .....	1844–84

Due process of law (Fourteenth Amendment)—Continued	
Defenses in judicial proceedings .....	1836–37
Economic regulation.....	1682–88
Emergency conditions justifying summary process.....	1816–17
Enforcement, congressional powers .....	2036–47
Exculpatory evidence, prosecution required to disclose.....	1856–59
Family relationships .....	1787–89
Fraudulent business practices, regulation .....	1718–19
Government structure.....	1737–38
Guilty pleas, criminal proceedings .....	1866–68
Identification in criminal proceedings.....	1541–44, 1752
Impartial tribunal.....	1796, 1797, 1854
Judicial review of rate and service regulation.....	1703–10
Jurisdiction, state courts, requisites.....	1817–34
Labor management relations .....	1696–1700
Liberty, meaning, how determined.....	1682, 1806–09
Liberty of contract.....	1689–1700
Marriage, protected status.....	1784, 1785, 1787
Natural resources, protection.....	1724–28
Notice and hearing.....	1796
Parole, granting, revocation .....	1877–81
Personal liberties, substantive protection.....	1763–94
Person defined.....	1679–80
Plea bargaining .....	1866–68
Police power.....	1681–82, 1732–36
Police power, exercise as property taking.....	1681
Presumptions.....	1859–65
Process, service of.....	1833–34
Prisoners, discipline, transfer .....	1873–77, 1807–09
Privacy, protected interest .....	1778–88
Proof of crime .....	1859–65
Property, meaning, how determined .....	1681–82, 1800–06
Prosecutorial misconduct.....	1856–59
Public utilities, regulation.....	1700–16
Railroads, rate, safety regulation .....	1710–16
Real property, ownership, rights .....	1728–32
Record, findings based on.....	1798–99
Reputation, as protected interest .....	1803, 1807
Requirements of due process.....	1795–1800
Sentencing .....	1868–71
Taxing, state power.....	1738–62
Timing of review: pre-deprivation or post-deprivation.....	1810–17
Vagueness in criminal statutes.....	1846–51
Zoning .....	1728–30
Durational residency requirements .....	1997, 2017–20

**E**

Economic controls, wartime, peacetime.....	338–40
Economic regulation, due process, equal protection.....	1682–1737, 1922–36
Education, right to. <i>See also</i> Schools, Racial discrimination:	
Aliens, illegals, barred.....	1916, 1973–77, 2032
Fundamental interest, not.....	2030–32
Religious, public aid.....	1022–43
Property tax funding, unequal spending.....	2030–32

Elections ( <i>See also</i> Congress; Equal protection of the laws; House of Representatives; President; Public officers of the United States; Voter qualifications):	
Absentee voting .....	2000–01
Access to ballot, independent candidates, parties .....	2001–05
Apportionment and districting .....	109–12, 120–22, 2005–15, 2033–34
Campaign contribution limitations.....	1122–23, 1154–57
Congressional power to regulate .....	124–28, 129–30, 2041–43, 2056–63
Corporations, spending limits .....	1159–62
Expenditures limitations .....	1154–62
Property qualifications.....	2001
Presidential, congressional powers over.....	449–53
State officers, federal use of, penalty .....	127, 944
Electoral College.....	449–55
Appointment of Electors by States .....	450–52
District of Columbia, electors from .....	2105–06
Independence of Electors.....	453–55
Separate votes for President, Vice-President.....	1654
Electronic surveillance, search and seizure .....	1336–42
Emancipation Proclamation .....	1657
Emergencies:	
Martial law .....	342, 478–84
National Emergencies Act.....	469
Presidential power generally.....	459–75
Price controls, injunctions .....	675–76
Steel seizure case .....	440–42, 594–600
Wartime, duration .....	467–69
Emergency Court of Appeals.....	633, 676, 824
Eminent domain. <i>See</i> Taking of property by government.	
Emoluments.....	379, 457–58
Employment, public:	
Discharge, interest in retaining, when protected.....	1133–37, 1144–49, 1801–06
Loyalty oaths.....	1112, 1133–37
Patronage systems .....	1121–22
Political activities.....	1141–44
Residency requirements.....	2020
Speech rights .....	1144–49
Unions, dues systems, objectors.....	1124–25
Enemy aliens .....	346–47
Entanglement. <i>See</i> Religion, Establishment Clause	
Enterprise concept, FLSA coverage .....	203
Entitlements, procedural protections for.....	1804–09, 1795–1800
Entrapment .....	1380, 1851–52
Enumerated powers .....	71–73
Environment, legislation protecting .....	180, 214
Equal Access Act .....	1049
Equal footing doctrine, admitting States to Union.....	924–28
Equal protection of the laws:	
Affirmative action .....	1963–71, 1986–88
Alienage.....	1450, 1911–13, 1915, 1971–77
Apportionment and districting.....	1919–22, 2005–15
Ballot, racial distinction on .....	1963
Ballots, access to, candidates, parties .....	2001–05
Compelling state interest doctrine.....	1910–16

Equal protection of the laws—Continued	
Criminal laws .....	1939–41
Disparate impact discrimination .....	1916–22
Economic legislation, classification.....	1930–35
Education, not a fundamental interest .....	2030–32
Education, racial discrimination in .....	1942–56
Electoral process.....	1995–2016
Enforcement, congressional powers .....	2036–47
Federal power, restrained by concept.....	1447–50
Fundamental interests.....	1995–2016
Housing, racial discrimination in .....	1960
Illegitimacy .....	1990–95
Indigency.....	2023–33
Intent, need to prove for disparate impact discrimination .....	1916–22
Judicial system, racial discrimination in .....	1962
Juries, racially discriminatory selection.....	1956–59
Marriage, family.....	1962, 2020–22
Motive vs. effects test .....	1916–22
Persons protected .....	1904
Police power regulations.....	1922–41
Property tax assessments .....	1930
Public accommodations, racial discrimination.....	1659–61, 1962–63
Public facilities, racial discrimination .....	1961–62
Racial classifications, discrimination.....	1941–70
Rational basis review .....	1905–10
Sex, classification by .....	1977–90
Social welfare legislation .....	1937–39
State action.....	1886–1903, 2038–41
Strict scrutiny review....	1769, 1778, 1910–16, 1966, 1969, 1970, 1972–77, 2000, 2010, 2030
Tax laws.....	1922–30
Equal Rights Amendment .....	946–47, 1979
Equal time, broadcasters, newspaper right to reply .....	1189–92
Erie doctrine .....	806–12
Evolution, teaching in public schools.....	1048
Espionage laws.....	1080, 1126, 1268
Establishment. <i>See Religion, freedom of.</i>	
Ethics in government, financial disclosure, etc. ....	541–42
Excessive bail.....	1565–69
Excessive fines.....	1569–70
Exclusionary rule:	
Search and seizure .....	1343–57
Confessions .....	1431–32
Executive agreements:	
Arbitration agreements.....	520–21
Binding effects internationally.....	526
Congress, prior authorization of .....	517–18
Disposition of United States property by .....	519–20
Domestic effect of .....	526–29
President, conclusion solely on own authority .....	522–26
Trade agreements.....	518–19
Treaties, authorization by .....	520–22
United Nations Charter.....	521
Executive orders .....	594–600

Executive power. <i>See</i> President, powers.	
Executive privilege.....	553–60
Ex parte injunctions, expression.....	1088–90, 1242
Expatriation.....	290–94, 1673–74
Exports.....	205–08, 375–76, 419–22
Ex post facto laws:	
Criminal laws, restricted to.....	369
Defined, Congress not to pass.....	369
Denial of future privileges.....	383
Deportation.....	370
Extradition, relation to .....	369
Oaths as .....	383
Procedure, changes in.....	370–71, 385–86
Punishment, changes in .....	369–70, 383–85
Punishment, what constitutes.....	369–70
States not to pass.....	382
Exposure, purpose of legislative investigation.....	99–100
Expression. <i>See</i> Speech and press, freedom of expression.	
Expropriation of property of United States citizens abroad .....	592–93
Extradition, fugitive from one State to be returned by another .....	920–23
Extraterritoriality .....	342, 1286–87, 1493–94

**F**

Fair Labor Standards Act .....	201–03, 830, 965, 1614
Fairness doctrine, broadcasting equal time .....	83, 1189–90
Fair trial–free press conflict.....	1088–90, 1166–69, 1498–1500
Family interests, protected .....	1784, 1787–89, 1962, 2020–22
Featherbedding, prohibition, validity .....	1664
Federal common law .....	805–812, 1494
Federal Employers Liability Act.....	188, 835, 1559–60, 1637
Federalism:	
Anti-commandeering rule .....	970–73
Commerce power.....	175, 212–21
Enforcement of Fourteenth Amendment.....	2041–47
Intergovernmental tax immunity .....	155–57
Spending power .....	164–67
Supremacy Clause and Tenth Amendment .....	963–73
State sovereign immunity, suits in federal court .....	1625–52
Federalist Papers.....	114, 116, 161, 221, 324, 352, 492, 565, 987
Federal question jurisdiction, federal courts:	
Admiralty and .....	780–81
Civil rights statutes and.....	757–58
Corporations chartered by Congress, jurisdiction .....	755–56
Defined .....	752–53
Jurisdictional amount.....	606, 757–58
Pendent jurisdiction .....	758–60
Protective jurisdiction .....	760–61
Removal from state to federal court .....	753–55
Specialized federal jurisdictional statutes .....	756
Federal lands, congressional powers.....	930–33
Felony-murder, death penalty for .....	1588–89
Fighting words, proscription, protection.....	1201–03
Filing fees:	
Bankruptcy .....	2029

## Filing fees—Continued

Candidacy, political rights .....	2002, 2028
Civil actions, commencement .....	1836, 2028–30
Criminal appeals, post-conviction relief .....	2023–27
Divorce .....	2028–29
Filled milk, prohibition .....	1450
Fines, excessive .....	1569–70
Fingerprints, criminal investigations .....	1292, 1294, 1307, 1316
Firearms. <i>See</i> Gun control	
Fish and game, state laws conserving .....	915, 1727–28
Flag desecration .....	1263–67
Flag salute, compulsory .....	1066, 1111–12
Flood control, federal regulation .....	182–84
Food and drugs, federal, state regulation .....	207, 248, 1733, 1932
Food stamps, eligibility .....	1842–43
Foreign commerce:	
Federal law .....	176–77, 205–08
State law .....	254–57
Foreign relations .....	563–75
Forfeiture .....	1091, 1371, 1667–78, 1734, 1760, 1832–33
Limit on punishment for treason .....	868–69
Foster families, due process protection .....	1788, 1805
Freedom of. <i>See</i> Association, Contract, Speech, etc.	
Free Exercise Clause. <i>See</i> Religion, Free Exercise	
Fugitives, interstate rendition .....	920–23
Full faith and credit:	
Adoption decrees .....	894
Alimony, child custody decrees .....	890–92
Common law, statutory, constitutional, scope of recognition .....	896–905
Congress, power to effectuate .....	874, 908
Corporations, suits against, stockholders, creditors, policyholders, law applied .....	900
Corporations, foreign, suits against .....	901–03
Divorce decrees, domicile .....	882–88
Fraternal benefit societies, foreign suits .....	900–01
Fraud, defense, enforcement foreign judgments .....	895–96
Garnishment decrees .....	894–95
Judgments, effect in forum State, limits .....	874–82
Judgments, foreign courts .....	908
Judgments, jurisdiction required, enforcement .....	879–82
Judgments, penal, limit on enforcement .....	895
Probate decrees .....	893–94
Statutes of limitations, foreign judgments .....	905
Stockholder's liability, law applied by forum .....	900
Taxes, judgment for, enforcement .....	895
Tort and contract actions, law applied .....	903–05
Workers' compensation laws, application in local forum .....	861–63
Fundamental rights:	
Abortion .....	1768–78
Bill of Rights, selective incorporation in due process .....	1001–08
Education not fundamental right .....	2030–32
Marriage, family .....	1764–65, 1787–89
Petition, right to .....	1267–68
Poverty, relation to fundamental rights .....	2023–33

## Fundamental rights—Continued

Privacy .....	1778–89
Review standard, strict scrutiny .....	1910–16
Speech and assembly .....	1093
Travel .....	1997, 2016–20
Voting, political rights .....	1997–2016

**G**

Garbage, state restriction on interstate movement .....	249
Garnishment .....	894–95, 1719–20
Gasoline stations, integrated operations, state regulation .....	250
Gender discrimination. <i>See</i> Sex discrimination	
General welfare, spending for .....	161–68
Geographic distinctions in regulatory laws .....	1932
Gerrymandering:	
Partisan .....	112, 2011–12
Racial .....	1963, 2010–15, 2044, 2055, 2061–63
Gifts from foreign state, prohibition on accepting .....	379
Good Behavior Clause, judges .....	608, 628
Grand jury:	
Indictment by, Federal cases, exceptions .....	1361–67
Indictment by, States .....	1362, 1753
Investigative function of .....	1362–64
Selection of, nondiscrimination .....	1365, 1956–59
Witnesses before, rights .....	1362–64
Grandfather clauses, denial of suffrage on basis of race .....	2053–54
Group libel laws .....	1205–06
Guarantee Clause .....	934–36
Guilty pleas:	
Acceptance of, waiver of rights, circumstances .....	1866–68
Plea bargaining .....	1866–68
Guilt beyond reasonable doubt .....	1859–61
Gun control .....	1273–75
Gun-Free School Zones Act .....	215–17, 1616

**H**

## Habeas corpus:

Appeal, not substitute for .....	673
Congressional control over .....	363–65, 669–71, 820, 826–30
Constitutional issues reviewable .....	670, 848–59, 1353
Courts-martial, habeas review of convictions .....	336–37
Custody, meaning .....	671–72
Exhaustion of State remedies .....	672, 850–57
Innocence, relevance to issuance of writ .....	853, 855–56, 857
Post conviction relief, Federal prisoners .....	671, 672
<i>Res judicata</i> , inapplicability .....	850
Review, retroactivity of constitutional decisions .....	721–22
Statutory authorization for, necessity .....	670–71
Suspension of writ .....	363–65
Use to effect goals other than release .....	671
Harmless error .....	1399, 1512, 1519, 1542, 1584, 1586, 1855
Hatch Act .....	540, 1141–44, 1606
Hate crimes, hate speech .....	1205–06
High crimes and misdemeanors. <i>See</i> Impeachment	

Highways, State, use in interstate commerce.....	237, 252
Historic sites, landmarks, preservation.....	1478
Hit and run statutes, compulsory stop and identification .....	1410
Homes:	
privacy in .....	1228–30, 1781–84
protection from searches .....	1281, 1310–12
regulation of solicitors, canvassers .....	1261–63
Homosexuals, constitutional protection.....	1783–85, 2022–23
Hostile audience, effect on right of expression .....	1242–43
Hours of labor. <i>See</i> Labor-management relations.	
House of Representatives ( <i>See also</i> Congress; Elections):	
Apportionment of seats in .....	120–22
Reduction for denial of suffrage.....	2034
Districting for election to:	
Congressional regulation.....	124–28
Equally populated districts required.....	109–12
Impeachment, powers .....	122–2390, 607–20
Revenue bills originate in.....	144–45
Vacancies in, election to fill.....	122
Housing discrimination .....	220, 1891–94, 1918–19, 1960
Hydroelectric power, federal development .....	182–84

**I**

Illegitimacy, classification, discrimination on basis of.....	1911–13, 1990–95
Immigration and naturalization. <i>See also</i> aliens.	
Denaturalization .....	287–90, 1673–74
Deportation .....	298–99, 340, 1132, 1443–45
Enemy aliens .....	346–47
Entry, exclusion, grounds.....	283–84, 294–98, 1139–40
Expatriation.....	290–94, 1673–74
Naturalization .....	283–94
Preemption of state regulation .....	283, 296, 309–310
Immunity:	
Self-incrimination, grant of to compel answers .....	1403–06
State courts, federal power to grant in .....	961–62, 1402, 1404–05
Immunity from suit:	
Federal officials .....	605–06, 788–89
Foreign States .....	812–114
Government corporations .....	789–90
President.....	600–05
State judges .....	1648
State officers.....	1643–52
Prospective injunctive relief.....	1649–51
Tort liability .....	1651–52
States .....	1625–52
Abrogation by Congress.....	1639–43
Waiver of immunity .....	1636–39
United States.....	784–86
Impairment of contracts. <i>See</i> Contracts, impairment	
Impartial jury, criminal trials, right to.....	1507–14, 1797
Impeachment:	
Chief Justice, when presides at trial.....	124, 607
Criminal prosecution before or after .....	616

- Impeachment—Continued
- Grounds for—high crimes and misdemeanors ..... 611–13, 619–20
    - Abuse of power ..... 619
    - Criminal offenses ..... 616, 618
  - Judgment on conviction: removal, disqualification ..... 124, 610–11
  - Judges, subject to ..... 584–86, 608–10
  - Judicial review, political question ..... 620–21
  - Officers subject to ..... 608
  - Pardoning power of President inapplicable ..... 487
- Impeachment of witnesses in criminal trials, use of otherwise inadmissible evidence ..... 1353, 1429
- Implied powers. *See* Necessary and proper legislation
- Imports and exports ..... 205–08, 375–76, 419–22
- Impoundment of appropriated funds ..... 578–81
- Income tax ..... 2067–78
- Incompatible offices ..... 142–43
- Incorporation doctrine, Bill of Rights ..... 1001–08
- Indecent speech, broadcast ..... 1192
- Independent counsel ..... 69, 550–52, 617, 618
- Indians. *See* Native Americans.
- Indictment. *See* Grand Jury.
- Indigency:
- Abortion ..... 1773–74, 2032–33
  - Access to courts ..... 2028–30
  - Candidacy, voting rights ..... 2027–28
  - Criminal appeals ..... 2025–27
  - Criminal sentences ..... 2027
  - Educational opportunity ..... 2030–32
  - Equal protection standard for classifications ..... 1912–15
- Information, citizen access ..... 555–56
- Informers, criminal investigations ..... 1302–04
- Inherent powers ..... 438–42, 594–600
- Initiative and referendum:
- Judicial review, racial discrimination ..... 1893–94, 1960
  - Override of zoning variances ..... 1730
  - Super majority for adoption ..... 2016
- Injunctions:
- Congressional power over issuance ..... 589–91, 673–76, 823–24, 840–41
  - Declaratory judgments and ..... 711–12, 845–47
  - Enjoining federal statutory enforcement ..... 673–76, 823–25
  - Labor disputes, Norris-LaGuardia Act ..... 675, 824, 1698–99
  - Restraining expression, *ex parte* proceedings ..... 1088–90, 1242
  - State court proceedings, restraint of ..... 843–48
- Innocence, presumption of ..... 1859–65
- Insanity:
- Commitment following acquittal by reason of ..... 1865–66
  - Proof, burden, standard ..... 1861–62, 1865
  - Trial, sentence, execution ..... 1865–66
- Instructions in criminal trials ..... 1855
- Insular cases, Constitution abroad ..... 342, 1493
- Insurance, federal, State regulation ..... 170–71, 229–30, 1720–22, 1923
- Intergovernmental tax immunity ..... 155–57, 975–85, 1612–13
- International agreements without Senate approval. *See* Executive agreements.
- International law:
- Offenses against, powers of Congress as to, triable by military commissions ..... 321–23, 344

- International law—Continued  
    Private international law, as basis for full faith and credit..... 873–74  
    Prizes of war, application to..... 344  
    President as enforcer of..... 591–92  
Internet..... 1233, 1234, 1246
- Interstate commerce:  
    Congressional powers..... 169–221  
        Agriculture as commerce..... 170–71, 197, 213  
        Civil rights..... 218–20  
        Criminal law..... 220–21  
        Cumulative effects ..... 172–73  
        Depression, 1930s legislation..... 196–205  
        Federalism limits on ..... 175, 212–21, 963–73, 1617–21  
        Interstate vs. foreign commerce..... 176–77  
        Intrastate actions “affecting” commerce ..... 170–71, 213–21  
        Labor relations..... 187–88, 196–97, 199–203, 271–78  
        Manufacturing as commerce..... 170–71, 190–93, 196–97  
        Mining as commerce..... 170–71, 193, 214  
        Modern test ..... 216  
        Navigation, waterways, flood control ..... 179–84  
        Prohibition of commerce..... 175–76, 205–11  
        Tariffs..... 206–08  
        Transportation..... 184–89  
    State powers, taxation and regulation ..... 221–57  
        Balancing test, modern standard..... 246–47  
        Congressional authorization of impermissible state action ..... 228–31  
        Dormant commerce clause (burdens on commerce) ..... 221–28  
        Foreign commerce ..... 176–77, 254–57  
        Regulation of commerce ..... 235–39, 246–53  
        State proprietary activity exception ..... 227–28  
        Taxation of commerce..... 232–35, 239–46  
            Apportionment ..... 235, 242–44  
            Benefit relationship ..... 246  
            Discrimination ..... 234, 244–46  
            Nexus ..... 241–42  
    Interstate Commerce Commission ..... 182, 185–87  
    Interstate compacts ..... 424–27  
    Intoxicating liquors:  
        First Amendment, regulation of nude dancing in bars..... 2098–99  
        Importation from abroad, state powers..... 2096–97  
        Equal protection, 21st Amendment and..... 2098  
        Prohibition, federal, adoption, repeal ..... 2085–86, 2093  
        State regulation and interstate commerce ..... 229, 245, 249, 2093–97  
        Wartime prohibition, federal ..... 1615  
    Inverse condemnation. *See* Taking of property.  
    Investigations, congressional:  
        Bill of Rights, applicability to ..... 104–07  
        Contempt sanction, source, procedure..... 107–09  
        Defenses of witnesses..... 100–07  
    Exercises of power:  
        Investigation of Executive..... 95–96  
        Investigation of Members..... 97  
        Legislative purposes ..... 97–100

## Investigations, congressional—Continued

## Limitations on:

Authorization, sufficiency of.....	100–01
Pertinency of inquiry .....	100–04
Legislative power, extent .....	93–95
Purpose .....	97–100
Quorum, lack of, effect.....	104
Involuntary servitude.....	1657–64

**J**

Jails, picketing of .....	1240
Japanese-Americans, relocation of, World War II .....	464–65
Jones Act.....	779–81
Journalist's privilege .....	1164–66
Judges, criminal trials, partiality.....	663–65, 1797, 1854
Judges, federal ( <i>See also</i> Courts, federal; Supreme Court of the United States):	
Abolition of courts, provision for sitting judges .....	630
Article I judges, lack of guarantees .....	634–48
Article III judges, guarantees .....	608–10, 627–28, 640–41
Bankruptcy judges, status.....	643–45
Compensation, guarantee, taxation .....	630–32
Impeachment of.....	608–10, 613–14
Legislative courts, status.....	634–48
Tenure, removal, other than by impeachment .....	608–10, 628
Judicial power.....	648–54
Judicial process, when requisite of due process.....	1795
Judicial review:	
Avoidance of constitutional questions in.....	745
Clear mistake, rule of construction .....	746
Establishment, origin.....	735–41
Excluded considerations in exercise of .....	746–47
Framers, views on .....	736–38
Modes of Constitutional interpretation .....	742–43
National supremacy, importance of .....	741–42
Necessity of as due process right.....	1795
Preclusion by statute .....	830
Presumption of constitutionality.....	747
Self-restraint in exercise of .....	750
Stare decisis in .....	748–50
Judiciary Act of 1789 .....	628, 629, 657, 668, 669, 671, 673, 737, 738, 741, 751, 753, 755, 761, 764, 766, 773, 782, 800, 804, 805, 807, 815, 816, 821, 823, 834, 859
Judgments, full faith and credit.....	874–96
Juries:	
Blue ribbon juries, validity.....	1508
Capital sentencing, exclusion of jurors.....	1510–12
Composition, size, unanimity of verdict .....	1502–05
Discrimination, racial, selection .....	1508–09, 1956–59
Impartiality requirement .....	1507–14, 1797–98
Vicinage requirement.....	1514–16
Women, exclusion, exceptions .....	1508, 1509
Jurisdiction:	
Corporations .....	880–81, 1821–27
Defined.....	649, 680–735, 1817–18
Full faith and credit, jurisdiction prerequisite for .....	879, 1705

## Jurisdiction—Continued

In personam.....	879–80, 1818–21
In rem .....	881–82, 1827–33
State courts, how obtained .....	1817–34
Jury service, paid time off private employment .....	1695–96
Jury trial, civil cases:	
Admiralty.....	774, 1552
Background of right .....	1547–48
Common-law cases, application .....	1550–54
Composition, size.....	1548
Courts in which applicable .....	1549–50
Directed verdicts .....	1558–59
Equity cases, no jury trial, exceptions.....	1554–57
Function of.....	1548–49
Judge, role of, comment on evidence, etc. ....	1557
Mixed equity-law cases.....	1554–57
Racial discrimination, jury selection .....	1898–99
States, generally not bound.....	1549
Unanimity of jurors.....	1548
Waiver.....	1550
Jury trial, criminal cases:	
Application to States.....	1501
Background, rationale.....	1500–01
Capital sentencing, racial discrimination .....	1959–60
Civil proceedings .....	1505–07
Contempt trials .....	662–63, 1506
Factfinding, elements of crime, sentencing factors .....	1506–07
Impartiality, right to.....	1507–14
Representative cross section of community .....	1508–09
Absence of bias .....	1509–14
Voir dire, peremptory challenges.....	1512–14
Juvenile trials.....	1506
Petty offenses.....	1505
Place of trial, district in which crime committed .....	1514–16
Racial discrimination, jury selection .....	1898–99, 1956–59
Size of jury .....	1502–03
Unanimity requirement .....	1502–04
Waiver .....	1501–02
Just compensation.....	1467–73
Justiciability .....	680–735
Juveniles:	
offenders, processing of, due process .....	1881–84
death penalty.....	1591–92
preventive detention .....	1568

**K**

Ku Klux Klan Act.....	126, 2036
-----------------------	-----------

**L**

## Labor-management relations:

Blacklisting, prohibition .....	1698
Child labor.....	174, 208, 1694–95
Compulsory arbitration.....	1698
Employer free speech.....	1188

Labor-management relations—Continued	
Equal protection challenges to legislation.....	1935–36
Fair Labor Standards Act.....	201–03
Federal regulation.....	198–201
Freedom of assembly to discuss rights .....	1270
Hours of labor, women, “hazardous’ occupations.....	1693
Hours, wages .....	1693–96
Injunctions, federal courts, labor disputes.....	824, 1698–99
Liberty of contract.....	1689–1700
National Labor Relations Act.....	199–201
Picketing, regulation, free speech.....	1248–50
Preemption, federal-state power .....	271–78
Racial discrimination by unions.....	1699
Right-to-work laws, state.....	1699
Wages, payment regulated .....	1694–96
Wartime, regulation by President.....	465–66
Workers’ compensation laws.....	776, 903–05, 1696–97
Labor unions:	
Dues money, use of by unions.....	1124–25
Governmental promotion, regulation .....	196–203, 1697–1700
Officers, loyalty oaths .....	1101–02, 1113
Picketing, boycotts, speech .....	1248–50
Political activities of, limited.....	1163–64
Speech rights of members .....	1123–25
Unfair labor practices, state regulation .....	271–78
Landlord-tenant disputes, jury trials .....	1551
Leaflets, pamphlets, distribution, speech.....	1258–60
Legal tender. <i>See</i> money.	
Legislative buildings, grounds, picketing .....	1239
Legislative courts .....	361, 634–48
Legislative power. <i>See</i> Congress, powers	
Legislative veto. <i>See</i> Congressional veto	
Legislatures, state, apportionment and distributing.....	2005–15
Lend-Lease Act.....	519–20, 570
Letters of marque and reprisal .....	323, 379
Libel. <i>See</i> Defamation.	
Liberty of contract.....	1689–1700
Limitations period. <i>See</i> Statutes of limitation	
Line item veto.....	151–52
Lineups, criminal identification procedures.....	1541–44, 1852–53
Literacy. <i>See</i> Voter qualifications.	
Litigation, promotion of, carrying on, First Amendment.....	1116–17
Loan-sharking, federal prohibition .....	214–15
Lobbying, Government regulation .....	1162–63
Lochner era .....	1689–93
Logan Act .....	564
Loitering.....	1847–49
Longshoremen’s and Harbor Workers’ Compensation Act.....	777–79
Lotteries, barring from interstate commerce.....	209–11, 309, 1615, 1736
Loyalty oaths, constitutionality of.....	540–41, 713, 1133–37
Loyalty-security programs, government employment.....	540–41, 1112–13, 1133–37, 1144–45, 1442
<b>M</b>	
Mail ( <i>See also</i> Post Roads):	
Censorship, exclusion of materials.....	308–310, 1223, 1224, 1451

Mail (*See also* Post Roads)—Continued

- Congress, powers as to ..... 307–311, 1451  
Implementation of other powers ..... 310–11  
Right to receive ..... 310  
State regulations, taxes, affecting service ..... 311–12  
Marque and reprisal. *See* Letters of marque and reprisal  
Marriage:  
    Contract clause, marriage contracts not within ..... 408  
    Fundamental right, privacy, attributes ..... 1764–65, 1778–85, 1787–89, 2020–22  
    Interracial ban, validity ..... 1765–66, 1962  
Married-unmarried persons, classification, validity ..... 1939  
Martial law, nature of, when invoked ..... 342, 478–84, 589–90  
Membership in organizations, disqualifications for, oaths related to,  
    inquiries respecting ..... 1112–14, 1115–16, 1129–38  
Mental illness ..... 1589–90, 1789–92, 1884–86  
Mental retardation ..... 1590–91, 1789–92, 1884–86  
Military draft. *See* Conscription  
Military forces, use abroad to protect citizens, property ..... 469–75, 592–94  
Military law ..... 334–38, 1071–72  
Militia:  
    Powers of Congress as to ..... 349–51  
    States, powers as to ..... 350–51  
    Relation to right to bear arms ..... 1273–75  
Milk, price, purity, marketing ..... 203–04, 1733, 1932  
Miranda warning ..... 1420–31  
Miscegenation ..... 1765–66, 1962  
Money:  
    Bills of credit ..... 168  
    Coinage and borrowing power, relation ..... 306–07  
    Coins, defacement, exportation, power of Congress ..... 306  
    Counterfeiting ..... 306, 359  
    Gold, currency, gold clauses in contracts, abrogation ..... 168, 305, 1458  
    Legal tender, power of States as to ..... 381  
    Legal tender, treasury notes as ..... 168, 305, 360  
    State bank notes, federal tax on ..... 360  
    Mootness in legal disputes ..... 715–20  
    Mortgages, state moratoria laws, validity ..... 416  
    Motive vs. intent test of equal protection ..... 1916–20  
    Motor vehicles, regulation, taxation ..... 237, 1927–28  
    Multimember electoral districts, validity ..... 2010–15  
    Multistate businesses, interstate commerce, taxation ..... 242–44  
    Murder, death penalty for ..... 1578

## N

- National Industrial Recovery Act ..... 81–82, 196–97  
National Labor Relations Act ..... 199–201  
National security. *See also* War.  
    Electronic surveillance justified by ..... 1341–43  
    Executive privilege ..... 556–60  
    First Amendment issues ..... 1126–40  
    President, authority as Commander in Chief ..... 459–91  
National supremacy, scope of clause ..... 741–42, 959–86  
Native Americans:  
    Commerce with, congressional powers ..... 278–82

## Native Americans—Continued

- Due process constraints on governance of ..... 282, 516
- Lessees of Indian lands, State taxation ..... 985
- “Not taxed,” counting for apportionment ..... 119, 1927
- State taxation of, reservation activities ..... 279–80
- Treaties with ..... 278, 514–15
- Tribes not foreign states ..... 814

Naturalization. *See* Immigration and naturalization.

- Natural resources, state laws respecting ..... 248, 914–16, 1724–28
- Navigable waters:

- Admiralty jurisdiction ..... 774–75
- Congress, regulatory powers, improvement ..... 179–84
- Diversion of, States, municipalities, federal suits ..... 965
- Riparian ownership, governmental reservation ..... 180, 1474
- State ownership of land beneath ..... 929–30
- State regulation, validity ..... 237

Navy. *See* Armed forces.

- Necessary and proper legislation ..... 174–75, 357–62, 503–05, 533–34, 668, 767–69
- New Deal legislation, constitutionality ..... 196–205
- Newsgathering as commerce ..... 171

Newspapers (*See also* Speech and press, Journalist’s privilege):

- Contempt for publication ..... 659–60
- Exclusion from mails ..... 309
- Government regulation of business of ..... 1186–89, 1193
- Right of reply laws ..... 1193
- Search and seizure of newspaper offices ..... 1165–66, 1306–07
- Nobility, titles of, not to be granted, accepted ..... 379
- Noise, permissible state interest in limiting expression ..... 1260–61
- No-knock entrances to search ..... 1311
- Nonresident of State, obtaining jurisdiction over ..... 1817–33
- Notice of accusation ..... 1516–17
- Notice, civil proceedings ..... 1796
- Nudity in films and theater, protected expression ..... 1231–32, 1234–38

**O**

- Oath of office, application, powers of Congress as to ..... 987–91
- Oaths, loyalty, affirmative, disclaimer ..... 1101, 1112–14, 1133–37
- Obligation of contracts, States not to impair ..... 386–419
- Obscenity, pornography ..... 1090, 1220–38

Oil and gas:

- Interstate transportation, production for interstate sale, federal, state powers ..... 188
- Rates, federal regulation ..... 1451
- State conservation laws ..... 1724–25
- One person, one vote ..... 110–12, 2005–15
- Opticians, ophthalmologists, regulation, classification ..... 1724, 1932
- Original jurisdiction ..... 815–18
- Original package doctrine ..... 254, 420
- Origination Clause ..... 144–45
- Overbreadth ..... 1108, 1142, 1143, 1147, 1174, 1184, 1202

**P**

- Packers and Stockyards Act ..... 194
- Pardons and amnesties ..... 485–91, 827–28
- Parent-child relationship ..... 1771, 1777, 1788–89, 1886

- Parens patriae suits by states..... 797–99  
Parks, use of for expression, public forums ..... 1238, 1240, 1241  
Passports, denial, suspension, due process ..... 1130  
Patents and copyrights ..... 312–21  
Patronage systems, validity under First Amendment ..... 1121–22  
Pendent jurisdiction ..... 758–60  
Penumbral rights protected ..... 1606  
Peonage, validity under Thirteenth Amendment, congressional power to abolish ..... 1661–63  
Pentagon Papers case ..... 346, 591, 1088  
Peremptory challenges of jurors, racial discrimination ..... 1958  
Permit systems, parades, demonstrations ..... 1241–42  
Person:  
    Due Process ..... 1679–81  
    Fourth Amendment, persons covered by ..... 1286–87  
    Privileges or immunities ..... 1674–78  
Petitioning Congress, right of ..... 1675–76  
Petitioning government, redress of grievances ..... 1208, 1267–71  
Pharmacies, regulation, right to advertise ..... 1177–78, 1723  
Picketing, free expression ..... 1248–58  
Piracy, power of Congress to define and punish ..... 321–23  
Plea bargaining, validity, safeguards ..... 1866–68  
Pocket veto ..... 147–48  
Police power:  
    Federal, commerce clause basis ..... 212–21, 1613–17  
    State, federal restrictions on ..... 208–11  
    State, due process limitations ..... 1681–82  
    State, equal protection limitations ..... 1930–35  
Political activity as element of free expression ..... 1120–23, 1141–44  
Political parties, racial discrimination by ..... 1894, 2054, 2057–58  
Political question doctrine ..... 514, 570–75, 724–35, 2005  
Poll taxes, qualification to vote, validity ..... 1998, 2028, 2107–08  
Polygamy ..... 1062–64  
Pornography. *See* Obscenity, pornography  
Portal-to-Portal Act ..... 830  
Port preferences, prohibition ..... 377  
Posse comitatus ..... 587–88  
Post Roads ..... 307  
Postal service. *See* Mail  
Poverty, classification on basis of ..... 1914–15, 1937–38, 1940, 2023–33  
Preferred freedoms doctrine ..... 1106–07  
Preemption ..... 85–86, 254–57, 257–78, 279, 302–04, 318–20, 960–61  
Pregnancy, classifications based on ..... 1842, 1979, 1989–90  
Presentation of bills and resolutions ..... 68, 148–52  
President:  
    Cabinet as adviser of ..... 485  
    Compensation, restriction on ..... 457–58  
    Creation of office ..... 433–35  
    Delegation of shared power to ..... 86–87  
    Disability, inability ..... 457, 2109–11  
    Election, electoral college ..... 449–55, 1654  
    Executive agreements ..... 516–29  
    Executive orders ..... 440–447  
    Executive privilege ..... 556–60

## President—Continued

- House of Representatives, when selects ..... 1653–54
- Immunity from judicial direction ..... 556–60, 600–06, 725–26
- Impeachment of ..... 608, 615–20
- Messages to Congress ..... 562
- Oath of office, effect, time of ..... 458–59
- Papers, recordings ..... 558–59
- Qualifications ..... 433–434
- Succession to, vacancy ..... 457, 2087, 2109–11
- Term, tenure ..... 447–48, 2087–90, 1985, 2109–11
- Term limit ..... 2103–04
- President, powers:
  - Appoint, remove officers, congressional power to limit ..... 438, 445, 533–42, 543–53
  - Approval or veto of bills and resolutions ..... 145–52
  - Commander-in-Chief ..... 459–84
  - Courts, use of to enforce laws ..... 589
  - Domestic disturbances in States, suppression ..... 484, 935
  - Enforcement of law of nations ..... 591–92
  - Envoy, special agents ..... 531–33
  - Executive agencies, creation, status ..... 463–64
  - Executive power generally ..... 435–42
  - Exercise of, in person, by agents ..... 581–86, 605–06
  - Faithful execution of laws, duty, powers ..... 575–94
  - Foreign envoys, reception by President ..... 563
  - Foreign relations, conduct of ..... 563–75
  - Impoundment of appropriated funds ..... 578–81
  - Legislative role ..... 562–63
  - Martial law, declaration ..... 478–84, 589–91
  - Pardons, amnesties ..... 485–91, 788–89
  - Protection of citizens and property abroad ..... 470, 592–94
  - Recess appointments ..... 560–62
  - Recognition of foreign governments ..... 566–69
  - Remove officers ..... 438, 543–53
  - Seizure of factories ..... 594–600
  - Subordinates, control, protection ..... 543–53, 581–86
  - Veto, pocket veto, approval of bills ..... 145–52
  - War ..... 324–29, 459–84
- Presidential Recording and Materials Preservation Act ..... 558
- Press, freedom of. *See* Speech and press, freedom of expression.
- Presumption of innocence ..... 1855, 1859–61
- Presumptions, evidentiary, due process ..... 1840–43, 1859–65
- Pretrial publicity ..... 1088–90, 1404–06
- Preventive detention ..... 1567–68
  - Juveniles ..... 1568, 1881
- Price controls. *See* “Rent and price controls”.
- Primary elections, subject to federal regulation ..... 127, 2054, 2057–58
- Prior restraints, doctrine of ..... 1086–88
- Prison inmates:
  - Access to courts ..... 1874
  - Access to legal materials ..... 1874
  - Basis of rights ..... 1874
  - Conditions, cruel and unusual punishment ..... 1601–03, 1874–75
  - Counsel, right to ..... 1544, 1876

Prison inmates—Continued	
Discipline, transfers between prisons.....	1876
First Amendment rights.....	1072, 1170–73
News media access.....	1171–73
Parole, probation revocation.....	1877–81
Racial segregation of.....	1874
Religious freedom of.....	1874
Voting by.....	2000–01, 2034
Privacy:	
Abortion .....	1768–78
Contraceptive use protected.....	1606, 1766, 1779
Fourth Amendment protection of .....	1287–92, 1779–80
Home, protections in.....	1228–30, 1230–31, 1781–84
Marital, family rights .....	1787–89
Protection of limited by First Amendment .....	1215–17
Theories: informational privacy and personal autonomy.....	1778–87
Private entities, validity of delegations to.....	88–90
Private bills.....	361–62
Privileges and immunities of national citizenship .....	1270, 1674–78, 2038–40
Privileges and immunities of state citizenship:	
Access to courts .....	917–18
Access to resources, distinction between residents and nonresidents .....	914–16
Corporations, not eligible for protection of.....	913
Scope of .....	909–12
Taxation, discrimination in .....	918–20
Prizes of war .....	344
Probable cause .....	1301–04
Probate:	
Federal courts and .....	802
Full faith and credit.....	893–94
Probation, parole:	
Due process.....	1877–81
Fourth Amendment rights.....	1333–34
Profanity, public, governmental power to proscribe .....	1201
Professional sports, interstate commerce .....	171
Prohibition, intoxicating liquors .....	2081–83, 2093
Proof of crime, burden.....	1859–65
Property power, congressional control of public lands, territories .....	930–34
Property, private. <i>See</i> Due process of law; Taking of property by government	
Property qualifications for voters, candidates.....	1998–99
Property tax support of public education .....	2030–32
Prosecutorial misconduct, due process .....	1856–59
Public accommodations, racial discrimination .....	212, 218–20, 1659–61, 1962–63
Public employees:	
Search of offices.....	1333
Speech, political rights.....	1141–49
Public figures, defamation .....	1207–17
Public forum.....	1238–46
Public lands .....	931–33
Public officers of the United States: ( <i>See also</i> President)	
Appointment, confirmation.....	533–43
Commissions of, issuance .....	606–07
Creation, qualifications, conduct, congressional regulation .....	529, 533–39

Public officers of the United States—Continued	
Disqualification for rebellion.....	2035
Foreign emoluments.....	379
Impeachment of.....	608–10
Inferior officers, employees.....	535–39
Loyalty-security programs.....	540–41
Political activities of .....	539–40, 1143
Recess appointments.....	560–62
Removal .....	543–53
Salaries, congressional termination in order to remove .....	366
Strikes by.....	540–41
Suits against, immunity .....	605, 786–89
Public property, legislative jurisdiction over.....	355–57
Public trials, right in criminal cases .....	1166–69, 1498–1500
Public use, taking of property .....	1463–66
Public utilities, federal, state regulation, due process .....	1451–52, 1710–16
Publicity:	
Prejudicial, criminal trials .....	1509–10, 1854
Right to personal.....	1218–19
Puerto Rico .....	933–34, 1973
Punishment of crime, unequal sentences, disproportionality.....	1597–1601, 1939–40
Punitive damages.....	1569, 1837

**Q**

Qualifications for office:	
Members of Congress.....	114–19, 123
President.....	455–57
Qualified immunity. <i>See</i> Immunity from suit	
Quorum, Congress, what constitutes .....	104, 130, 131, 132, 148

**R**

Racial discrimination:	
Affirmative action .....	1963–70, 1986–88
Capital punishment, discriminatory application.....	1592–93, 1963–71
Commerce power as source of federal legislation.....	218–20
De jure/de facto segregation .....	1889–90
Disparate impact of facially neutral laws.....	1916–22, 1951
District of Columbia schools, Fifth Amendment.....	1448
Enforcement of prohibition, congressional powers .....	2036–47, 2056–63
Equal protection and race generally.....	1941–70
Gerrymandering .....	2010–11, 2055
Intent to discriminate.....	1889, 1916–22, 1951
Jury selection .....	1508–09, 1956–59
Labor unions.....	1699–1700
Political parties .....	1894, 2054, 2057
Prisons .....	1874
Public accommodations .....	218–20, 1659–61, 1962–63
Segregation of schools .....	1942–56
Suspect classification, equal protection.....	1910
Voting .....	2051–63
Radio. <i>See</i> Broadcasting.	
Railroad Retirement Act.....	198–99
Railroads: ( <i>See also</i> Carriers; Labor-management relations)	
Compelled services, expenditures .....	401, 1712–15

- Railroads—Continued
- Federal rate regulation, due process ..... 1452–53
  - Full crew laws ..... 237, 1714
  - Interconnection of tracks, authorization ..... 185
  - Intrastate rates, federal regulation ..... 187
  - Property, state taxation, apportionment ..... 234
  - Rate regulation, state ..... 236–37, 1703–10
  - Safety regulations ..... 237, 1714, 1723
  - State owned railroads, federal regulation ..... 965
- Rape:
- death penalty for ..... 1587–88
  - child witness and defendant's right to confrontation ..... 1523–24
  - victim's privacy interest ..... 1217
- Ratification of Constitution ..... 993
- Rational basis standard of review ..... 1906–10
- Real property, state regulation, zoning, succession to ..... 1475–90, 1728–32
- Reapportionment of congressional districts among states ..... 120–22
- Reasonable doubt standard ..... 1859–61
- Recess appointments ..... 560–62
- Redistricting, congressional districts ..... 109–12, 2005, 2007–08
- Redistricting, state legislative districts ..... 2005–15
- Re-examination of jury factfinding ..... 1557, 1561
- Registration, compelled, self-incrimination ..... 1408
- Registration laws, convicted felons, notice ..... 1850
- Religion, general principles:
- Background, history ..... 1013–16
  - Belief-conduct distinction ..... 1061–63, 1073
  - “Christian Nation” characterization ..... 1015, 1064
  - Conscience, freedom of ..... 1013, 1015, 1059
  - “Religious People” characterization ..... 1044
  - Separation of church and state ..... 1016–17
- Religion, Establishment Clause ..... 1022–59
- Access of religious groups to public property ..... 1049
  - Bus transportation, parochial school students ..... 1023, 1033, 1037
  - Child benefit theory ..... 1024, 1032
  - Chaplains in Congress, armed forces ..... 1047, 1055–56
  - Church disputes, judicial role ..... 1020–22
  - Colleges, universities, religious, assistance to ..... 1039–41
  - Conscientious objection, military service ..... 1054–55, 1066–67
  - Construction grants, colleges ..... 1039–41
  - Delegation of governmental power to churches ..... 1058–59
  - Entanglement test ..... 1017–19, 1025–31, 1042
  - Evolution, teaching, public school, ban ..... 1048
  - Exemption of religious organizations from general laws ..... 1052–53
  - Financial assistance to church-related schools ..... 1022–43
  - Government observances ..... 1055
  - Grants to religious organizations for public (e.g., social welfare) purposes ..... 1042
  - Mandated school tests, etc, public purchase ..... 1031
  - Neutrality ..... 1020–22
  - Oaths as test for office ..... 987, 1064, 1133
  - Prayers, Bible readings, public schools ..... 1044–48
  - Primary secular purpose and effect tests ..... 1017–19, 1025–43
  - Public property, use for religious displays ..... 1056–58

Religion, Establishment Clause—Continued	
Released time .....	1043–44
School supplies, loans to students .....	1029–30, 1032
Sunday closing laws.....	1053–54
Tax credits, parochial school students.....	1035–38
Tax exemptions, religious property .....	1051–52
Textbooks, loans to private school students .....	1024, 1032
Tuition grants, parochial school students.....	1036–37
Religion, Free Exercise Clause.....	1059–76
Accommodation of religious practices.....	1060
Child labor laws .....	1062
Clergy, disqualification for public office .....	1075
Compulsory school attendance laws .....	1069
Compulsory vaccination.....	1062
Conscientious objection, military service .....	1054–55, 1066–67
Criminal law, general applicability, religious practices.....	1063
Flag salute, public schools.....	1066, 1111–12
General secular requirements, religious exemption .....	1066–75
Military regulations .....	1071
Neutrality .....	1020–22
Oaths, religious test.....	1075
Parks, other public places, use by religious groups .....	1066
Peyote use, criminal proscription.....	1072
Polygamy .....	1062–64
Prison regulations .....	1072
Religious Freedom Restoration Act .....	1074–75
Social Security taxes, exemption denied .....	1069–70
Solicitation, proselytizing .....	1055, 1064–66
Sunday closing laws, exemption for non-Christian .....	1067
Unemployment compensation, denial to Sabbatarians, other religious objectors ....	1067–68
Vouchers for private school education.....	1026–27, 1039
Relocation of Japanese Americans, WWII.....	464–65
Removal of cases from state to federal court:	
Cases concerning federal officers, employees.....	860
Civil rights cases .....	859–61
Generally, validity, circumstances .....	361, 753–55, 859–61
States may not limit, burden .....	803
Removal, power of President to remove officers .....	543–53
Rendition of fugitives, interstate extradition .....	920–23
Rendition of slaves .....	923–24
Rent and price controls .....	338–40, 633, 675–76, 1457–58, 1700–10
Reply, right of, newspapers .....	1193
Republican form of government, nature, scope.....	934–36
Reputation, protected interest .....	1207, 1211, 1807
Required records doctrine .....	1406–07
Reserved powers .....	1611–21
Residency, state requirements generally .....	911, 1842, 1914
Residency, durational requirements .....	1678, 2017–20
Residential picketing.....	1252
Restrictive covenant cases.....	697, 1891–92, 1960
Retroactivity, prospectivity of judicial decisions.....	720–24
Retroactivity of legislation.....	1456–59
Revenue, bills for raising <i>See</i> Origination Clause.	

- Reverse discrimination *See* Affirmative action.  
Right-privilege distinction ..... 1132, 1144–45, 1801–02  
Right-to-work laws, state, preemption ..... 273, 1699, 1936  
Rights. *See* entry describing nature of right (assembly, petition, etc.).  
Rights, public vs. private distinction ..... 637–40  
Rights retained by the people, Ninth Amendment ..... 1605–07  
Ripeness, justiciability ..... 712–15

**S**

- Safety regulations, preemption ..... 259  
Savings bonds, federal overriding of state regulations ..... 974  
Schools, public. *See also* Education, Racial discrimination, Religion, Teachers.  
    Busing for desegregation ..... 1946–47, 1953–55  
    Bus transportation generally ..... 2032  
    Compulsory public education ..... 1150, 1764–65  
    Desegregation ..... 1942–56  
    Evolution, creationism, teaching of ..... 1048  
    Foreign language, ban on teaching ..... 1764–65  
    Free speech in ..... 1149–54, 1244  
    Prayers and religious exercises in ..... 1044–48  
    School buildings, picketing of ..... 1239, 1240, 1241  
    Searches of students in ..... 1332–33  
Schools, religious. *See also* Religion, Establishment Clause.  
    Public aid to ..... 1022–43  
    Vouchers for use in attending ..... 1026–27, 1039  
Searches and seizures:  
    Administrative inspections ..... 1294–99  
    Airport stops ..... 1318–19  
    Alcohol, firearms inspections ..... 1295  
    Arrests, other detentions:  
        Lawfulness, when warrant required ..... 1292–94  
        Search incident to ..... 1319–23  
    Automobiles ..... 1291, 1299, 1322, 1323–26, 1329–30  
    Background, scope ..... 1281–87  
    Body searches ..... 1308  
    Border searches ..... 1329–30  
    Buses, search of passengers ..... 1317–18  
    Business records, when protected ..... 1309–10  
    Consent searches ..... 1328–29  
    Contraband, evidence, property subject to seizure ..... 1307–10  
    Drug testing ..... 1334–36  
    Electronic surveillance ..... 1288, 1336–43  
    Exclusionary rule ..... 1343–57  
    Extraterritorial application ..... 1286–87  
    Fingerprints, other objective evidence ..... 1294, 1307–08  
    First Amendment considerations ..... 1305–07  
    Fruit of the poisonous tree ..... 1294  
    Government offices ..... 1333  
    Grand juries, inapplicability of Fourth Amendment ..... 1362–63  
    Habeas corpus, when search and seizure issues reviewable ..... 854, 1353  
    Informants, tips, when sufficient for probable cause ..... 1302–04  
    Interests protected ..... 1287–92  
    Legislative investigations ..... 107  
    Mere evidence rule ..... 1307–08

Searches and seizures—Continued	
National security electronic surveillance .....	1341–43
No-knock entrances .....	1311
Open fields doctrine .....	1330–31
Plain view doctrine .....	1331–32
Prisons, probation .....	1333–34
Privacy, protection of .....	1287–92
Property, protection of .....	1287–88
Random stops, check points, automobiles .....	1299, 1330
Reasonableness, meaning .....	1283–86
Schools, searches of students, athletes .....	1332–33, 1335–36
Seizure of person .....	1316–17
Standing to contest search and seizure .....	1356–57
Stop and frisk (Terry stop) .....	1313–19
Subpoenas, likened to search warrants .....	1309–10
Thermal imaging .....	1289
Testimonial evidence, self-incrimination .....	1309–10
Vessels, search of .....	1327–28
Warrants:	
Exceptions to warrant requirement .....	1283–86, 1313–16
Execution of warrants .....	1310–12
Issuance, neutral magistrate .....	1299–1300
Particularity in warrants .....	1304–07
Probable cause .....	1301–04
Use, obtaining .....	1283–86, 1299–1312
Wired informers .....	1328
Wiretapping .....	1288, 1336–43
Seat of government. <i>See</i> District of Columbia.	
Seditious libel .....	1078–80, 1199–1201
Segregation. <i>See</i> Racial discrimination.	
Self-incrimination:	
Accusatorial system preservation, rationale .....	1392, 1393, 1419
Alibi defense, compelled pretrial disclosure .....	1401
Compelled waiver .....	1398
Compulsion required, nature of .....	1397–98
Confessions .....	1411–31
Corporations, privilege not available to .....	1395
Delay in arraignment .....	1413–14
Discharge from public employment for asserting privilege .....	1398
Dual sovereign rule .....	1402
Exclusionary rule .....	1419–20, 1431–34
Gambling, firearms, registration, reporting .....	1407–11
Hit-and-run reporting statutes .....	1410–11
Immunity grants to compel testimony .....	1403–06
Incriminating disclosures .....	1394–95
Infamy, harm to reputation, not protected .....	1401
Interrogation, police questioning .....	1411–31
Legislative investigations .....	105–06
Miranda warnings .....	1420–31
Constitutional status of requirement .....	1422–23
Public safety exception .....	1430–31
Waiver .....	1428–29
Presumptions .....	1401

Self-incrimination—Continued	
Privacy rationale.....	1393, 1411
Prison disciplinary hearings.....	1399
Prosecutor's comment on defendant's failure to testify.....	1399
Registration requirements.....	1408
Reporting and disclosure requirements.....	1407–11
Required records doctrine.....	1406–07
States, privilege applicable in state courts .....	1402, 1414–18
Tax returns.....	1407–09
Testimonial disclosures, limited to .....	1396–97
Waiver.....	1398, 1428–29
Writings, compelled production.....	1396–97
Self representation in criminal proceedings.....	1536–37
Senate:	
Direct election of members .....	2079–80
Qualifications of members.....	123
Trial of impeachments .....	124
Sentencing, convicted criminal defendants:	
Appeals, corrective process.....	1871–73
Capital cases.....	1573–97
Counsel, assistance of.....	1544, 1870
Deferred, probation, reimposition .....	1870
Disproportionate length.....	1597–1601
Habitual offenders .....	1599–1601, 1868
Insane defendants.....	1865–66
Jury sentencing, bifurcation, capital cases .....	1579–80
Presentence reports, disclosure.....	1868–69
Resentencing on retrial, limitations .....	1870–71
Sentencing Commission, delegation of authority to .....	70, 84
Separate but equal doctrine .....	1942–43
Separation of church and state. <i>See Religion, general principles.</i>	
Separation of powers, doctrine of.....	63–70, 77–78, 108–09, 134–35, 142, 144, 145–46, 148–49, 150, 324–29, 365, 386, 442–47, 462–63, 469–75, 516–17, 522–26, 543–53, 556–60, 570–75, 578–81, 583–84, 594–600, 600–606, 620–21, 630–32, 634–636, 639, 643–45, 648, 678, 720, 724–35, 818–31
Severability of unconstitutional sections of statutes.....	748
Sex discrimination:	
Age of majority .....	1981
Alimony .....	1982
Benign, favoring women .....	1986–88
Congress, remedial authority.....	2037
Equal protection standards .....	1911–12, 1980–81
Government benefits .....	1984–85
Jury service.....	1981–82
Liquor regulations .....	1982
Military service .....	1985–86, 1987
Pensions, survivor's benefits .....	1984
Pregnancy .....	1989–90
Unwed fathers/mothers distinction.....	1983
Voting, women's suffrage.....	2085–86
Sex, materials about, pornography .....	1220–38
Sexual orientation, discrimination on basis of.....	2022–23
Sexual privacy .....	1767, 1783–86

- Sexual psychopath laws, commitment..... 1791  
Shopping centers, picketing in ..... 1247–48  
Shreveport Doctrine ..... 187  
Sit-ins ..... 1239–40, 1246  
Slavery and involuntary servitude..... 1657–64  
    Abolition..... 1657  
    Citizenship of former slaves ..... 1671–72  
    Prohibition inapplicable to jury duty, military service ..... 1663–64  
    Public indemnification for loss or emancipation of slaves prohibited..... 2035  
    Rendition of fugitives..... 923–24  
    Peonage ..... 1661–63  
    Slave trade permitted prior to 1808 ..... 362  
    State representation in House, Electoral College, three-fifths rule..... 119  
    Voting not to be abridged on basis of previous servitude ..... 2051  
Smith Act ..... 1100–01  
Social Security:  
    benefits, termination..... 1811–12  
    spending power..... 164  
Soldiers, quartering in homes, prohibition..... 1277  
Sound trucks, demonstrations..... 1260–61  
Sovereign immunity. *See* Immunity from suit  
Special prosecutor ..... 548–49  
Speech or debate, privilege of Members of Congress ..... 134–39  
Speech and press, freedom of expression:  
    Absolutist view of protection accorded ..... 1106–07  
    Adoption, background ..... 1076–82  
    Advertising ..... 1176–85  
    Advocacy ..... 1081, 1091–97, 1100–01, 1109–10, 1126–29, 1129–30, 1138–39  
    Anonymity, printed materials ..... 1258–59  
    Antitrust laws, communications media ..... 1188–89  
    Application to States ..... 1004, 1076, 1080  
    Association, freedom of ..... 1103–05, 1114–25  
    Bad tendency test ..... 1094  
    Balancing ..... 1101–05  
    Beliefs, affiliation ..... 1110–14, 1129–32  
    Benefits, privileges, withdrawal ..... 1132  
    Books, periodicals ..... 1090, 1176, 1224  
    Broadcast media, regulation ..... 1189–92  
    Children ..... 1149–54, 1222, 1225, 1230–31, 1232–33  
    Campaign finance restrictions ..... 1122–23, 1154–62  
    Charitable solicitation, professional fundraisers ..... 1261–62  
    Clear and present danger ..... 1091–1110  
    Commercial speech ..... 1176–85  
    Communist Party membership ..... 1103–06, 1129  
    Communications industries, regulation ..... 1189–95  
    Confidentiality requirements ..... 1219–20  
    Contempt of court ..... 1097–99  
    Content of expression, limitation based on ..... 1140, 1195–1238, 1241  
    Contributions, campaign funds ..... 1122–23, 1154–62  
    Defamation ..... 1085, 1207–15  
    Disorder, unrest, speech result ..... 1242–43  
    Door-to-door solicitation ..... 1261–63  
    Draft card burning ..... 1138–39, 1264

- Speech and press, freedom of expression—Continued
- Elections..... 1120–23
  - Emotional distress tort actions ..... 1217–18
  - Entertainment..... 1160–1163
  - Fairness doctrine, broadcasting ..... 1189–90
  - Fair trials, press coverage ..... 1088–90, 1166–69
  - Fighting words..... 1201–03
  - Flag desecration, burning..... 1263–67
  - Flag salute, compulsory, schools..... 1111–12, 1263
  - Government employment..... 1141–49
    - Hatch Act, restrictions on political activity ..... 1141–44
    - Employee speech generally ..... 1144–49
    - Patronage, associational rights ..... 1121–22
  - Hate speech, group libel ..... 1205–06
  - Hostile audience ..... 1242–43
  - Importation..... 1139, 1224
  - Injunctions, *ex parte* ..... 1088–90, 1242
  - Internet communication ..... 1233, 1234, 1246
  - Labor relations..... 1123–25, 1163–64, 1186
  - Leaflets, pamphlets, distribution ..... 1258–60
  - Legislative investigations ..... 1137–38
  - Least restrictive means test ..... 1108
  - Libraries, schools, removal of books ..... 1152
  - License taxes ..... 1106, 1186
  - Licensing, professional, bar membership ..... 1086, 1103, 1115–16, 1131
  - Litigation as expression ..... 1116–17
  - Live performances, plays, nudity ..... 1235–38
  - Lobbying ..... 1162–63
  - Loyalty oaths ..... 1101, 1112–14, 1133–37
  - Mails ..... 1105, 1139, 1223, 1224
  - Marketplace analogy ..... 1092–93
  - Membership, disclosure ..... 1115–16, 1129–32, 1137
  - Motion pictures ..... 1090, 1176, 1224, 1231–32, 1234–35
  - National security ..... 1086–88, 1093–95, 1100–05, 1112–14, 1126–40
  - Newspapers..... 1086, 1088–90, 1097–98, 1165–66, 1171–73, 1177, 1186, 1188, 1193, 1207, 1219–20
    - Obscenity, pornography ..... 1090, 1220–30
    - Obscenity-ideological ..... 1220
  - Organizations, members, conflicts between ..... 1123–25
  - Overbreadth ..... 1108
  - Patronage systems ..... 1121–22
  - Permit systems ..... 1087, 1241
  - Picketing, public demonstrations ..... 1248–58
  - Political campaigns, contributions, expenditures ..... 1122–23, 1154–62
  - Political candidates, loyalty oaths ..... 1133
  - Political parties, associational rights ..... 1122
  - Preferred position ..... 1106–07
  - Press freedom, particularized issues ..... 1083–86
  - Prior restraint ..... 1086–88
  - Prisoners, reduced rights ..... 1170–73
  - Privacy, protection of as First Amendment problem ..... 1215–17, 1228–29
  - Private places, public attributes ..... 1246–48
  - Private employment, restrictions on ..... 1131

Speech and press, freedom of expression—Continued	
Profane and abusive language .....	1201
Public employees, expression rights .....	1144–49
Public employees, political activities .....	1141–44
Public forum, public places.....	1238–46
Publicity right, press coverage.....	1218–19
Reporter's privilege .....	1164–66
Residential picketing .....	1252
Right-privilege distinction .....	1144–45
Schools, speech rights of students .....	1149–54
Sedition, seditious libel.....	1199–1201
Sexually explicit, non-obscene expression .....	1231–38
Shopping malls, company towns as quasi-public forums.....	1247–48
Smith Act.....	1100–01, 1127–29
Sound trucks.....	1260–61
Speech-conduct distinction .....	1107, 1263–67
Spending power, conditions on receipt of federal grants .....	1173–76
Students.....	1149–54
Symbolic speech.....	1263–67
Syndicalism laws .....	1096, 1109, 1126, 1200
Taxation .....	1186–87
Tax exemptions, denial for speech.....	1132
Threats of violence .....	1203–05
Time, place, manner regulations .....	1235, 1240–41, 1251, 1253–54, 1256, 1257, 1261, 1264
Vagueness.....	1107–08, 1135–36, 1175, 1200, 1202, 1208, 1251, 1261, 1264
War effort, interference with .....	1093–95, 1137–38
Speedy trial, right in criminal cases.....	1494–97
Spending for general welfare.....	161–67
Standards, requirement for valid delegation .....	81–85
Standing to contest discriminatory jury selection .....	1956–57
Standing to sue in federal courts .....	686–706
Stare decisis.....	748–50, 1677
State action, Fourteenth, Fifteenth Amendments:	
Basis of doctrine.....	1886–87, 2056–57
Congressional enforcement, whether limited by .....	2038–41, 2056–58
Courts, enforcement against private discrimination.....	1891–93
Discriminatory application, enforcement .....	1890–91
Lessee of property in public building .....	1895
Private clubs, liquor licenses.....	1895–96
Private discrimination, encouragement by official action.....	1894
Public function.....	1898
Repeal of antidiscrimination laws .....	1893–94
State laws, actions contrary to.....	1888
Tax privileges, public funds, discrimination by recipients .....	1900–01
States:	
Admiralty, maritime matters, state legislation .....	775–81
Admission to Union on equal footing.....	924–30
Agreements, compacts with other States .....	424–47
Boundary disputes between, suits .....	790–91
Citizens of .....	1672
Contracts, not to impair obligations .....	386–419
Disputes over water rights between .....	791–93
Domestic violence, federal protection against.....	934–35

## States—Continued

- Electors, presidential, power to control..... 450–52  
Employees, federal labor laws applied to..... 175, 965–73, 1617–19  
Equal footing, admission on terms of..... 924–30  
Federal facilities and instrumentalities, jurisdiction over ....., 357, 973–75  
Immunity from federal taxation ..... 155–57, 1612–13  
Immunity from suit..... 1625–52  
Instrumentalities, activities, federal regulation, taxation ..... 1617–21  
Legislatures, apportionment, districting..... 1919–22, 2005–15  
Navigable waters, rights to soil beneath..... 929–30  
Officers of:  
    Federal laws, duty to enforce ..... 987–91  
    Injunctions, restraint of enforcement of invalid laws..... 840–41, 843–48, 1643–51  
    Political activities of, federal restraints on..... 165, 1142  
    Salaries, federal taxation ..... 1612–13  
Patents and copyrights, regulation..... 318–20  
Powers denied or limited:  
    Attainder, bills of ..... 381  
    Bills of credit ..... 380  
    Contracts, impairing obligation ..... 386–419  
    Duties on imports or exports..... 419–22  
    Ex post facto laws ..... 382–86  
    Interstate compacts..... 424–27  
    Keeping troops..... 423–24  
    Legal tender restriction ..... 381  
    Tonnage duties ..... 423  
    Treaties, alliances, confederations..... 380  
    War ..... 422  
    Republican form of government, guarantee ..... 934–36  
    Reserved powers ..... 1611–21  
State secrets, political questions..... 572–73, 727–28  
Statutes of limitations, due process constraints..... 1838–40  
Steel seizure case ..... 440–42, 594–600  
Sterilization, compulsory ..... 1765, 1914, 1940  
Stop and frisk ..... 1313–19  
Strict scrutiny ..... 1140, 1181, 1199, 1232, 1266, 1910–16  
Suffrage, as fundamental right ..... 1914, 1995–2016  
Suicide, ban on physician assistance, due process ..... 1793–94  
Sunday closing laws..... 1053–54, 1067  
Super-majority requirements in referenda..... 2016  
Supremacy Clause..... 493–97, 959–91  
Supreme Court of the United States:  
    Adequate and independent state ground, review of state court decisions ..... 762–64  
    Advisory opinions not rendered ..... 651–54, 681–82, 707–09  
    Appeal, certiorari ..... 672–73, 744, 761  
    Appellate jurisdiction, congressional exceptions..... 818–31  
    Concurrent jurisdiction with lower federal courts..... 831–33  
    Disobedience of orders by state courts ..... 833–34  
    Finality rule, review ..... 762  
    Impeachment of Justices of..... 608–10, 613  
    Legislative courts, appellate jurisdiction over ..... 636–37  
    Original jurisdiction of ..... 764–65, 790–95, 815–18  
    Size, internal organization, sessions ..... 628–29

Supreme Court of the United States—Continued	
State court decisions, review of.....	761–64
Supervisory power over lower federal courts .....	656, 662, 665, 1349–50
Suspect classifications.....	1910–12
<b>T</b>	
Take Care Clause, faithful execution of laws .....	575–600
Taking of property by government.....	1473–90
Appropriation of property by government.....	1474
Consequential damages .....	1471–72
Contracts, frustration of performance .....	1470
Corporation, franchise, taking of .....	1470
Courts, role of.....	1472, 1488–90
Destruction of property in wartime .....	347
Destruction of property to save other property .....	1484
Delegation of power to private parties .....	1463
Just compensation.....	1467–73
Interest as component .....	1469
Navigable waters, improvements to .....	1474–75
Physical invasion of property.....	1474, 1482
Police power, taking, no taking.....	1473–90, 1580
Property interests protected.....	1469–71
Public use.....	1463–66
Regulation, when a taking .....	1473–90, 1681
Diminution of property values .....	1475–77
Historic preservation .....	1478
Investment-backed expectations .....	1478–79
Noxious uses of property .....	1481–82
Partial regulatory takings.....	1472
Substantial advancement of legitimate governmental interest .....	1485
Zoning .....	1476–77
Source of power .....	1461–62
States, limited by clause.....	1462–63
States, property of subject to federal taking.....	1462
Tariffs. <i>See</i> Taxation, federal.	
Tax benefits, suits to compel withdrawal.....	688–90, 1900–01
Tax records, privacy interests .....	1397
Taxation, federal:	
Capital gains, computing income tax on .....	2074–75
Corporate dividends, when taxable .....	2069–72
Corporate earnings, when taxable.....	2072–74
Customs, import duties.....	160
Debts, payment.....	167–68
Deductions, exemptions .....	2076–77
Destruction by .....	159–60
Direct, apportionment, defined .....	371–74, 2067–68
Discriminatory, due process .....	1453–54
District of Columbia.....	374–75
Excises, defined, uniformity .....	371–72
Exports from States .....	375–77
Federal judges, salaries, subject to.....	153, 600
Gift .....	1454, 1455
Illegal income .....	2076
Income.....	373–74, 1362, 2068

Taxation, federal—Continued	
Inheritance.....	374
Punishment of state law violations by .....	1616
Purpose of taxation—spending for general welfare .....	161–67
Purpose of taxation—paying debts.....	167–68
Regulation by.....	158–59
Retroactive.....	1454–56
State instrumentalities, activities, income of .....	1617–21
State officers, salaries.....	155–56, 1612–13
Tariffs .....	80–81, 160–61, 206–07, 518–19
Uniformity .....	157–58, 371–75
Taxation, state:	
Airplanes, fuel .....	242
Assessments, notice and hearing.....	1757–59
Burden, excessive .....	1738
Carriage of persons, interstate commerce.....	223, 233
Chain stores.....	1752, 1923
Classification, differential treatment .....	1923–25
Collection of .....	1759–61
Congress, legislation on state taxation of interstate commerce .....	228–31
Contacts, “nexus” test.....	241–42
Corporations, foreign, domestic, different tax treatment.....	1925–26
Corporations, foreign, engaged in interstate commerce .....	232–35, 241–44, 1754
Corporations, personality.....	1747–48
Corporations, stock, when taxable.....	1752–53
Estate and inheritance .....	1748–52
Exemptions, revocation.....	393–94, 405–08
Exports.....	254–57, 419–22
Favoritism of certain industries.....	1923–24
Federal employees, salary .....	979–80
Federal instrumentalities, immunity .....	975–85
Forfeiture of land for taxes.....	1760
Franchise .....	1752–53
Franchise, corporation, interstate commerce.....	235, 240
Freight, transported interstate .....	225, 233–35
Gift .....	1748–52
Gross receipts, companies in interstate commerce .....	233, 240
Imports, foreign, domestic .....	419–21
Income .....	1753–54
Income, nonresidents.....	918, 1925–27
Inheritance, estate, gift, transfer.....	1748–52, 1927
Insurance.....	229–30, 1755–56, 1923
Interest on unpaid taxes.....	1760
Interstate and foreign commerce .....	221–53
Dormant commerce clause doctrine.....	221–31
Apportionment, interstate business .....	234–35, 242–44
Congressional authorization .....	228–31
Discrimination, impermissible.....	234, 240, 244–46
Nexus requirement .....	241–42
State proprietary exception.....	227–28
Jurisdiction to tax .....	1742–56
Laches .....	1762
Liens for taxes .....	1760

- Taxation, state—Continued
- Motor vehicles ..... 237, 1927–28
  - Multiple taxation test ..... 234–35, 242–44
  - Notice and hearing, when required ..... 1756–57
  - Peddlers, drummers, imports ..... 225
  - Personalty, tangible, intangible ..... 1743–48
  - Privilege, corporation, measure ..... 1752–53
  - Privilege taxes on importers ..... 420
  - Property, assessments, equal protection ..... 1928–30
  - Public purpose in taxation ..... 1738–39
  - Real property ..... 1743
  - Remedies, contesting taxes ..... 1762
  - Retroactive ..... 1739
  - Sales ..... 245, 1924
  - Severance ..... 1923
  - Solicitation of out-of-state orders ..... 239–41
  - Special assessments ..... 1757, 1930
  - Suits to restrain collection ..... 840–41
  - Transfer ..... 1748–52, 1927
  - Taxing and spending power ..... 152–68, 1173–76, 1637, 2101
  - Taxpayers' standing to sue ..... 688–90
  - Teachers, First Amendment rights ..... 1094, 1135–37, 1144
  - Televising of criminal trials ..... 1499
  - Television. *See* Broadcasting
  - Term Limits:
    - Members of Congress ..... 115, 118–19
    - President ..... 2103–04  - Territories:
    - Acquisition of by conquest, provision for ..... 476
    - Constitutional guarantees in ..... 933
    - Congress, powers as to ..... 933–34
    - Courts of ..... 634–35, 638, 934
    - Diversity of citizenship, suits in federal courts ..... 801  - Textbooks:
    - Loans to religious school students ..... 1023, 1024, 1032
    - Loans to segregated private schools ..... 1902  - Three-judge federal courts ..... 842
  - Time, place, and manner regulation:
    - Congressional elections, federal legislation ..... 124–28
    - Religion ..... 1070
    - Speech ..... 1235, 1240–41, 1251, 1253–54, 1256, 1257, 1261, 1264  - Titles of nobility ..... 379, 380
  - Tonnage duties, States not to lay ..... 423
  - Topless dancing ..... 1235–38, 2098–99
  - Trade agreements ..... 518–19
  - Trademarks ..... 320–21
  - Trade names, restraint on use ..... 1179
  - Trade secrets, state protection ..... 319
  - Trading stamps, regulation, bar ..... 1719, 1937
  - Transcripts, criminal trials, indigents ..... 2025
  - Transportation, racial discrimination in, banned ..... 218–19, 1960
  - Travel, international, right of ..... 440, 1130
  - Travel, interstate, burdening, forbidding ..... 212, 250, 1914, 2016–20

- Treason, definition, evidentiary requirements, penalty ..... 611, 862–69  
 Treaties (*See also* Executive agreements, National supremacy; President, powers; Native Americans; War):  
     Congress, implementation, when required ..... 497–99, 501–03  
     Congress, legislation concerning ..... 358, 503–05  
     Constitutional limitations on power ..... 505–09  
     Indian tribes, treaties with ..... 514–16  
     Interpretation, political question ..... 514, 725, 728, 734  
     Law of the land, effect on state laws ..... 493–97  
     Negotiation, Presidential monopoly ..... 492–93  
     Ratification, role of Congress ..... 492–93  
     Self-executing, when ..... 501–03  
     States not to enter into ..... 380  
     Statutes, federal, conflict ..... 500–01  
     Termination, lapse, how, by whom ..... 509–14  
     Treatment, right of mentally ill to ..... 1789–92  
 Troops:  
     Quartering in homes, prohibition ..... 1277  
     States, prohibition on keeping ..... 423–24

**U**

- Unconstitutional conditions ..... 1132, 1801–02  
 Unenumerated rights ..... 1605–07  
 Uniformity of taxes ..... 157–58  
 United States:  
     Immunity from suit, waiver ..... 784–86  
     Instrumentalities, corporations, immunity from suit ..... 786–90  
     Liability for torts of employees ..... 785, 789  
     Officers of, state taxation, regulation ..... 979–80  
     Prior debts valid ..... 959  
     Property of, ceded by States, powers, conditions ..... 931–33  
     Property of, disposition, congressional authorization ..... 930–33  
     Property of, jurisdiction over, limits, duration ..... 355–57  
     Property of, residents on, rights ..... 355–56, 1998  
     Utilities, advertising, regulation ..... 1179  
     Utility service cutoffs, due process ..... 1803, 1896–97

**V**

- Vagrancy laws, vagueness, validity ..... 1847–49  
 Vagueness in statutes:  
     Due process ..... 1846–51  
     First Amendment ..... 1107–08, 1135–36, 1175, 1200, 1202, 1208, 1251, 1261, 1264  
 Venue, change of, criminal trials ..... 1510  
 Vessels:  
     Interstate commerce ..... 180–83  
     Navigable waters, State licensing, regulation ..... 237  
     Taxation, State jurisdiction ..... 1743–44  
 Veterans' preference laws ..... 1919  
 Veto. *See* President, powers; Congressional veto.  
 Vice President:  
     Electoral College, separate vote for President, Vice President ..... 1654  
     President of Senate ..... 123  
     Succession to presidency ..... 457, 2087, 2103–04, 2109–11  
 Vietnam War, litigation over in Federal courts ..... 328–29, 818

Violence Against Women Act .....	217–18, 1616, 2037
Voter qualifications:	
Age .....	1996, 2043, 2113
Durational residency.....	2018, 2043
Felons, disenfranchisement .....	2034
Literacy.....	2042, 2054–55, 2059–61
Military service, discrimination based on .....	1998
Political party affiliation, primary elections .....	1999–2000, 2054
Poll tax.....	1998, 2027–28, 2107–08
Property ownership.....	1998–99
Race .....	113, 653, 1963, 2042–43, 2051–63, 2107–08
Residency .....	1997
Residents of federal enclave.....	356, 1998
Sex .....	2085–86
Voting, paid time off private employment.....	1695
Voting, right to. <i>See also</i> Voter qualifications .....	1995–2016
Voting Rights Act .....	113, 127, 653, 2042–43, 2059–63
Vouchers. <i>See</i> Religion, Establishment Clause.....	1026–27, 1039

**W**

War ( <i>See also</i> Delegation of power; International law):	
Constitutional rights in wartime .....	342–49
Declaration of, by Congress.....	326–29
Eminent domain, property destroyed, liability .....	347–48
Law of war:	
Enemy saboteurs.....	482–83
War crimes .....	483
Legislation during, following.....	338–40
Powers as to, source, scope.....	324–26
President versus Congress .....	324–29, 469–75, 594–600
Prizes of war, laws applicable.....	344
Relocation of Japanese Americans, WWII .....	464–65
War Powers Resolution.....	329
Warrants. <i>See</i> Searches and seizures	
Watergate scandal.....	548–49, 602–03
Water, state conservation laws .....	231, 248, 1727–28
Waterways, transportation, commerce .....	179–84
Welfare assistance, status as property .....	1801–03
Wheat, production of for own consumption, federal regulation.....	204–05
White primary cases .....	1894, 2054, 2057–58
Wiretapping .....	1336–43
Women. <i>See</i> Sex discrimination	
Workers' compensation laws. <i>See</i> Labor-Management relations	
Wrongful death actions, maritime accidents.....	780–81

**Y**

“Yellow-dog” contracts .....	200, 1698
------------------------------	-----------

**Z**

Zoning:	
Adult theatres, bookstores.....	1234–35
Restrictions on property generally, due process .....	1728–30
Takings, claims of .....	1476–77