

INDEX

A

	Page
Abandoned property, state laws.....	1889-91
Abortion:	
Advertising of.....	1266
Constitutional right to.....	1927-39
Demonstrations, protests outside clinics.....	1349-51
Indigent women, right to public assistance.....	1932-33
Parental consent to minor's.....	1930, 1936
Partial birth abortions.....	1937
Spousal consent.....	1930, 1936
Threats against abortion doctors.....	1293-94
Absentee voting.....	2186-87
Abstention doctrine.....	893, 895
Academic freedom.....	1224-29
Access to ballot, equal protection.....	2187-91, 2218-19
Access to broadcasting, press.....	1279-82
Access to courts by litigants.....	2006-07, 2213-15, 2220-22
Access to courts by public, press.....	1247, 1249-53
Access to prisons by public, press.....	1253-57
Accusation, notice of, specificity.....	1647-48
Act of state doctrine.....	610-11, 631, 781
Addiction, drug, alcohol, punishment.....	1751-52
Administrative agencies:	
Adjudication by.....	683-85
Combination of functions.....	1963
Decisionmaking, bias in.....	1962-63
Delegations to.....	78-79
Due process in.....	1564-66, 1977-79
Presidential creation, status.....	491
Administrative inspections, searches.....	1393-99
Administrative Procedure Act.....	87, 754-56
Administrative regulations:	
Judicial review of.....	80, 1564-66
Modification of congressional legislation by.....	87-88
Violations of, how punished.....	93-95
Admiralty, federal court jurisdiction in:	
Airplane crashes and.....	825
Congress, powers.....	384, 821-23
Contracts, maritime.....	823, 825
Federal-state powers, exclusivity, concurrency.....	828-35
Jury trial and.....	823, 827-28
Prize cases.....	823, 826
Proceedings in.....	826-28
Saving to suitors, state court jurisdiction.....	827, 829-30, 887-88
Seamen, rights as to contracts, maritime torts, etc.....	823, 825-26, 829-35
Territorial reach of power.....	828
Types of cases under.....	823, 825-26
Wrongful death, maritime, actions for.....	833-35

Admiralty:	
maritime torts.....	825
Adoption of children.....	950, 2168–69
Advertising:	
Commercial speech.....	1265–75
Public forum, access.....	1333
Public issue advertising.....	1279–80, 1296–97
State regulation, equal protection.....	2112
Advice and consent.....	571, 576–77
Advisory opinions.....	688, 690, 724–25, 757–59
Advocacy, permissible governmental limitation.....	1156–57, 1159–68, 1175–76, 1197–1201
Affirmative action.....	2145–52, 2154, 2172–74
Affirmative defenses, criminal trials.....	2036–37
Age classifications:	
Equal protection and.....	2092
Right to vote, 18-year-olds.....	2305
Agriculture, production, marketing, commerce.....	204, 210–12
Air Force. <i>See</i> Armed forces.	
Airplanes, state taxation, jurisdiction.....	253, 275–76, 1902
Airports, state regulation of flight times, preemption.....	283
Alcoholic beverages. <i>See</i> Intoxicating liquors.	
Alcoholism, criminal liability for.....	1751–52
Alibi defense, burden of proof, discovery.....	2029, 2037–38
Alien and Sedition Acts.....	303, 791, 1140–41, 1289–90
Aliens. <i>See also</i> Immigration and naturalization.	
Admission to bar.....	2159
Chinese Exclusion Case, Act.....	313
Due process, entitlement to.....	1552–53, 1560–62, 1564, 1569
Education, entitlement to.....	2162–63
Employment restrictions.....	2157, 2162
Equal protection.....	2091–92, 2095, 2157, 2163
Jury service.....	2159
Land holdings, state curbs.....	1836
Police, employment as.....	2160, 2162
Suits by, against, in federal courts.....	867
Teachers, employment as.....	2161
Voting.....	2159
Alliances, States not to enter.....	402–03
Ambassadors, Public Ministers, Consuls:	
Defined, appointment, salary, etc.....	563–65
Reception of foreign ambassadors.....	600
Suits affecting, federal courts.....	818–19
Amendment of Constitution.....	997–1014
Amnesty. <i>See</i> Pardons; President, powers.	
Ancestry, as proxy for race.....	2244–45
Anonymity, unsigned materials, distribution.....	1352–53
Anti-injunction statute, state court proceedings.....	715, 896–97
Antitrust laws, monopolies:	
Communications media, application to.....	1278
Equal protection challenges to.....	2116–17
Federal, interstate commerce application.....	197–200
Labor unions, application to.....	200–01
Lobbying activities, application to.....	1246–47

Antitrust laws, monopolies—Continued	
State, due process, equal protection.....	1875–76, 2116–18
Appeals, corrective process, civil proceedings.....	2015
Appeals, corrective process, criminal trials:	
Appeals not necessarily required.....	2049–51
Burdening of appellate process.....	2049–50, 2214–15, 2217
Double jeopardy after appeal.....	1495–97
Indigents, imposition of fees, costs.....	2213, 2215, 2218
Prosecution appeals.....	1489–93, 1498–99
Appointments, recess.....	595–99
Appointments Clause.....	567, 569–73, 576–77
Apportionment and districting. <i>See</i> House of Representatives; Legislatures, state.	
Appropriations:	
Required for withdrawal of funds from Treasury.....	400–01
Support of armies, limitations.....	350–51
Arbitration, compulsory, due process.....	1856
Armed forces:	
Appropriations for, limited.....	350–51, 400
Civilians, discharged servicemen, dependents, court-martial jurisdiction.....	358
Congress, power to raise and maintain.....	350–52
Conscription, validity.....	351–52
Courts-martial, due process, judicial review, etc.....	355–58, 1564–66
Offenses arising in, trial for.....	355–58
Peacetime draft, validity.....	352
Personnel, federal exemption of insurance, property, state taxation, garnishment.....	354
Speech, other constitutional rights of servicemen.....	352–54
Arms, right to keep and bear.....	1367–71
Arrest, delay in, effect on confession.....	1527–28
Arrest:	
Fourth Amendment.....	1389–92
Members of Congress, privilege from.....	138
Assembly, right of, privileges and immunities.....	1833
Assembly and petition, rights of.....	1361–64
Association, freedom of... 1166–68, 1182–87, 1189–94, 1196, 1200–01, 1203–04, 1212–15, 1229, 2081	
Associations, standing to sue.....	749
Attainder, bills of:	
Federal.....	387–91
State.....	404
Attorneys (<i>see also</i> Counsel, assistance of):	
Admission, durational residency.....	2209
Advertising by.....	1267, 1274
Aliens, admission of.....	2159
Bar membership, oaths, loyalty inquiries.....	388, 1166–67, 1177, 1179, 1202
Integrated bar, First Amendment.....	1193
Solicitation of clients.....	1267
State regulation, attorney practicing in more than one State.....	2112
Automobiles:	
Bankruptcy, federal release, preemption.....	323
Jurisdiction, out-of-state motorists.....	1988
License revocation, due process.....	1969, 1982
Searches of.....	1387–88, 1398–99, 1426–32, 1435–36
Stolen, federal criminal jurisdiction.....	218, 1771

B

Bail, right to, excessive.....	1709–13
Ballot:	
Access to, candidates, parties.....	2144–45, 2187–91, 2218–20
Bankruptcy:	
Congress, powers as to.....	70–71, 318–23, 1577–78
Debtors, eligible for relief.....	318–19
Municipal subdivisions, when eligible for relief.....	321
Retroactive regulation, due process.....	1577–78
State laws, federal recognition of.....	321
State laws, preemption.....	321–23
State laws, validity in absence of federal.....	322
Banks:	
Chartering by Congress, effect of necessary and proper clause.....	382
Depositors, privacy interest.....	1386, 1943
State regulation.....	1878
Baseball, not interstate commerce.....	178
Belief, freedom of.....	1123–24, 1176–77, 1179–82
Bicameralism.....	72–73
Bill of Rights:	
Application to States.....	1059, 1061, 1063, 1065–66
Formulation and adoption.....	1057, 1059
Meaning as applied to Federal Government, States.....	1065–66
Unenumerated rights.....	1761–63
Bills of attainder. <i>See</i> Attainder, bills of.	
Bills of credit, States not to emit.....	403
Birth control, state restrictions, justiciability, validity.....	745–46, 1762, 1942–43
Blood samples, taking of, search and seizure.....	1408, 1422, 1443, 1458
Blue ribbon juries, validity.....	1638
Blue Sky Laws, business regulation.....	1992–93
Borrowing power (federal).....	175–76, 325–26
Boundary disputes, suits between states.....	843–44
Bricker Amendment.....	537, 560
Bridges across navigable streams, state powers.....	234
Broadcasting, regulation, First Amendment.....	85, 185–86, 1279–85
Burden of proof, due process.....	2011–15, 2035–41
Burden on commerce. <i>See</i> Interstate commerce, State powers.	
Business affected with a public interest.....	1858–61
Business regulation and due process.....	1874–83
Busing:	
religious schools, public support for.....	1081–82, 1090–91, 1095–96
school desegregation.....	2128, 2133–35

C

Cable television regulations, copyright.....	337
Campaign finance restrictions, First Amendment.....	1229–45
Candidacy for elective office:	
Constitutional guarantees.....	973, 1895, 2181–82, 2187–91
Loyalty oaths.....	1204–05
Capital punishment:	
Constitutionality.....	1717, 1719, 1721–23, 1725–50
Diminished capacity:	
Intellectual Disability.....	1740–42

Capital punishment—Continued	
Diminished capacity—Continued	
Juveniles.....	1742–44
Habeas corpus, limitations on review.....	1745–50
Harmless error review.....	1732
Individualized consideration.....	1727–31
Judge, imposition of death penalty by.....	1632, 1723–24
Jurors opposed to death penalty, exclusion.....	1640–43, 1720
Jury factfinding role.....	1725
Limited discretion, jury guidance.....	1723, 1725
Methods of Execution.....	1734–37
Murder, punishment for.....	1722–23
Procedural requirements, aggravating and mitigating facts.....	1725–34
Proportionality.....	1750–56
Racial discrimination, statistical disparity in imposition.....	1744–45
Rape, punishment for.....	1737–38
Standards, legislative.....	1725–30
Unintended taking of life, felony murder.....	1738–39
Victim impact evidence.....	1733–34
Capitol grounds, Washington, picketing on.....	1332
Carriers:	
federal regulation, ICC.....	192–93
state regulation, taxation, commerce clause.....	242–56, 258–67
Cases and controversies, federal courts:	
Actual disputes, requisite to.....	723–26
Adverseness of parties.....	727–28
Collusive, feigned suits.....	728–29
Mootness.....	765, 767–70
Real interest of litigant.....	756–57
Ripeness.....	762–65
Standing.....	730–46, 748–56
Stockholder suits.....	729–30
Taxpayer suits.....	732–35
Cell Phones:	
Searches of.....	1422, 1424
Censorship. <i>See</i> Speech and press, freedom of expression.	
Census.....	122–24
Child labor, state, federal bans.....	215, 218–19, 1770, 1852
Children:	
Corporal punishment, schools.....	1759–60, 1955, 1974–75
Custody, control, natural parent.....	1975, 2012, 2179–80
Exposure to nudity, indecency, protection from.....	1313, 1316, 1324–27
Illegitimates.....	2176–81
Pornography, use of children in.....	1320–23
Sex crime victim, testimony.....	1657–59
Cigarettes, state regulations, advertising.....	278–79, 1265
Citizenship:	
Corporations not citizens.....	1831
Definition.....	1829–32
Denaturalization, expatriation.....	309–10, 312, 1831–32
Desertion in time of war, loss of citizenship.....	309–11, 1630
Discrimination between natural-born and naturalized.....	307–09
Diversity cases.....	856–59

Citizenship—Continued	
Marriage to foreign citizens, loss of.....	310, 1831
National, state citizenship, distinction.....	1830
Naturalized citizens, classes, privileges, etc.....	301–10, 312
Privileges and immunities of.....	1832–34, 1836
Renunciation of.....	309–10, 312
Slaves, former slaves.....	1829–31
Voting in foreign elections, loss of.....	310–12, 1831
Civil commitment, institutionalization.....	1954–57, 2063–65
Civil rights. <i>See also</i> Racial discrimination:	
Jurisdiction of federal courts.....	811–12
Private discrimination, federal power over.....	229–30, 1817–19, 2065–67, 2228–32
Regulation under commerce power.....	229–30
Civil trials, juries in.....	1691–1700, 1702–05
Civil War:	
Habeas corpus suspension.....	386
Prize cases, legality of blockade.....	348–49
Clear and present danger.....	1156–57, 1159–68, 1175–76
Cloture.....	134–35
Coal, federal regulation, mining.....	204–05, 1597
Coastal zones:	
Ownership of minerals in.....	982–83
State regulations of use.....	234–35, 248, 971–72
Coining money, congressional power.....	323–25
Collective bargaining, governmental promotion.....	203–08, 1855–58
Comity, accommodation between federal-state judicial systems.....	893
Comity clause. <i>See</i> Privileges and immunities of state citizens.	
Commandeering of state government.....	1029–31
Commerce. <i>See</i> Interstate Commerce; Foreign Commerce.	
Commerce Court.....	666–67
Commercial speech and First Amendment.....	1265–75
Common law, federal.....	859, 861–66
Communications industries, governmental regulation.....	1279–85
Communist Party:	
Compelled registration of.....	1200, 1522–23
Disqualification for membership in.....	1201, 1203–04
Punishment for membership in.....	1200–01
Commuters, taxation.....	975
Compacts among States.....	447–51
Company town, free speech in.....	1340–42
Compensation Clause, compensation of judges.....	667–68
Competency to stand trial, criminal defendant.....	2041–44
Compulsory process, criminal trials.....	1659–60
Computers and privacy.....	1944–45
Condemnation. <i>See</i> Taking of property by government.	
Conditional spending, grants-in-aid.....	170–74
Confessions, due process, self-incrimination.....	1526–38, 1540–47
Confidentiality, restraint on publication.....	1310–11
Confrontation, administrative proceedings.....	1964, 1966
Confrontation of witnesses, criminal trials:	
Absent witness, prosecution responsibility to produce.....	1648–52
Background and purpose.....	1648–49, 1651
Confession, use at joint trial.....	1650–51

Confrontation of witnesses, criminal trials—Continued	
Cross-examination, relation to.....	1648, 1651–52
Hearsay rule, relation to.....	1648–49, 1651–57
Sex crime case, protection of child witness.....	1657–59
Witness plea of self-incrimination.....	1650
Congress (<i>see also</i> Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate):	
Adjournments, temporary.....	132
Appointing power of President, incursion on.....	568–69
Bills, how enacted, authentication.....	147–53, 781
Concurrent resolutions, uses.....	152–53
Congressional veto.....	153–56
Journal of proceedings.....	132, 136–37
Judicial direction, immunity, limits on.....	106–09, 138–45, 785–88
Members of Senate or House of Representatives:	
Appointment to civil office.....	145–47
Arrest, privilege from.....	138
Attendance, compulsion of.....	132
Compensation, intervening election before change.....	137–38, 2307
Conflict of interest.....	135–36
Discipline, punishment, expulsion.....	135–36
Elections, each House to judge.....	132–33
Elections, state, federal regulation.....	120–24, 126–31, 1229–45, 2250–52, 2255
Exclusion.....	116–19, 135–36
Expulsion.....	132, 135–36
Impeachment, inapplicable to.....	646
Incompatible offices.....	146–47
Ineligibility for certain offices.....	145–46
Qualification, when fulfilled, exclusivity.....	116–19
Service in military, reserves, National Guard.....	146–47
Speech or debate privilege.....	138–45
Standing to sue.....	750–53
Terms of office.....	111, 124–25, 2271–72
Powers denied:	
Attainder.....	387–91
Direct taxes.....	393–97
Export taxes.....	397–99
Ex post facto laws.....	391–93
Habeas corpus, suspension of writ.....	385–87
Port preferences.....	399
Titles of nobility.....	401
Powers generally:	
Admission of new states.....	981
Bankruptcy.....	318–23
Borrowing.....	175–76, 325–26
Census.....	122–24
Coining money.....	323–25
Consent to interstate compacts.....	449–50
Consent to state taxes on imports and exports.....	442
Consent to state tonnage duties, etc.....	446–47
Copyrights and patents.....	330, 332–33, 335–37, 339–41
Courts, establishment of inferior courts.....	341, 665–66, 875–78, 883–84
District of Columbia.....	372–76

Congress (*see also* Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate)—Continued

Powers generally—Continued	
Elections for House and Senate, regulation.....	126–31
Enforcement of Fifteenth Amendment.....	2248–52, 2255
Enforcement of Fourteenth Amendment.....	2227–40
Enforcement of full faith and credit among states.....	964–65
Enforcement of Nineteenth Amendment.....	2277
Enforcement of Thirteenth Amendment.....	1815–22
Enforcement of Twenty-fourth Amendment.....	2299–2300
Enforcement of Twenty-sixth Amendment.....	2305
Enforcement of Twenty-third Amendment.....	2297
Federal courts, establishment of inferior courts.....	875–78
Interstate and foreign commerce.....	176–77, 179–256, 258–75, 277–86, 288–301
Investigations.....	96–111
Legislative courts, establishment.....	670–72
Legislative jurisdiction over property.....	376–78
Legislative power generally.....	65
Militia.....	370–72
Naturalization and citizenship.....	301–10, 312–18
Necessary and proper legislation.....	378–80, 382–84
Nominations, advice and consent.....	521–22, 565–67, 576–77
Post offices and post roads.....	326–30
Presidential Electors, time for choosing.....	476
Public lands and territories, regulation and disposal.....	987–91
Punishment of counterfeiting.....	323–25
Punishment of piracies, offenses against law of nations.....	342–44
Punishment of treason.....	925–26
Spending and taxing.....	157–75
Supreme Court, appellate jurisdiction.....	869–79, 881–82, 884–87
Treaties, advice and consent.....	521–23, 528–31
War powers.....	344–70
Powers in relation to courts... ..	668–70, 672, 688, 709–12, 715–18, 872–79, 881–82, 884–87, 896–97
Powers in relation to Executive:	
Amnesty, pardon.....	521
Conduct of foreign relations, cooperation with President.....	600–08
Declaration of war.....	346–50, 496–97, 499–503
Demand for papers.....	587–95
Executive officers, control, direction of.....	577–87, 619–23
Imposition of binding obligations on.....	632–37
Impoundment.....	615–19
Investigations.....	98–99
Military forces abroad, congressional control of presidential discretion.....	496–97, 499–503
Removal powers, restriction.....	577–87
Veto, when effective, how overridden.....	149–56
Power to define constitutional rights.....	2232–40, 2250–52, 2255
Quorum, how computed, effect of absence.....	106, 133–34, 136, 152
Resolutions, etc., how made effective, status.....	152–53
Revenue bills, origin, amendment.....	147–49
Rules of procedure, determination.....	132
Yea-and-nay votes, entry into journal.....	132, 136–37

- Congress:
 - Cloture..... 134–35
 - Congressional districting. *See* House of Representatives; States.
 - Congressional employees, judicial direction of..... 111, 143–45
 - Congressional investigations. *See* Investigations, congressional.
 - Congressional Pay Amendment..... 137–38, 1000–04, 1006, 2307
 - Congressional veto..... 69–70, 153–56
 - Conscientious objection to military service..... 1112–13, 1127–28, 1557
 - Conscription, Selective Service..... 351–52, 1822
 - Conservation, state interests, effectuation..... 241–42, 260, 970–73, 1883–86
 - Constitution, amendment of:
 - Congress, proposal by..... 999
 - Convention, proposal by..... 1000
 - Judicial review of..... 998, 1004, 1006, 1011–14
 - President, approval not required..... 999
 - Ratification..... 1000–11
 - Referendum not valid means of ratification..... 1011
 - Scope of power..... 997–98
 - State withdrawal of ratification..... 1004–11
 - Time limits for ratification..... 1000–14
 - Constitutional fact, theory of, judicial review..... 884–85
 - Constitutional torts..... 643–44, 811
 - Contempt of Congress..... 109–11
 - Contempt of court:
 - Administrative agencies, enforcement of orders..... 705–06
 - Congress, power to restrict courts..... 696–97
 - Due process limitations on..... 700–05
 - Federal courts, powers of..... 694–706
 - First Amendment, limitations of..... 698–700, 1160–62
 - Impartial tribunal, right to..... 703–05
 - Injunctions, court orders, violations of as..... 705
 - Jury trial, right to..... 702–03, 1630
 - Pardoning power of President..... 518–19, 695
 - Punishment, limitations..... 694–96
 - Summary punishment, notice and hearing..... 700–01
 - Content regulation, First Amendment..... 1285–1316, 1318–28, 1330
 - Contingent legislation..... 82–83
 - Contraceptives, access to..... 1762, 1924–25, 1942–43, 1948–49
 - Contract, freedom of..... 1847–58
 - Contractors with Federal Government:
 - First Amendment protections..... 1222
 - state taxation..... 1036, 1038
 - Contracts, impairment:
 - by Federal Government..... 1577
 - by States..... 410–42
 - Convict-made goods, barred from commerce..... 1569, 1771
 - Copyrights and patents..... 330, 332–33, 335–37, 339–41
 - Corporal punishment in schools..... 1759–60, 1974–75, 1984
 - Corporations:
 - Chartered by Congress, basis of power, state regulation, taxation..... 383, 809, 1032–33
 - Charters, termination by State..... 1874–75
 - Charters, when contracts, immune from state impairment..... 418–23
 - Citizenship for diversity jurisdiction purposes..... 857–58

Corporations—Continued

Due process of law, protected as persons.....	1838
Due process of law, protected as “persons”.....	1552–53, 1837
Equal protection of law, entitled to.....	2082–83
Expression, rights of.....	1147–48, 1265–85
Foreign, appointment of agent for service of process.....	1991–92
Foreign, equal protection limitation on taxation, regulation.....	2083, 2105–06
Foreign, state control of admission, licensing, operation, taxation.....	246–47, 250–54, 261–64, 1875
Foreign, suability, service of process.....	936–37, 1990–96, 1998–2000
Stockholders’ actions, derivative actions, security for costs.....	2006
Suits by, state laws preventing, burdening.....	246–47
Costs, damages, penalties, state courts, due process.....	2008–11
Counsel, assistance of, civil proceedings.....	1966, 1968
Counsel, assistance of, criminal proceedings:	
Appointment of, right established in federal courts.....	1660, 1662
Appointment of, right established in state courts.....	1660–64
Arrest.....	1678–79
Background, basis.....	1660–61
Capital cases, special circumstances rule.....	1661–64
Commitment proceedings.....	1687
Critical stage analysis.....	1678–79, 1683–86
Custodial interrogation.....	1532–36, 1679–83
Defendant access to counsel.....	1669
Defendant right to self-representation.....	1677
Effective assistance of counsel.....	1668–69, 1671–74, 1676
Grand jury witness.....	1474, 1476
Lineups, identifications.....	1683–86
Misdemeanors.....	1664–65
Parole hearings.....	2057–60
Post-conviction proceedings.....	1686
Preliminary hearings.....	1678–79
Prison disciplinary hearings.....	2051–56
Probation revocation.....	2057–60
Retained counsel, right to.....	1665–66, 1668
Self-representation.....	1677
Summation of counsel, right to.....	1669
Waiver, standards.....	1662
Counterfeiting, punishment of.....	324–25
County governing bodies, apportionment.....	2192–94
County unit system, election of candidates, validity.....	2204–05
Courthouses, jails, picketing around.....	1332
Court of Claims.....	677–78
Court of Customs and Patent Appeals.....	669, 677–78
Courts (Federal):	
Abolition of by Congress.....	666–67
Accommodation with state courts.....	893, 895–99
Actual dispute requirement.....	723–26
Admiralty, maritime cases.....	186–89, 819–23, 825–35
Adverseness of parties required.....	727–28
Advisory opinions not rendered.....	688, 690, 724–25, 757–59
Ambassadors, ministers, suits affecting.....	818–19
Ancillary, inherent powers.....	694–723

Courts (Federal)—Continued

Appellate jurisdiction, congressional power.....	872–79, 881–82, 884–87
Attorneys in, admission, disbarment.....	722–23
Award of execution, necessity for.....	690–92, 759–60
Bankruptcy courts.....	680–82
Cases and controversies, attributes.....	725–26
Cases arising under Constitution, laws, treaties, federal questions.....	804–07
Cases between a State and citizens of another State.....	850–53
Cases between a State or its citizens and a foreign state or its citizens.....	867–69
Cases between citizens of different States; diversity jurisdiction.....	854–59, 861–66
Cases between citizens of same State claiming land under grants of different States...	867
Cases between States.....	843–49
Circuit courts.....	666–67
Civil rights statutory jurisdiction.....	811–12
Class actions in.....	769–70, 854
Collective bargaining agreements, suits on.....	809–10
Common law, federal.....	859, 861–66
Concurrent jurisdiction with state courts.....	887–93, 895–906, 908–19
Concurrent jurisdiction with Supreme Court of original jurisdiction matters.....	870–72
Congress, powers over.....	668–70, 672, 688, 709–12, 715–18, 872–79, 881–82, 884–87, 896–97
Contempt power.....	694–706
Corporations, citizens for diversity purposes.....	857–58
Declaratory judgments.....	690–92, 759–62
District of Columbia, citizenship of residents for diversity purposes.....	375, 855–56
District of Columbia, courts of.....	678–80
Diversity of citizenship jurisdiction.....	854–59, 861–66
Domestic relations cases in.....	857
Duty to decide constitutional cases.....	795–98
Executive privilege, judicial review.....	587–94
Exhaustion of state remedies.....	713–14, 895–96, 900–01
Federal question jurisdiction.....	804–09, 811–18
Foreign states, suing in, sued in.....	868–69
Immunity from state court restraint.....	892–93
Immunity from suit, foreign states.....	867
Immunity from suit, United States.....	838–39
Impeachment of judges.....	646–47, 650–52
Inferior federal courts.....	665–66, 875–76
Injunctions, judicial power, congressional control.....	628–29, 672, 715–18, 878–79, 896–97
Judgments, finality of, requisite.....	688, 690
Judicial review.....	788–89, 791–802, 804
Judicial self-restraint, rules of.....	795–802, 804
Jurisdictional amount.....	854–55, 875–76
Legislative courts.....	383–84, 670–75, 677–85
Mandamus, issuance by.....	707–09, 792
Nonjudicial functions, power of Congress to vest in courts.....	672, 688, 690–92, 757–59
Pendent jurisdiction.....	812–14
Political questions.....	544, 608–13, 657–58, 777–88, 992–93, 1001, 1005–06, 1011–14
President, discretionary acts, review.....	777–79
President, subordinates, power over.....	621–22
President, use of troops to enforce court orders.....	624–29
Probate cases in.....	857
Redistricting power of.....	2195–96, 2203–04

Courts (Federal)—Continued

Referees, masters, etc., appointment.....	721–22
Removal of state court cases to.....	383, 807, 809, 916–19
Retroactivity of decisions.....	771–73, 775–77
Rule making powers.....	81, 718–21
Specialized jurisdiction.....	668–70
Standing.....	730–46, 748–56
State court proceedings, restraint of.....	900–04
State law in.....	828–35, 859, 861–66
States, immunity from suits in.....	1781–82, 1784–1809
States, judgments against, enforcement.....	848–49
States, suits against by citizens of another State.....	850
States, suits against by United States.....	836–38, 1789–91
States, suits on behalf of citizens.....	851–53
Stockholder suits.....	729–30, 857–58
Suits between citizens of different States.....	854–59, 861–66
United States, suits to which a party.....	835–43
Writs and processes, congressional control.....	707–14, 896–97
Courts (State):	
Access to, due process, equal protection.....	2005–07, 2220–22
Admiralty, common law remedies.....	826–35
Autonomy of.....	888–93
Closure to public and press.....	1250–53
Concurrent jurisdiction with federal courts.....	887–93, 895–906, 908–19
Consuls, suable in, limitations.....	818
Discrimination through enforcement of private actions.....	2070–72
Disobedience of Supreme Court mandates.....	888–90, 1021
Federal courts, accommodation with.....	893, 895–99
Federal laws, duty to enforce.....	890–93, 1021–22, 1045–47
Immunity in, congressional conferral.....	1020, 1519–20
Indian reservations, crimes on, jurisdiction.....	985
Jurisdiction, how obtained.....	1985, 1987–96, 1998–2005
Naturalization of aliens in.....	301
Nonresidents, access to.....	818, 974–75
Nonresident witnesses, attendance.....	975
Removal of cases to federal court.....	383, 807–09, 916–19
Restraint of proceedings in by federal courts.....	900–04
Review of decisions in U.S. Supreme Court.....	814–18
Courts-martial, jurisdiction, review, due process.....	355–58, 366, 1565–66
Creationism, required teaching in public schools.....	1106
Crimes, federal:	
Congressional definition.....	93–95, 380, 382, 1616
Federalism limits.....	224–26
Crimes, infamous, how determined.....	1477–78
Criminal procedure, state, due process.....	2016–25, 2027–63
Criminal prosecutions, federal.....	1473–74, 1476–79, 1615–16
Criminal trials, federal, place of trial.....	1645–47
Cross burnings, First Amendment issues.....	1292
Cross-examination.....	1964, 1966
Cruel and unusual punishment.....	1714–17, 1719, 1721–23, 1725–54, 1757–60
Alcoholism, punishment as crime.....	1751–52
Background, interpretation.....	1714–16
Capital punishment.....	1717, 1719, 1721–23, 1725–50

Cruel and unusual punishment—Continued	
Citizenship, divestiture of.....	1716–17
Corporal punishment, schoolchildren, not applicable.....	1759–60
Drug addiction as crime.....	1751
Prison conditions.....	1757–59
Proportionality.....	1750–55
Recidivism statutes.....	1752–54

D

Death penalty. <i>See</i> Capital punishment.	
Debtor-creditor relations, due process.....	1968–69, 1980–82
Debt pooling, adjustment, banning of business.....	1882, 2112
Declaratory judgments in federal courts.....	383, 807–09, 916–19
Defamation:	
Free speech protections.....	1296–1305
Labor disputes, protection, state jurisdiction.....	293
Defenses in civil actions, limitations on, due process.....	2007–08
De jure/de facto distinction, state action.....	2068
De jure—de facto distinction, state action.....	2069
Delegation doctrine, legislative power.....	75–95, 361–62, 718–19
Deportation. <i>See</i> Aliens.	
Desegregation.....	2122–45
Detainers, observance of by other States, effect.....	951–52
Die, right to.....	1957–59
Disabled persons.....	1740–42, 1924, 1954–57, 2063–65, 2237–40
Disclosure, mandatory reporting.....	1182–83, 1191–92, 1200, 1521–25
Discovery, press, defamation cases.....	1303–04
Discovery in administrative proceedings.....	1966
Discovery in criminal proceedings.....	2029, 2031–35
Districting. <i>See</i> House of Representatives; States; Legislatures.	
District of Columbia:	
Background of clause.....	372–73
Citizens of, diversity jurisdiction.....	375, 855–56
Commerce of, congressional power.....	180
Courts.....	375, 855–56
“Home Rule”.....	373–74
Presidential electors, vote for.....	2297–98
Residents of, rights.....	375
Retrocession.....	373
Seat of government, congressional powers.....	372–76
Diversity jurisdiction, federal courts:	
Background, reasons for.....	854–55
Citizenship, how determined, natural persons, corporations.....	856–58
Citizens of District of Columbia.....	375, 855–56
Class actions in.....	854, 856
Law applied in.....	859, 861–66
Manufactured diversity.....	858–59
State, meaning of in clause.....	855–56
Divorce (<i>see also</i> Due process of law; Full faith and credit):	
Access to courts to obtain, filing fees.....	2220
Durational residency qualification.....	2207–08
Out-of-state decrees, full faith and credit.....	938–44
DNA testing.....	2050

- Domestic violence, protection of states against insurrection, etc..... 991–93
- Door-to-door solicitation, protections..... 1355–57
- Dormant commerce clause. *See* Interstate commerce, state powers.
- Double jeopardy:
 - Acquittal, re prosecution..... 1489–93
 - Application to States..... 1480–81, 1483
 - Civil punishments..... 1483
 - Collateral estoppel..... 1504
 - Conviction, re prosecution..... 1495–99
 - Dual sovereign doctrine..... 1481, 1483
 - Government appeals, when permitted..... 1489–97
 - Mistrials..... 1485–89
 - Offense, same, multiple, how determined..... 1499–1500, 1502–03, 1505
 - Punishment, multiple..... 1499–1501
 - Same evidence rule..... 1500–01
 - Same transaction test..... 1503, 1505
 - Sentences, increase after appeal..... 1497–99
 - State-municipal prosecution barred..... 1482–83
- Draft card burning..... 1209–10, 1357–58
- Dramatic productions, public, when protected..... 1209, 1328, 1330
- Dred Scott decision..... 1829–30
- Driver’s license, suspension, revocation..... 1969, 1982
- Drug testing..... 1442–46
- Dual federalism..... 157–58, 182–83, 226, 273, 1017–18, 1022–24, 1044–45
- Dual sovereign rule, double jeopardy, self-incrimination..... 1481, 1483, 1516–17
- Due process of law (Fifth Amendment):
 - Administrative proceedings, fair hearing..... 1556–59
 - Administrative proceedings, judicial review..... 1564–66
 - Aliens, entry, deportation..... 1560–62, 1564, 1569
 - Common law actions, abrogation..... 1579–80
 - Economic regulation..... 1570–72
 - Equal protection incorporated..... 1566–69
 - Hearsay..... 1648–49, 1651–52
 - Indians, governance..... 300–01
 - Legislative power, limitation on..... 1552–54
 - Notice and hearing..... 1556–59
 - Police power..... 1569–70
 - Procedural due process..... 1554–58, 1560–62, 1564–66
 - Public utilities, regulation..... 1570
 - Railroad regulation..... 1570–72
 - Retroactive legislation..... 1575–77
 - Retroactive taxation..... 1573–75
 - Segregation in District of Columbia schools..... 1567–68
 - States, not protected by against United States..... 1552–53
 - Substantive due process..... 1566–80
 - Takings, excessive regulation..... 1594–1611
 - Taxation..... 1572–73
- Due process of law (Fourteenth Amendment):
 - Abortion..... 1927–39
 - Application of Bill of Rights to States..... 1059, 1061, 1063, 1065–66
 - Business enterprises, rates, charges, conditions of service, etc..... 1858–63
 - Civil commitment..... 1954–57, 2063–65
 - Civil proceedings, jurisdiction, service of process..... 1964, 1985, 1987–96, 1998–2002

Due process of law (Fourteenth Amendment)—Continued	
Compelled services, expenditures by railroads, other corporations.....	1871–73
Confrontation and cross examination.....	1961, 1964, 1966
Counsel.....	1966–68, 2027
Criminal procedure.....	2016–25, 2027–63
Defenses in judicial proceedings.....	2007–08
Economic regulation.....	1841–47
Emergency conditions justifying summary process.....	1985
Enforcement, congressional powers.....	2227–40
Exculpatory evidence, prosecution required to disclose.....	2031–35
Family relationships.....	1951, 1953–54
Foreign Corporations, obtaining jurisdiction over.....	1992
Fraudulent business practices, regulation.....	1876–77
Government structure.....	1896
Guilty pleas, criminal proceedings.....	2044–45
Identification in criminal proceedings.....	1683–86, 2025
Impartial tribunal.....	1961–63, 2027–28
Judicial review of rate and service regulation.....	1861–66, 1868
Jurisdiction, state courts, requisites.....	1985, 1987–96, 1998–2005
Labor management relations.....	1854–58
Liberty, meaning, how determined.....	1840, 1974–77
Liberty of contract.....	1847–58
Marriage, protected status.....	1948, 1951–52
Natural resources, protection.....	1883–86
Nonresident of State, obtaining jurisdiction over.....	1990
Notice and hearing.....	1961–62
Parole, granting, revocation.....	2057–60
Personal liberties, substantive protection.....	1921–38, 1942–51, 1953–59
Person defined.....	1837–38
Plea bargaining.....	2044–45
Police power.....	1839–40, 1891–95
Police power, exercise as property taking.....	1839–40
Presumptions.....	2035–41
Prisoners, discipline, transfer.....	1976–77, 2051–56
Privacy, protected interest.....	1942–51
Process, service of.....	2004–05
Proof of crime.....	2035–41
Property, meaning, how determined.....	1839–40, 1968–74
Prosecutorial misconduct.....	2031–35
Public utilities, regulation.....	1869–74
Railroads, rate, safety regulation.....	1869–74
Real property, ownership, rights.....	1887–91
Record, findings based on.....	1966
Reputation, as protected interest.....	1971, 1975–76
Requirements of due process.....	1961–64, 1966–68
Sentencing.....	2046–49
Taxing, state power.....	1896–1921
Timing of review: pre-deprivation or post-deprivation.....	1978–85
Vagueness in criminal statutes.....	2018–24
Zoning.....	1887–89
Durational residency requirements.....	2183, 2205–09

E

Economic controls, wartime, peacetime.....	358-61
Economic regulation, due process, equal protection.....	1841-66, 1868-95, 2102, 2104-08, 2110-11, 2115-16
Education, right to:	
Aliens, illegals, barred.....	2095, 2160-63, 2223-24
Fundamental interest, not.....	2222-24
Property tax funding, unequal spending.....	2222-24
Religious, public aid.....	1081-1101
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.....	2186-87
Access to ballot, independent candidates, parties.....	2187-91
Apportionment and districting.....	112-14, 122-24, 2191-94, 2197-2204, 2224-25
Campaign contribution limitations.....	1191-92, 1229-45
Congressional power to regulate.....	126-33, 2232-36, 2248-55
Corporations, spending limits.....	1238-45
Expenditures limitations.....	1229-45
Presidential, congressional powers over.....	476-80
Property qualifications.....	2187
State officers, federal use of, penalty.....	129
Elections:	
Apportionment and districting.....	2194
Electoral College.....	476-82
Appointment of Electors by States.....	477-79
District of Columbia, electors from.....	2297-98
Independence of Electors.....	480-82
Separate votes for President, Vice-President.....	1812
Electronic surveillance, search and seizure.....	1446-53
Emancipation Proclamation.....	1815
Emergencies:	
Martial law.....	363, 506-14
National Emergencies Act.....	496
Presidential power generally.....	486-97, 499-503
Price controls, injunctions.....	717-18
Steel seizure case.....	464-65, 632-37
Wartime, duration.....	494-96
Emergency Court of Appeals.....	669, 717-18, 879
Eminent domain. <i>See</i> Taking of property by government.	
Emoluments.....	401-02, 484-85
Employment, public:	
Discharge, interest in retaining, when protected.....	1204-08, 1215-24, 1969-74
Loyalty oaths.....	1177, 1179, 1204-08
Patronage systems.....	1190-91
Political activities.....	1212-15
Residency requirements.....	2209
Speech rights.....	1215-24
Unions, dues systems, objectors.....	1192-96
Enemy aliens.....	368
Entanglement. <i>See</i> Religion, Establishment Clause.	
Enterprise concept, FLSA coverage.....	210
Entitlements, procedural protections for.....	1961-64, 1966-68, 1970-77
Entrapment.....	1493, 2024-25

Enumerated powers.....	73–75
Environment, legislation protecting.....	187, 221–22
Equal footing doctrine, admitting States to Union.....	981–85
Equal protection of the laws:	
Affirmative action.....	2145–57, 2172–74
Alienage.....	1569, 2091–92, 2095, 2157–63
Apportionment and districting.....	2099–2101, 2191–94, 2197–2204
Ballot, racial distinction on.....	2144–45
Ballots, access to, candidates, parties.....	2187–91
Compelling state interest doctrine.....	2089–95
Criminal laws.....	2119–21
Disparate impact discrimination.....	2096–2101
Economic legislation, classification.....	2110–11, 2115
Education, not a fundamental interest.....	2222–24
Education, racial discrimination in.....	2122–36
Electoral process.....	2181–94, 2197–2205
Enforcement, congressional powers.....	2227–40
Federal power, restrained by concept.....	1566–69
Fundamental interests.....	2181–94, 2197–2205
Housing, racial discrimination in.....	2141–42
Illegitimacy.....	2176–81
Indigency.....	2213–24
Intent, need to prove for disparate impact discrimination.....	2096–2101
Judicial system, racial discrimination in.....	2144
Juries, racially discriminatory selection.....	2137–41
Marriage, family.....	2143–44, 2209–11
Motive vs. effects test.....	2096–2101
Persons protected.....	2082–83
Police power regulations.....	2102, 2104–08, 2110–11, 2115–21
Property tax assessments.....	2110
Public accommodations, racial discrimination.....	2144
Public facilities, racial discrimination.....	2143
Racial classifications, discrimination.....	2121–57
Rational basis review.....	2084, 2086–89
Rational basis standard of review.....	2089
Sex, classification by.....	2163–76
Social welfare legislation.....	2118–19
State action.....	2065–82, 2228–32
Strict scrutiny review.....	2089–95, 2148, 2150–52, 2186, 2197, 2222
Tax laws.....	2102, 2104–08, 2110
Equal Rights Amendment.....	2165
Equal time, broadcasters, newspaper right to reply.....	1279–83
Erie doctrine.....	861–66
Espionage laws.....	1142–44, 1197, 1362
Establishment. <i>See</i> Religion, freedom of.	
Ethics in government, financial disclosure, etc.....	575–76
Evolution, teaching in public schools.....	1106
Excessive bail.....	1709–13
Excessive fines.....	1713–14
Exclusionary rule:	
Confessions.....	1547–49
Search and seizure.....	1453–66, 1469–70

Executive agreements:	
Arbitration agreements.....	552
Binding effects internationally.....	557-58
Congress, prior authorization of.....	549-51
Disposition of United States property by.....	551
Domestic effect of.....	558-60
President, conclusion solely on own authority.....	553-57
Trade agreements.....	550-51
Treaties, authorization by.....	552-53
United Nations Charter.....	552-53
Executive orders.....	632-37
Executive power. <i>See</i> President, powers.	
Executive power:	
removal.....	70
Executive privilege.....	587-95
Ex parte injunctions, expression.....	1152-54, 1335
Expatriation.....	309-10, 312, 1831-32
Exports.....	212-15, 397-98, 442, 444-45
Ex post facto laws:	
Criminal laws, restricted to.....	391
Defined, Congress not to pass.....	391
Denial of future privileges.....	406-07
Deportation.....	392
Extradition, relation to.....	391
Oaths as.....	404, 406-07
Procedure, changes in.....	393, 409-10
Punishment, changes in.....	392-93, 407-09
Punishment, what constitutes.....	392-93
States not to pass.....	404-05
Exposure, purpose of legislative investigation.....	101-02
Expression. <i>See</i> Speech and press, freedom of expression.	
Expropriation of property of United States citizens abroad.....	629-31
Extradition, fugitive from one State to be returned by another.....	977-80
Extraterritoriality.....	1383, 1615-16
F	
Fair Labor Standards Act.....	208-10, 886, 1028, 1770
Fairness doctrine, broadcasting equal time.....	85, 1279-82
Fair trial-free press conflict.....	1152-53, 1250-53, 1621-24
Family interests, protected.....	1948, 1951, 1953-54, 2143-44, 2209-11
Featherbedding, prohibition, validity.....	1822
Federal common law.....	859, 861-66
Federal Employers Liability Act.....	195, 1703-05, 1795
Federalism:	
Anti-commandeering rule.....	1029-31
Commerce power.....	182-83, 219-31
Enforcement of Fourteenth Amendment.....	2232-40
Intergovernmental tax immunity.....	159-61
Spending power.....	170-74
State sovereign immunity, suits in federal court.....	1781-82, 1784-1809
Supremacy Clause and Tenth Amendment.....	1022-31
Federalist Papers.....	116-18, 167, 231-32, 344, 373, 522, 602, 1045-46
Federal lands, congressional powers.....	987-90

Federal question jurisdiction, federal courts:	
Admiralty and.....	833-35
Civil rights statutes and.....	811-12
Corporations chartered by Congress, jurisdiction.....	809
Defined.....	805-07
Jurisdictional amount.....	644, 811-12
Pendent jurisdiction.....	812-14
Protective jurisdiction.....	814
Removal from state to federal court.....	807-09
Specialized federal jurisdictional statutes.....	809-10
Felony-murder, death penalty for.....	1738-39
Fighting words, proscription, protection.....	1290-92
Filing fees:	
Bankruptcy.....	2220-21
Candidacy, political rights.....	2187-88, 2218-19
Civil actions, commencement.....	2006-07, 2220-22
Criminal appeals, post-conviction relief.....	2214-17
Divorce.....	2220-21
Filled milk, prohibition.....	1569
Fines, excessive.....	1713-14
Fingerprints, criminal investigation.....	1390
Fingerprints, criminal investigations.....	1392, 1408, 1417
Firearms. <i>See</i> Gun control.	
Fish and game, state laws conserving.....	971-72, 1885-86
Flag desecration.....	1358-60
Flag salute, compulsory.....	1127, 1176-77
Fleeting Expletives.....	2020
Flood control, federal regulation.....	189-91
Food and drugs, federal, state regulation.....	214, 260-61, 1891-92, 2112-13
Food stamps, eligibility.....	2013-14
Foreign commerce:	
Federal law.....	183-85, 212-15
State law.....	267-70
Foreign relations.....	600-13
Forfeiture.....	1154, 1836, 1892, 1919, 2003-04
Limit on punishment for treason.....	925-26
Foster families, due process protection.....	1953
Freedom of. <i>See</i> Association, Contract, Speech, etc.	
Free Exercise Clause. <i>See</i> Religion, Free Exercise.	
Fugitives, interstate rendition.....	977-80
Full faith and credit:	
Adoption decrees.....	950
Alimony, child custody decrees.....	946-48
Common law, statutory, constitutional, scope of recognition.....	952-53, 955-62
Congress, power to effectuate.....	930, 964-65
Corporations, foreign, suits against.....	958-60
Corporations, suits against, stockholders, creditors, policyholders, law applied.....	956-57
Divorce decrees, domicile.....	938-49
Fraternal benefit societies, foreign suits.....	957-58
Fraud, defense, enforcement foreign judgments.....	952
Garnishment decrees.....	950-51
Judgments, effect in forum State, limits.....	930-38
Judgments, foreign courts.....	965

Full faith and credit—Continued

- Judgments, jurisdiction required, enforcement..... 934–38
- Judgments, penal, limit on enforcement..... 951–52
- Probate decrees..... 949–50
- Statutes of limitations, foreign judgments..... 962
- Stockholder’s liability, law applied by forum..... 956–57
- Taxes, judgment for, enforcement..... 951
- Tort and contract actions, law applied..... 960–62

Fundamental rights:

- Abortion..... 1927–39
- Bill of Rights, selective incorporation in due process..... 1059, 1061, 1063, 1065–66
- Education not fundamental right..... 2222–24
- Marriage, family..... 1923–24, 1951, 1953–54
- Petition, right to..... 1361–63
- Poverty, relation to fundamental rights..... 2213–24
- Privacy..... 1942–51
- Review standard, strict scrutiny..... 2090–95
- Speech and assembly..... 1156
- Strict scrutiny review..... 2089
- Travel..... 2183, 2205–09
- Voting, political rights..... 2183–94, 2197–2205

G

- Garbage, state restriction on interstate movement..... 261–62
- Garnishment..... 950–51, 1878
- Gasoline stations, integrated operations, state regulation..... 264
- Gender discrimination. *See* Sex discrimination.
- General welfare, spending for..... 166–75
- Geographic distinctions in regulatory laws..... 2113
- Gerrymandering:
 - Partisan..... 114, 2194, 2198–2201
 - Racial..... 2145, 2197–2204, 2247, 2252–55
- Gifts from foreign state, prohibition on accepting..... 401–02
- Good Behavior Clause, judges..... 646–47, 664
- Government speech doctrine..... 1263–64
- Grand jury:
 - Indictment by, Federal cases, exceptions..... 1473–74, 1476–79
 - Indictment by, States..... 1474
 - Investigative function of..... 1474, 1476
 - Selection of, nondiscrimination..... 1477, 2137–41
 - Witnesses before, rights..... 1474, 1476
- Group libel laws..... 1294–96
- Guarantee Clause..... 991–93
- Guilt beyond reasonable doubt..... 2035–37
- Guilty pleas:
 - Acceptance of, waiver of rights, circumstances..... 2044–45
 - Plea bargaining..... 2044–45
- Gun control..... 1367–71
- Gun-Free School Zones Act..... 223–25, 1772

H

- Habeas corpus..... 713
 - Appeal, not substitute for..... 714
 - Congressional control over..... 385–87, 709–12, 874–75, 881–82, 884–85

Habeas corpus—Continued	
Constitutional issues reviewable.....	709–12, 905–06, 908–16, 1462–63
Courts-martial, habeas review of convictions.....	357–58
Custody, meaning.....	713–14
Exhaustion of State remedies.....	714, 906, 908–14
Innocence, relevance to issuance of writ.....	910, 912–14
Post conviction relief, Federal prisoners.....	710–11, 713–14
Res judicata, inapplicability.....	906–07
Review, retroactivity of constitutional decisions.....	772–73
Statutory authorization for, necessity.....	709–11
statutory limitations.....	881
Suspension of writ.....	385–87
Use to effect goals other than release.....	710–11
Harmless error.....	1513, 1642, 1650, 1685, 1729, 1732, 2029
Hatch Act.....	1213–15, 1762
Hate crimes, hate speech.....	1294–96
High crimes and misdemeanors. <i>See</i> Impeachment.	
Highways, State, use in interstate commerce.....	248, 265–66
Historic sites, landmarks, preservation.....	1599
Hit and run statutes, compulsory stop and identification.....	1524–25
Homes:	
privacy in.....	1319–21, 1945–47
protection from searches.....	1377–78, 1410–14
regulation of solicitors, canvassers.....	1355–57
Homosexuals, constitutional protection.....	1947–50, 2211–13
Hostile audience, effect on right of expression.....	1335–36
Hours of labor. <i>See</i> Labor-management relations.	
House of Representatives (<i>see also</i> Congress; Elections):	
Apportionment of seats in.....	122–24
Reduction for denial of suffrage.....	2225
Districting for election to:	
Congressional regulation.....	126–31
Equally populated districts required.....	112–14
Impeachment, powers.....	124, 644–46, 648–57
Revenue bills originate in.....	148–49
Vacancies in, election to fill.....	124
Housing discrimination.....	230, 2070–72, 2097–98, 2141–42
Hydroelectric power, federal development.....	189–91

I

Illegitimacy, classification, discrimination on basis of.....	2091–92, 2176–81
Immigration and naturalization. <i>See also</i> aliens.	
Denaturalization.....	306–09
Deportation.....	317–18, 361, 1560–62, 1564
Enemy aliens.....	368
Entry, exclusion, grounds.....	301–03, 312–17
Expatriation.....	309–10, 312
Naturalization.....	301–10, 312
Preemption of state regulation.....	301, 315
Immigration and naturalization:	
Denaturalization.....	1831
Deportation.....	1203
Entry, exclusion, grounds.....	1210–11

Immigration and naturalization—Continued	
Expatriation.....	1831–32
Immunity from suit:	
Federal officials.....	642–44, 841–42
Foreign States.....	867–69
Government corporations.....	842–43
President.....	638–40, 642
State judges.....	1804–05
State officers.....	1800–09
Prospective injunctive relief.....	1806–09
Tort liability.....	1809
States.....	1781–82, 1784–1809
Abrogation by Congress.....	1796–1800
Waiver of immunity.....	1794–96
United States.....	838–39
Immunity:	
Self-incrimination, grant of to compel answers.....	1517–20
State courts, federal power to grant in.....	1020, 1516–19
Impairment of contracts. <i>See</i> Contracts, impairment.	
Impartial jury, criminal trials, right to.....	1637–45
Impeachment:	
Chief Justice, when presides at trial.....	126, 644–45
Criminal prosecution before or after.....	654
Grounds for—high crimes and misdemeanors.....	648–50, 656–57
Abuse of power.....	656–57
Criminal offenses.....	653–55
Judges, subject to.....	646–47
Judgment on conviction: removal, disqualification.....	126
Judicial review, political question.....	657–58
Officers subject to.....	645–46
Impeachment of witnesses in criminal trials, use of otherwise inadmissible evidence.....	1462, 1546–47
Pardoning power of President inapplicable.....	517
Implied powers. <i>See</i> Necessary and proper legislation.	
Imports and exports.....	212–15, 397–98, 442, 444–45
Impoundment of appropriated funds.....	615–19
Income tax.....	2259–69
Incompatible offices.....	146–47
Incorporation doctrine, Bill of Rights.....	1059, 1061, 1063, 1065–66
Indecent speech, broadcast.....	1282
Independent counsel.....	71, 584–86, 654, 656
Indians. <i>See</i> Native Americans.	
Indictment. <i>See</i> Grand Jury.	
Indigency:	
Abortion.....	1932–33, 2224
Access to courts.....	2220, 2222
Candidacy, voting rights.....	2218, 2220
Criminal appeals.....	2216–17
Criminal sentences.....	2217–18
Educational opportunity.....	2222, 2224
Equal protection standard for classifications.....	2091, 2095
Information, citizen access.....	589–91
Informers, criminal investigations.....	1402–04

Inherent powers.....	462–65, 632–37, 720–21
Initiative and referendum:	
Judicial review, racial discrimination.....	2072–73, 2142
Override of zoning variances.....	1889
Super-majority for adoption.....	2205
Injunctions:	
Congressional power over issuance.....	627–29, 715–18, 878–79, 896–97
Declaratory judgments and.....	761–62, 902–04
Enjoining federal statutory enforcement.....	715–18, 878–79
Labor disputes, Norris-LaGuardia Act.....	717, 878–79, 1857
Restraining expression, ex parte proceedings.....	1152–53, 1335
State court proceedings, restraint of.....	900–04
Innocence, presumption of.....	2035–41
Insanity:	
Commitment following acquittal by reason of.....	2042–43
Proof, burden, standard.....	2037, 2041–42
Trial, sentence, execution.....	2041–44
Instructions in criminal trials.....	2029
Insular cases, Constitution abroad.....	363
Insurance, federal, State regulation.....	178–79, 240, 1879–81, 2103
Intellectual Disability.....	1740–42
Intergovernmental tax immunity.....	159–61, 1768–69
International agreements without Senate approval. <i>See</i> Executive agreements.	
International law:	
Offenses against, powers of Congress as to, triable by military commissions... ..	342–44, 365
President as enforcer of.....	629
Private international law, as basis for full faith and credit.....	929–30
Prizes of war, application to.....	365
Internet.....	1324–27, 1338–39
Interstate Commerce Commission.....	189, 192–94
Interstate commerce:	
Congressional powers.....	176–77, 179–231
Activity versus Inactivity.....	227–28
Agriculture as commerce.....	204, 221
Civil rights.....	229–30
Criminal law.....	227, 230–31
Cumulative effects.....	180
Depression, 1930s legislation.....	203–12
Federalism limits on.....	182–83, 219–31, 1022–31
Interstate vs. foreign commerce.....	183–85
Intrastate actions “affecting” commerce.....	179–80, 221–27, 229–31
Labor relations.....	194–95, 203–10, 290–96
Manufacturing as commerce.....	178–79, 197–200, 203–04
Mining as commerce.....	178–79, 200–01, 221–22
Navigation, waterways, flood control.....	186–91
Prohibition of commerce.....	183, 212–18
Tariffs.....	213–15
Transportation.....	191–97
Federalism limits on.....	1773–77
State powers, taxation and regulation.....	231–56, 258–70
Balancing test, modern standard.....	258–60
Congressional authorization of impermissible state action.....	238–42
Dormant commerce clause (burdens on commerce).....	231–38

Interstate commerce—Continued	
State powers, taxation and regulation—Continued	
Foreign commerce.....	183–85, 267–70
Regulation of commerce.....	246–49, 258–67
State proprietary activity exception.....	238
Taxation of commerce.....	243–46, 250–56, 258, 245
Apportionment.....	246, 254–56
Benefit relationship.....	258
Discrimination.....	245, 256, 258
Nexus.....	251–54
Interstate compacts.....	447–51
Intoxicating liquors:	
Equal protection, 21st Amendment and.....	2290–91
First Amendment, regulation of nude dancing in bars.....	2291–92
Prohibition, federal, adoption, repeal.....	2273–75, 2285
State regulation and interstate commerce.....	239–40, 257, 261, 2285–90
Wartime prohibition, federal.....	1771
Inverse condemnation. <i>See</i> Taking of property.	
Investigations, congressional:	
Bill of Rights, applicability to.....	106–09
Contempt sanction, source, procedure.....	109–11
Defenses of witnesses.....	102–09
Exercises of power:	
Investigation of Executive.....	98–99
Investigation of Members.....	99
Legislative purposes.....	99–102
Limitations on:	
Authorization, sufficiency of.....	102–03
Legislative power, extent.....	96–97
Pertinency of inquiry.....	102–06
Purpose.....	99–102
Quorum, lack of, effect.....	106
Involuntary servitude.....	1815–22

J

Jails, picketing of.....	1333
Japanese-Americans, relocation of, World War II.....	491–92
Jones Act.....	832–35
Journalist's privilege.....	1247, 1249–50
Judges, criminal trials, partiality.....	703–05, 1962, 2027–28
Judges, federal (<i>see also</i> Courts, federal; Supreme Court of the United States):	
Abolition of courts, provision for sitting judges.....	666–67
Article III judges, guarantees.....	646–47, 663–64, 677–78
Article I judges, lack of guarantees.....	670–75, 677–85
Bankruptcy judges, status.....	680–82
Compensation, guarantee, taxation.....	667–68
Impeachment of.....	646–47, 650–52
Legislative courts, status.....	670–75, 677–85
Tenure, removal, other than by impeachment.....	646–47, 664
Judgments, full faith and credit.....	930–52
Judicial power.....	686, 688, 690–94
Judicial process, when requisite of due process.....	1960–61

Judicial review:	
Avoidance of constitutional questions in.....	798–99
Clear mistake, rule of construction.....	799–800
Establishment, origin.....	788–89, 791–94
Excluded considerations in exercise of.....	800
Framers, views on.....	789, 791
Modes of Constitutional interpretation.....	795–97
National supremacy, importance of.....	794–95
Necessity of as due process right.....	1960
Preclusion by statute.....	885–86
Presumption of constitutionality.....	800–01
Self-restraint in exercise of.....	804
Stare decisis in.....	802–03
Judiciary Act of 1789.....	664–65, 696, 707–08, 710, 715, 790–92, 794, 804–05, 807–08, 814–15, 818, 826–27, 836, 854, 858–60, 862–63, 869, 871, 876–78, 916–17
Juries:	
Blue ribbon juries, validity.....	1638
Capital sentencing, exclusion of jurors.....	1640–43
Composition, size, unanimity of verdict.....	1626–29
Discrimination, racial, selection.....	1638–39, 2137–41
Impartiality requirement.....	1637–45
Vicinage requirement.....	1645–47
Women, exclusion, exceptions.....	1638–39
Jurisdiction:	
Corporations.....	936–37, 1990–96
Defined.....	686, 723–46, 748–65, 767–73, 775–88, 1985, 1987
Full faith and credit, jurisdiction prerequisite for.....	934–35
In personam.....	935–36, 1987–90
In rem.....	937–38, 1998–2004
State courts, how obtained.....	1985, 1987–96, 1998–2005
Jury service, paid time off private employment.....	1854
Jury trial, civil cases:	
Admiralty.....	827–28, 1696
Background of right.....	1691–92
Common-law cases, application.....	1694–98
Composition, size.....	1692
Courts in which applicable.....	1693–94
Directed verdicts.....	1702–03
Equity cases, no jury trial, exceptions.....	1698–1700
Function of.....	1692–93
Judge, role of, comment on evidence, etc.....	1700–01
Mixed equity-law cases.....	1698–1700
Racial discrimination, jury selection.....	2077–78
States, generally not bound.....	1693
Unanimity of jurors.....	1692
Waiver.....	1694
Jury trial, criminal cases:	
Application to States.....	1624–25
Background, rationale.....	1624–25
Capital sentencing, racial discrimination.....	2141
Civil proceedings.....	1629–30
Contempt trials.....	1630
Factfinding, elements of crime, sentencing factors.....	1630–37

Jury trial, criminal cases—Continued	
Impartiality, right to.....	1637–45
Absence of bias.....	1639–45
Representative cross section of community.....	1638–39
Voir dire, peremptory challenges.....	1643–45
Juvenile trials.....	1630
Petty offenses.....	1629
Place of trial, district in which crime committed.....	1645–47
Racial discrimination, jury selection.....	2078–79, 2137–41
Size of jury.....	1626–27
Unanimity requirement.....	1626–28
Waiver.....	1625
Just compensation.....	1586, 1588–89, 1591–94
Justiciability.....	723–46, 748–65, 767–73, 775–88
Juveniles:	
Death penalty.....	1742–44
offenders, processing of, due process.....	2060–63
Preventive detention.....	1712
K	
Ku Klux Klan Act.....	127, 2227
L	
Labor-management relations:	
Blacklisting, prohibition.....	1856
Child labor.....	181, 215, 1853
Compulsory arbitration.....	1856
Employer free speech.....	1277–78
Equal protection challenges to legislation.....	2115–16
Fair Labor Standards Act.....	208–10
Federal regulation.....	205–10
Freedom of assembly to discuss rights.....	1364
Hours, wages.....	1852–54
Hours of labor, women, hazardous occupations.....	1850–52
Injunctions, federal courts, labor disputes.....	878–79, 1856–57
Liberty of contract.....	1847–58
National Labor Relations Act.....	206–08
Picketing, regulation, free speech.....	1342–43
Preemption, federal-state power.....	290–96
Racial discrimination by unions.....	1857
Right-to-work laws, state.....	1857–58
Wages, payment regulated.....	1853–54
Wartime, regulation by President.....	492–93
Workers' compensation laws.....	829–35, 960–61, 1854–55
Labor unions:	
Dues money, use of by unions.....	1192–96
Governmental promotion, regulation.....	203–04, 1855–58
Officers, loyalty oaths.....	1164–65, 1180–81
Picketing, boycotts, speech.....	1342–43
Political activities of, limited.....	1247
Speech rights of members.....	1192–96
Unfair labor practices, state regulation.....	290–96
Landlord-tenant disputes, jury trials.....	1694–95
Leaflets, pamphlets, distribution, speech.....	1351, 1353–54

Legal tender. *See* money.

Legislative buildings, grounds, picketing..... 1332

Legislative courts..... 383–84, 670–75, 677–85

Legislative power. *See* Congress, powers.

Legislative veto. *See* Congressional veto.

Legislatures, state, apportionment and distributing..... 2191–94, 2197–2204

Lend-Lease Act..... 551, 607

Letters of marque and reprisal..... 344, 402

Libel. *See* Defamation.

Liberty of contract..... 1847–58

Limitations period. *See* Statutes of limitation.

Line item veto..... 156

Lineups, criminal identification procedures..... 1683–86, 2025

Literacy. *See* Voter qualifications.

Litigation, promotion of, carrying on, First Amendment..... 1183–84

Loan-sharking, federal prohibition..... 222–23

Lobbying, Government regulation..... 1246–47

Lochner era..... 1847–52

Logan Act..... 601–02

Loitering..... 2019, 2021–22

Longshoremen’s and Harbor Workers’ Compensation Act..... 831–32

Lotteries, barring from interstate commerce..... 216–17, 327–28, 1894–95

Loyalty oaths, constitutionality of..... 575, 764, 1204–08

Loyalty-security programs, government employment..... 574–75, 1180, 1204–08, 1216–17, 1558

M

Mail (*see also* Post Roads):

 Censorship, exclusion of materials..... 327–29, 1314–15, 1569–70

 Congress, powers as to..... 326–29, 1569–70

 Implementation of other powers..... 329

 Right to receive..... 328–29

 State regulations, taxes, affecting service..... 329–30

Marque and reprisal. *See* Letters of marque and reprisal.

Marriage:

 Contract clause, marriage contracts not within..... 431–32

 Fundamental right, privacy, attributes..... 1924, 1942–49, 1951, 1953–54, 2209–11

 Interracial ban, validity..... 1924, 2143–44

Married-unmarried persons, classification, validity..... 2119

Martial law, nature of, when invoked..... 363, 506–14, 626–27

Membership in organizations, disqualifications for, oaths related to, inquiries
 respecting..... 1180–84, 1200, 1204–09

Mental illness..... 1739–40, 1954–57, 2063–65

Mental retardation..... 1954–57, 2063–65

Military draft. *See* Conscription.

Military forces, use abroad to protect citizens, property..... 496–97, 499–503, 629–31

Military law..... 355–58, 1132–33

Militia:

 Powers of Congress as to..... 370–72

 Relation to right to bear arms..... 1367–71

 States, powers as to..... 371–72

Milk, price, purity, marketing..... 211, 1892, 2112–13

Miranda warning..... 1534–38, 1540–47

Miscegenation..... 1924, 2143–44

Money:

Bills of credit.....	175, 403
Coinage and borrowing power, relation.....	325-26
Coins, defacement, exportation, power of Congress.....	324
Counterfeiting.....	324-25, 380
Gold, currency, gold clauses in contracts, abrogation.....	175-76, 324, 1577
Legal tender, power of States as to.....	403-04
Legal tender, treasury notes as.....	175, 324, 382-83
State bank notes, federal tax on.....	382-83
Mootness in legal disputes.....	765, 767-70
Mortgages, state moratoria laws, validity.....	439-40
Motive vs. effects test of equal protection.....	2096-2101
Motor vehicles, regulation, taxation.....	248, 2107-08
Multimember electoral districts, validity.....	2197-2204
Multistate businesses, interstate commerce, taxation.....	250-56
Murder, death penalty for.....	1722-23

N

National Industrial Recovery Act.....	83-84, 203-04
National Labor Relations Act.....	206-08
National security. <i>See also</i> War:	
Electronic surveillance justified by.....	1451-53
Executive privilege.....	591-95
President, authority as Commander in Chief.....	486-97, 499-521
National security:	
First Amendment issues.....	1197-1201, 1203-10
National supremacy, scope of clause.....	794-95, 1017-36, 1038-45
Native Americans:	
Commerce with, congressional powers.....	296-301
Due process constraints on governance of.....	300-01, 547
Lessees of Indian lands, State taxation.....	1044
"Not taxed," counting for apportionment.....	121
State taxation of, reservation activities.....	296-99
Treaties with.....	296-97, 546-47
Tribes not foreign states.....	869
Naturalization. <i>See</i> Immigration and naturalization.	
Natural resources, state laws respecting.....	260, 970-73, 1883-86
Navigable waters:	
Admiralty jurisdiction.....	828
Congress, regulatory powers, improvement.....	186-91
Riparian ownership, governmental reservation.....	187-88, 1595-96
State ownership of land beneath.....	986-87
State regulation, validity.....	248
Navy. <i>See</i> Armed forces.	
Necessary and proper legislation.....	181-82, 378-80, 382-84, 534-36, 567-68, 707-08, 821-23
New Deal legislation, constitutionality.....	203-12
Newsgathering as commerce.....	178
Newspapers (<i>see also</i> Speech and press, Journalist's privilege):	
Contempt for publication.....	698-700
Exclusion from mails.....	328
Government regulation of business of.....	1275-78, 1282-83
Right of reply laws.....	1282-83
Search and seizure of newspaper offices.....	1249-50, 1407
Nobility, titles of, not to be granted, accepted.....	401-02

Noise, permissible state interest in limiting expression.....	1354
No-knock entrances to search.....	1410–11
Nonresident of State, obtaining jurisdiction over.....	1985, 1987–96, 1998–2005
Notice, civil proceedings.....	1961–62
Notice of accusation.....	1647–48
Nudity in films and theater, protected expression.....	1323–24, 1327–28, 1330

O

Oath of office, application, powers of Congress as to.....	1045–50
Oaths, loyalty, affirmative, disclaimer.....	1164, 1177, 1179–82, 1204–08
Obligation of contracts, States not to impair.....	410–42
Obscenity, pornography.....	1153–54, 1311–16, 1318–28, 1330
Oil and gas:	
Interstate transportation, production for interstate sale, federal, state powers.....	195–96
Rates, federal regulation.....	1570
State conservation laws.....	1883–84
Oil and Gas:	
State regulation, preemption.....	283
One person, one vote.....	112–14, 2191–94, 2197–2204
Opticians, ophthalmologists, regulation, classification.....	1883, 2112
Original jurisdiction.....	870–72
Original package doctrine.....	267–68, 443
Origination Clause.....	148–49
Overbreadth.....	1171, 1214–15, 1219, 1259, 1273, 1291

P

Packers and Stockyards Act.....	201
Pardons and amnesties.....	515–21, 882
Parens patriae suits by states.....	851–53
Parent-child relationship.....	1953–54, 2065
Parks, use of for expression, public forums.....	1331–32, 1336
Passports, denial, suspension, due process.....	1201–02
Patents and copyrights.....	330, 332–33, 335–37, 339–41
Patronage systems, validity under First Amendment.....	1190–91
Pendent jurisdiction.....	812–14
Pentagon Papers case.....	367, 1150
Penumbral rights protected.....	1762
Peonage, validity under Thirteenth Amendment, congressional power to abolish.....	1819–21
Peremptory challenges of jurors, racial discrimination.....	2138–40
Permit systems, parades, demonstrations.....	1333–34, 1336
Person:	
Due Process.....	1837–39
Fourth Amendment, persons covered by.....	1383
Privileges or immunities.....	1832–34, 1836
Petitioning Congress, right of.....	1362, 1833–34
Petitioning government, redress of grievances.....	1297, 1361–64
Pharmacies, regulation, right to advertise.....	1266, 1881–82
Picketing, free expression.....	1342, 1344–51
Piracy, power of Congress to define and punish.....	342–44
Plea bargaining, validity, safeguards.....	2044–45
Pocket veto.....	150–52
Police power:	
Federal, commerce clause basis.....	219–31, 1769–73
State, due process limitations.....	1839–40

Police power—Continued	
State, equal protection limitations.....	2110–11, 2115
State, federal restrictions on.....	215–18
Political activity as element of free expression.....	1187, 1189–92, 1212–15
Political parties, racial discrimination by.....	2073
Political question doctrine.....	545–46, 608–13
Political subdivisions, constitutional rights.....	1196
Poll taxes, qualification to vote, validity.....	2184, 2218, 2299–2300
Polygamy.....	1124–25
Pornography. <i>See</i> Obscenity, pornography.	
Portal-to-Portal Act.....	886
Port preferences, prohibition.....	399
Posse comitatus.....	624–26
Postal service. <i>See</i> Mail.	
Post Roads.....	326
Poverty, classification on basis of.....	2118–21, 2213–24
Preemption.....	87–88, 267–75, 277–86, 288–98, 321–23, 339–41, 1018–19
Preferred freedoms doctrine.....	1168–70
Pregnancy, classifications based on.....	2013, 2165, 2175–76
Presentation of bills and resolutions.....	152–56
President, powers:	
Appoint, remove officers, congressional power to limit.....	462, 472, 567, 569–87
Approval or veto of bills and resolutions.....	149–56
Commander-in-Chief.....	486–97, 499–514
Domestic disturbances in States, suppression.....	513–14, 993
Enforcement of law of nations.....	629
Envoys, special agents.....	565–67
Executive agencies, creation, status.....	490–91
Executive power generally.....	459–70
Exercise of, in person, by agents.....	619–23, 642–44
Faithful execution of laws, duty, powers.....	613–31
Foreign envoys, reception by President.....	600
Foreign relations, conduct of.....	600–13
Impoundment of appropriated funds.....	615–19
Legislative role.....	599–600
Martial law, declaration.....	506–14, 626–29
Pardons, amnesties.....	516–21
Protection of citizens and property abroad.....	497, 629–31
Recess appointments.....	595–99
Recognition of foreign governments.....	465–69, 604–07
Remove officers.....	462, 577–87
Seizure of factories.....	632–37
Subordinates, control, protection.....	577–87, 619–22
Veto, pocket veto, approval of bills.....	149–56
War.....	344–50, 486–97, 499–514
President:	
Cabinet as adviser of.....	514–15
Compensation, restriction on.....	484–85
Creation of office.....	457–59
Delegation of shared power to.....	88–90
Disability, inability.....	484, 2301–03
Election, electoral college.....	476–82
Executive agreements.....	548–60

President—Continued	
Executive orders.....	464, 469–74
Executive privilege.....	591–95
House of Representatives, when selects.....	1811–12
Presidential Recording and Materials Preservation Act.....	593
Immunity from judicial direction.....	591–95, 638–40, 642, 777–79
Impeachment of.....	644–45, 652–57
Messages to Congress.....	599–600
Oath of office, effect, time of.....	485–86
Papers, recordings.....	593–94
Qualifications.....	482–84
Succession to, vacancy.....	484, 2279–80, 2301–03
Term, tenure.....	474–75, 2279–82, 2301–03
Term limit.....	2295–96
Press, freedom of. <i>See</i> Speech and press, freedom of expression.	
Pretrial publicity.....	1152–53
Preventive detention.....	1711–12
Juveniles.....	1712, 2063
Price controls. <i>See</i> “Rent and price controls”.	
Primary elections, subject to federal regulation.....	129
Prior restraints, doctrine of.....	1148, 1152
Prisoners:	
Fourth Amendment rights.....	1440–41
Prison inmates:	
Access to courts.....	2053
Access to legal materials.....	2053
Basis of rights.....	2052–53
Conditions, cruel and unusual punishment.....	1757–59, 2052–53
Counsel, right to.....	2055
Discipline, transfers between prisons.....	2056
First Amendment rights.....	1133, 1253–57
News media access.....	1256–57
Parole, probation revocation.....	2057–60
Racial segregation of.....	2053
Religious freedom of.....	2052–53
Voting by.....	2186–87, 2225–26
Privacy:	
Abortion.....	1927–39
Contraceptive use protected.....	1762, 1924–25, 1942–43
Fourth Amendment protection of.....	1383–88, 1942–43
Home, protections in.....	1319–21, 1945–47
Marital, family rights.....	1951, 1953–54
Protection of limited by First Amendment.....	1305–07
Theories: informational privacy and personal autonomy.....	1942–51
Private bills.....	384
Private entities, validity of delegations to.....	90–92
Privileges and immunities of national citizenship.....	1364, 1832–34, 1836, 2228–32
Privileges and immunities of state citizenship:	
Access to courts.....	974–75
Access to resources, distinction between residents and nonresidents.....	970–73
Corporations, not eligible for protection of.....	969–70
Scope of.....	965, 967–68
Taxation, discrimination in.....	975–77

Prizes of war.....	365
Probable cause.....	1400-04
Probate:	
Federal courts and.....	857
Full faith and credit.....	949-50
Probation, parole:	
Due process.....	2057-60
Fourth Amendment rights.....	1442
Profanity, public, governmental power to proscribe.....	1290-91
Professional sports, interstate commerce.....	178
Prohibition, intoxicating liquors.....	2273-75, 2285
Proof of crime, burden.....	2035-41
Property, private. <i>See</i> Due process of law; Taking of property by government.	
Property power, congressional control of public lands, territories.....	987-91
Property qualifications for voters, candidates.....	2184-85
Property tax support of public education.....	2222-24
Prosecutorial misconduct, due process.....	2031-35
Public accommodations, racial discrimination.....	220, 229-30, 1818-19, 2144
Public employees:	
Search of offices.....	1440
Speech, political rights.....	1212-24
Public figures, defamation.....	1296-1307
Public forum.....	1331, 1333-39
Publicity:	
Prejudicial, criminal trials.....	2028
Right to personal.....	1309
Public lands.....	988-90
Public officers of the United States (<i>see also</i> President):	
Appointment, confirmation.....	567, 569-77
Commissions of, issuance.....	644
Creation, qualifications, conduct, congressional regulation.....	563-65, 567, 569-76
Disqualification for rebellion.....	2226-27
Foreign emoluments.....	401-02
Impeachment of.....	644-47
Inferior officers, employees.....	569-73
Loyalty-security programs.....	574-75
Political activities of.....	573-74
Recess appointments.....	595-99
Removal.....	577-87
Salaries, congressional termination in order to remove.....	388
Strikes by.....	574-75
Suits against, immunity.....	642-44, 839-42
Public property, legislative jurisdiction over.....	376-78
Public trials, right in criminal cases.....	1250-53, 1621-24
Public use, taking of property.....	1582-86
Public utilities, federal, state regulation, due process.....	1570, 1869-74
Puerto Rico.....	990-91, 2159
Punishment of crime, unequal sentences, disproportionality.....	1750-55, 2119-21
Punitive damages.....	1713, 2009-10

Q

Qualifications for office:	
Members of Congress.....	116-21, 125
President.....	482-84

Qualified immunity. *See* Immunity from suit.
Quorum, Congress, what constitutes..... 106, 133–34, 136, 152

R

Racial discrimination:
 Affirmative action..... 2145–57
 Capital punishment, discriminatory application..... 1744–45
 Commerce power as source of federal legislation..... 229–30
 De jure/de facto segregation..... 2068–69
 Disparate impact of facially neutral laws..... 2096–2101
 District of Columbia schools, Fifth Amendment..... 1567–68
 Enforcement of prohibition, congressional powers..... 2227–40, 2248–55
 Equal protection and race generally..... 2121–57
 Gerrymandering..... 2197–2204, 2247
 Intent to discriminate..... 2068, 2096–2101, 2132
 Jury selection..... 1638–39, 2137–41
 Labor unions..... 1857
 Political parties..... 2073, 2246, 2249
 Prisons..... 2053
 Public accommodations..... 229–30, 2144
 Segregation of schools..... 2122–36
 Suspect classification, equal protection..... 2089–91
 Voting..... 2243–55
Radio. *See* Broadcasting.
Railroad Retirement Act..... 205–06
Railroads (*see also* Carriers; Labor-management relations):
 Compelled services, expenditures..... 424–25, 1871–73
 Federal rate regulation, due process..... 1570–72
 Full crew laws..... 247, 1873
 Interconnection of tracks, authorization..... 192
 Intrastate rates, federal regulation..... 194
 Property, state taxation, apportionment..... 244
 Rate regulation, state..... 247, 1862–66, 1868
 Safety regulations..... 247, 1872–73, 1882
 State owned railroads, federal regulation..... 1023–24
Rape:
 child witness and defendant’s right to confrontation..... 1657–59
 Death penalty for..... 1737–38
 victim’s privacy interest..... 1307
Ratification of Constitution..... 1051
Rational basis standard of review..... 2084, 2086–89
Real property, state regulation, zoning, succession to..... 1596–1611, 1887–91
Reapportionment of congressional districts among states..... 122–24
Reasonable doubt standard..... 2035–37
Recess appointments..... 595–99
Recusal..... 1963–64
Redistricting, congressional districts..... 112–14, 2191–94
Redistricting, state legislative districts..... 2191–94, 2197–2204
Re-examination of jury factfinding..... 1701, 1705
Registration, compelled, self-incrimination..... 1522–24
Regulation, when a taking..... 1840
Religion, Establishment Clause..... 1080–1117, 1119–20
 Access of religious groups to public property..... 1107–08
 Bus transportation, parochial school students..... 1081–82, 1090–91, 1095–96

Religion, Establishment Clause—Continued	
Chaplains in Congress, armed forces.....	1113–14
Child benefit theory.....	1082–83, 1090–91
Church disputes, judicial role.....	1078–80
Colleges, universities, religious, assistance to.....	1098–99
Conscientious objection, military service.....	1112–13, 1127–28
Construction grants, colleges.....	1098–99
Delegation of governmental power to churches.....	1119–20
Entanglement test.....	1075, 1077, 1083–89, 1100
Evolution, teaching, public school, ban.....	1106
Exemption of religious organizations from general laws.....	1110–11
Financial assistance to church-related schools.....	1081–1101
Government observances.....	1113–14
Grants to religious organizations for public (e.g., social welfare) purposes.....	1100–01
Mandated school tests, etc, public purchase.....	1089
Neutrality.....	1078–80
Oaths as test for office.....	1204–05
Prayers, Bible readings, public schools.....	1102–06
Primary secular purpose and effect tests.....	1075, 1077, 1083–1101
Public property, use for religious displays.....	1114–18
Released time.....	1101–02
School supplies, loans to students.....	1087–88, 1090
Sunday closing laws.....	1111–12
Tax exemptions, religious property.....	1109–10
Textbooks, loans to private school students.....	1082, 1090
Religion, Free Exercise Clause.....	1120–38
Accommodation of religious practices.....	1121–22
Child labor laws.....	1123
Clergy, disqualification for public office.....	1138
Compulsory school attendance laws.....	1130
Compulsory vaccination.....	1123
Conscientious objection, military service.....	1112–13, 1127–28
Criminal law, general applicability, religious practices.....	1124
Flag salute, public schools.....	1127, 1176–77
General secular requirements, religious exemption.....	1127–37
Military regulations.....	1132–33
Neutrality.....	1078–80
Oaths, religious test.....	1137–38
Parks, other public places, use by religious groups.....	1127
Peyote use, criminal proscription.....	1124
Polygamy, bigamy.....	1123–25
Prison regulations.....	1133
Religious Freedom Restoration Act.....	1135–36
Social Security taxes, exemption denied.....	1130–31
Solicitation, proselytizing.....	1113, 1125–27
Sunday closing laws, exemption for non-Christian.....	1128
Unemployment compensation, denial to Sabbatarians, other religious objectors....	1128–30
Vouchers for private school education.....	1084–85, 1097–98
Religion, general principles:	
Background, history.....	1071–74
Belief-conduct distinction.....	1123–24, 1134–35
Conscience, freedom of.....	1071, 1073, 1120
Religious People characterization.....	1102

Religion, general principles—Continued	
Separation of church and state.....	1074–75
Relocation of Japanese Americans, WWII.....	491–92
Removal, power of President to remove officers.....	577–87
Removal of cases from state to federal court:	
Cases concerning federal officers, employees.....	917
Civil rights cases.....	917–19
Generally, validity, circumstances.....	383, 807–09, 916–19
States may not limit, burden.....	858
Removal power:	
retention by Congress.....	70
Rendition of fugitives, interstate extradition.....	977–80
Rendition of slaves.....	980–81
Rent and price controls.....	359–61, 669, 717–18, 1576, 1858–66, 1868
Reply, right of, newspapers.....	1282–83
Republican form of government, nature, scope.....	991–93
Reputation, protected interest.....	1296–97, 1300–05, 1975–76
Required records doctrine.....	1520–21
Reserved powers.....	1767–77
Residency, durational requirements.....	1836, 2205–09
Residency, state requirements generally.....	967–68, 2013
Residential picketing.....	1345
Restrictive covenant cases.....	746, 2070–72, 2141–42
Retroactivity, prospectivity of judicial decisions.....	771–73, 775–77
Retroactivity of legislation.....	1575–77
Revenue, bills for raising <i>See</i> Origination Clause.	
Reverse discrimination <i>See</i> Affirmative action.	
Right-privilege distinction.....	1203, 1215–17, 1969–70
Rights, public vs. private distinction.....	673–77
Rights. <i>See</i> entry describing nature of right (assembly, petition, etc.).	
Rights retained by the people, Ninth Amendment.....	1761–63
Right-to-work laws, state, preemption.....	291, 1857–58, 2116
Ripeness, justiciability.....	762–65

S

Safety regulations, preemption.....	273
Savings bonds, federal overriding of state regulations.....	1032–33
Schools, public. <i>See also</i> Education, Racial discrimination, Religion, Teachers:	
Busing for desegregation.....	2128, 2133–35
Bus transportation generally.....	2223–24
Compulsory public education.....	1224, 1923
Desegregation.....	2122–34, 2136
Evolution, creationism, teaching of.....	1106
Foreign language, ban on teaching.....	1923–24
Free speech in.....	1224–29, 1337
Prayers and religious exercises in.....	1102–06
School buildings, picketing of.....	1334
Searches of students in.....	1438–40
Schools, religious:	
Public aid to.....	1081–1101
Vouchers for use in attending.....	1084–85, 1097–98
Searches and seizures:	
Administrative inspections.....	1393–99

Searches and seizures—Continued

Airport stops.....	1420–21
Alcohol.....	1422
Alcohol, firearms inspections.....	1393–94
Arrests, other detentions:	
Lawfulness, when warrant required.....	1389–92
Search incident to.....	1421, 1424–27
Arrests, Search incident to.....	1422, 1424
Automobiles.....	1387–88, 1398–99, 1426–32, 1435–36
Background, scope.....	1377–83
Body searches.....	1408
Border searches.....	1435–36
Buses, search of passengers.....	1419
Business records, when protected.....	1409–10
Cell Phones.....	1422, 1424
Consent searches.....	1433–35
Contraband, evidence, property subject to seizure.....	1407–10
DNA Testing.....	1441
Drug testing.....	1442–46
Electronic surveillance.....	1384, 1446–53
Exclusionary rule.....	1453–66, 1469–70
Extraterritorial application.....	1383
Fingerprints, other objective evidence.....	1392, 1408
First Amendment considerations.....	1405–07
Fruit of the poisonous tree.....	1392
Government offices.....	1440
Grand juries, inapplicability of Fourth Amendment.....	1474–75
Habeas corpus, when search and seizure issues reviewable.....	910–11, 1462–63
Informants, tips, when sufficient for probable cause.....	1402–04
Interests protected.....	1383–88
Legislative investigations.....	109
Mere evidence rule.....	1407–08
National security electronic surveillance.....	1451–53
No-knock entrances.....	1411
Open fields doctrine.....	1436–37
Plain view doctrine.....	1437–38
Prisoners.....	1441
Prisons, probation.....	1440–42
Privacy, protection of.....	1383–88
Property, protection of.....	1383–84
Random stops, check points, automobiles.....	1398–99, 1435–36
Reasonableness, meaning.....	1379–82
Schools, searches of students, athletes.....	1438–40, 1444–45
Seizure of person.....	1417–19
Standing to contest search and seizure.....	1469–70
Stop and frisk (Terry stop).....	1414–21
Subpoenas, likened to search warrants.....	1409–10
Testimonial evidence, self-incrimination.....	1408–10
Thermal imaging.....	1385
Vessels, search of.....	1432–33
Warrants:	
Detention of Occupants During Search.....	1413
Exceptions to warrant requirement.....	1379–82, 1414–17

Searches and seizures—Continued	
Warrants—Continued	
Execution of warrants.....	1410–14
Issuance, neutral magistrate.....	1399–1400
Particularity in warrants.....	1404–07
Probable cause.....	1400–04
Use, obtaining.....	1379–82, 1399–1414
Wired informers.....	1433
Wiretapping.....	1384, 1446–53
Seat of government. <i>See</i> District of Columbia.	
Seditious libel.....	1140, 1142–43, 1289–90
Segregation. <i>See</i> Racial discrimination.	
Self-incrimination:	
Accusatorial system preservation, rationale.....	1505–07, 1533–34
Alibi defense, compelled pretrial disclosure.....	1515
Compelled waiver.....	1512
Compulsion required, nature of.....	1511–12
Confessions.....	1526–38, 1540–47
Corporations, privilege not available to.....	1509
Delay in arraignment.....	1527–28
Discharge from public employment for asserting privilege.....	1512
Dual sovereign rule.....	1516–17
Exclusionary rule.....	1533–34, 1547–50
Gambling, firearms, registration, reporting.....	1521–25
Hit-and-run reporting statutes.....	1524–25
Immunity grants to compel testimony.....	1517–20
Incriminating disclosures.....	1508–09
Infamy, harm to reputation, not protected.....	1515–16
Interrogation, police questioning.....	1526–38, 1540–47
Miranda warnings.....	1534–38, 1540–47
Constitutional status of requirement.....	1536–37
Public safety exception.....	1547
Waiver.....	1544–45
Presumptions.....	1515
Prison disciplinary hearings.....	1514
Privacy rationale.....	1507, 1525
Prosecutor’s comment on defendant’s failure to testify.....	1513
Registration requirements.....	1522–24
Reporting and disclosure requirements.....	1521–25
Required records doctrine.....	1520–21
States, privilege applicable in state courts.....	1516–17, 1528–32
Tax returns.....	1521–24
Testimonial disclosures, limited to.....	1510–11
Waiver.....	1512, 1544–45
Writings, compelled production.....	1510–11
Self representation in criminal proceedings.....	1677
Senate:	
Direct election of members.....	2271–72
Qualifications of members.....	125
Trial of impeachments.....	126
Sentencing, convicted criminal defendants:	
Appeals, corrective process.....	2049–51
Capital cases.....	1717, 1719, 1721–23, 1725–33, 1737–50

Sentencing, convicted criminal defendants—Continued	
Counsel, assistance of.....	1686, 2047–48
Deferred, probation, reimposition.....	2047–48
Disproportionate length.....	1750–55
Habitual offenders.....	1752–54, 2046
Insane defendants.....	2041–44
Jury sentencing, bifurcation, capital cases.....	1723, 1725
Presentence reports, disclosure.....	2046
Resentencing on retrial, limitations.....	2048–49
Sentencing Commission, delegation of authority to.....	71–72, 86
Separate but equal doctrine.....	2122–24
Separation of church and state. <i>See</i> Religion, general principles.	
Separation of powers, doctrine of.....	65–72, 79–81, 110–11, 138–39, 146–56, 344–50, 387–88, 410, 470–74, 489–90, 496–97, 499–503, 548–49, 553–57, 577–87, 591–95, 608–13, 615–19, 621–22, 632–40, 642–44, 657–58, 667–68, 670–72, 675, 680–82, 685–86, 777–88, 872–79, 881–82, 884–87
Severability of unconstitutional sections of statutes.....	801–02
Sex, materials about, pornography.....	1311–16, 1318–28, 1330
Sex discrimination:	
Age of majority.....	2167
Alimony.....	2168
Equal protection standards.....	2091, 2166–67
Government benefits.....	2170–71
Jury service.....	2167
Liquor regulations.....	2168
Military service.....	2171–73
Pensions, survivor's benefits.....	2170–71
Pregnancy.....	2175–76
Unwed fathers/mothers distinction.....	2168–70
Voting, women's suffrage.....	2277–78
Sexual orientation, discrimination on basis of.....	2211–13
Sexual privacy.....	1926, 1947–51
Sexual psychopath laws, commitment.....	1956–57
Shopping centers, picketing in.....	1340–42
Shreveport Doctrine.....	194
Sit-ins.....	1340
Slavery and involuntary servitude.....	
Abolition.....	1815–19
Citizenship of former slaves.....	1829–30
Peonage.....	1819–21
Prohibition inapplicable to jury duty, military service.....	1821–22
Public indemnification for loss or emancipation of slaves prohibited.....	2226
Rendition of fugitives.....	980–81
Slave trade permitted prior to 1808.....	384–85
State representation in House, Electoral College, three-fifths rule.....	121
Voting not to be abridged on basis of previous servitude.....	2243
Smith Act.....	1163–64
Social Security:	
Benefits, termination.....	1980
benefits, termination.....	1979–80
spending power.....	169–70
Soldiers, quartering in homes, prohibition.....	1373
Sound trucks, demonstrations.....	1354

Sovereign immunity. <i>See</i> Immunity from suit.	
Special prosecutor.....	582–83
Speech and press, freedom of expression:	
Absolutist view of protection accorded.....	1168–70
Adoption, background.....	1138–40, 1142–44
Advertising.....	1264–75
Advocacy.....	1143, 1154–57, 1159–60, 1163–64, 1175–76, 1197–1201, 1209–10
Anonymity, printed materials.....	1352–53
Antitrust laws, communications media.....	1278
Application to States.....	1138, 1142–44
Association, freedom of.....	1166–68, 1182–87, 1189–96
Balancing.....	1164–68
Beliefs, affiliation.....	1176–77, 1179–82, 1200–01, 1203–04
Benefits, privileges, withdrawal.....	1203–04
Books, periodicals.....	1153–54, 1265, 1314–15
Broadcast media, regulation.....	1279–82
Campaign finance restrictions.....	1191–92, 1229–45
Charitable solicitation, professional fundraisers.....	1355–56
Children.....	1224–29, 1313, 1316, 1320–27
Clear and present danger.....	1154–57, 1159–76
Commercial speech.....	1265–75
Communications industries, regulation.....	1279–85
Communist Party membership.....	1166–70, 1200–01, 1203
Confidentiality requirements.....	1310–11
Contempt of court.....	1160–62
Content of expression, limitation based on.....	1212, 1285–1316, 1318–28, 1330, 1333–36
Contributions, campaign funds.....	1191–92, 1229–45
Copyrights.....	338
Defamation.....	1147–48, 1296–1305
Disorder, unrest, speech result.....	1335–36
Door-to-door solicitation.....	1355–57
Draft card burning.....	1209–10, 1357–58
Elections.....	1188–92
Emotional distress tort actions.....	1308
Fairness doctrine, broadcasting.....	1279–80
Fair trials, press coverage.....	1152–53, 1250–53
False Statements.....	1305
Fighting words.....	1290–92
Flag desecration, burning.....	1358–60
Flag salute, compulsory, schools.....	1176–77, 1357
Government employment.....	1212–24
Employee speech generally.....	1215–24
Hatch Act, restrictions on political activity.....	1213–15
Patronage, associational rights.....	1190–91
Hate speech, group libel.....	1294–96
Hostile audience.....	1335–36
Importation.....	1210, 1315
Injunctions, ex parte.....	1152–53, 1335
Internet communication.....	1324–26, 1339
Labor relations.....	1192–96, 1247, 1277–78
Leaflets, pamphlets, distribution.....	1208, 1351, 1353–54
Least restrictive means test.....	1172
Legislative investigations.....	1208–09

Speech and press, freedom of expression—Continued

Libraries, schools, removal of books.....	1226–27
License taxes.....	1169, 1276
Licensing, professional, bar membership.....	1148, 1166–67, 1183, 1202
Litigation as expression.....	1183–84
Live performances, plays, nudity.....	1328, 1330
Lobbying.....	1246–47
Loyalty oaths.....	1164, 1177, 1179–82, 1204–08
Mails.....	1167–68, 1210, 1314–15
Membership, disclosure.....	1155–56, 1182–83, 1200–01, 1203–04
Motion pictures.....	1153–54, 1265, 1315, 1323–24, 1327–28
National security.....	1150, 1157, 1159, 1163–68, 1180–82, 1197–1201, 1203–11
Newspapers.....	1148–49, 1152–53, 1160–62, 1247, 1249–50, 1255–57, 1265–66, 1275–78, 1282–83, 1296–1305, 1310
Obscenity, pornography.....	1153–54, 1311–16, 1318–20
Obscenity—ideological.....	1311
Organizations, members, conflicts between.....	1192–96
Overbreadth.....	1171
Patronage systems.....	1190–91
Permit systems.....	1149–50, 1334
Picketing, public demonstrations.....	1342, 1344–51
Political campaigns, contributions, expenditures.....	1191–92, 1229–45
Political candidates, loyalty oaths.....	1204–05
Political parties, associational rights.....	1191
Preferred position.....	1168–70
Press freedom, particularized issues.....	1146–48
Prior restraint.....	1148, 1152
Prisoners, reduced rights.....	1253–57
Privacy, protection of as First Amendment problem.....	1305–07, 1319
Private employment, restrictions on.....	1202–03
Private places, public attributes.....	1340–42
Profane and abusive language.....	1290–91
Public employees, expression rights.....	1215–24
Public employees, political activities.....	1212–15
Public forum, public places.....	1331, 1333–39
Publicity right, press coverage.....	1309
Reporter’s privilege.....	1247, 1249–50
Residential picketing.....	1345
Right-privilege distinction.....	1215–17
Schools, speech rights of students.....	1224–29
Sedition, seditious libel.....	1289–90
Sexually explicit, non-obscene expression.....	1323–28, 1330
Shopping malls, company towns as quasi-public forums.....	1340–42
Smith Act.....	1163–64, 1198–1200
Sound trucks.....	1354
Speech-conduct distinction.....	1170, 1357–60
Spending power, conditions on receipt of federal grants.....	1258–63
Students.....	1224–29
Symbolic speech.....	1357–60
Syndicalism laws.....	1159, 1175–76, 1197, 1289–90
Taxation.....	1275–77
Tax exemptions, denial for speech.....	1203–04
Threats of violence.....	1292–94

Speech and press, freedom of expression—Continued	
Time, place, manner regulations.....	1327–28, 1333–34, 1345, 1347–51, 1354, 1357–58
Vagueness.....	1170–71, 1207, 1260, 1289–91, 1298, 1344, 1355, 1358
War effort, interference with.....	1156–57, 1159, 1209–10
Speech or debate, privilege of Members of Congress.....	138–43
Speedy trial, right in criminal cases.....	1616–17, 1620–21
Spending for general welfare.....	166–75
Standards, requirement for valid delegation.....	83–87
Standing to sue in federal courts.....	730–46, 748–56
Standing to sue:	
suit by organization on behalf of members.....	743
Stare decisis.....	802–03
State action, Fourteenth, Fifteenth Amendments:	
Basis of doctrine.....	2065–68, 2248–49
Congressional enforcement, whether limited by.....	2248–50
Courts, enforcement against private discrimination.....	2069–82
Discriminatory application, enforcement.....	2069–70
Lessee of property in public building.....	2074
Private clubs, liquor licenses.....	2074–75
Private discrimination, encouragement by official action.....	2073
Public function.....	2076–77
Repeal of antidiscrimination laws.....	2072–73
Tax privileges, public funds, discrimination by recipients.....	2079–80
States:	
Admiralty, maritime matters, state legislation.....	828–35
Admission to Union on equal footing.....	981–87
Agreements, compacts with other States.....	447–51
Boundary disputes between, suits.....	844
Contracts, not to impair obligations.....	410–42
Disputes over water rights between.....	844–45
Domestic violence, federal protection against.....	991–93
State secrets, political questions.....	610
Electors, presidential, power to control.....	477–79
Employees, federal labor laws applied to.....	182, 1024–31, 1773–75
Equal footing, admission on terms of.....	981–87
Federal facilities and instrumentalities, jurisdiction over.....	378, 1032–34
Immunity from federal taxation.....	159–61, 1768–69
Immunity from suit.....	1781–82, 1784–1809
Instrumentalities, activities, federal regulation, taxation.....	1773–77
Legislatures, apportionment, districting.....	2099–2101, 2191–94, 2197–2204
Navigable waters, rights to soil beneath.....	986–87
Officers of:	
Federal laws, duty to enforce.....	1045–50
Injunctions, restraint of enforcement of invalid laws.....	896–97, 900–04, 1800–09
Political activities of, federal restraints on.....	170–71, 1214
Salaries, federal taxation.....	1768–69
Patents and copyrights, regulation.....	339–41
Powers denied or limited:	
Attainder, bills of.....	404
Bills of credit.....	403
Contracts, impairing obligation.....	410–42
Duties on imports or exports.....	442, 444–45
Ex post facto laws.....	404–10

State secrets, political questions—Continued	
Powers denied or limited—Continued	
Interstate compacts.....	447–51
Keeping troops.....	447
Legal tender restriction.....	403–04
Tonnage duties.....	446–47
Treaties, alliances, confederations.....	402–03
War.....	446
Republican form of government, guarantee.....	991–93
Reserved powers.....	1767–77
Statutes of limitations, due process constraints.....	2010–11
Steel seizure case.....	464–65, 632–37
Sterilization, compulsory.....	1924, 2093, 2120
Stop and frisk.....	1414–21
Strict scrutiny.....	1212, 1324, 1359–60, 2089–95
Suffrage, as fundamental right.....	2093, 2181–94, 2197–2205
Suicide, ban on physician assistance, due process.....	1958–59
Sunday closing laws.....	1111–12, 1128
Super-majority requirements in referenda.....	2205
Supremacy Clause.....	523–29, 1017–36, 1038–50
Supreme Court of the United States:	
Adequate and independent state ground, review of state court decisions.....	814–18
Advisory opinions not rendered.....	688, 690–92, 724–25, 757–59
Appeal, certiorari.....	714, 798, 814–15
Appellate jurisdiction, congressional exceptions.....	872–79, 881–82, 884–86
Concurrent jurisdiction with lower federal courts.....	887–88
Disobedience of orders by state courts.....	888–90
Finality rule, review.....	815–16
Impeachment of Justices of.....	646–47, 650–51
Legislative courts, appellate jurisdiction over.....	672–73
Original jurisdiction of.....	818–19, 843–49, 869–72
Size, internal organization, sessions.....	664–65
State court decisions, review of.....	814–18
Supervisory power over lower federal courts.....	696, 702, 704–05, 1458–60
Suspect classifications.....	2090–93

T

Take Care Clause, faithful execution of laws.....	613–37
Taking of property by government.....	1594–1611
Appropriation of property by government.....	1595
Consequential damages.....	1592
Contracts, frustration of performance.....	1591
Corporation, franchise, taking of.....	1591
Courts, role of.....	1593–94, 1610–11
Delegation of power to private parties.....	1582
Destruction of property in wartime.....	368–69
Destruction of property to save other property.....	1605
Exactions.....	1607
Just compensation.....	1586, 1588–89, 1591–94
Interest as component.....	1588–89
Navigable waters, improvements to.....	1595–96
Physical invasion of property.....	1595, 1603–04
Police power, taking, no taking.....	1594–1611

Taking of property by government—Continued	
Property interests protected.....	1589, 1591
Public use.....	1582–86
Regulation, when a taking.....	1594–1611
Diminution of property values.....	1596–98
Historic preservation.....	1599
Investment-backed expectations.....	1599–1600
Noxious uses of property.....	1602–03
Partial regulatory takings.....	1592
Substantial advancement of legitimate governmental interest.....	1606
Zoning.....	1597–98
Source of power.....	1580–81
States, limited by clause.....	1581–82
States, property of subject to federal taking.....	1581
Tariffs. <i>See</i> Taxation, federal.	
Taxation, federal:	
Capital gains, computing income tax on.....	2265–66
Corporate dividends, when taxable.....	2261–63
Corporate earnings, when taxable.....	2263–65
Customs, import duties.....	166
Debts, payment.....	174–75
Deductions, exemptions.....	2268–69
Direct, apportionment, defined.....	393–96, 2259–60
Discriminatory, due process.....	1572–73
District of Columbia.....	396–97
Excises, defined, uniformity.....	393–94
Exports from States.....	397–99
Federal judges, salaries, subject to.....	157
Gift.....	1572–74
Illegal income.....	2267–68
Income.....	395–96, 2260
Inheritance.....	396
Punishment of state law violations by.....	1772
Purpose of taxation—paying debts.....	174–75
Purpose of taxation—spending for general welfare.....	166–74
Regulation by.....	163–65
Retroactive.....	1573–75
State instrumentalities, activities, income of.....	1773–77
State officers, salaries.....	160, 1768–69
Tariffs.....	82–83, 166, 213–14
Uniformity.....	161–62, 393–97
Taxation, state:	
Airplanes, fuel.....	253
Assessments, notice and hearing.....	1916–18
Burden, excessive.....	1896
Carriage of persons, interstate commerce.....	233–34, 243
Chain stores.....	1911, 2103
Classification, differential treatment.....	2102, 2104–05
Collection of.....	1918–19
Congress, legislation on state taxation of interstate commerce.....	238–42
Contacts, “nexus” test.....	251–54
Corporations, foreign, domestic, different tax treatment.....	2105–06
Corporations, foreign, engaged in interstate commerce.....	243–46, 250–56, 1912–13

Taxation, state—Continued

Corporations, personalty.....	1906–07
Corporations, stock, when taxable.....	1911
Estate and inheritance.....	1907–10
Exemptions, revocation.....	416–18, 428–31
Exports.....	267–70, 442, 444–45
Favoritism of certain industries.....	2102, 2104
Federal employees, salary.....	1038–39
Federal instrumentalities, immunity.....	1034–36, 1038–44
Forfeiture of land for taxes.....	1919
Franchise.....	1911
Franchise, corporation, interstate commerce.....	246, 251
Freight, transported interstate.....	235, 243–46
Gift.....	1907–10
Gross receipts, companies in interstate commerce.....	244, 251
Imports, foreign, domestic.....	442, 444–45
Income.....	1912
Income, nonresidents.....	975–77, 2105–07
Inheritance, estate, gift, transfer.....	1907–10, 2107
Insurance.....	240–41, 1913–14, 2103
Interest on unpaid taxes.....	1918
Interstate and foreign commerce.....	231–56, 258–67
Apportionment, interstate business.....	245–46, 253–56
Congressional authorization.....	238–42
Discrimination, impermissible.....	245, 251, 256, 258
Dormant commerce clause doctrine.....	231–42
Nexus requirement.....	251–54
State proprietary exception.....	238
Jurisdiction to tax.....	1900–14
Laches.....	1921
Liens for taxes.....	1918
Motor vehicles.....	248, 2107–08
Multiple taxation test.....	245, 254–56
Notice and hearing, when required.....	1915
Peddlers, drummers, imports.....	235–36
Personalty, tangible, intangible.....	1901–07
Privilege, corporation, measure.....	1911
Privilege taxes on importers.....	444
Property, assessments, equal protection.....	2108, 2110
Public purpose in taxation.....	1897–98
Real property.....	1901
Remedies, contesting taxes.....	1920–21
Retroactive.....	1898
Sales.....	257, 2104
Solicitation of out-of-state orders.....	250–53
Special assessments.....	1916–18, 2110
Suits to restrain collection.....	896–97
Transfer.....	1907–10, 2107
Tax benefits, suits to compel withdrawal.....	732–35, 2079–80
Taxing and spending power.....	157–75, 1258–63, 1795, 2293
Taxpayers' standing to sue.....	732–35
Tax records, privacy interests.....	1510–11
Teachers, First Amendment rights.....	1157, 1206–08, 1216

Televising of criminal trials.....	1623
Television. <i>See</i> Broadcasting.	
Term limits:	
Members of Congress.....	117, 120–21
President.....	2295–96
Territories:	
Acquisition of by conquest, provision for.....	504
Congress, powers as to.....	990–91
Constitutional guarantees in.....	990
Courts of.....	670–72, 674, 990–91
Diversity of citizenship, suits in federal courts.....	855–56
Textbooks:	
Loans to religious school students.....	1081–82, 1090
Loans to segregated private schools.....	2081
Three-judge federal courts.....	898–99
Time, place, and manner regulation:	
Congressional elections, federal legislation.....	126–31
Religion.....	1131
Speech.....	1327–28, 1333–34, 1344–51, 1354, 1357–58
Titles of nobility.....	401–02
Tonnage duties, States not to lay.....	446–47
Topless dancing.....	1328, 1330, 2291–92
Trade agreements.....	549–51
Trademarks.....	341
Trade names, restraint on use.....	1268
Trade secrets, state protection.....	340
Trading stamps, regulation, bar.....	1877–78, 2117
Transcripts, criminal trials, indigents.....	2216
Transportation, racial discrimination in, banned.....	229–30, 2142–43
Travel, international, right of.....	1201–02
Travel, interstate, burdening, forbidding.....	220, 2094, 2205–09
Treason, definition, evidentiary requirements, penalty.....	649, 919–26
Treaties (<i>See also</i> Executive agreements, National supremacy; President, powers; Native Americans; War):	
Congress, implementation, when required.....	528–30, 533–34
Congress, legislation concerning.....	379, 534–36
Constitutional limitations on power.....	536–40
Indian tribes, treaties with.....	546–47
Interpretation, political question.....	545–46, 777–78, 780–81, 786–87
Law of the land, effect on state laws.....	523–28
Negotiation, Presidential monopoly.....	522–23
Ratification, role of Congress.....	522–23
Self-executing, when.....	533–34
States not to enter into.....	402–03
Statutes, federal, conflict.....	532–33
Termination, lapse, how, by whom.....	540–46
Treatment, right of mentally ill to.....	1954–57
Troops:	
Quartering in homes, prohibition.....	1373
States, prohibition on keeping.....	447
U	
Unconstitutional conditions.....	1203–04, 1969–70
Unenumerated rights.....	1761–63

Uniformity of taxes.....	161–62
United States:	
Immunity from suit, waiver.....	838–39
Instrumentalities, corporations, immunity from suit.....	839–43
Liability for torts of employees.....	838, 842
Officers of, state taxation, regulation.....	1038–39
Prior debts valid.....	1017
Property of, ceded by States, powers, conditions.....	988–90
Property of, disposition, congressional authorization.....	987–90
Property of, jurisdiction over, limits, duration.....	376–78
Property of, residents on, rights.....	376–78, 2183–84
Utilities, advertising, regulation.....	1268
Utility service cutoffs, due process.....	1971, 2075–76
V	
Vacatur:	
remedy for mootness, limitations.....	766
Vagrancy laws, vagueness, validity.....	2019, 2021–22
Vagueness in statutes:	
Due process.....	2018–24
First Amendment.....	1170–71, 1207, 1259, 1289–91, 1298, 1344, 1355, 1358
Venue, change of, criminal trials.....	1640
Vessels:	
Interstate commerce.....	186–89
Navigable waters, State licensing, regulation.....	248
Taxation, State jurisdiction.....	1902
Veterans' preference laws.....	2098–99
Veto. <i>See</i> President, powers; Congressional veto.	
Vice President:	
Electoral College, separate vote for President, Vice President.....	1812
President of Senate.....	125
Succession to presidency.....	484, 2279, 2295–96, 2301–03
Vietnam War, litigation over in Federal courts.....	349–50
Violence Against Women Act.....	225–26, 2231–32
Voter qualifications:	
Age.....	2181–82, 2234–35, 2305
Durational residency.....	2207, 2234–35
Felons, disenfranchisement.....	2225–26
Literacy.....	2233, 2246–47, 2251–52
Military service, discrimination based on.....	2184
Political party affiliation, primary elections.....	2185–86, 2246
Poll tax.....	2184, 2218, 2299–2300
Property ownership.....	2184–85
Race.....	115, 2243–55, 2299–2300
Residency.....	2183–84
Residents of federal enclave.....	377, 2183–84
Sex.....	2277–78
Voting, paid time off private employment.....	1853
Voting, right to.....	2181–94, 2197–2205
Voting Rights Act.....	115, 129, 690, 2233–35, 2251–55
Vouchers.....	1084–85, 1097–98

INDEX

2835

W

War (<i>see also</i> Delegation of power; International law; President; Japanese-Americans, relocation):	
Constitutional rights in wartime.....	363-70
Declaration of, by Congress.....	346-50
Eminent domain, property destroyed, liability.....	368-69
Law of war:	
Enemy saboteurs.....	509-11
War crimes.....	511
Legislation during, following.....	358-61
Powers as to, source, scope.....	344-46
President versus Congress.....	344-50, 496-97, 499-503, 632-37
Prizes of war, laws applicable.....	365
Relocation of Japanese Americans, WWII.....	491-92
War Powers Resolution.....	349
Warrants. <i>See</i> Searches and seizures.	
Water, state conservation laws.....	242, 260
Watergate scandal.....	582-83, 639-40
Waterways, transportation, commerce.....	186-91
Welfare assistance, status as property.....	1969-71
Wheat, production of for own consumption, federal regulation.....	211-12
White primary cases.....	2073, 2246, 2249-50
Wiretapping.....	1446-53
Women. <i>See</i> Sex discrimination.	
Workers' compensation laws. <i>See</i> Labor-Management relations.	
Wrongful death actions, maritime accidents.....	833-35

Y

"Yellow-dog" contracts.....	207, 1856
-----------------------------	-----------

Z

Zoning:	
Adult theatres, bookstores.....	1327-28
Restrictions on property generally, due process.....	1887-89
Takings, claims of.....	1597-98

