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Overruled by [Phelps Dodge Corp. v. N.L.R.B.](#), U.S., April 28, 1941

35 S.Ct. 240

Supreme Court of the United States.

T. B. COPPAGE, Piff. in Err.,

v.

STATE OF KANSAS.

No. 48.

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Submitted October 30, 1914.

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Decided January 25, 1915.

Synopsis

IN ERROR to the Supreme Court of the State of Kansas to review a judgment which affirmed a conviction in the District Court of Bourbon County, in that state, under an information charging a violation of a statute of the state forbidding employers to exact a promise not to join or retain membership in a labor organization as a condition of securing or retaining employment. Reversed and remanded for further proceedings.

See same case below, [87 Kan. 752](#), [125 Pac. 8](#).

The facts are stated in the opinion.

West Headnotes (6)

[1] States **Police Power**[360 States](#)[360II Government and Officers](#)[360k21 Government Powers](#)[360k21\(2\) Police Power](#)(Formerly [92k1066](#), [92k81](#))

A statutory provision not a lawful police regulation cannot be made such by being placed in the same act with a police regulation or by enactment under title declaring a proper purpose for the exercise of such power.

[9 Cases that cite this headnote](#)

[2] Constitutional Law **Personal Liberty****Constitutional Law** **Relationship to Police Power or Public Welfare in General**[92 Constitutional Law](#)[92VII Constitutional Rights in General](#)[92VII\(B\) Particular Constitutional Rights](#)[92k1079 Personal Liberty](#)(Formerly [92k82\(1\)](#))[92 Constitutional Law](#)[92VII Constitutional Rights in General](#)[92VII\(B\) Particular Constitutional Rights](#)[92k1108 Right to Property](#)[92k1111 Relationship to Police Power or Public Welfare in General](#)(Formerly [92k82\(1\)](#))

Under Const.Amend. 14, U.S.C.A., the restriction of liberty or of property rights cannot be denominated public welfare and treated as a legitimate object of the police power.

[18 Cases that cite this headnote](#)

[3] Constitutional Law **Deprivations and Adverse Employment Actions in General**[92 Constitutional Law](#)[92XXVII Due Process](#)[92XXVII\(G\) Particular Issues and Applications](#)[92XXVII\(G\)7 Labor, Employment, and Public Officials](#)[92k4158 Deprivations and Adverse Employment Actions in General](#)(Formerly [92k275\(2.1\)](#), [92k275\(2\)](#))

Whatever right an employer or employe has, under the due process clause of U.S.C.A. Const. Amend. 14, to treat as ground for terminating the employment, he can provide against by a stipulation which may be a sine quo non of the employment.

[8 Cases that cite this headnote](#)

[4] Constitutional Law **Labor Relations; Labor Organizations and Collective Bargaining**
Labor and Employment **Validity**[92 Constitutional Law](#)[92XXVII Due Process](#)[92XXVII\(G\) Particular Issues and Applications](#)[92XXVII\(G\)7 Labor, Employment, and Public Officials](#)

92k4183 Labor Relations; Labor Organizations and Collective Bargaining

92k4184 In General

(Formerly 92k275(5))

231H Labor and Employment

231HXII Labor Relations

231HXII(G) Unfair Labor Practices

231Hk1428 Constitutional and Statutory Provisions

231Hk1431 Validity

(Formerly 232Ak363 Labor Relations)

The rights of personal liberty and property are infringed without due process of law contrary to U.S.C.A. Const. Amend. 14 by Laws Kan.1903, c. 222, punishing an employer for having prescribed as a condition of employment that the employe shall not become or remain a member of a labor organization pending employment.

[45 Cases that cite this headnote](#)

[5] **Labor and Employment** 🔑 Validity

Labor and Employment 🔑 Particular Cases

231H Labor and Employment

231HI In General

231Hk2 Constitutional and Statutory Provisions

231Hk5 Validity

(Formerly 255k11 Master and Servant)

231H Labor and Employment

231HI In General

231Hk31 Contracts

231Hk34 Formation; Requisites and Validity

231Hk34(2) Particular Cases

(Formerly 232Ak21 Labor Relations)

To punish an employer for proposing terms of employment devoid of duress has no reasonable relation to a purpose in a statute to repress duress or undue influence.

[21 Cases that cite this headnote](#)

[6] **Labor and Employment** 🔑 Validity

231H Labor and Employment

231HXII Labor Relations

231HXII(A) In General

231Hk963 Constitutional and Statutory Provisions

231Hk966 Validity

(Formerly 232Ak8 Labor Relations)

Laws Kan.1903, c. 222, punishing an employer for having prescribed as a condition of employment that employe shall not become or remain a member of a labor organization, is unconstitutional.

[12 Cases that cite this headnote](#)

Attorneys and Law Firms

****240 *4** Messrs. **R. R. Vermilion** and **W. F. Evans** for plaintiff in error.

Mr. **John S. Dawson**, Attorney General of Kansas, and Mr. J. I. Sheppard for defendant in error.

Opinion

Mr. Justice **Pitney** delivered the opinion of the court:

In a local court in one of the counties of Kansas, plaintiff in error was found guilty and adjudged to pay a fine, with imprisonment as the alternative, upon an information charging him with a violation of an act of the legislature of that state, approved March 13, 1903, being chap. 222 of the Session Laws of that year, found also as §§ 4674 and 4675, Gen. Stat. (Kan.) 1909. The act reads as follows:

An Act to Provide a Penalty for Coercing or Influencing or Making Demands upon or Requirements of Employees, Servants, Laborers, and Persons Seeking Employment.

Be it enacted, etc.:

Section 1. That it shall be unlawful for any individual or member of any firm, or any agent, officer, or employee of any company or corporation, to coerce, require, demand, or influence any person or persons to enter into any agreement, either written or verbal, not to join or become or remain a member of any labor organization or association, as a condition of such person or persons securing employment, or continuing in the employment of such individual, firm, or corporation.

Section 2. Any individual or member of any firm, or any *7 agent, officer, or employee of any company or corporation violating ****241** the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$50, or imprisoned in the county jail not less than thirty days.

The judgment was affirmed by the supreme court of the state, two justices dissenting (87 Kan. 752, 125 Pac. 8), and the case is brought here upon the ground that the statute, as construed and applied in this case, is in conflict with that provision of the 14th Amendment of the Constitution of the United States which declares that no state shall deprive any person of liberty or property without due process of law.

The facts, as recited in the opinion of the supreme court, are as follows: About July 1, 1911, one Hedges was employed as a switchman by the St. Louis & San Francisco Railway Company, and was a member of a labor organization called the Switchmen's Union of North America. Plaintiff in error was employed by the railway company as superintendent, and as such he requested Hedges to sign an agreement, which he presented to him in writing, at the same time informing him that if he did not sign it he could not remain in the employ of the company. The following is a copy of the paper thus presented:

Fort Scott, Kansas, _____, 1911.

Mr. T. B. Coppage, Superintendent Frisco Lines, Fort Scott:

We, the undersigned, have agreed to abide by your request, that is, to withdraw from the Switchmen's Union, while in the service of the Frisco Company.

(Signed) _____

Hedges refused to sign this, and refused to withdraw from the labor organization. Thereupon plaintiff in error, as such superintendent, discharged him from the service of the company.

*8 At the outset, a few words should be said respecting the construction of the act. It uses the term 'coerce,' and some stress is laid upon this in the opinion of the Kansas supreme court. But, on this record, we have nothing to do with any question of actual or implied coercion or duress, such as might overcome the will of the employee by means unlawful without the act. In the case before us, the state court treated the term 'coerce' as applying to the mere insistence by the employer, or its agent, upon its right to prescribe terms upon which alone it would consent to a continuance of the relationship of employer and employee. In this sense we must understand the statute to have been construed by the court, for in this sense it was enforced in the present case; there being no finding, nor any evidence to support a finding, that plaintiff

in error was guilty in any other sense. The entire evidence is included in the bill of exceptions returned with the writ of error, and we have examined it to the extent necessary in order to determine the Federal right that is asserted (*Southern P. Co. v. Schuyler*, 227 U. S. 601, 611, 57 L. ed. 662, 669, 43 L.R.A.(N.S.) 901, 33 Sup. Ct. Rep. 277, and cases cited). There is neither finding nor evidence that the contract of employment was other than a general or indefinite hiring, such as is presumed to be terminable at the will of either party. The evidence shows that it would have been to the advantage of Hedges, from a pecuniary point of view and otherwise, to have been permitted to retain his membership in the union, and at the same time to remain in the employ of the railway company. In particular, it shows (although no reference is made to this in the opinion of the court) that, as a member of the union, he was entitled to benefits in the nature of insurance to the amount of \$1,500, which he would have been obliged to forego if he had ceased to be a member. But, aside from this matter of pecuniary interest, there is nothing to show that Hedges was subjected to the least pressure or influence, or that he was not *9 a free agent, in all respects competent, and at liberty to choose what was best from the standpoint of his own interests. Of course, if plaintiff in error, acting as the representative of the railway company, was otherwise within his legal rights in insisting that Hedges should elect whether to remain in the employ of the company or to retain his membership in the union, that insistence is not rendered unlawful by the fact that the choice involved a pecuniary sacrifice to Hedges. *Silliman v. United States*, 101 U. S. 465, 470, 471, 25 L. ed. 987-989; *Hackley v. Headley*, 45 Mich. 569, 576, 8 N. W. 511; *Emery v. Lowell*, 127 Mass. 138, 141; *Custin v. Viroqua*, 67 Wis. 314, 320, 30 N. W. 515. And if the right that plaintiff in error exercised is founded upon a constitutional basis, it cannot be impaired by merely applying to its exercise the term 'coercion.' We have to deal, therefore, with a statute that, as construed and applied, makes it a criminal offense, punishable with fine or imprisonment, for an employer or his agent to merely prescribe, as a condition upon which one may secure certain employment or remain in such employment (the employment being terminable at will), that the employee shall enter into an agreement not to become or remain a member of **242 any labor organization while so employed; the employee being subject to no incapacity or disability, but, on the contrary, free to exercise a voluntary choice.

In *Adair v. United States*, 208 U. S. 161, 52 L. ed. 436, 28 Sup. Ct. Rep. 277, 13 Ann. Cas. 764, this court had to deal with a question not distinguishable in principle from the one now presented. Congress, in § 10 of an act of June 1, 1898,

entitled, 'An Act Concerning Carriers Engaged in Interstate Commerce and Their Employees' (30 Stat. at L. 424, 428, chap. 370), had enacted 'that any employer subject to the provisions of this act, and any officer, agent, or receiver of such employer, who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member *10 of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization . . . is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof . . . shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars.' Adair was convicted upon an indictment charging that he, as agent of a common carrier subject to the provisions of the act, unjustly discriminated against a certain employee by discharging him from the employ of the carrier because of his membership in a labor organization. The court held that portion of the act upon which the conviction rested to be an invasion of the personal liberty as well as of the right of property guaranteed by the 5th Amendment, which declares that no person shall be deprived of liberty or property without due process of law. Speaking by Mr. Justice Harlan, the court said (p. 174): 'While, as already suggested, the right of liberty and property guaranteed by the Constitution against deprivation without due process of law is subject to such reasonable restraints as the common good or the general welfare may require, it is not within the functions of government—at least, in the absence of contract between the parties—to compel any person in the course of his business and against his will to accept or retain the personal services of another, or to compel any person, against his will, to perform personal services for another. The right of a person to sell his labor upon such terms as he deems proper is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it. So the right of the employee to quit the service of the employer, for whatever reason, is the same as the right of the employer, for whatever reason, to dispense with the services of such *11 employee. It was the legal right of the defendant Adair—however unwise such a course might have been—to discharge Coppage [the employee in that case] because of his being a member of a labor organization, as it was the legal right of Coppage, if he saw fit to do so,—however unwise such a course on his part might have been,—to quit the service in which he was engaged, because the defendant employed some persons who were not members

of a labor organization. In all such particulars the employer and the employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract, which no government can legally justify in a free land.'

Unless it is to be overruled, this decision is controlling upon the present controversy; for if Congress is prevented from arbitrary interference with the liberty of contract because of the 'due process' provision of the 5th Amendment, it is too clear for argument that the states are prevented from the like interference by virtue of the corresponding clause of the 14th Amendment; and hence, if it be unconstitutional for Congress to deprive an employer of liberty or property for threatening an employee with loss of employment, or discriminating against him because of his membership in a labor organization, it is unconstitutional for a state to similarly punish an employer for requiring his employee, as a condition of securing or retaining employment, to agree not to become or remain a member of such an organization while so employed.

It is true that, while the statute that was dealt with in the Adair Case contained a clause substantially identical with the Kansas act now under consideration,—a clause making it a misdemeanor for an employer to require an employee or applicant for employment, as a condition of such employment, to agree not to become or remain a member of a labor organization,—the conviction was *12 based upon another clause, which related to discharging an employee because of his membership in such an organization; and the decision, naturally, was confined to the case actually presented for decision. In the present case, the Kansas supreme court sought to distinguish the Adair decision upon this ground. The distinction, if any there be, **243 has not previously been recognized as substantial, so far as we have been able to find. The opinion in the Adair Case, while carefully restricting the decision to the precise matter involved, cited (208 U. S. on page 175), as the first in order of a number of decisions supporting the conclusion of the court, a case ([People v. Marcus](#), 185 N. Y. 257, 7 L.R.A. (N.S.) 282, 113 Am. St. Rep. 902, 77 N. E. 1073, 7 Ann. Cas. 188) in which the statute denounced as unconstitutional was in substance the counterpart of the one with which we are now dealing.

But, irrespective of whether it has received judicial recognition, is there any real distinction? The constitutional right of the employer to discharge an employee because of his membership in a labor union being granted, can the employer

be compelled to resort to this extreme measure? May he not offer to the employee an option, such as was offered in the instant case, to remain in the employment if he will retire from the union; to sever the former relationship only if he prefers the latter? Granted the equal freedom of both parties to the contract of employment, has not each party the right to stipulate upon what terms only he will consent to the inception, or to the continuance, of that relationship? And may he not insist upon an express agreement, instead of leaving the terms of the employment to be implied? Can the legislature in effect require either party at the beginning to act covertly; concealing essential terms of the employment—terms to which, perhaps, the other would not willingly consent—and revealing them only when it is proposed to insist upon them as a ground for terminating the relationship? Supposing an employer is unwilling to have in his *13 employ one holding membership in a labor union, and has reason to suppose that the man may prefer membership in the union to the given employment without it—we ask, can the legislature oblige the employer in such case to refrain from dealing frankly at the outset? And is not the employer entitled to insist upon equal frankness in return? Approaching the matter from a somewhat different standpoint, is the employee's right to be free to join a labor union any more sacred, or more securely founded upon the Constitution, than his right to work for whom he will, or to be idle if he will? And does not the ordinary contract of employment include an insistence by the employer that the employee shall agree, as a condition of the employment, that he will not be idle and will not work for whom he pleases, but will serve his present employer, and him only, so long as the relation between them shall continue? Can the right of making contracts be enjoyed at all, except by parties coming together in an agreement that requires each party to forego, during the time and for the purpose covered by the agreement, any inconsistent exercise of his constitutional rights?

These queries answer themselves. The answers, as we think, lead to a single conclusion: Under constitutional freedom of contract, whatever either party has the right to treat as sufficient ground for terminating the employment, where there is no stipulation on the subject, he has the right to provide against by insisting that a stipulation respecting it shall be a *sine qua non* of the inception of the employment, or of its continuance if it be terminable at will. It follows that this case cannot be distinguished from *Adair v. United States*.

The decision in that case was reached as the result of elaborate argument and full consideration. The opinion states (208 U. S. 171): ‘This question is admittedly one of importance, and

has been examined with care and deliberation. And the court has reached a conclusion *14 which, in its judgment, is consistent with both the words and spirit of the Constitution, and is sustained as well by sound reason.’ We are now asked, in effect, to overrule it; and in view of the importance of the issue we have reexamined the question from the standpoint of both reason and authority. As a result, we are constrained to reaffirm the doctrine there applied. Neither the doctrine nor this application of it is novel; we will endeavor to restate some of the grounds upon which it rests. The principle is fundamental and vital. Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money.

An interference with this liberty so serious as that now under consideration, and so disturbing of equality of right, must be deemed to be arbitrary, unless it be supportable as a reasonable exercise of the police power of the state. But, notwithstanding **244 the strong general presumption in favor of the validity of state laws, we do not think the statute in question, as construed and applied in this case, can be sustained as a legitimate exercise of that power. To avoid possible misunderstanding, we should here emphasize, what has been said before, that so far as its title or enacting clause expresses a purpose to deal with coercion, compulsion, duress, or other undue influence, we have no present concern with it, because nothing of that sort is involved in this case. As has *15 been many times stated, this court deals not with moot cases or abstract questions, but with the concrete case before it. *California v. San Pablo & T. R. Co.* 149 U. S. 308, 314, 37 L. ed. 747, 748, 13 Sup. Ct. Rep. 876; *Richardson v. McChesney*, 218 U. S. 487, 492, 54 L. ed. 1121, 1122, 31 Sup. Ct. Rep. 43; *Missouri, K. & T. R. Co. v. Cade*, 233 U. S. 642, 648, 58 L. ed. 1135, 1137, 34 Sup. Ct. Rep. 678. We do not mean to say, therefore, that a state may not properly exert its police power to prevent coercion on the part of employers towards employees, or *vice versa*. But, in this case, the Kansas court of last resort has held that Coppage, the plaintiff in error, is a criminal, punishable with fine or imprisonment under this statute, simply and merely because, while acting as the representative of the

railroad company, and dealing with Hedges, an employee at will and a man of full age and understanding, subject to no restraint or disability, Coppage insisted that Hedges should freely choose whether he would leave the employ of the company or would agree to refrain from association with the union while so employed. This construction is, for all purposes of our jurisdiction, conclusive evidence that the state of Kansas intends by this legislation to punish conduct such as that of Coppage, although entirely devoid of any element of coercion, compulsion, duress, or undue influence, just as certainly as it intends to punish coercion and the like. But, when a party appeals to this court for the protection of rights secured to him by the Federal Constitution, the decision is not to depend upon the form of the state law, nor even upon its declared purpose, but rather upon its operation and effect as applied and enforced by the state; and upon these matters this court cannot, in the proper performance of its duty, yield its judgment to that of the state court. *St. Louis South Western R. Co. v. Arkansas*, 235 U. S. 350, 362, 59 L. ed. 265, 35 Sup. Ct. Rep. 99, and cases cited. Now, it seems to us clear that a statutory provision which is not a legitimate police regulation cannot be made such by being placed in the same act with a police regulation, or by being enacted under a title that declares a *16 purpose which would be a proper object for the exercise of that power. 'Its true character cannot be changed by its collocation,' as Mr. Justice Grier said in the *Passenger Cases*, 7 How. 458, 12 L. ed. 775. It is equally clear, we think, that to punish an employer or his agent for simply proposing certain terms of employment, under circumstances devoid of coercion, duress, or undue influence, has no reasonable relation to a declared purpose of repressing coercion, duress, and undue influence. Nor can a state, by designating as 'coercion' conduct which is not such in truth, render criminal any normal and essentially innocent exercise of personal liberty or of property rights; for to permit this would deprive the 14th Amendment of its effective force in this regard. We, of course, do not intend to attribute to the legislature or the courts of Kansas any improper purposes or any want of candor; but only to emphasize the distinction between the form of the statute and its effect as applied to the present case.

Laying aside, therefore, as immaterial for present purposes, so much of the statute as indicates a purpose to repress coercive practices, what possible relation has the residue of the act to the public health, safety, morals, or general welfare? None is suggested, and we are unable to conceive of any. The act, as the construction given to it by the state court shows, is intended to deprive employers of a part of their liberty of contract, to the corresponding advantage of the

employed and the upbuilding of the labor organizations. But no attempt is made, or could reasonably be made, to sustain the purpose to strengthen these voluntary organizations, any more than other voluntary associations of persons, as a legitimate object for the exercise of the police power. They are not public institutions, charged by law with public or governmental duties, such as would render the maintenance of their membership a matter of direct concern to the general *17 welfare. If they were, a different question would be presented.

As to the interest of the employed, it is said by the Kansas supreme court to be a matter of common knowledge that 'employees, as a rule, are not financially able to be as independent in making contracts for the sale of their labor as are employers in making a contract of purchase thereof.' No doubt, wherever the right of private property exists, there must and will be inequalities of fortune; and thus it naturally happens that parties negotiating about **245 a contract are not equally unhampered by circumstances. This applies to all contracts, and not merely to that between employer and employee. Indeed, a little reflection will show that wherever the right of private property and the right of free contract coexist, each party when contracting is inevitably more or less influenced by the question whether he has much property, or little, or none; for the contract is made to the very end that each may gain something that he needs or desires more urgently than that which he proposes to give in exchange. And, since it is self-evident that, unless all things are held in common, some persons must have more property than others, it is from the nature of things impossible to uphold freedom of contract and the right of private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights. But the 14th Amendment, in declaring that a state shall not 'deprive any person of life, liberty, or property without due process of law,' gives to each of these an equal sanction; it recognizes 'liberty' and 'property' as coexistent human rights, and debars the states from any unwarranted interference with either.

And since a state may not strike them down directly, it is clear that it may not do so indirectly, as by declaring in effect that the public good requires the removal of those *18 inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power in order to remove the inequalities, without other object in view. The police power is broad, and not easily defined, but it cannot be given the wide scope that is here asserted for it, without in effect nullifying the constitutional guaranty.

We need not refer to the numerous and familiar cases in which this court has held that the power may properly be exercised for preserving the public health, safety, morals, or general welfare, and that such police regulations may reasonably limit the enjoyment of personal liberty, including the right of making contracts. They are reviewed in [Holden v. Hardy](#), 169 U. S. 366, 391, 42 L. ed. 780, 790, 18 Sup. Ct. Rep. 383; [Chicago, B. & Q. R. Co. v. McGuire](#), 219 U. S. 549, 566, 55 L. ed. 328, 338, 31 Sup. Ct. Rep. 259; [Erie R. Co. v. Williams](#), 233 U. S. 685, 58 L. ed. 1155, 34 Sup. Ct. Rep. 761; and other recent decisions. An evident and controlling distinction is this: that in those cases it has been held permissible for the states to adopt regulations fairly deemed necessary to secure some object directly affecting the public welfare, even though the enjoyment of private rights of liberty and property be thereby incidentally hampered; while in that portion of the Kansas statute which is now under consideration—that is to say, aside from coercion, etc.—there is no object or purpose, expressed or implied, that is claimed to have reference to health, safety, morals, or public welfare, beyond the supposed desirability of leveling inequalities of fortune by depriving one who has property of some part of what is characterized as his ‘financial independence.’ In short, an interference with the normal exercise of personal liberty and property rights is the primary object of the statute, and not an incident to the advancement of the general welfare. But, in our opinion, the 14th Amendment debars the states from striking down personal liberty or property rights, or materially restricting their normal exercise, excepting *19 so far as may be incidentally necessary for the accomplishment of some other and paramount object, and one that concerns the public welfare. The mere restriction of liberty or of property rights cannot of itself be denominated ‘public welfare,’ and treated as a legitimate object of the police power; for such restriction is the very thing that is inhibited by the Amendment.

It is said in the opinion of the state court that membership in a labor organization does not necessarily affect a man's duty to his employer; that the employer has no right, by virtue of the relation, ‘to dominate the life nor to interfere with the liberty of the employee in matters that do not lessen or deteriorate the service;’ and that ‘the statute implies that labor unions are lawful and not inimical to the rights of employers.’ The same view is presented in the brief of counsel for the state, where it is said that membership in a labor organization is the ‘personal and private affair’ of the employee. To this line of argument it is sufficient to say that it cannot be judicially declared that membership in such an organization has no relation to a member's duty to his employer; and therefore, if freedom

of contract is to be preserved, the employer must be left at liberty to decide for himself whether such membership by his employee is consistent with the satisfactory performance of the duties of the employment.

Of course we do not intend to say, nor to intimate, anything inconsistent with the right of individuals to join labor unions, nor do we question the legitimacy of such organizations so long as they conform to the laws of the land as others are required to do. Conceding the full right of the individual *246 to join the union, he has no inherent right to do this and still remain in the employ of one who is unwilling to employ a union man, any more than the same individual has a right to join the union without the consent of that organization. Can it be doubted that a *20 labor organization—a voluntary association of working men—has the inherent and constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men? Or that a union man has the constitutional right to decline proffered employment unless the employer will agree not to employ any nonunion man? (In all cases we refer, of course, to agreements made voluntarily, and without coercion or duress as between the parties. And we have no reference to questions of monopoly, or interference with the rights of third parties or the general public. There involve other considerations, respecting which we intend to intimate no opinion. See [Curran v. Galen](#), 152 N. Y. 33, 37 L.R.A. 802, 57 Am. St. Rep. 496, 46 N. E. 297; [Jacobs v. Cohen](#), 183 N. Y. 207, 213, 214, 2 L.R.A.(N.S.) 292, 111 Am. St. Rep. 730, 76 N. E. 5, 5 Ann. Cas. 280; [Plant v. Woods](#), 176 Mass. 492, 51 L.R.A. 339, 79 Am. St. Rep. 330, 57 N. E. 1011; [Berry v. Donovan](#), 188 Mass. 353, 5 L.R.A.(N.S.) 899, 108 Am. St. Rep. 499, 74 N. E. 603, 3 Ann. Cas. 738; [Brennan v. United Hatters](#), 73 N. J. L. 729, 738, 9 L.R.A.(N.S.) 254, 118 Am. St. Rep. 727, 65 Atl. 165, 169, 9 Ann. Cas. 698, 702). And can there be one rule of liberty for the labor organization and its members, and a different and more restrictive rule for employers? We think not; and since the relation of employer and employee is a voluntary relation, as clearly as is that between the members of a labor organization, the employer has the same inherent right to prescribe the terms upon which he will consent to the relationship, and to have them fairly understood and expressed in advance.

When a man is called upon to agree not to become or remain a member of the union while working for a particular employer, he is in effect only asked to deal openly and frankly with his employer, so as not to retain the employment upon terms to which the latter is not willing to agree. And the liberty

of making contracts does not include a liberty to procure employment from an unwilling employer, or without a fair understanding. Nor may the *21 employer be foreclosed by legislation from exercising the same freedom of choice that is the right of the employee.

To ask a man to agree, in advance, to refrain from affiliation with the union while retaining a certain position of employment, is not to ask him to give up any part of his constitutional freedom. He is free to decline the employment on those terms, just as the employer may decline to offer employment on any other; for 'it takes two to make a bargain.' Having accepted employment on those terms, the man is still free to join the union when the period of employment expires; or, if employed at will, then at any time upon simply quitting the employment. And, if bound by his own agreement to refrain from joining during a stated period of employment, he is in no different situation from that which is necessarily incident to term contracts in general. For constitutional freedom of contract does not mean that a party is to be as free after making a contract as before; he is not free to break it without accountability. Freedom of contract, from the very nature of the thing, can be enjoyed only by being exercised; and each particular exercise of it involves making an engagement which, if fulfilled, prevents for the time any inconsistent course of conduct.

So much for the reason of the matter, let us turn again to the adjudicated cases.

The decision in the Adair Case is in accord with the almost unbroken current of authorities in the state courts. In many states enactments not distinguishable in principle from the one now in question have been passed, but, except in two instances (one, the decision of an inferior court in Ohio, since repudiated; the other, the decision now under review), we are unable to find that they have been judicially enforced. It is not too much to say that such laws have by common consent been treated as unconstitutional, for while many state courts of last resort have adjudged them void, we have found no decision by such a court *22 sustaining legislation of this character, excepting that which is now under review. The single previous instance in which any court has upheld such a statute is *Davis v. State* (1893) 30 Ohio L. J. 342, 11 Ohio Dec. Reprint, 894, where the court of common pleas of Hamilton county sustained an act of April 14, 1892 (89 Ohio Laws, 269), which declared that any person who coerced or attempted to coerce employees by discharging or threatening to discharge them because of their connection with any lawful labor organization should be guilty of a misdemeanor, and

upon conviction fined or imprisoned. We are unable to find that this decision was ever directly reviewed; but in *State v. Bateman* (1900) 10 Ohio S. & C. P. Dec. 68, 7 Ohio N. P. 487, its authority was repudiated **247 upon the ground that it had been in effect overruled by subsequent decisions of the state supreme court, and the same statute was held unconstitutional.

The right that plaintiff in error is now seeking to maintain was held by the supreme court of Kansas, in an earlier case, to be within the protection of the 14th Amendment, and therefore beyond legislative interference. In *Coffeyville Vitrified Brick & Tile Co. v. Perry*, 69 Kan. 297, 66 L.R.A. 185, 76 Pac. 848, 1 Ann. Cas. 936, the court had under consideration chapter 120 of the Laws of 1897 (Gen. Stat. 1901, §§ 2425, 2426), which declared it unlawful for any person, company, or corporation, or agent, officer, etc., to prevent employees from joining and belonging to any labor organization, and enacted that any such person, company, or corporation, etc., that coerced or attempted to coerce employees by discharging or threatening to discharge them because of their connection with such labor organization should be deemed guilty of a misdemeanor, and upon conviction subjected to a fine, and should also be liable to the person injured in punitive damages. It was attacked as violative of the 14th Amendment, and also of the Bill of Rights of the state *23 Constitution.¹ The court held it unconstitutional, saying: 'The right to follow any lawful vocation and to make contracts is as completely within the protection of the Constitution as the right to hold property free from unwarranted seizure, or the liberty to go when and where one will. One of the ways of obtaining property is by contract. The right, therefore, to contract cannot be infringed by the legislature without violating the letter and spirit of the Constitution. Every citizen is protected in his right to work where and for whom he will. He may select not only his employer, but also his associates. He is at liberty to refuse to continue to serve one who has in his employ a person, or an association of persons, objectionable to him. In this respect the rights of the employer and employee are equal. Any act of the legislature that would undertake to impose on an employer the obligation of keeping in his service one whom, for any reason, he should not desire, would be a denial of his constitutional right to make and terminate contracts and to acquire and hold property. Equally so would be an act the provisions of which should be intended to require one to remain in the service of one whom he should not desire to serve. . . . The business conducted by the defendant was its property, and in the exercise of this ownership it is protected by the Constitution. It could

abandon or discontinue its operation at pleasure. It had the right, beyond the possibility of legislative interference, to make any contract with reference thereto not in violation of law. *24 In the operation of its property it may employ such persons as are desirable, and discharge, without reason, those who are undesirable. It is at liberty to contract for the services of persons in any manner that is satisfactory to both. No legislative restrictions can be imposed upon the lawful exercise of these rights.'

1 Constitution of the state of Kansas.
... Bill of Rights.

Section 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

Section 18. All persons, for injuries suffered in person, reputation, or property, shall have remedy by due course of law, and justice administered without delay.

In *Atchison, T. & S. F. R. Co. v. Brown*, 80 Kan. 312, 23 L.R.A.(N.S.) 247, 133 Am. St. Rep. 213, 102 Pac. 459, 18 Ann. Cas. 346, the same court passed upon chapter 144 of the Laws of 1897 (Gen. Stat. 1901, §§ 2421–2424), which required the employer, upon the request of a discharged employee, to furnish in writing the true cause or reason for such discharge. The railway company did not meet this requirement, its 'service letter,' as it was called, stating only that Brown was discharged 'for cause,' which the court naturally held was not a statement of the cause. The law was held unconstitutional, upon the ground (80 Kan. 315) that an employer may discharge his employee for any reason, or for no reason, just as an employee may quit the employment for any reason, or for no reason; that such action on the part of employer or employee, where no obligation is violated, is an essential element of liberty in action; and that one cannot be compelled to give a reason or cause for an action for which he may have no specific reason or cause, except, perhaps, a mere whim or prejudice.

In the present case the court did not repudiate or overrule these previous decisions, but, on the contrary, cited them as establishing the right of the employer to discharge his employee at any time, for any reason, or for no reason, being responsible in damages for violating a contract as to the time of employment, and as establishing, conversely, the right of the employee to quit the employment at any time, for any reason, or without any reason, being likewise responsible in damages for a violation of his contract with the employer. The court held the act of 1903 that is now in question to

be distinguishable from the *25 act **248 of 1897, upon grounds sufficiently indicated and answered by what we have already said.

In five other states the courts of last resort have had similar acts under consideration, and in each instance have held them unconstitutional. In *State v. Julow* (1895) 129 Mo. 163, 29 L.R.A. 257, 50 Am. St. Rep. 443, 31 S. W. 781, the supreme court of Missouri dealt with an act (Missouri Laws 1893, p. 187) that forbade employers, on pain of fine or imprisonment, to enter into any agreement with an employee requiring him to withdraw from a labor union or other lawful organization, or to refrain from joining such an organization, or to 'by any means attempt to compel or coerce any employee into withdrawal from any lawful organization or society.' In *Gillespie v. People* (1900) 188 Ill. 176, 52 L.R.A. 283, 80 Am. St. Rep. 176, 58 N. E. 1007, the supreme court of Illinois held unconstitutional an act (Hurd's Stat. 1899, p. 844) declaring it criminal for any individual or member of any firm, etc., to prevent or attempt to prevent employees from forming, joining, and belonging to any lawful labor organization, and that any such person 'that coerces or attempts to coerce employees by discharging or threatening to discharge them because of their connection with such lawful labor organization' should be guilty of a misdemeanor. In *State ex rel. Zillmer v. Kreutzberg* (1902) 114 Wis. 530, 58 L.R.A. 748, 91 Am. St. Rep. 934, 90 N. W. 1098, the court had under consideration a statute (Wisconsin Laws 1899, chap. 332) which, like the Kansas act now in question, prohibited the employer or his agent from coercing the employee to enter into an agreement not to become a member of a labor organization, as a condition of securing employment or continuing in the employment, and also rendered it unlawful to discharge an employee because of his being a member of any labor organization. The decision related to the latter prohibition, but this was denounced *26 upon able and learned reasoning that has a much wider reach. In *People v. Marcus* (1906) 185 N. Y. 257, 7 L.R.A.(N.S.) 282, 113 Am. St. Rep. 902, 77 N. E. 1073, 7 Ann. Cas. 118, the statute dealt with (N. Y. Laws 1887, chap. 688), as we have already said, was in substance identical with the Kansas act. These decisions antedated *Adair v. United States*. They proceed upon broad and fundamental reasoning, the same in substance that was adopted by this court in the *Adair Case*, and they are cited with approval in the opinion (208 U. S. 175). A like result was reached in *State ex rel. Smith v. Daniels* (1912) 118 Minn. 155, 136 N. W. 584, with respect to an act that, like the Kansas statute, forbade an employer to require an employee or person seeking employment, as a condition of such employment, to make an agreement that

the employee would not become or remain a member or a labor organization. This was held invalid upon the authority of the Adair Case. And see [Goldfield Consol. Mines Co. v. Goldfield Miners' Union](#), 159 Fed. 500, 513.

Upon both principle and authority, therefore, we are constrained to hold that the Kansas act of March 13, 1903, as construed and applied so as to punish with fine or imprisonment an employer or his agent for merely prescribing, as a condition upon which one may secure employment under or remain in the service of such employer, that the employee shall enter into an agreement not to become or remain a member of any labor organization while so employed, is repugnant to the 'due process' clause of the 14th Amendment, and therefore void.

Judgment reversed, and the cause remanded for further proceedings not inconsistent with this opinion.

Mr. Justice **Holmes**, dissenting:

I think the judgment should be affirmed. In present conditions a workman not unnaturally may believe that *27 only by belonging to a union can he secure a contract that shall be fair to him. [Holden v. Hardy](#), 169 U. S. 366, 397, 42 L. ed. 780, 792, 18 Sup. Ct. Rep. 383; [Chicago, B. & Q. R. Co. v. McGuire](#), 219 U. S. 549, 570, 55 L. ed. 328, 339, 31 Sup. Ct. Rep. 259. If that belief, whether right or wrong, may be held by a reasonable man, it seems to me that it may be enforced by law in order to establish the equality of position between the parties in which liberty of contract begins. Whether in the long run it is wise for the workingmen to enact legislation of this sort is not my concern, but I am strongly of opinion that there is nothing in the Constitution of the United States to prevent it, and that [Adair v. United States](#), 208 U. S. 161, 52 L. ed. 436, 28 Sup. Ct. Rep. 277, 13 Ann. Cas. 764, and [Lochner v. New York](#), 198 U. S. 45, 49 L. ed. 937, 25 Sup. Ct. Rep. 539, 3 Ann. Cas. 1133, should be overruled. I have stated my grounds in those cases and think it unnecessary to add others that I think exist. See further, [Vegeahn v. Guntner](#), 167 Mass. 92, 104, 108, 35 L.R.A. 722, 57 Am. St. Rep. 443, 44 N. E. 1077; [Plant v. Woods](#), 176 Mass. 492, 505, 51 L.R.A. 339, 79 Am. St. Rep. 330, 57 N. E. 1011. I still entertain the opinions expressed by me in Massachusetts.

249 Mr. Justice **Day, dissenting:

The character of the question here involved sufficiently justifies, in my opinion, a statement of the grounds which impel me to dissent from the opinion and judgment in this

case. The importance of the decision is further emphasized by the fact that it results not only in invalidating the legislation of Kansas, now before the court, but necessarily decrees the same fate to like legislation of other states of the Union.² This far-reaching result is attained because the statute is declared to be an infraction *28 of the constitutional protection afforded under the 14th Amendment to the Federal Constitution, which declares that no person shall be deprived of life, liberty, or property without due process of law. The right of contract, it is said, is part of the liberty of the citizen, and to abridge it, as is done in this case, is declared to be beyond the legislative authority of the state.

² Statutes like the Kansas statute have been passed in California, Colorado, Connecticut, Indiana, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Porto Rico, and Wisconsin. Bulletin of the Bureau of Labor Statistics No. 148, volumes 1 and 2; Labor Laws of the United States.

That the right of contract is a part of individual freedom within the protection of this Amendment, and may not be arbitrarily interfered with, is conceded. While this is true, nothing is better settled by the repeated decisions of this court than that the right of contract is not absolute and unyielding, but is subject to limitation and restraint in the interests of the public health, safety, and welfare, and such limitations may be declared in legislation of the state. It would unduly extend what I purpose to say in this case to refer to all the cases in which this doctrine has been declared. One of them is: [Frisbie v. United States](#), 157 U. S. 160, 39 L. ed. 657, 15 Sup. Ct. Rep. 586. In that case, it was declared, and in varying form has been repeated many times since:

'While it may be conceded that, generally speaking, among the inalienable rights of the citizen is that of the liberty of contract, yet such liberty is not absolute and universal. It is within the undoubted power of government to restrain some individuals from all contracts, as well as all individuals from some contracts. It may deny to all the right to contract for the purchase or sale of lottery tickets; to the minor the right to assume any obligations, except for the necessities of existence; to the common carrier the power to make any contract releasing himself from negligence, and, indeed, may restrain all engaged in any employment from any contract in the course of that employment which is against public policy. The possession of this power by government in no manner conflicts with the proposition that, generally *29 speaking,

every citizen has a right freely to contract for the price of his labor, services, or property.’

See also *Holden v. Hardy*, 169 U. S. 366, 391, 42 L. ed. 780, 790, 18 Sup. Ct. Rep. 383; *Atkin v. Kansas*, 191 U. S. 207, 48 L. ed. 148, 24 Sup. Ct. Rep. 124; *Muller v. Oregon*, 208 U. S. 412, 421, 52 L. ed. 551, 555, 28 Sup. Ct. Rep. 324, 13 Ann. Cas. 957; *McLean v. Arkansas*, 211 U. S. 539, 53 L. ed. 315, 29 Sup. Ct. Rep. 206; *Chicago, B. & Q. R. Co. v. McGuire*, 219 U. S. 549, 55 L. ed. 328, 31 Sup. Ct. Rep. 259; *Atlantic Coast Line R. Co. v. Riverside Mills*, 219 U. S. 186, 202, 55 L. ed. 167, 180, 31 L.R.A. (N.S.) 7, 31 Sup. Ct. Rep. 164; *Erie R. Co. v. Williams*, 233 U. S. 685, 699, 58 L. ed. 1155, 1160, 34 Sup. Ct. Rep. 761. The Erie Railroad Case is a very recent deliverance of this court upon the subject, wherein it was declared:

‘But liberty of making contracts is subject to conditions in the interest of the public welfare, and which shall prevail—principle or condition—cannot be defined by any precise and universal formula. Each instance of asserted conflict must be determined by itself, and it has been said many times that each act of legislation has the support of the presumption that it is an exercise in the interest of the public. The burden is on him who attacks the legislation, and it is not sustained by declaring a liberty of contract. It can only be sustained by demonstrating that it conflicts with some constitutional restraint, or that the public welfare is not subserved by the legislation. The legislature is, in the first instance, the judge of what is necessary for the public welfare, and a judicial review of its judgment is limited. The earnest conflict of serious opinion does not suffice to bring it within the range of judicial cognizance. *Chicago, B. & Q. R. Co. v. McGuire*, 219 U. S. 549, 565, 55 L. ed. 328, 337, 31 Sup. Ct. Rep. 259; *German Alliance Ins. Co. v. Lewis*, 233 U. S. 389, 58 L. ed. 1011, 34 Sup. Ct. Rep. 612.’

It is therefore the thoroughly established doctrine of this court that liberty of contract may be circumscribed in the interest of the state and the welfare of its people. Whether a given exercise of such authority transcends the limits of legislative authority must be determined in each case as it arises. The preservation of the police power of the states, under the authority of which that *30 great mass of legislation has been enacted which has for its purpose the promotion of **250 the health, safety, and welfare of the public, is of the utmost importance. This power was not surrendered by the states when the Federal Constitution was adopted, nor taken from them when the 14th Amendment was ratified and

became a part of the fundamental law of the Union. *Barbier v. Connolly*, 113 U. S. 27, 28 L. ed. 923, 5 Sup. Ct. Rep. 357.

Of the necessity of such legislation, the local legislature is itself the judge, and its enactments are only to be set aside when they involve such palpable abuse of power and lack of reasonableness to accomplish a lawful end that they may be said to be merely arbitrary and capricious, and hence out of place in a government of laws, and not of men, and irreconcilable with the conception of due process of law. *McGehee on Due Process of Law*, page 306, and cases from this court therein cited.

By this it is not meant that the legislative power is beyond judicial review. Such enactments as are arbitrary or unreasonable, and thus exceed the exercise of legislative authority in good faith, may be declared invalid when brought in review by proper judicial proceedings. This is necessary to the assertion and maintenance of the supremacy of the Constitution.

Conceding, then, that the right of contract is a subject of judicial protection, within the authority given by the Constitution of the United States, the question here is, was the power of the state so arbitrarily exercised as to render its action unconstitutional and therefore void? It is said that this question is authoritatively determined in this court, in the case of *Adair v. United States*, 208 U. S. 161, 52 L. ed. 436, 28 Sup. Ct. Rep. 277, 13 Ann. Cas. 764. In that case, a statute passed by the Congress of the United States, under supposed sanction of the power to regulate interstate commerce, was before this court, and it was there decided that the right of contract protected by the 5th Amendment to the Constitution, *31 providing that no person shall be deprived of life, liberty, or property without due process of law, avoided a statute which undertook to make it a crime to discharge an employee simply because of his membership in a labor organization. The feature of the statute which is here involved, making it an offense to require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become a member of any labor corporation, association, or organization,—a provision exactly similar to that of the Kansas statute now under consideration,—was not before the court upon the charge made or the facts shown, and this provision was neither considered nor decided upon in reaching the conclusion that an employer could not be made a criminal because he discharged an employee simply because of his membership in a labor organization. In the course of the

opinion this fact was more than once stated, and the question before the court declared to be:

‘May Congress make it a criminal offense against the United States—as by the 10th section of the act of 1898 it does—for an agent or officer of an interstate carrier, having full authority in the premises from the carrier, to discharge an employee from service simply because of his membership in a labor organization?’

Such was the question before the court, and that there might be no mistake about it, at the close of the opinion, the part of the act upon which the defendant in that case was convicted was declared to be separable from the other parts of the act, and that feature of the statute the only subject of decision. Mr. Justice Harlan, concluding the opinion of the court, said:

‘We add that since the part of the act of 1898 upon which the first count of the indictment is based, and upon which alone the defendant was convicted, *is severable from its other parts*, and as what has been said is sufficient to *32 dispose of the present case, *we are not called upon to consider other and independent provisions of the act*, such, for instance, as the provisions relating to arbitration. *This decision is therefore restricted to the question of the validity of the particular provision in the act of Congress making it a crime against the United States for an agent or officer of an interstate carrier to discharge an employee from its service because of his being a member of a labor organization.*’ (Italics mine.)

In view of the feature of the statute involved, the charge made, and this express reservation in the opinion of the court as to other features of the statute, I am unable to agree that that case involved or decided the one now at bar.

There is nothing in the statute now under consideration which prevents an employer from discharging one in his service at his will. The question now presented is, May an employer, as a condition of present or future employment, require an employee to agree that he will not exercise the privilege of becoming a member of a labor union, should he see fit to do so? In my opinion, the cases are entirely different, and the decision of the questions controlled by different principles. The right to join labor unions is undisputed, and has been the subject of frequent affirmation in judicial **251 opinions. Acting within their legal rights, such associations are as legitimate as any organization of citizens formed to promote their common interest. They are organized under the laws of many states, by virtue of express statutes passed for that purpose, and, being legal, and acting within their constitutional rights, the right to join them, as against coercive

action to the contrary, may be the legitimate subject of protection in the exercise of the police authority of the states. This statute, passed in the exercise of that particular authority called the police power, the Limitations of which no court has yet undertaken precisely to define, has for its avowed *33 purpose the protection of the exercise of a legal right, by preventing an employer from depriving the employee of it as a condition of obtaining employment. I see no reason why a state may not, if it chooses, protect this right, as well as other legal rights.

But it is said that the contrary must necessarily result, if not from the precise matter decided in the Adair Case, then from the principles therein laid down, and that it is the logical result of that decision that the employer may, as a condition of employment, require an obligation to forego the exercise of any privileges because of the exercise of which an employee might be discharged from service. I do not concede that this result follows from anything decided in the Adair Case. That case dealt solely with the right of an employer to terminate relations of employment with an employee, and involved the constitutional protection of his right so to do, but did not deal with the conditions which he might exact or impose upon another as a condition of employment.

The act under consideration is said to have the effect to deprive employers of a part of their liberty of contract, for the benefit of labor organizations. It is urged that the statute has no object or purpose, express or implied, that has reference to health, safety, morals, or public welfare, beyond the supposed desirability of leveling inequalities of fortune by depriving him who has property of some part of his ‘financial independence.’

But this argument admits that financial independence is not independence of law or of the authority of the legislature to declare the policy of the state as to matters which have a reasonable relation to the welfare, peace, and security of the community.

This court has many times decided that the motives of legislators in the enactment of laws are not the subject of judicial inquiry. Legislators, state and Federal, are entitled to the presumption that their action has been in *34 good faith and because of conditions which they deem proper and sufficient to warrant the action taken. Speaking for this court in Ex parte McCordle, 7 Wall. 506, 514, 19 L. ed. 264, 265, Chief Justice Chase summed up the doctrine in a sentence when he said: ‘We are not at liberty to inquire into the motives of the legislature; we can only examine into its power under

the Constitution.’ In Cooley’s Constitutional Limitations, 7th ed. 257, that eminent author says: ‘They [the courts] must assume that legislative discretion has been properly exercised. If evidence was required, it must be supposed that it was before the legislature when the act was passed; and if any special finding was required to warrant the passage of the particular act, it would seem that the passage of the act itself might be held equivalent to such finding.’ ‘The rule is general with reference to the enactments of all legislative bodies that the courts cannot inquire into the motives of the legislators in passing them, except as they may be disclosed on the face of the acts, or inferable from their operation, considered with reference to the condition of the country and existing legislation. The motives of the legislators, considered as the purposes they had in view, will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments. Their motives, considered as the moral inducements for their votes, will vary with the different members of the legislative body. The diverse character of such motives, and the impossibility of penetrating into the hearts of men and ascertaining the truth, precludes all such inquiries as impracticable and futile.’ *Soon Hing v. Crowley*, 113 U. S. 703, 710, 28 L. ed. 1145, 1147, 5 Sup. Ct. Rep. 730. ‘We must assume that the legislature acts according to its judgment for the best interests of the state. A wrong intent cannot be imputed to it.’ *Florida C. & P. R. Co. v. Reynolds*, 183 U. S. 471, 480, 46 L. ed. 283, 287, 22 Sup. Ct. Rep. 176.

The act must be taken as an attempt of the legislature to enact a statute which it deemed necessary to the good *35 order and security of society. It imposes a penalty for ‘coercing or influencing or making demands upon or requirements of employees, servants, laborers, and persons seeking employment.’ It was in the light of this avowed purpose that the act was interpreted by the supreme court of Kansas, the ultimate authority upon the meaning of the terms of the law. Of course, if the act is necessarily arbitrary and therefore unconstitutional, mere declarations of good intent cannot save it, but it must be presumed **252 to have been passed by the legislative branch of the state government in good faith, and for the purpose of reaching the desired end. The legislature may have believed, acting upon conditions known to it, that the public welfare would be promoted by the enactment of a statute which should prevent the compulsory exaction of written agreements to forego the acknowledged legal right here involved, as a condition of employment in one’s trade or occupation.

It would be impossible to maintain that because one is free to accept or refuse a given employment, or because one may at

will employ or refuse to employ another, it follows that the parties have a constitutional right to insert in an agreement of employment any stipulation they choose. They cannot put in terms that are against public policy either as it is deemed by the courts to exist at common law, or as it may be declared by the legislature as the arbiter within the limits of reason of the public policy of the state. It is no answer to say that the greater includes the less, and that because the employer is free to employ, or the employee to refuse employment, they may agree as they please. This matter is easily tested by assuming a contract of employment for a year and the insertion of a condition upon which the right of employment should continue. The choice of such conditions is not to be regarded as wholly unrestricted because the parties may agree or not, as they choose. And if the state may prohibit *36 a particular stipulation in an agreement because it is deemed to be opposed in its operation to the security and well being of the community, it may prohibit it in any agreement, whether the employment is for a term or at will. It may prohibit the attempt in any way to bind one to the objectionable undertaking.

Would anyone contend that the state might not prohibit the imposition of conditions which should require an agreement to forego the right on the part of the employee to resort to the courts of the country for redress in the case of disagreement with his employer? While the employee might be discharged in case he brought suit against an employer if the latter so willed, it by no means follows that he could be required, as a condition of employment, to forego a right so obviously fundamental as the one supposed. It is therefore misleading to say that the right of discharge necessarily embraces the right to impose conditions of employment which shall include the surrender of rights which it is the policy of the state to maintain.

Take another illustration: The right to exclude a foreign corporation from carrying on a purely domestic business in the state has been distinctly recognized by decisions of this court; yet it has been held, and is now settled law, that it is beyond the authority of the state to require a corporation doing business of this character to file in the office of the secretary of state a written agreement that it will not remove a suit, otherwise removable, to a Federal court of the United States. *Home Ins. Co. v. Morse*, 20 Wall. 445, 22 L. ed. 365. In that case, the right to exclude was held not to include the right to impose any condition under which the corporation might do business in the state. In that connection this court said:

‘A man may not barter away his life or his freedom, or his substantial rights. In a criminal case, he cannot, as was held in *Cancemi's Case*, 18 N. Y. 128, be tried, in any other manner than by a jury of twelve men, although he consent in open *37 court to be tried by a jury of eleven men. In a civil case he may submit his particular suit by his own consent to an arbitration, or to the decision of a single judge. So he may omit to exercise his right to remove his suit to a Federal tribunal, as often as he thinks fit, in each recurring case. In these aspects any citizen may, no doubt, waive the rights to which he may be entitled. He cannot, however, bind himself in advance by an agreement, which may be specifically enforced, thus to forfeit his rights at all times and on all occasions, whenever the case may be presented.’ *Home Ins. Co. v. Morse*, 20 Wall. 445, 451, 22 L. ed. 365, 368.

It may be that an employer may be of the opinion that membership of his employees in the National Guard, by enlistment in the militia of the state, may be detrimental to his business. Can it be successfully contended that the state may not, in the public interest, prohibit an agreement to forego such enlistment as against public policy? Would it be beyond a legitimate exercise of the police power to provide that an employee should not be required to agree, as a condition of employment, to forego affiliation with a particular political party, or the support of a particular candidate for office? It seems to me that these questions answer themselves. There is a real, and not a fanciful, distinction between the exercise of the right to discharge at will and the imposition of a requirement that the employee, as a condition of employment, shall make a particular agreement to forego a legal right. The *agreement* may be, or may be declared to be, against public policy, although the right of discharge remains. When a man is discharged, the employer exercises his right **253 to declare such action necessary because of the exigencies of his business, or as the result of his judgment for other reasons sufficient to himself. When he makes a stipulation of the character here involved essential to future employment, he is not exercising a right to discharge, and may not wish to discharge the employee when, at a *38 subsequent time, the prohibited act is done. What is in fact accomplished, is that the one engaging to work, who may wish to preserve an independent right of action, as a condition of employment, is coerced to the signing of such an agreement against his will, perhaps impelled by the necessities of his situation. The state, within constitutional limitations, is the judge of its own policy and may execute it in the exercise of the legislative authority. This statute reaches not only the employed, but, as well, one seeking employment. The latter may never wish to join a labor

union. By signing such agreements as are here involved he is deprived of the right of free choice as to his future conduct, and must choose between employment and the right to act in the future as the exigencies of his situation may demand. It is such contracts, having such effect, that this statute and similar ones seek to prohibit and punish as against the policy of the state.

It is constantly emphasized that the case presented is not one of coercion. But in view of the relative positions of employer and employed, who is to deny that the stipulation here insisted upon and forbidden by the law is essentially coercive? No form of words can strip it of its true character. Whatever our individual opinions may be as to the wisdom of such legislation, we cannot put our judgment in place of that of the legislature and refuse to acknowledge the existence of the conditions with which it was dealing. Opinions may differ as to the remedy, but we cannot understand upon what ground it can be said that a subject so intimately related to the welfare of society is removed from the legislative power. Wherein is the right of the employer to insert this stipulation in the agreement any more sacred than his right to agree with another employer in the same trade to keep up prices? He may think it quite as essential to his ‘financial independence,’ and so in truth it may be if he alone is to be considered. But it is too late to deny that the legislative *39 power reaches such a case. It would be difficult to select any subject more intimately related to good order and the security of the community than that under consideration—whether one takes the view that labor organizations are advantageous or the reverse. It is certainly as much a matter for legislative consideration and action as contracts in restraint of trade.

It is urged that a labor organization—a voluntary association of working men—has the constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men. And it is asserted that there cannot be one rule of liberty for the labor organization and its members and a different and more restrictive rule for employers.

It, of course, is true, for example, that a church may deny membership to those who unite with other denominations, but it by no means follows that the state may not constitutionally prohibit a railroad company from compelling a working-man to agree that he will, or will not, join a particular church. An analogous case, viewed from the employer's standpoint, would be: Can the state, in the exercise of its legislative power, reach concerted effort of employees, intended to

coerce the employer as a condition of hiring labor, that he shall engage in writing to give up his privilege of association with other employers in legal organizations, corporate or otherwise, having for their object a united effort to promote by legal means that which employers believe to be for the best interest of their business?

I entirely agree that there should be the same rule for employers and employed, and the same liberty of action for each. In my judgment, the law may prohibit coercive attempts, such as are here involved, to deprive either of the free right of exercising privileges which are theirs within the law. So far as I know, no law has undertaken *40 to abridge the right of employers of labor in the exercise of free choice as to what organizations they will form for the promotion of their common interests, or denying to them free right of action in such matters.

But it is said that in this case all that was done in effect was to discharge an employee for a cause deemed sufficient to the employer,—a right inherent in the personal liberty of the employer protected by the Constitution. This argument loses sight of the real purpose and effect of this and kindred statutes. The penalty imposed is not for the discharge, but for the attempt to coerce an unwilling employee to agree to forego the exercise of the legal right involved as a condition of employment. It is the requirement of such agreements which the state declares to be against public policy.

I think that the act now under consideration, **254 and kindred ones, are intended to promote the same liberty of action for the employee, as the employer confessedly enjoys. The law should be as zealous to protect the constitutional liberty of the employee as it is to guard that of the employer. A principal object of this statute is to protect the liberty of the citizen to make such lawful affiliations as he may desire with organizations of his choice. It should not be necessary to the protection of the liberty of one citizen that the same right in another citizen be abridged or destroyed.

If one prohibitive condition of the sort here involved may be attached, so may others, until employment can only be had as the result of written stipulations, which shall deprive the employee of the exercise of legal rights which are within the authority of the state to protect. While this court should, within the limitations of the constitutional guaranty, protect the free right of contract, it is not less important that the state be given the right to exert its legislative authority, if it deems best to do so, for the protection of rights which inhere in the privileges of the citizen of every free country.

*41 The supreme court of Kansas, in sustaining this statute, said that ‘employees, as a rule, are not financially able to be as independent in making contracts for the sale of their labor as are employers in making a contract of purchase thereof,’ and in reply to this it is suggested that the law cannot remedy inequalities of fortune, and that so long as the right of property exists, it may happen that parties negotiating may not be equally unhampered by circumstances.

This view of the Kansas court, as to the legitimacy of such considerations, is in entire harmony, as I understand it, with the former decisions of this court in considering the right of state legislatures to enact laws which shall prevent the undue or oppressive exercise of authority in making contracts with employees. In *Holden v. Hardy*, 169 U. S. 366, 42 L. ed. 780, 18 Sup. Ct. Rep. 383, this court, considering legislation limiting the number of hours during which laborers might be employed in a particular employment, said:

‘The legislature has also recognized the fact, which the experience of legislators in many states has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may properly interpose its authority. . . . But the fact that both parties are of full age and competent to contract does not necessarily deprive the state of the power to interfere where the parties do not stand upon an equality, or where the public health demands that one party to *42 the contract shall be protected against himself. ‘The state still retains an interest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety and welfare are sacrificed or neglected, the state must suffer.’ (Page 397.)

This language was quoted with approval in *Chicago, B. & Q. R. Co. v. McGuire*, 219 U. S. 549, 570, 55 L. ed. 328, 339, 31 Sup. Ct. Rep. 259, in which a statute of Iowa was sustained, prohibiting contracts limiting liability for injuries, made in advance of the injuries received, and providing that the subsequent acceptance of benefits under such contracts should not constitute satisfaction for injuries received after

the contract. Certainly it can be no substantial objection to the exercise of the police power that the legislature has taken into consideration the necessities, the comparative ability, and the relative situation of the contracting parties. While all stand equal before the law, and are alike entitled to its protection, it ought not to be a reasonable objection that one motive which impelled an enactment was to protect those who might otherwise be unable to protect themselves.

I therefore think that the statute of Kansas, sustained by the supreme court of the state, did not go beyond a legitimate exercise of the police power, when it sought, not to require one man to employ another against his will, but to put limitations

upon the sacrifice of rights which one man may exact from another as a condition of employment. Entertaining these views, I am constrained to dissent from the judgment in this case.

I am permitted to say that Mr. Justice **Hughes** concurs in this dissent.

All Citations

236 U.S. 1, 35 S.Ct. 240, 59 L.Ed. 441, L.R.A. 1915C,960














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Negative Treatment

Negative Citing References (19)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruled by	 1. Phelps Dodge Corp. v. N.L.R.B. MOST NEGATIVE 61 S.Ct. 845 , U.S. On Writs of Certiorari to the United States Circuit Court of Appeals for the Second Circuit. Petition by the Phelps Dodge Corporation to review an order of the National Labor...	Apr. 28, 1941	Case		—
Overruling Recognized by	 2. Brockmeyer v. Dun & Bradstreet 335 N.W.2d 834 , Wis. Former employee brought wrongful discharge action against former employer. The Circuit Court, Milwaukee County, Ralph G. Gorenstein, J., entered judgment on verdict in favor of...	July 01, 1983	Case		—
Overruling Recognized by	 3. Whitney v. Heckler 780 F.2d 963 , 11th Cir.(Ga.) Physicians brought action challenging constitutionality of certain provisions of the Deficit Reduction Act of 1984 which affected the medicare program. The United States District...	Jan. 22, 1986	Case		—
Overruling Recognized by	 4. Patel v. Texas Department of Licensing and Regulation 469 S.W.3d 69 , Tex. GOVERNMENT — Licensing. Cosmetology licensing requirements for estheticians violated substantive due course of law as applied to commercial eyebrow threaders.	June 26, 2015	Case		—
Overruling Recognized by	5. Coleman v. Utah State Charter School Board 673 Fed.Appx. 822 , 10th Cir.(Utah) EDUCATION — Labor and Employment. Former director of charter school lacked due process protected property interest in her at-will employment.	Dec. 16, 2016	Case		—
Overruling Recognized by	 6. In re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation ” 288 F.Supp.3d 1087 , D.N.M. COMMERCIAL LAW — Unfair Practices. Consent order between FTC and cigarette manufacturer allowing certain descriptors could not preempt consumers' claims for deceptive trade...	Dec. 21, 2017	Case		—
Overruling Recognized by	 7. Dobbs v. Jackson Women's Health Organization 142 S.Ct. 2228 , U.S. HEALTH — Abortion. Constitution does not provide right to abortion.	June 24, 2022	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Abrogation Recognized by	 8. Ferguson v. Skrupa 83 S.Ct. 1028 , U.S.Kan. Action to enjoin enforcement of a Kansas statute making it a misdemeanor to engage in business of debt adjustment except as incident to lawful practice of law. The United States...	Apr. 22, 1963	Case		—
Abrogation Recognized by	9. Blue v. McBride 850 P.2d 852 , Kan. Automobile brokers and credit unions brought suit against State and Director of Division of Vehicles seeking declaration that amendments to Vehicle Dealers and Manufacturers...	Apr. 16, 1993	Case		—
Abrogation Recognized by	 10. Abbott v. Bragdon 912 F.Supp. 580 , D.Me. Patient with Human Immunodeficiency Virus (HIV) sued dentist, alleging violations of Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) based on dentist's...	Dec. 22, 1995	Case		—
Abrogation Recognized by	 11. Eastern Enterprises v. Chater 110 F.3d 150 , 1st Cir.(Mass.) Former coal operator brought suit challenging Coal Industry Retiree Health Benefit Act. The United States District Court for the District of Massachusetts, Mark L. Wolf, J.,...	Apr. 07, 1997	Case		—
Abrogation Recognized by	  12. Florida ex rel. McCollum v. U.S. Dept. of Health and Human Services 716 F.Supp.2d 1120 , N.D.Fla. HEALTH - Individual Mandate. Penalty imposed by healthcare overhaul for non-compliance with individual mandate was not a tax.	Oct. 14, 2010	Case		—
Abrogation Recognized by	13. California Grocers Assn. v. City of Los Angeles  127 Cal.Rptr.3d 726 , Cal. LABOR AND EMPLOYMENT - Layoffs. Grocery worker retention ordinance was not preempted.	July 18, 2011	Case		—
Abrogation Recognized by	 14. Michigan Corrections Organization v. Michigan Dept. of Corrections 774 F.3d 895 , 6th Cir.(Mich.) LABOR AND EMPLOYMENT - Hours and Wages. Remedial power under Fourteenth Amendment was not basis for the FLSA to abrogate State immunity.	Dec. 17, 2014	Case		—
Abrogation Recognized by	15. Germantown Cab Company v. Philadelphia Parking Authority 206 A.3d 1030 , Pa. TRANSPORTATION — Motor Vehicles. Statute requiring partial rights taxicab companies and medallion cab owners to pay equal assessments did not violate due process.	Apr. 26, 2019	Case		—
Declined to Extend by	 16. New Prime Inc. v. Oliveira	Jan. 15, 2019	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
	139 S.Ct. 532 , U.S. LABOR AND EMPLOYMENT - Arbitration. Arbitration Act's exclusion for "contracts of employment" of transportation workers applied to independent contractors.				
Distinguished by	 17. In re Rameriz 226 P. 914 , Cal. In Bank. Application for writ of habeas corpus on behalf of Gevino Rameriz, prayed to be directed to the Sheriff of Kings County. Writ discharged, and petitioner remanded.	May 29, 1924	Case		—
Distinguished by	 18. In re Opinion of the Justices 147 N.E. 681 , Mass. The following order was passed by the House of Representatives on March 12, 1925, and by the Senate in concurrence on March 16, 1925, and was transmitted to the Justices of the...	Apr. 17, 1925	Case		—
Distinguished in	 19. Reference re ss. 193 & 195.1(1)(c) of the Criminal Code 1990 WL 1050603 , S.C.C.	May 31, 1990	Case	—	—

History (2)

Direct History (2)

1. [State v. Coppage](#)

87 Kan. 752 , Kan. , July 06, 1912

Affirmed by



2. [Coppage v. State of Kansas](#)















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Citing References (500)

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 1. N.L.R.B. v. Mackay Radio & Telegraph Co. 87 F.2d 611, 615+ , C.C.A.9 GARRECHT, Circuit Judge, dissenting. On Application for Enforcement of An Order of the National Labor Relations Board. Petition by the National Labor Relations Board for...	Jan. 11, 1937	Case		—
Examined by	2. Jackson v. Berger  110 N.E. 732, 732+ , Ohio Error to Circuit Court, Hamilton County. Action between one Jackson, Chief of Police, and others, and one Berger. From the judgment, the parties first mentioned bring error. ...	May 04, 1915	Case		—
Abrogation Recognized by 	3. Blue v. McBride 850 P.2d 852, 861+ , Kan. Automobile brokers and credit unions brought suit against State and Director of Division of Vehicles seeking declaration that amendments to Vehicle Dealers and Manufacturers...	Apr. 16, 1993	Case		—
Discussed by	 4. Epic Systems Corp. v. Lewis 138 S.Ct. 1612, 1634+ , U.S. LABOR AND EMPLOYMENT - Arbitration. National Labor Relations Act does not displace Federal Arbitration Act enforcement of class and collective action waivers.	May 21, 2018	Case		—
Discussed by	5. Prudential Ins. Co. of America v. Cheek 42 S.Ct. 516, 519+ , U.S.Mo. In Error to the St. Louis Court of Appeals, State of Missouri. Action by Robert T. Cheek against the Prudential Insurance Company of America. A judgment sustaining a demurrer to...	June 05, 1922	Case		—
Discussed by	6. Arizona Copper Co. v. Hammer  39 S.Ct. 553, 567+ , U.S.Ariz. In Error to the District Court of the United States for the District of Arizona. In Error to the Supreme Court of the State of Arizona. Action by Joseph B. Hammer against the...	June 09, 1919	Case		—
Discussed by	7. Children's Hospital of District of Columbia v. Adkins 284 F. 613, 615+ , App.D.C. Smyth, Chief Justice, dissenting. Appeal from the Supreme Court of the District of Columbia. Separate suits by the Children's Hospital of the District of Columbia and by Willie...	Nov. 06, 1922	Case		—
Discussed by	8. Williams v. Aetna Inc. 2021 WL 1752047, *2+ , E.D.Cal. Plaintiff Prince Paul Raymond Williams ("Plaintiff") is proceeding pro se and in forma pauperis in this action. Plaintiff filed the Complaint commencing this action on March 3,...	May 04, 2021	Case		—

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Discussed by	<p> 9. Doe #1 v. Miami-Dade County 2015 WL 13389882, *8+ , S.D.Fla.</p> <p>THIS CAUSE is before the Court on the motions to dismiss Plaintiffs' Amended Complaint filed by Defendants Miami-Dade County (the County), Sunny Ukenye, and the Florida Department...</p>	Apr. 03, 2015	Case		—
Discussed by	<p>10. U.S. v. United Shoe Machinery Co. of New Jersey ¶¶ 222 F. 349, 400+ , D.Mass.</p> <p>In Equity. Suit by the United States against the United Shoe Machinery Company of New Jersey and others. Decree for defendants. See, also, 198 Fed. 870.</p>	Mar. 18, 1915	Case		—
Discussed by	<p>11. Bemis Bro. Bag Co. v. Feidelson ¶¶ 13 F.Supp. 153, 158+ , W.D.Tenn.</p> <p>Suit by Bemis Brother Bag Company against Charles N. Feidelson, Regional Director of the National Labor Relations Board in and for the Tenth Region, and others. On application...</p>	Jan. 23, 1936	Case		—
Discussed by	<p> 12. Iskanian v. CLS Transportation Los Angeles, LLC 173 Cal.Rptr.3d 289, 325+ , Cal.</p> <p>LABOR AND EMPLOYMENT - Hours and Wages. FAA does not preempt state law barring waiver of Private Attorney General Act.</p>	June 23, 2014	Case		—
Discussed by	<p>13. In re Opinion of the Justices ¶¶ 171 N.E. 234, 235+ , Mass.</p> <p>Opinion of the Justices of the Supreme Judicial Court in answer to questions propounded by resolutions of the House of Representatives.</p>	Apr. 15, 1930	Case		—
Discussed by	<p>14. Bogni v. Perotti ¶¶ 112 N.E. 853, 855+ , Mass.</p> <p>Appeal from Superior Court, Suffolk County. Bill for injunction by John Bogni and others against Giovanni Perotti and others. From an order sustaining a demurrer to the bill, and...</p>	May 19, 1916	Case		—
Discussed by	<p>15. In re Opinion of the Justices ¶¶ 108 N.E. 807, 808+ , Mass.</p> <p>In the matter of the opinion of the Justices, in answer to questions by the Legislature. Questions answered.</p>	May 03, 1915	Case		—
Discussed by	<p>16. O'Neil v. Providence Amusement Co. ¶¶ 108 A. 887, 890+ , R.I.</p> <p>Proceeding by William F. O'Neil, Deputy Chief of Police, against the Providence Amusement Company. Defendant was found guilty, sentence was stayed, and constitutional questions...</p>	Jan. 29, 1920	Case		—

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Discussed by	17. FREIGHTLINER CORP. - In re FREIGHTLINER CORPORATION INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, DISTRICT LODGE NO. 24, AFL-CIO 1990 WL 10667506 (Arbitrator Submitted Award), *15+ Justice Douglas has defined arbitration as: The means of solving the unforeseeable by molding a system of public law for all the problems which may arise and to provide for their...	Aug. 14, 1990	Administrative Decision		—
Overruling Recognized by NEGATIVE	18. Dobbs v. Jackson Women's Health Organization 142 S.Ct. 2228, 2262 , U.S. HEALTH — Abortion. Constitution does not provide right to abortion.	June 24, 2022	Case		—
Overruling Recognized by NEGATIVE	19. In re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation ¶¶ 288 F.Supp.3d 1087, 1168+ , D.N.M. COMMERCIAL LAW — Unfair Practices. Consent order between FTC and cigarette manufacturer allowing certain descriptors could not preempt consumers' claims for deceptive trade...	Dec. 21, 2017	Case		—
Overruling Recognized by NEGATIVE	20. Coleman v. Utah State Charter School Board 673 Fed.Appx. 822, 832 , 10th Cir.(Utah) EDUCATION — Labor and Employment. Former director of charter school lacked due process protected property interest in her at-will employment.	Dec. 16, 2016	Case		—
Abrogation Recognized by NEGATIVE	21. Germantown Cab Company v. Philadelphia Parking Authority 206 A.3d 1030, 1043 , Pa. TRANSPORTATION — Motor Vehicles. Statute requiring partial rights taxicab companies and medallion cab owners to pay equal assessments did not violate due process.	Apr. 26, 2019	Case		—
Abrogation Recognized by NEGATIVE	22. California Grocers Assn. v. City of Los Angeles ¶¶ 127 Cal.Rptr.3d 726, 744+ , Cal. LABOR AND EMPLOYMENT - Layoffs. Grocery worker retention ordinance was not preempted.	July 18, 2011	Case		—
Abrogation Recognized by NEGATIVE	23. Eastern Enterprises v. Chater 110 F.3d 150, 159 , 1st Cir.(Mass.) Former coal operator brought suit challenging Coal Industry Retiree Health Benefit Act. The United States District Court for the District of Massachusetts, Mark L. Wolf, J.,...	Apr. 07, 1997	Case		—
Abrogation Recognized by NEGATIVE	24. Abbott v. Bragdon 912 F.Supp. 580, 594 , D.Me. Patient with Human Immunodeficiency Virus (HIV) sued dentist, alleging violations of Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) based on dentist's...	Dec. 22, 1995	Case		—

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Declined to Extend by NEGATIVE	 26. New Prime Inc. v. Oliveira 139 S.Ct. 532, 542 , U.S. LABOR AND EMPLOYMENT - Arbitration. Arbitration Act's exclusion for "contracts of employment" of transportation workers applied to independent contractors.	Jan. 15, 2019	Case		—
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Cited by	 28. U.S. v. Lopez 115 S.Ct. 1624, 1652 , U.S.Tex. Weapons. Gun-Free School Zones Act, which forbids possession of firearm within school zone, exceeded Congress' commerce clause authority.	Apr. 26, 1995	Case		—
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Cited by	 33. Lincoln Federal Labor Union No. 19129, A.F. of L. v. Northwestern Iron & Metal Co. 69 S.Ct. 251, 256 , U.S.Neb. Action by Lincoln Federal Labor Union No. 19129, American Federation of Labor and others against Northwestern Iron and Metal Company and others for equitable relief and for a...	Jan. 03, 1949	Case		—
Cited by	 34. Republic Natural Gas Co. v. Oklahoma 68 S.Ct. 972, 979+ , U.S.Okla. Proceeding in the matter of the appeal of the Republic Natural Gas Company from an order of the Oklahoma State Corporation Commission determining correlative rights of owners of...	May 03, 1948	Case		—
Cited by	 35. Adamson v. People of State of California 67 S.Ct. 1672, 1692 , U.S.Cal. Admiral Dewey Adamson was convicted of murder in the first degree, the conviction was affirmed by the Supreme Court of the State of California, 27 Cal.2d 478, 165 P.2d 3, and the...	June 23, 1947	Case		—
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Cited by	 38. Texas & N.O.R. Co. v. Brotherhood of Ry. & S.S. Clerks 50 S.Ct. 427, 434+ , U.S.Tex. On Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. Suit by the Brotherhood of Railway and Steamship Clerks, etc., and others against the...	May 26, 1930	Case		—
Cited by	 39. Adkins v. Children's Hospital of the District of Columbia ¶ 43 S.Ct. 394, 396+ , U.S.Dist.Col. Appeals from the Court of Appeals of the District of Columbia. Two suits, by the Children's Hospital of the District of Columbia and by Willie A. Lyons, against Jesse C. Adkins and...	Apr. 09, 1923	Case		—
Cited by	 40. Gilbert v. State of Minn. 41 S.Ct. 125, 131 , U.S.Minn. In Error to the Supreme Court of the State of Minnesota. Joseph Gilbert was convicted of violating a Minnesota statute making it unlawful to interfere with or discourage the...	Dec. 13, 1920	Case		—

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Cited by	41. Bunting v. State of Oregon 37 S.Ct. 435, 436 , U.S.Or. IN ERROR to the Supreme Court of the State of Oregon to review a judgment which affirmed a conviction in the Circuit Court of Lake County, in that state, for violating a statutory...	Apr. 09, 1917	Case		—
Cited by	42. New York Cent. R. Co. v. White ¶¶ 37 S.Ct. 247, 254 , U.S.N.Y. IN ERROR to the Supreme Court Appellate Division, Third Judicial Department, of the State of New York, to review a judgment affirmed by the Court of Appeals of that state, which...	Mar. 06, 1917	Case		—
Cited by	43. N.L.R.B. v. Waumbec Mills 114 F.2d 226, 235+ , C.C.A.1 PETERS, District Judge, dissenting. Petition for Enforcement of an Order of the National Labor Relations Board. Proceeding on motion by the National Labor Relations Board for...	Aug. 20, 1940	Case		—
Cited by	44. Brzonkala v. Virginia Polytechnic Institute and State University 169 F.3d 820, 890 , 4th Cir.(Va.) Woman brought action under the Violence Against Women Act (VAWA) against man who allegedly raped her. Motion to dismiss the VAWA claims was granted by the United States District...	Mar. 05, 1999	Case		—
Cited by	45. National Labor Relations Board v. Tidewater Express Lines 90 F.2d 301, 301+ , C.C.A.4 On Petition for Enforcement of an Order of the National Labor Relations Board. Petition by the National Labor Relations Board against the Tidewater Express Lines, Incorporated....	May 10, 1937	Case		—
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Cited by	47. Texas & N.O.R. Co. v. Brotherhood of Railway and Steamship Clerks 33 F.2d 13, 17 , C.C.A.5 (Tex.) Foster, Circuit Judge, dissenting. Appeal from the District Court of the United States for the Southern District of Texas; Joseph C. Hutcheson, Jr., Judge. Suit by Brotherhood of...	June 10, 1929	Case		—
Cited by	48. Korte v. Sebelius 735 F.3d 654, 720 , 7th Cir.(Ill.) CIVIL RIGHTS - Religion. Contraception coverage mandate imposed substantial burden on religious exercise.	Nov. 08, 2013	Case		—

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Cited by	 49. Buhr v. Buffalo Public School Dist. No. 38 509 F.2d 1196, 1200 , 8th Cir.(N.D.) Nontenured teacher brought action against school district, alleging violations of her Fourteenth Amendment rights to both procedural and substantive due process of law. The United...	Dec. 31, 1974	Case		—
Cited by	50. Pratt v. Stout  85 F.2d 172, 179 , C.C.A.8 (Mo.) Appeal from the District Court of the United States for the Western District of Missouri; Merrill E. Otis, Judge. Suit by Charles Bank Stout and others against George O. Pratt,...	Aug. 05, 1936	Case		—
Cited by	51. Montgomery v. Pacific Elec. Ry. Co. 293 F. 680, 684 , C.C.A.9 (Cal.) Appeal from the District Court of the United States for the Southern Division of the Southern District of California. Suit in equity by the Pacific Electric Railway Company...	Nov. 13, 1923	Case		—
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Cited by	53. U. S. v. Northern Commercial Co. 1918 WL 210, *9 , D.Alaska Terr. The indictment returned by the grand jury charges: "That the defendant the Northern Commercial Company, a corporation, duly organized and existing under and by virtue of the laws...	Mar. 23, 1918	Case		—
Cited by	 54. Colyer v. Skeffington 265 F. 17, 61+ , D.Mass. Petitions for writs of habeas corpus, one by William Thomas Colyer and others, and three by Morris Katzeff, against Henry J. Skeffington, Commissioner of Immigration, to procure...	June 23, 1920	Case		—
Cited by	 55. Watson v. Branch County Bank 380 F.Supp. 945, 974 , W.D.Mich. Action challenging the constitutionality of self-help repossession and disposition provisions of Uniform Commercial Code enacted in Michigan, as applied to automobiles. The...	Aug. 12, 1974	Case		—
Cited by	 56. VanKoevering v. Manufacturers Life Ins. Co. 234 F.Supp. 786, 791 , W.D.Mich. Action on life policy. Defendant moved for judgment n.o.v. or for new trial. The District Court, Fox, J., held., inter alia, that evidence would support finding that application...	Oct. 27, 1964	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	57. Thornton v. Kroger Company ” 2022 WL 488932, *58+ , D.N.M. THIS MATTER comes before the Court on: (i) the Defendants’ Motion to Dismiss with Prejudice, filed November 13, 2020 (Doc. 14)(“MTD”); (ii) the Plaintiff’s Opposed Emergency Motion...	Feb. 17, 2022	Case		—
Cited by	58. Reitz v. Mealey 34 F.Supp. 532, 538 , N.D.N.Y. Action by George C. Reitz, a bankrupt, against Carroll E. Mealey, Commissioner of Motor Vehicles of the State of New York, for an injunction restraining defendant from suspending...	Aug. 14, 1940	Case		—
Cited by	59. U.S. v. Houde Engineering Corporation 9 F.Supp. 841, 843 , W.D.N.Y. In Equity. Suit by the United States against the Houde Engineering Corporation. On motion to permit William B. McGahan to intervene. Motion denied. See, also, 9 F.Supp. 843,...	Jan. 25, 1935	Case		—
Cited by	60. Houston & North Texas Motor Freight Lines v. Local Union No. 886 of International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America 24 F.Supp. 619, 625 , W.D.Okla. In Equity. Suit in equity by the Houston & North Texas Motor Freight Lines, Inc., to enjoin Local Union No. 886 of International Brotherhood of Teamsters, Chauffeurs, Stablemen,...	Aug. 08, 1938	Case		—
Cited by	61. Owen v. Westwood Lumber Co. 22 F.2d 992, 992+ , D.Or. At Law. Action by Richard Owen and Bert S. Kingsley, copartners doing business as the O. K. Trading Company, against the Westwood Lumber Company. On demurrer to complaint. ...	Jan. 31, 1927	Case		—
Cited by	62. Guest v. Fitzpatrick 409 F.Supp. 818, 826 , E.D.Pa. Hospitals brought action for declaratory and injunctive relief against Pennsylvania statutory scheme for termination of contracts between hospitals and certain hospital plan...	Feb. 27, 1976	Case		—
Cited by	63. Brotherhood of Ry. & S.S. Clerks, Freight Handlers, Express & Station Employees, Southern Pac. Lines in Texas and Louisiana, v. Texas & N.O.R. Co. 24 F.2d 426, 427 , S.D.Tex. In Equity. Contempt proceeding by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Southern Pacific Lines in Texas and Louisiana,...	Feb. 06, 1928	Case		—
Cited by	64. Warner Bros., Inc. v. Wilkinson 533 F.Supp. 105, 110 , D.Utah Motion picture production company brought suit seeking a determination that a provision of the Utah Motion Picture Fair Bidding Act was unconstitutional and seeking an injunction...	Dec. 21, 1981	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	65. Century Arms, Inc. v. Kennedy 323 F.Supp. 1002, 1016 , D.Vt. Action by gun importer for declaratory relief and for writ in nature of mandamus to compel Secretary of Treasury to grant necessary licenses to import surplus military firearms. ...	Feb. 26, 1971	Case		—
Cited by	66. Kealey Pharmacy & Home Care Service, Inc. v. Walgreen Co. 539 F.Supp. 1357, 1369 , W.D.Wis. Independently owned pharmacies brought action against drug supplier, alleging that supplier's termination of dealership agreements violated the Wisconsin fair dealership law...	June 03, 1982	Case		—
Cited by	67. Alabama State Federation of Labor v. McAdory 18 So.2d 810, 825 , Ala. Appeal from Circuit Court, Jefferson County; J. Russell McElroy, Whit Windham, and John C. Morrow, Judges. Proceeding for a declaratory judgment by the Alabama State Federation of...	May 25, 1944	Case		—
Cited by	68. Gadsden Times Pub. Corp. v. Dean 268 So.2d 829, 832 , Ala.Civ.App. Suit by employee against employer to recover claim for week's salary less compensation received for jury service during week for which the claim, based on statute, was made. The...	Aug. 23, 1972	Case		—
Cited by	69. American Federation of Labor v. American Sash & Door Co. 189 P.2d 912, 919+ , Ariz. Proceeding by American Federation of Labor, Arizona State Federation of Labor, Phoenix Building & Construction Trades Council, United Brotherhood of Carpenters and Joiners of...	Feb. 04, 1948	Case		—
Cited by	70. Union Carbide & Carbon Corp. v. White River Distributors ¶¶ 275 S.W.2d 455, 457 , Ark. Action by manufacturer of trade-marked anti-freeze product to restrain defendant from selling product at less than fair trade price. The Chancery Court, Independence County, P. S....	Feb. 07, 1955	Case		—
Cited by	71. State v. Crowe ¶¶ 197 S.W. 4, 8 , Ark. Appeal from Circuit Court, Sebastian County; Paul Little, Judge. Proceedings by the State of Arkansas against J. B. Crowe. From a judgment for defendant, plaintiff appeals....	June 04, 1917	Case		—
Cited by	72. Department of Mental Hygiene v. Hawley ¶¶ 28 Cal.Rptr. 718, 724 , Cal. Action by Department of Mental Hygiene to recover cost of care and maintenance of defendant's son in a state institution for the insane. From a summary judgment of the Superior...	Feb. 28, 1963	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 73. Ex parte Farb ” 174 P. 320, 322+ , Cal. In Bank. Application by Sam Farb for a writ of habeas corpus. Petitioner dismissed. Richards, J., dissenting.	July 30, 1918	Case		—
Cited by	 74. Graham v. Scissor-Tail 162 Cal.Rptr. 798, 810 , Cal.App. 2 Dist. Nonunion member promoter of concerts brought suit against musician, his wholly owned corporation, and its booking agent for breach of contract, declaratory relief, and rescission. ...	Mar. 05, 1980	Case		—
Cited by	 75. Seven Up Bottling Co. v. Grocery Drivers Union 233 P.2d 617, 621 , Cal.App. 2 Dist. Seven Up Bottling Company of Los Angeles Incorporated brought action against Grocery Drivers Union Local 848, etc., and others, for damages and injunctive relief alleging violation...	July 05, 1951	Case		—
Cited by	 76. McKay v. Retail Automobile Salesmen's Local Union No. 1067 90 P.2d 113, 114 , Cal.App. 1 Dist. Appeal from Superior Court, City and County of San Francisco; Maurice T. Dooling, Judge. On petition for rehearing. Petition denied. Prior opinion, 89 P.2d 426.	May 05, 1939	Case		—
Cited by	77. University of Colorado Through Regents of University of Colorado v. Derdeyn ” 863 P.2d 929, 955 , Colo. Drug Testing. In absence of voluntary consents, state university's random, suspicionless urinalysis drug-testing of student athletes was unconstitutional search.	Nov. 01, 1993	Case		—
Cited by	78. People v. Western Union Telegraph Co. 198 P. 146, 147 , Colo. En Banc. Error to District Court, City and County of Denver; John H. Denison, Judge. The Western Union Telegraph Company and others were charged by information with a violation of...	Apr. 04, 1921	Case		—
Cited by	 79. Magnan v. Anaconda Industries, Inc. 479 A.2d 781, 784 , Conn. Employee brought suit against his former employer alleging that he had been discharged in breach of implied covenant of good faith and that his discharge was in retaliation for his...	July 03, 1984	Case		—
Cited by	80. Boucher v. Godfrey 178 A. 655, 657 , Conn. Appeal from Superior Court, New Haven County; Frederick M. Peasley, Judge. Suit by George T. Boucher and others against Patrick Godfrey and others, for an injunction restraining...	Apr. 03, 1935	Case		—














Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	81. State Board of Funeral Directors and Embalmers for Florida v. Cooksey 3 So.2d 502, 505 , Fla. En Banc. Proceeding by the State Board of Funeral Directors and Embalmers for Florida and others to revoke the license of Ralph G. Cooksey for unethical conduct. From an order...	May 30, 1941	Case		—
Cited by	82. State ex rel. Fulton v. Ives 167 So. 394, 399+ , Fla. En Banc. Original mandamus proceeding by the State of Florida, on the relation of Andrew Fulton, against George A. Ives and others, as members of and constituting the State Board...	Mar. 16, 1936	Case		—
Cited by	83. Ex parte Messer ¶ 99 So. 330, 330+ , Fla. Original proceeding in habeas corpus by L. L. Messer for release from custody. Petitioner discharged. Whitfield and Terrell, JJ., dissenting.	Feb. 11, 1924	Case		—
Cited by	84. Harris v. Duncan 67 S.E.2d 692, 695 , Ga. Charles G. Duncan, Chairman of the Milk Control Board sued J. J. Harris to enjoin defendant from selling milk in an established milk shed without a license and in violation of the...	Nov. 13, 1951	Case		—
Cited by	85. Harrison v. Hartford Steam Boiler Inspection & Ins. Co. 187 S.E. 648, 659+ , Ga. Error from Superior Court, Fulton County; John D. Humphries, Judge. Mandamus proceeding by the Hartford Steam Boiler Inspection & Insurance Company and another against William B...	June 03, 1936	Case		—
Cited by	86. Chaires v. City of Atlanta ¶ 139 S.E. 559, 564+ , Ga. Error from Superior Court, Fulton County; John D. Humphries, Judge. Petition for injunction by R. C. Chaires and others against the city of Atlanta. Judgment for plaintiffs for...	Sep. 14, 1927	Case		—
Cited by	87. State v. Mallan 950 P.2d 178, 191+ , Hawai'i CRIMINAL JUSTICE - Drugs. State constitutional right to privacy did not extend to possession and use of marijuana for recreational purposes.	Jan. 30, 1998	Case		—
Cited by	88. Pullman Co. v. Cummins 140 N.E.2d 713, 721 , Ill. Action for declaratory judgment and for an injunction. From a judgment of the Circuit Court, Cook County, Julius H. Miner, J., the plaintiff appealed. The Supreme Court, Bristow,...	Jan. 24, 1957	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	89. American Dental Co. v. Central Dental Laboratory Co. 256 Ill.App. 279, 286+ , Ill.App. 1 Dist. On April 19, 1927, certain corporations and individuals, 28 in number, filed their bill of complaint in the circuit court of Cook county, against five parties, named as defendants....	Mar. 05, 1930	Case		—
Cited by	90. Shaughnessey v. Jordan 111 N.E. 622, 626+ , Ind. Appeal from Circuit Court, Marion County; W. W. Thornton, Special Judge. Action by Arthur Jordan and others against Peter J. Shaughnessey and others. From a judgment for...	Feb. 25, 1916	Case		—
Cited by	91. Duncan v. City of Des Moines 268 N.W. 547, 551 , Iowa Appeal from District Court, Polk County; Frank S. Shankland, Judge. Action by plaintiff to enjoin enforcement of an act fixing minimum prices which might be charged for barbering...	July 31, 1936	Case		—
Cited by	92. May v. Santa Fe Trail Transp. Co. 370 P.2d 390, 394 , Kan. Action against a corporation and three of its officials for alleged unlawful discharge of plaintiff from employment. The Sedgwick District Court, Division No. 3, B. Mack Bryant,...	Apr. 07, 1962	Case		—
Cited by	93. Hilton v. Sheridan Coal Co. 297 P. 413, 416 , Kan. Appeal from District Court, Crawford County; Leland M. Resler, Judge. Action by Lloyd H. Hilton against the Sheridan Coal Company. Judgment for plaintiff, and defendant appeals....	Mar. 07, 1931	Case		—
Cited by	94. Ex parte Irish ” 250 P. 1056, 1059 , Kan. Original application of H. P. Irish for a writ of habeas corpus to secure his release from the custody of F. A. Ernst, City Marshal of Holton. Petitioner discharged. Dawson, Burch,...	May 08, 1926	Case		—
Cited by	95. Dotson v. Proctor & Gamble Mfg. Co. 169 P. 1136, 1137 , Kan. Appeal from District Court, Wyandotte County. Action by Gordon Dotson against the Proctor & Gamble Manufacturing Company to recover compensation under the Workmen's Compensation...	Jan. 12, 1918	Case		—
Cited by	96. Board of Barber Examiners of Louisiana v. Parker 182 So. 485, 490 , La. Appeal from Third Judicial District Court, Parish of Union; E. L. Walker, Judge. Proceeding by the Board of Barber Examiners of Louisiana against Noah E. Parker to enjoin the...	Mar. 07, 1938	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	97. In re Opinion of the Justices ¶ 176 N.E. 649, 654+ , Mass. Opinion of the Justices of the Supreme Judicial Court, in answer to questions propounded by order of the House of Representatives, relative to the constitutionality of a bill to...	May 29, 1931	Case		—
Cited by	98. In re Opinion of Justices ¶ 166 N.E. 401, 402+ , Mass. In the matter of the opinion of the Justices of the Supreme Judicial Court in answer to questions submitted by the Senate of the Commonwealth.	May 20, 1929	Case		—
Cited by	99. Commonwealth v. Boston Transcript Co. 144 N.E. 400, 402 , Mass. Report from Superior Court, Suffolk County; Hugo A. Dubuque, Judge. Prosecution by the Commonwealth against the Boston Transcript Company for refusal to publish a finding of the...	June 14, 1924	Case		—
Cited by	100. Lawrence v. Briry 132 N.E. 174, 176 , Mass. Exceptions from Supreme Judicial Court, Suffolk County. Petition by Arthur A. Lawrence for a writ of prohibition, directed to William S. Briry and others, constituting the Board of...	Sep. 16, 1921	Case		—
Cited by	101. Raymer v. Trefry ¶ 132 N.E. 190, 192 , Mass. Report from Superior Court, Middlesex Report from Superior Court, ,.middlesex County; William Cushing Wait, Judge.	Sep. 16, 1921	Case		—
Cited by	102. Mechanics' Foundry & Mach. Co. v. Lynch 128 N.E. 877, 877 , Mass. Appeal from Superior Court, Bristol County; Jabez Fox, Judge. Bill by the Mechanics' Foundry & Machine Company against John Lynch and others (composing International Moulders'...	Nov. 30, 1920	Case		—
Cited by	103. Holcombe v. Creamer 120 N.E. 354, 358+ , Mass. Report from Supreme Judicial Court, Suffolk County. Petition by memebbers of the Minimum Wage Commission to compel respondents, employers in laundry concerns, or officers of...	Sep. 23, 1918	Case		—
Cited by	104. Cornellier v. Haverhill Shoe Mfrs.' Ass'n 109 N.E. 643, 644 , Mass. Report from Supreme Judicial Court, Suffolk County. Bill in equity by John Cornellier against the Haverhill Shoe Manufacturers' Association and others. Cause reported to the...	Sep. 16, 1915	Case		—
Cited by	105. Seymour Ruff & Sons v. Bricklayers', Masons' & Plasterers' Intern. Union of America 164 A. 752, 757 , Md. Appeal from Circuit Court No. 2 of Baltimore City; Samuel K. Dennis, Judge. Suit by Seymour Ruff & Sons, Inc., against the Bricklayers', Masons' & Plasterers' International Union...	Feb. 17, 1933	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	106. Solvuca v. Ryan & Reilly Co.  101 A. 710, 714 , Md. Appeal from Baltimore Court of Common Pleas; Morris A. Soper, Judge.	June 28, 1917	Case		—
Cited by	 107. Taunt v. Moegle 75 N.W.2d 48, 50 , Mich. Purchasers' action for rescission of contract of sale. The Circuit Court, Oakland County, in Chancery, George B. Hartrick, J., rendered judgment for plaintiffs, and defendant...	Mar. 01, 1956	Case		—
Cited by	 108. Glidden Co. v. Retail Hardware Mut. Fire Ins. Co. of Minnesota 233 N.W. 310, 310 , Minn. Appeal from District Court, St. Louis County; Bert Fesler, Judge. Action by the Gildden Company and others against the Retail Hardware Mutual Fire Insurance Company of Minnesota...	Nov. 28, 1930	Case		—
Cited by	109. Zanardo v. Commissioner of Revenue 2007 WL 9837803, *2 , Minn.Tax Regular Div. The Honorable Kathleen H. Sanberg, Judge of the Minnesota Tax Court, heard this matter, on July 25, 2007, at the Minnesota Tax Court courtroom 210, Minnesota Judicial Center, St...	Oct. 08, 2007	Case		—
Cited by	110. City of Jackson v. McPherson  138 So. 604, 611+ , Miss. Appeal from Circuit Court, Hinds County; W. H. Potter, Judge. W. L. McPherson applied to the City of Jackson for a permit to erect a gasoline service station, and, from the action...	Jan. 04, 1932	Case		—
Cited by	111. Sinquefield v. Valentine 132 So. 81, 83 , Miss. Appeal from Circuit Court, Jones County, Second District; W. J. Pack, Judge. Proceeding by H. B. Sinquefield, opposed by W. P. Valentine and another, for a writ of habeas corpus to...	Jan. 26, 1931	Case		—
Cited by	112. Graff v. Priest 201 S.W.2d 945, 949 , Mo. Action by George Graff against H. Sam Priest and others to test constitutional validity of Mo.R.S.A. § 4895a and to enjoin enforcement of such statutory provision. From a judgment...	Apr. 21, 1947	Case		—
Cited by	 113. Freeman v. Board of Adjustment of City of Great Falls 34 P.2d 534, 537+ , Mont. Appeal from District Court, Cascade County; H. H. Ewing, Judge. Proceeding by J. W. Freeman, as trustee, for a writ of review to vacate an order of the Board of Adjustment of the...	June 29, 1934	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	114. Great Northern Utilities Co. v. Public Service Commission ¶ 293 P. 294, 307 , Mont. Appeal from District Court, Lewis and Clark County; A. J. Horsky, Judge. Suit by the Great Northern Utilities Company against the Public Service Commission of Montana, composed of...	July 29, 1930	Case		—
Cited by	115. State v. Gateway Mortuaries ¶ 287 P. 156, 158 , Mont. Appeal from District Court, Silver Bow County; J. J. Lynch, Judge. The Gateway Mortuaries, Incorporated, and Pat R. Gagner were convicted of violating an act prohibiting antemortem...	Mar. 31, 1930	Case		—
Cited by	116. Hudson v. Atlantic Coast Line R. Co. ¶ 89 S.E.2d 441, 453+ , N.C. Certain employees of railroad brought action against railroad and unions to enjoin railroad and unions from entering into a union shop agreement under the Union Shop Amendment to...	Oct. 12, 1955	Case		—
Cited by	117. State v. Whitaker 45 S.E.2d 860, 874 , N.C. Appeal from Superior Court, Buncombe County; Zeb V. Nettles, Judge. George Whitaker and others were convicted of violating sections 2, 3, and 5 of chapter 328 of the Session Laws...	Dec. 19, 1947	Case		—
Cited by	118. Morris v. Holshouser ¶ 17 S.E.2d 115, 117 , N.C. Appeal from Superior Court, Rowan County; Felix E. Alley, Judge. Action by N. A. Morris against Clifford B. Holshouser, trading and doing business as West Innes News, to recover...	Nov. 05, 1941	Case		—
Cited by	 119. State ex rel. Culinary Workers Union, Local No. 226 v. Eighth Judicial Dist. Ct. in and for Clark County 207 P.2d 990, 1001+ , Nev. Original proceeding by the State of Nevada on the relation of Culinary Workers Union, Local No. 226, Allen Shorr, also known as John Doe I and Vivian Shorr, also known as Jane Doe...	June 24, 1949	Case		—
Cited by	120. In re Opinion of the Justices 166 A. 640, 644 , N.H. Answer to question propounded to the Justices of the Supreme Court by resolution of the House of Representatives.	May 18, 1933	Case		—
Cited by	 121. Bernard v. IMI Systems, Inc. 618 A.2d 338, 343 , N.J. At Will. Employment was at will, regardless of way in which salary was quoted in offer letter.	Jan. 25, 1993	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 122. Pierce v. Ortho Pharmaceutical Corp. 417 A.2d 505, 509 , N.J. Physician employed in research by pharmaceutical company filed complaint for alleged wrongful discharge. The Superior Court, Law Division, granted defendant's motion for summary...	July 28, 1980	Case		—
Cited by	123. Borough of Cresskill v. Borough of Dumont ” 100 A.2d 182, 190 , N.J.Super.L. Suit in lieu of a prerogative writ to test validity of an amendment to zoning ordinance of defendant borough which prohibited trade or business in a district zone for residential...	Oct. 15, 1953	Case		—
Cited by	 124. Murphy v. American Home Products Corp. 461 N.Y.S.2d 232, 240+ , N.Y. Discharged employee brought action to recover for abusive discharge, prima facie tort, intentional infliction of emotional distress, breach of contract, and age discrimination. ...	Mar. 29, 1983	Case		—
Cited by	 125. Weiner v. McGraw-Hill, Inc. 457 N.Y.S.2d 193, 196+ , N.Y. Employee brought suit against employer for wrongful termination of employment. The Supreme Court, New York County, Special Term, Francis N. Pecora, J., denied employer's motion...	Nov. 18, 1982	Case		—
Cited by	 126. Town of North Hempstead v. Exxon Corp. 439 N.Y.S.2d 342, 345 , N.Y. Action was brought challenging a town ordinance prohibiting the operation of self-service gasoline stations. Following reversal, 59 A.D.2d 551, 397 N.Y.S.2d 141, of an order...	Apr. 07, 1981	Case		—
Cited by	 127. People v. Onofre 434 N.Y.S.2d 947, 959 , N.Y. Defendant was convicted before the Onondaga County Court, Ormand N. Gale, J., of consensual sodomy, and he appealed. The Supreme Court, Appellate Division, 72 A.D.2d 268, 424...	Dec. 18, 1980	Case		—
Cited by	128. People v. Crane ” 108 N.E. 427, 439+ , N.Y. Appeal from Supreme Court, Appellate Division, First Department. Clarence A. Crane was convicted of employing aliens as laborers in the performance of a contract for the...	Feb. 25, 1915	Case		—
Cited by	129. American Broadcasting Companies, Inc. v. Roberts 461 N.Y.S.2d 816, 821 , N.Y.A.D. 1 Dept. Commissioner of Labor and Industrial Board of Appeals appealed from judgment rendered in Article 78 proceeding which annulled notice of Labor Law violation and order to comply with...	Apr. 28, 1983	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 130. State ex rel. United Dist. Heating, Inc. v. State Office Bldg. Commission 181 N.E. 129, 131+ , Ohio</p> <p>Original mandamus action by the State, on the relation of the United District Heating, Inc., against the State Office Building Commission and others, to compel defendants to enter...</p>	Mar. 23, 1932	Case		—
Cited by	<p>131. Hellman v. Retail Furniture Salesmen's Ass'n 23 Ohio N.P.(N.S.) 177, 182 , Ohio Super.</p> <p>This cause comes up for hearing on motion of the defendants for a new trial or, since the matter is in equity, for a re-hearing and reconsideration by the court of the legal...</p>	Dec. 22, 1919	Case		—
Cited by	<p>132. Smith v. State 1982 WL 6494, *3 , Ohio App. 6 Dist.</p> <p>This case comes before this court on appeal from a judgment of the Wood County Court of Common Pleas in which the court concluded that: (1) the procedure employed by the State...</p>	June 30, 1982	Case		—
Cited by	<p>133. Frederick v. Owens 25 Ohio C.D. 538, 551 , Ohio App. 8 Dist.</p> <p>A few years ago some of the teachers of the public schools of Cleveland formed an organization known as the Grade Teachers' Club. The club was formed to promote the interests of...</p>	Jun 1915	Case		—
Cited by	<p>134. Iacomini's Restaurant v. Hotel and Restaurant Emp. and Bartenders Local No. 118 85 N.E.2d 534, 538+ , Ohio Com.Pl.</p> <p>Suit by Iacomini's Restaurant, Inc., against the Hotel and Restaurant Employees and Bartenders Local No. 118 and others to enjoin peaceful picketing. Injunction refused.</p>	Aug. 24, 1948	Case		—
Cited by	<p>135. Pasley v. Union Nat. Bank of Bartlesville </p> <p>278 P. 621, 623 , Okla.</p> <p>Commissioners' Opinion, Division No. 2. Appeal from District Court, Washington County; J. R. Charlton, Judge. Action by the Union National Bank of Bartlesville against Rose Tinker...</p>	Oct. 09, 1928	Case		—
Cited by	<p>136. Bemis v. State 152 P. 456, 456+ , Okla.Crim.App.</p> <p>Appeal from County Court, Oklahoma County; John W. Hayson, Judge. A. J. Bemis was convicted of unlawfully coercing laborers, and appeals. Reversed.</p>	Oct. 09, 1915	Case		—
Cited by	<p>137. Kroner v. City of Portland 240 P. 536, 543 , Or.</p> <p>In Banc. Appeal from Circuit Court, Multnomah County; Robert G. Morrow, Judge. Suit by Ernest Kroner and another against the City of Portland and others. Decree for plaintiffs, and...</p>	Nov. 03, 1925	Case		—















Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 138. Northampton Area Joint School Authority v. Building and Const. Trades Council of Allentown, Bethlehem and Easton 152 A.2d 688, 694 , Pa.</p> <p>Suit by school district to restrain allegedly unlawful picketing of high school construction work. The Court of Common Pleas, Northampton County, No. 5, November Term, 1958,...</p>	June 30, 1959	Case		—
Cited by	<p> 139. Schwartz v. Laundry & Linen Supply Drivers' Union, Local 187 ¶¶ 14 A.2d 438, 451 , Pa.</p> <p>Appeal No. 365, January term, 1939, from decree of Court of Common Pleas No. 5, Philadelphia County, March term, 1939, No. 4209; Alessandrini, Judge. Bill in equity by Samuel...</p>	June 28, 1940	Case		—
Cited by	<p>140. Kraemer Hosiery Co. v. American Federation of Full Fashioned Hosiery Workers, Reading Branch, Local No. 10 ¶¶ 157 A. 588, 598+ , Pa.</p> <p>Suit by the Kraemer Hosiery Company and another against the American Federation of Full Fashioned Hosiery Workers, Reading Branch, Local No. 10, an unincorporated association,...</p>	Oct. 09, 1931	Case		—
Cited by	<p>141. Com. v. Dodge 429 A.2d 1143, 1147 , Pa.Super.</p> <p>Defendant was convicted before the Court of Common Pleas, Criminal Division, Allegheny County, No. CC7803903A, Popovich, J., of prostitution and criminal conspiracy, and she...</p>	May 15, 1981	Case		—
Cited by	<p> 142. Barclay White Co. v. Unemployment Compensation Bd. of Review 46 A.2d 598, 601 , Pa.Super.</p> <p>Appeal No. 56, October term, 1945, from decision of Unemployment Compensation Board of Review December 28, 1944, to Appeal No. B-44-99-F-463, Decision No. B-3865; Harry A....</p>	Apr. 23, 1946	Case		—
Cited by	<p>143. Haller Baking Co. v. Borough of Rochester ¶¶ 180 A. 108, 112 , Pa.Super.</p> <p>Appeal No. 116, April term, 1935, from order of Court of Common Pleas, Beaver County, No. 6, June term, 1934; William A. McConnel, Judge. Bill in equity to restrain enforcement, by...</p>	July 18, 1935	Case		—
Cited by	<p>144. Dagostino v. Rogers 68 Pa.Super. 284, 289 , Pa.Super.</p> <p>The defendants maintain coke works known as "Elm Grove" in Fayette County, and in connection with that business conduct a store for the sale of general merchandise. The plaintiff...</p>	1917	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 145. Prata Undertaking Co. v. State Bd. of Embalming & Funeral Directing 182 A. 808, 810 , R.I.</p> <p>Case certified from Superior Court, Providence and Bristol Counties. Proceeding by the State Board of Embalming & Funeral Directing against the Prata Undertaking Company. From a...</p>	Jan. 09, 1936	Case		—
Cited by	<p>146. Shaw v. Fisher 102 S.E. 325, 327 , S.C.</p> <p>Appeal from Common Pleas Circuit Court of Anderson County; S. W. G. Shipp, Judge. Action by John L. Shaw against A. D. Fisher. From a judgment for plaintiff, defendant appeals...</p>	Feb. 23, 1920	Case		—
Cited by	<p>147. Nashville Ry. & Light Co. v. Lawson 229 S.W. 741, 745+ , Tenn.</p> <p>Certiorari to Court of Civil Appeals. Suit by the Nashville Railway & Light Company against J. B. Lawson. A decree denying defendant's motion to dissolve the injunction on the bill...</p>	Jan. 15, 1921	Case		—
Cited by	<p> 148. Andrada v. City of San Antonio 555 S.W.2d 488, 491 , Tex.Civ.App.-San Antonio</p> <p>Plaintiff sought an injunction restraining the city from enforcing its "wrecker" ordinance. Plaintiff was denied relief by the 45th District Court, Bexar County, Sam Houston,...</p>	July 13, 1977	Case		—
Cited by	<p> 149. McNatt v. Lawther 223 S.W. 503, 505+ , Tex.Civ.App.-Amarillo</p> <p>Appeal from District Court, Dallas County; Kenneth Foree, Judge. Suit by N. J. McNatt and others against Joe E. Lawther and others, as mayor and commissioners of the city of...</p>	June 09, 1920	Case		—
Cited by	<p>150. Underwood v. Texas, & P. Ry. Co. " 178 S.W. 38, 42+ , Tex.Civ.App.-Dallas</p> <p>Appeal from District Court, Dallas County; Kenneth Force, Judge. Suit by J. A. Underwood and others against the Texas & Pacific Railway Company and others. Judgment for defendants,...</p>	May 08, 1915	Case		—
Cited by	<p>151. Klimko v. Virginia Employment Com'n 222 S.E.2d 559, 563 , Va.</p> <p>The State Employment Commission affirmed decision of appeals examiner sustaining initial determination of Commission deputy disqualifying claimant from receiving unemployment...</p>	Mar. 05, 1976	Case		—
Cited by	<p>152. Sweat v. Commonwealth " 148 S.E. 774, 775+ , Va.</p> <p>Error to Corporation Court of Norfolk. Edward B. Sweat was convicted of unlawfully purchasing and taking an assignment of salary at a rate of discount exceeding 10 per cent. per...</p>	June 13, 1929	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 153. Seattle High School Chapter No. 200 of American Federation of Teachers v. Sharples 293 P. 994, 996+ , Wash. En Banc. Appeal from Superior Court, King County; Howard M. Findley, Judge. Action by Seattle High School Chapter No. 200 of the American Federation of Teachers, a voluntary...	Dec. 02, 1930	Case		—
Cited by	154. State v. Memorial Gardens Development Corp.  101 S.E.2d 425, 430 , W.Va. Action by state to enjoin defendant from violating provisions of statute requiring depositing of money paid to it under pre-need burial contracts. The Circuit Court, Monongalia...	Dec. 03, 1957	Case		—
Cited by	155. Quesenberry v. Estep 95 S.E.2d 832, 840 , W.Va. Suit for declaratory judgment as to validity of certain rules and regulations promulgated by Board of Embalmers and Funeral Directors. The Circuit Court of Kanawha County, Frank...	Dec. 22, 1956	Case		—
Cited by	156. Pirie v. Kamps  229 P.2d 927, 930 , Wyo. Donald L. Pirie sued Gertrude Kamps for specific performance of a contract under which defendant allegedly agreed to purchase property. The Natrona County Court, C. D. Murane, J.,...	Apr. 10, 1951	Case		—
Cited by	157. Anotnio Roig, Sucrs., S. en C. v. Junta Azucarera de P.R. 77 D.P.R. 342, 358 , P.R. Recurso de Revisión contra Resolución de la Junta Azucarera. Confirmada la resolución recurrida.	Nov. 05, 1954	Case		—
Cited by	158. Hilton Hotels International, Inc. v. Junta de Salario Minimo 74 D.P.R. 670, 715 , P.R. Recurso de Revisión contra la Junta de Salario Mínimo de Puerto Rico. Desestimado el recurso, decretándose la validez de la totalidad de las disposiciones del decreto mandatorio...	Apr. 22, 1953	Case		—
Cited by	 159. El Pueblo v. Correa 31 D.P.R. 531, 531+ , P.R. Apelación procedente de la Corte de Distrito de Humacao en causa por infracción a una ordenanza municipal.	Feb. 23, 1923	Case		—
Cited by	 160. HAYNES BUILDING SERVICES, LLP. AND J. TADEO GOMEZ-FLORES, AN INDIVIDUAL 2014 WL 534754, *1 , N.L.R.B. Div. of Judges Keltner W. Locke, Administrative Law Judge. Based on the parties' stipulated record, I conclude that the Respondent violated Section 8(a)(1) of the Act by including, in a notice to...	Feb. 07, 2014	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 161. Haynes Building Services, LLC 363 NLRB 1149, 1162 , N.L.R.B.</p> <p>On February 7, 2014, Administrative Law Judge Keltner W. Locke issued the attached decision. The General Counsel and Charging Party filed exceptions and supporting briefs and the...</p>	Feb. 23, 2016	Administrative Decision		—
Cited by	<p>162. The Honorable Bobby G. Wood </p> <p>Ark. Op. Atty. Gen. No. 77-21</p> <p>The purpose of HB 345 as stated in its title is: 'AN ACT TO CLARIFY THE CONTRACTUAL RELATIONSHIP BETWEEN INSURANCE COMPANIES AND THEIR LICENSED AGENTS; TO PROVIDE RELATIVE RIGHTS...</p>	Feb. 21, 1977	Administrative Decision		—
Cited by	<p>163. Honorable Harry C. Elliott 27 Or. Op. Atty. Gen. 14, 14</p> <p>This is in response to your inquiry of June 28, 1954, seeking a review of Opinions of the Attorney General, 1950-1952, p. 149, in which the opinion was expressed that Senate Bill...</p>	Aug. 16, 1954	Administrative Decision		—
Cited by	<p>164. Hon. Warren Erwin 17 Or. Op. Atty. Gen. 238, 238</p> <p>Pursuant to your request I have examined House Bill No. 453, with reference to the question of whether or not its provisions conflict with constitutional limitations on the power...</p>	Feb. 28, 1935	Administrative Decision		—
Cited by	<p>165. House Committee on Insurance 13 Or. Op. Atty. Gen. 98, 98</p> <p>Pursuant to your request for my opinion as to the constitutionality of house bill No. 135 entitled: "A bill for an act to define the relative rights of an insurance company and an...</p>	Feb. 02, 1927	Administrative Decision		—
Cited by	<p>166. Honorable C. H. Gram 11 Or. Op. Atty. Gen. 585, 585</p> <p>I have your oral request for an opinion upon the question whether or not it is legal for an employer to require his employes to contribute a stated amount each month, ranging from...</p>	Feb. 23, 1924	Administrative Decision		—
Cited by	<p>167. Health Examination of Prisoners. 2 Pa. D. & C. 401, 402</p> <p>Your letter asking for an opinion from this department as to whether or not prisoners can object to the examination and treatment for venereal diseases provided for in the Act of...</p>	Sep. 06, 1922	Administrative Decision		—
Cited by	<p> 168. CSX CORPORATION-CONTROL-CHESSIE SYSTEM, INC. AND SEABOARD COAST LINE INDUSTRIES, INC. 6 I.C.C.2d 715, 775 , I.C.C.</p> <p>On remand from court decision, Commission established guidelines under 49 U.S.C. § 11347 for application of Commission-imposed labor protective conditions to collective bargaining...</p>	May 21, 1990	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruled by NEGATIVE	 169. Phelps Dodge Corp. v. N.L.R.B. 61 S.Ct. 845, 849 , U.S. On Writs of Certiorari to the United States Circuit Court of Appeals for the Second Circuit. Petition by the Phelps Dodge Corporation to review an order of the National Labor...	Apr. 28, 1941	Case		—
Overruling Recognized by NEGATIVE	 170. Patel v. Texas Department of Licensing and Regulation 469 S.W.3d 69, 85 , Tex. GOVERNMENT — Licensing. Cosmetology licensing requirements for estheticians violated substantive due course of law as applied to commercial eyebrow threaders.	June 26, 2015	Case		—
Overruling Recognized by NEGATIVE	 171. Whitney v. Heckler 780 F.2d 963, 973 , 11th Cir.(Ga.) Physicians brought action challenging constitutionality of certain provisions of the Deficit Reduction Act of 1984 which affected the medicare program. The United States District...	Jan. 22, 1986	Case		—
Overruling Recognized by NEGATIVE	 172. Brockmeyer v. Dun & Bradstreet 335 N.W.2d 834, 837 , Wis. Former employee brought wrongful discharge action against former employer. The Circuit Court, Milwaukee County, Ralph G. Gorenstein, J., entered judgment on verdict in favor of...	July 01, 1983	Case		—
Abrogation Recognized by NEGATIVE	 173. Michigan Corrections Organization v. Michigan Dept. of Corrections 774 F.3d 895, 900 , 6th Cir.(Mich.) LABOR AND EMPLOYMENT - Hours and Wages. Remedial power under Fourteenth Amendment was not basis for the FLSA to abrogate State immunity.	Dec. 17, 2014	Case		—
Abrogation Recognized by NEGATIVE	  174. Florida ex rel. McCollum v. U.S. Dept. of Health and Human Services 716 F.Supp.2d 1120, 1161+ , N.D.Fla. HEALTH - Individual Mandate. Penalty imposed by healthcare overhaul for non-compliance with individual mandate was not a tax.	Oct. 14, 2010	Case		—
Distinguished by NEGATIVE	 175. In re Opinion of the Justices 147 N.E. 681, 701 , Mass. The following order was passed by the House of Representatives on March 12, 1925, and by the Senate in concurrence on March 16, 1925, and was transmitted to the Justices of the...	Apr. 17, 1925	Case		—
Mentioned by	 176. Eastern Enterprises v. Apfel 118 S.Ct. 2131, 2163 , U.S.Mass. LABOR AND EMPLOYMENT - Benefit Plans. Coal Industry Retiree Health Benefit Act (Coal Act) improperly placed severe, disproportionate, and extremely retroactive burden on former...	June 25, 1998	Case		—



Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 177. Moore v. City of East Cleveland, Ohio 97 S.Ct. 1932, 1958 , U.S.Ohio Homeowner was convicted in Ohio court of violating East Cleveland housing ordinance which limits occupancy of a dwelling unit to members of a single family and recognizes as a...	May 31, 1977	Case		—
Mentioned by	178. North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores, Inc. 94 S.Ct. 407, 413 , U.S.N.D. Corporate applicant for a pharmacy permit appealed from the denial of the application by the North Dakota State Board of Pharmacy. The District Court, Burleigh County, rendered...	Dec. 05, 1973	Case		—
Mentioned by	 179. Boddie v. Connecticut 91 S.Ct. 780, 789 , U.S.Conn. Class action, on behalf of women in Connecticut receiving state welfare assistance and desiring to obtain divorces but barred from doing so by inability to pay required court fees...	Mar. 02, 1971	Case		—
Mentioned by	 180. In re Winship 90 S.Ct. 1068, 1082 , U.S.N.Y. Juvenile delinquency proceeding. The Family Court, Bronx County, adjudged the infant to be a juvenile delinquent, and he appealed. The Supreme Court, Appellate Division,...	Mar. 31, 1970	Case		—
Mentioned by	 181. Griswold v. Connecticut 85 S.Ct. 1678, 1698 , U.S.Conn. Defendants were convicted of violating the Connecticut birth control law. The Circuit Court in the Sixth Circuit, Connecticut, rendered judgments, and the defendants appealed. The...	June 07, 1965	Case		—
Mentioned by	 182. Beauharnais v. People of State of Ill. 72 S.Ct. 725, 745 , U.S.Ill. Prosecution for violating an Illinois statute forbidding any person from exhibiting any lithograph which portrayed lack of virtue of a class of citizens. The Municipal Court of...	Apr. 28, 1952	Case		—
Mentioned by	183. American Federation of Labor, Ariz State Federation of Labor v. American Sash and Door Co 69 S.Ct. 260, 261 , U.S.Ariz. Concurring opinions. For majority opinions, see 335 U.S. 525, 69 S.Ct. 251,335 U.S. 538,69 S.Ct. 258.	Jan. 03, 1949	Case		—
Mentioned by	 184. Virginian Ry. Co. v. System Federation No. 40 57 S.Ct. 592, 605 , U.S.Va. Certiorari to the Circuit Court of Appeals for the Fourth Circuit. Suit in equity by System Federation No. 40, Railway Employees Department of the American Federation of Labor, in...	Mar. 29, 1937	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 185. West Coast Hotel Co. v. Parrish ¶¶ 57 S.Ct. 578, 588 , U.S.Wash.</p> <p>Action by Ernest Parrish and wife against the West Coast Hotel Company. From a judgment of the Supreme Court of the State of Washington (185 Wash. 581, 55 P.(2d) 1083), reversing...</p>	Mar. 29, 1937	Case		—
Mentioned by	<p> 186. O'Gorman & Young, Inc. v. Hartford Fire Ins. Co. 51 S.Ct. 130, 135 , U.S.N.J.</p> <p>Mr. Justice VAN DEVANTER, Mr. Justice McREYNOLDS, Mr. Justice SUTHERLAND, and Mr. Justice BUTLER, dissenting. Appeals from the Court of Errors and Appeals of New Jersey. Separate...</p>	Jan. 05, 1931	Case		—
Mentioned by	<p>187. Highland v. Russell Car & Snowplow Co. 49 S.Ct. 314, 316 , U.S.Pa.</p> <p>On Writ of Certiorari to the Supreme Court of the State of Pennsylvania. Action by V. L. Highland against the Russell Car & Snowplow Company. Judgment for defendant was affirmed by...</p>	Apr. 08, 1929	Case		—
Mentioned by	<p> 188. Gitlow v. People of State of New York 45 S.Ct. 625, 630 , U.S.N.Y.</p> <p>In Error to the Supreme Court of the State of New York. Benjamin Gitlow was convicted of statutory crime of criminal anarchy. To review a judgment of the Court of Appeals of New...</p>	June 08, 1925	Case		—
Mentioned by	<p>189. Radice v. People of State of New York 44 S.Ct. 325, 327 , U.S.N.Y.</p> <p>In Error to the City Court of Buffalo, State of New York. Joseph Radice was convicted in the City Court of Buffalo of violating the statute prohibiting the employment of women in...</p>	Mar. 10, 1924	Case		—
Mentioned by	<p>190. U.S. ex rel. Milwaukee Social Democratic Pub. Co. v. Bursleson 41 S.Ct. 352, 361 , U.S.Dist.Col.</p> <p>In Error to the Court of Appeals of the District of Columbia. Mandamus by the United States, on the relation of the Milwaukee Social Democratic Publishing Company, against Albert...</p>	Mar. 07, 1921	Case		—
Mentioned by	<p> 191. Calhoun v. Massie 40 S.Ct. 474, 478 , U.S.Va.</p> <p>On Writ of Certiorari to the Supreme Court of Appeals of the State of Virginia. Action by C. C. Calhoun against Bland Massie. Judgment for defendant on demurrer was affirmed by the...</p>	May 17, 1920	Case		—
Mentioned by	<p> 192. Hitchman Coal & Coke Co. v. Mitchell 38 S.Ct. 65, 72 , U.S.W.Va.</p> <p>On Writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit. Suit by the Hitchman Coal & Coke Company against John Mitchell and others. A final...</p>	Dec. 10, 1917	Case		—




Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	193. Wilson v. New 37 S.Ct. 298, 315 , U.S.Mo. APPEAL from the District Court of the United States for the Western District of Missouri to review a decree which enjoined the enforcement of a statute fixing an eight-hour workday...	Mar. 19, 1917	Case		—
Mentioned by	194. Truax v. Raich 36 S.Ct. 7, 10 , U.S.Ariz. APPEAL from the District Court of the United States for the District of Arizona to review a decree enjoining the enforcement of the Arizona anti-alien labor law. Affirmed. See same...	Nov. 01, 1915	Case		—
Mentioned by	195. Miller v. Wilson 35 S.Ct. 342, 343 , U.S.Cal. IN ERROR to the Supreme Court of the State of California to review a judgment denying relief by habeas corpus to a person in custody upon the charge of violating a statute of the...	Feb. 23, 1915	Case		—
Mentioned by	196. Bruffett v. Warner Communications, Inc. 692 F.2d 910, 921 , 3rd Cir.(Pa.) Employee brought diversity action against employer seeking damages on a variety of tort and contract theories because employer terminated his temporary employment and failed to...	Nov. 08, 1982	Case		—
Mentioned by	197. Malmed v. Thornburgh 621 F.2d 565, 576 , 3rd Cir.(Pa.) Five judges of Court of Common Pleas of First Judicial District of Pennsylvania brought action challenging Pennsylvania Constitution section requiring retirement of state judges at...	May 13, 1980	Case		—
Mentioned by	198. Faulkner v. Jones 51 F.3d 440, 456 , 4th Cir.(S.C.) After female high school student was denied admission into state-supported military college pursuant to its male-only admission policy, female student brought § 1983 action against...	Apr. 13, 1995	Case		—
Mentioned by	199. Friendly Soc. of Engravers and Sketchmakers v. Calico Engraving Co. 238 F.2d 521, 522 , 4th Cir.(S.C.) Action by a labor union against an employer to recover damages on account of alleged anti-union activity by an employer. From a judgment of dismissal in the United States District...	Nov. 07, 1956	Case		—
Mentioned by	200. N.L.R.B. v. Washington, Virginia & Maryland Coach Co. 85 F.2d 990, 993+ , C.C.A.4 Petition for Enforcement of an Order of the National Labor Relations Board. Proceeding on the petition of the National Labor Relations Board for enforcement of an order of the...	Oct. 06, 1936	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	201. Bittner v. West Virginia-Pittsburgh Coal Co. 15 F.2d 652, 658 , C.C.A.4 (W.Va.) Appeal from the District Court of the United States for the Northern District of West Virginia, at Wheeling; William E. Baker, Judge. Suit by the West Virginia-Pittsburgh Coal...	Oct. 29, 1926	Case		—
Mentioned by	202. Davis v. Passman 571 F.2d 793, 803 , 5th Cir.(La.) Action was brought against member of United States House of Representatives, alleging that he violated the Fifth Amendment by discharging female staff member because of her sex. ...	Apr. 18, 1978	Case		—
Mentioned by	203. England v. Louisiana State Bd. of Medical Examiners 263 F.2d 661, 673 , 5th Cir.(La.) On petition for rehearing of a decision rendered into 259 F.2d 626 on appeal from a judgment of the United States District Court for the Eastern District of Louisiana, J. Skelly...	Jan. 23, 1959	Case		—
Mentioned by	204. Agwilines, Inc., v. National Labor Relations Board 87 F.2d 146, 153 , C.C.A.5 Petition to Review Findings and Order of National Labor Relations Board. Proceedings on the petition of Agwilines, Inc., to review findings and order of the National Labor...	Dec. 22, 1936	Case		—
Mentioned by	205. Barrick Realty, Inc. v. City of Gary, Ind. 491 F.2d 161, 164 , 7th Cir.(Ind.) Realty company, its president and homeowner who listed his home for sale by company sought permanent injunction against enforcement of city ordinance forbidding use of 'For Sale'...	Jan. 24, 1974	Case		—
Mentioned by	206. Jefferson Electric Co. v. N.L.R.B. 102 F.2d 949, 957 , C.C.A.7 Petitions to Review and Set Aside, and on Request for Enforcement of, an Order of the National Labor Relations Board. Petition by the Jefferson Electric Company against the...	Mar. 31, 1939	Case		—
Mentioned by	207. Strickland v. Inlow 485 F.2d 186, 192 , 8th Cir.(Ark.) High school students sued school district and various school authorities for injunctive relief and damages for suspensions. The United States District Court for the Western...	Aug. 29, 1973	Case		—
Mentioned by	208. Coons v. Lew 762 F.3d 891, 899 , 9th Cir.(Ariz.) INSURANCE - Health. Affordable Care Act impliedly preempted Arizona Health Care Freedom Act.	Aug. 07, 2014	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	209. N.L.R.B. v. Mackay Radio & Telegraph Co. 92 F.2d 761, 764+ , C.C.A.9 GARRECHT, Circuit Judge, dissenting. Petition to Enforce an Order of the National Labor Relations Board. On rehearing. Former decision adhered to. For former opinion, see 87 F.(2d)...	Oct. 19, 1937	Case		—
Mentioned by	210. Duncan v. U.S. 48 F.2d 128, 130 , C.C.A.9 (Or.) Appeal from the District Court of the United States for the District of Oregon; Robert S. Bean, Judge. Robert Gordon Duncan was convicted for a violation of a provision in the...	Mar. 09, 1931	Case		—
Mentioned by	211. Montgomery v. Pacific Electric Ry. Co. 258 F. 382, 389 , C.C.A.9 (Cal.) Appeal from the District Court of the United States for the Southern Division of the Southern District of California; Benjamin F. Bledsoe, Judge. Suit by the Pacific Electric...	May 26, 1919	Case		—
Mentioned by	212. Story v. Rives 97 F.2d 182, 185 , App.D.C. Appeal from the District Court of the United States for the District of Columbia. Petition by William S. Story for a writ of habeas corpus to be released from the custody of Thomas...	Apr. 04, 1938	Case		—
Mentioned by	213. Whitsitt v. Select Staffing 2018 WL 6990672, *1 , E.D.Cal. Plaintiff filed his pro se compliant on July 2, 2018, ECF No. 1, along with a motion to proceed in forma pauperis. ECF No. 2. The court granted the in forma pauperis motion on July...	Sep. 04, 2018	Case		—
Mentioned by	214. Roe v. Butterworth 958 F.Supp. 1569, 1580 , S.D.Fla. Petitioner, a former call girl for escort service, brought action challenging constitutionality of state statute prohibiting prostitution and seeking declaratory and injunctive...	Mar. 10, 1997	Case		—
Mentioned by	215. Whitney v. Heckler 603 F.Supp. 821, 825 , N.D.Ga. Physicians brought action challenging constitutionality of certain provisions of the Deficit Reduction Act of 1984 which affected the medicare program. The District Court, Robert...	Feb. 04, 1985	Case		—
Mentioned by	216. Bendix Products Corporation v. Beman 14 F.Supp. 58, 70 , N.D.Ill. In Equity. Suit by the Bendix Products Corporation against L. W. Beman, individually and as Regional Director of the National Labor Relations Board for the Thirteenth Region, and...	Mar. 24, 1936	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 217. Detroit Automotive Purchasing Services, Inc. v. Lee 463 F.Supp. 954, 969 , D.Md.</p> <p>Automotive purchasing service corporation and new vehicle "broker" brought action claiming that Maryland licensing provisions for automobile salesmen unconstitutionally prevented...</p>	Dec. 27, 1978	Case		—
Mentioned by	<p>218. Acanfora v. Board of Ed. of Montgomery County 359 F.Supp. 843, 850 , D.Md.</p> <p>Action was brought under the Civil Rights Act by a teacher allegedly arbitrarily transferred. The District Court, Joseph H. Young, J., held that mere knowledge that a teacher is a...</p>	May 31, 1973	Case		—
Mentioned by	<p>219. U.S. v. National Garment Co. 10 F.Supp. 104, 109 , E.D.Mo.</p> <p>Action by the United States of America against the National Garment Company and another for a temporary injunction. Writ denied.</p>	Mar. 09, 1935	Case		—
Mentioned by	<p>220. New Hampshire Bankers Ass'n v. Nelson 336 F.Supp. 1330, 1338 , D.N.H.</p> <p>Suit brought under Federal Declaratory Judgment Act concerning New Hampshire statute prohibiting trust companies or similar corporations or national banks from advertising or...</p>	Jan. 19, 1972	Case		—
Mentioned by	<p>221. Salerno v. O'Rourke 555 F.Supp. 750, 761 , D.N.J.</p> <p>Deputy warden in county jail instituted civil rights action alleging that county sheriff and members of county board of chosen freeholders took or omitted to take actions depriving...</p>	Jan. 18, 1983	Case		—
Mentioned by	<p> 222. Young Women's Christian Ass'n of Princeton, N. J. v. Kugler 342 F.Supp. 1048, 1081 , D.N.J.</p> <p>Actions challenging constitutionality of New Jersey abortion and related statutes. The three-judge District Court, Forman, C. J., held that where, aside from allegation that women...</p>	Feb. 29, 1972	Case		—
Mentioned by	<p> 223. Sherman v. St. Barnabas Hosp. 535 F.Supp. 564, 568 , S.D.N.Y.</p> <p>Hospital employee, who alleged in effect that union pressured hospital into discharging him from his position as director of food services department in retaliation for his refusal...</p>	Mar. 29, 1982	Case		—
Mentioned by	<p>224. U.S. v. Buckeye S. S. Co. 183 F.Supp. 644, 650 , N.D.Ohio</p> <p>Action by United States to assess a penalty against steamship company for permitting employees on tug to work more than eight hours per day. After stipulating to facts, both...</p>	Apr. 20, 1960	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 225. Craigmiles v. Giles 110 F.Supp.2d 658, 662 , E.D.Tenn. CIVIL RIGHTS - Due Process. Licensing requirements on funeral merchandise stores violated due process and equal protection.	Aug. 21, 2000	Case		—
Mentioned by	226. Hanley v. Moody 39 F.2d 198, 200 , N.D.Tex. In Equity. Suit by S. D. Hanley to enjoin Dan Moody, Governor of Texas, and other state officials, from enforcing provisions of the Emigrant Agent Act. Temporary injunction to...	Mar. 14, 1930	Case		—
Mentioned by	227. Barger v. General Elec. Co. 599 F.Supp. 1154, 1157 , W.D.Va. Former employee brought action against former employer for breach of employment contract. On former employer's motion for summary judgment, the District Court, Kiser, J., held...	Nov. 19, 1984	Case		—
Mentioned by	 228. In re Terry 7 B.R. 880, 881 , Bkrtcy.E.D.Va. Debtor, whose employment was terminated after she filed bankruptcy petition, brought action against employer, who setoff, against wages owed to debtor, amounts which she owed for...	Dec. 30, 1980	Case		—
Mentioned by	229. Hodge v. C.I.R. 1998 WL 355505, *2 , U.S.Tax Ct. These consolidated cases were heard pursuant to section 7443A(b)(3) and Rules 180, 181, and 182. In separate notices of deficiency, respondent determined a deficiency of \$574 in...	July 06, 1998	Case		—
Mentioned by	 230. State Bd. of Dry Cleaners v. Thrift-D-Lux Cleaners 254 P.2d 29, 40 , Cal. Action to enjoin defendant dry cleaner from violating the minimum price schedule established pursuant to the Dry Cleaner's Act. The Superior Court, Los Angeles County, Clarence M....	Mar. 10, 1953	Case		—
Mentioned by	 231. Werner v. Southern Cal. Associated Newspapers 216 P.2d 825, 830 , Cal. Action for libel by Erwin P. Werner against Southern California Associated Newspapers, a California corporation. The Superior Court, Los Angeles County, Stanley N. Barnes, J.,...	Apr. 14, 1950	Case		—
Mentioned by	 232. Takahashi v. Fish and Game Commission 185 P.2d 805, 817 , Cal. Mandamus by Torao Takahashi against Fish and Game Commission and others directing defendants to issue to petitioner, an alien, a commercial fishing license. From an adverse...	Oct. 17, 1947	Case		—















Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 233. Gerawan Farming, Inc. v. Veneman 85 Cal.Rptr.2d 598, 606 , Cal.App. 5 Dist. AGRICULTURE - Industry Regulation. Regulation requiring growers to fund generic plum advertising was constitutional.	June 08, 1999	Case		—
Mentioned by	 234. Carl v. Children's Hosp. 702 A.2d 159, 176 , D.C. Nurse sued hospital and its clinical educator, for among other things, wrongful discharge. The Superior Court, Steffen W. Graae, J., granted hospital's motion to dismiss wrongful...	Sep. 23, 1997	Case		—
Mentioned by	235. Atlas Mut. Ben. Ass'n v. Portscheller 46 A.2d 643, 647 , Del.Supr. Action on foreign judgment by Helen Portscheller against the Atlas Mutual Benefit Association, a Delaware corporation, formerly the Capitol Mutual Benefit Association of Delaware,...	June 11, 1945	Case		—
Mentioned by	236. Carpenters' Dist. Council, United Broth. of Carpenters & Joiners of America v. Miami Chapter of Associated Gen. Contractors of America 55 So.2d 794, 797 , Fla. The Miami Chapter of Associated General Contractors of America, and others, brought action against the Carpenters' District Council, United Brotherhood of Carpenters and Joiners of...	Dec. 04, 1951	Case		—
Mentioned by	 237. Liquor Store v. Continental Distilling Corp. 40 So.2d 371, 394 , Fla. Certiorari to Circuit Court, Hillsborough County; L. L. Parks, Judge. Suit for injunction by the Continental Distilling Corporation against Liquor Store, Inc., to enjoin the sale...	Apr. 05, 1949	Case		—
Mentioned by	238. In re Estate of Magee 988 So.2d 1, 5 , Fla.App. 2 Dist. ESTATE PLANNING AND PROBATE - Wills. Elective share statute did not violate state constitutional provision protecting possession of property.	Sep. 26, 2007	Case		—
Mentioned by	 239. Wilson v. City of Atlanta 139 S.E. 148, 151+ , Ga. Error from Superior Court, Fulton County; Edgar E. Pomeroy, Judge. Suit for injunction by William Wilson and others against the City of Atlanta. Judgment for defendant, and...	July 16, 1927	Case		—
Mentioned by	240. People v. Linde 173 N.E. 361, 363 , Ill. Commissioner's Opinion. Error to Circuit Court, Du Page County; W. J. Fulton, Judge. W. Linde was convicted for violation of the Motor Vehicle Act of 1919, § 3, as amended, and he...	Oct. 25, 1930	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 241. Carpenters' Union v. Citizens' Committee to Enforce the Landis Award 244 Ill.App. 540, 555+ , Ill.App. 1 Dist. This is an appeal by complainants from a decree of the superior court of Cook county, dismissing their bill for injunction, for want of equity. The complainants, as named in the...	June 13, 1927	Case		—
Mentioned by	242. Peverill v. Board of Sup'rs of Black Hawk County 222 N.W. 535, 543 , Iowa Appeal from District Court, Black Hawk County; H. B. Boies, Judge. An action to restrain the defendants from publishing or causing to be published a notice of enrollment of Black...	Dec. 14, 1928	Case		—
Mentioned by	 243. Kansas Malpractice Victims Coalition v. Bell 757 P.2d 251, 269 , Kan. Declaratory judgment action was brought by a group of named and unnamed medical malpractice victims against insurance commissioner in his capacity as administrator of health care...	June 03, 1988	Case		—
Mentioned by	 244. State ex rel. Schneider v. Liggett 576 P.2d 221, 225 , Kan. Medical doctor appealed from a judgment of the Barton District Court, Frederick Woieslagel, J., which enjoined him from practicing medicine until he obtained medical malpractice...	Mar. 10, 1978	Case		—
Mentioned by	 245. Howes Bros. Co. v. Massachusetts Unemployment Compensation Com'n 5 N.E.2d 720, 729 , Mass. Reservations and Reports from Supreme Judicial Court, Suffolk County. Two suits in equity by the Howes Brothers Company and the George H. Ellis Company against the Massachusetts...	Dec. 30, 1936	Case		—
Mentioned by	246. United Shoe Machinery Corp. v. Fitzgerald 130 N.E. 86, 87 , Mass. Appeal from Supreme Judicial Court, Essex County. Suit by the United Shoe Machinery Company against Charles W. Fitzgerald and others. From decree granting injunctive relief,...	Mar. 04, 1921	Case		—
Mentioned by	247. Commonwealth v. Titcomb 118 N.E. 328, 330 , Mass. Exceptions from Superior Court, Suffolk County. Complaint by the Commonwealth against Charles W. Titcomb for having in possession with intent to sell milk not of good standard...	Jan. 02, 1918	Case		—
Mentioned by	 248. Portland Pipe Line Corp. v. Environmental Imp. Com'n 307 A.2d 1, 19 , Me. Actions were brought for judgments declaring that the Coastal Conveyance Act, an act relating to overwater transfers of petroleum, violates various provisions of the United States...	June 04, 1973	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	249. Superx Drugs Corp. v. Michigan Bd. of Pharmacy 146 N.W.2d 1, 10, Mich. Original mandamus proceeding to compel board of pharmacy to grant license to corporation for operation of drug store. Five of the Justices of the Supreme Court voted for the...	Nov. 11, 1966	Case		—
Mentioned by	250. Fairview Hospital Ass'n v. Public Bldg. Service and Hospital and Institutional Emp. Union Local No. 113 A. F. L. 64 N.W.2d 16, 24, Minn. Actions by certain hospitals to enjoin unincorporated association of workers from promoting or participating in a strike or other work stoppage affecting plaintiffs' employees. ...	Apr. 02, 1954	Case		—
Mentioned by	251. Dayton Co. v. Carpet, Linoleum and Resilient Floor Decorators' Union, Local No. 596, AFL 39 N.W.2d 183, 191, Minn. Action by the Dayton Company against Carpet, Linoleum and Resilient Floor Decorators' Union, Local No. 596, AFL, and others, to enjoin defendants from engaging in a strike to...	June 24, 1949	Case		—
Mentioned by	252. Williams v. Evans 165 N.W. 495, 496, Minn. Appeal from District Court, Ramsey County; Frederick M. Catlin, Judge. Actions by E. W. Williams and by the A. M. Ramer Company to enjoin Eliza P. Evans and others, members of the...	Dec. 21, 1917	Case		—
Mentioned by	253. Sinclair v. State 132 So. 581, 586, Miss. Appeal from Circuit Court, Pike County; E. J. Simmons, Judge. Frank Sinclair was convicted of murder committed while he was insane, and he appeals. Reversed, and defendant...	Feb. 16, 1931	Case		—
Mentioned by	254. Bailey v. State 500 S.E.2d 54, 68, N.C. TAXATION - Employment. Legislation capping tax exemption for state employees' retirement benefits was unconstitutional impairment of employees' contractual rights.	May 08, 1998	Case		—
Mentioned by	255. State v. Knoefler 279 N.W.2d 658, 662, N.D. Defendant was convicted in the Fourth Judicial District Court, Bottineau County, Benny A. Graff, J., of violating statute and regulations prohibiting a commercial beekeeper from...	May 24, 1979	Case		—
Mentioned by	256. Bratberg v. Advance-Rumely Thresher Co. 238 N.W. 552, 561, N.D. Appeal from District Court, Stark County; Frank T. Lembke, Judge. Action by Oscar Bratberg against the Advance-Rumely Thresher Company, Inc. Judgment for the plaintiff, and the...	Aug. 22, 1931	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p>257. Kingston Trap Rock Co. v. International Union of Operating Engineers, Local No. 825, 825-A and 825-B 19 A.2d 661, 665 , N.J.Err. & App.</p> <p>Appeal from Court of Chancery. Suit by the Kingston Trap Rock Company and others against the International Union of Operating Engineers, Local No. 825, 825-A, and 825-B, and others...</p>	Apr. 25, 1941	Case		—
Mentioned by	<p> 258. Cameron v. International Alliance of Theatrical Stage Emp. and Moving Picture Operators of U. S. and Canada, Local Union No. 384, of Hudson County 176 A. 692, 697+ , N.J.Err. & App.</p> <p>Appeal from Court of Chancery. Suit by William Cameron and others against the International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States...</p>	Jan. 24, 1935	Case		—
Mentioned by	<p> 259. Bayonne Textile Corp. v. American Federation of Silk Workers 172 A. 551, 555 , N.J.Err. & App.</p> <p>Appeal from Court of Chancery. Suit by the Bayonne Textile Corporation against the American Federation of Silk Workers and others. From an order granting an injunction pendente...</p>	May 04, 1934	Case		—
Mentioned by	<p> 260. Kitty Kelly Shoe Corp. v. United Retail Employees of Newark, N.J., Local No. 108 9 A.2d 295, 299 , N.J.Ch.</p> <p>Suit by the Kitty Kelly Shoe Corporation against the United Retail Employees of Newark, N. J., Local No. 108, affiliated with the C.I.O., and others, to enjoin them from picketing,...</p>	June 14, 1939	Case		—
Mentioned by	<p>261. Canter Sample Furniture House v. Retail Furniture Employees Local No. 109 196 A. 210, 217 , N.J.Ch.</p> <p>Suit by the Canter Sample Furniture House, Incorporated, against the Retail Furniture Employees Local No. 109 and others, to enjoin them from unlawful interference with...</p>	Dec. 17, 1937	Case		—
Mentioned by	<p>262. International Ticket Co. v. Wendrich 193 A. 808, 811 , N.J.Ch.</p> <p>Suit for injunction by the International Ticket Company against Henry Wendrich and others. Decree for plaintiff.</p>	July 16, 1937	Case		—
Mentioned by	<p>263. C. B. Rutan Co. v. Local Union No. 4, Hatters' Union of America 128 A. 622, 623 , N.J.Ch.</p> <p>Bill for injunction by the C. B. Rutan Company against Local Union No. 4, Hatters' Union of America, and others. Injunction denied, and bill dismissed.</p>	Apr. 20, 1925	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	264. Cyrus Currier & Sons v. International Molders' Union of North America, Local No. 40 115 A. 66, 68 , N.J.Ch. Suit by Cyrus Currier & Sons against the International Molders' Union of North America, Local No. 40, and others. Decree for complainant.	July 23, 1921	Case		—
Mentioned by	265. Urowsky v. Board of Regents of University of New York 379 N.Y.S.2d 815, 821 , N.Y. Supervising pharmacist and owner of pharmacy engaged in providing discount prescription and nonprescription medicines to public brought action challenging the validity of the...	Dec. 22, 1975	Case		—
Mentioned by	266. Sherman v. Abeles 193 N.E. 241, 243+ , N.Y. Action by Harry Sherman, as president of the Moving Picture Machine Operators' Union, Local 306 of the International Alliance of Theatrical Stage Employees and Moving Picture...	Nov. 20, 1934	Case		—
Mentioned by	267. Fearon v. Treanor 288 N.Y.S. 368, 375 , N.Y.A.D. 1 Dept. Appeal from Supreme Court, New York County. Action by Catherine Fearon against Charles Treanor. From a judgment of the Supreme Court, New York County, entered on a directed...	May 29, 1936	Case		—
Mentioned by	268. Sundram v. City of Niagara Falls 357 N.Y.S.2d 943, 945 , N.Y.Sup. Permanent resident alien sought judgment declaring city ordinance unconstitutional. The Supreme Court, County of Niagara, Norman A. Stiller, J., held that ordinance which...	July 10, 1973	Case		—
Mentioned by	 269. Sabatini v. Andrews 274 N.Y.S. 581, 583 , N.Y.Sup. Proceedings by Nettie Sabatini and another for an order of mandamus against Elmer F. Andrews, State Industrial Commissioner of Labor. Peremptory order granted.	Oct. 01, 1934	Case		—
Mentioned by	270. Michaels v. Hillman 183 N.Y.S. 195, 197 , N.Y.Sup. Action for injunction and damages by Joseph Michaels and others against Sidney Hillman, individually and as president of the Amalgamated Clothing Workers of America, and others. ...	June 25, 1920	Case		—
Mentioned by	271. Romano v. Magliulo 278 N.Y.S. 986, 991 , N.Y.Mun.Ct. Action by Anthony Romano and another against Rose Magliulo and another to recover for legal services rendered defendants after defendants filed application for a loan with the Home...	Mar. 18, 1935	Case		—
Mentioned by	272. Oklahoma Natural Gas Corp. v. State 17 P.2d 488, 495 , Okla. Appeal from State Corporation Commission. Proceeding by Ed Gardner and others before the State Corporation Commission against the Oklahoma Natural Gas Corporation for a proration...	June 14, 1932	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 273. Starr v. Laundry and Dry Cleaning Workers' Local Union No. 101 63 P.2d 1104, 1105 , Or.</p> <p>In Banc. Appeal from Circuit Court, Multnomah County; Hall S. Lusk, Judge. Suit by L. L. Starr, doing business under the assumed name and style of the Portland Cleaning Works,...</p>	Dec. 29, 1936	Case		—
Mentioned by	<p> 274. Ladd v. Real Estate Commission 230 A.3d 1096, 1117 , Pa.</p> <p>REAL PROPERTY — Agents and Brokers. Vacation rental manager raised colorable claim that broker licensing requirements were unconstitutional as applied to her.</p>	May 19, 2020	Case		—
Mentioned by	<p> 275. Geary v. U. S. Steel Corp. 319 A.2d 174, 180 , Pa.</p> <p>A former salesman for a steel manufacturer brought an action against his former employer in which he sought compensatory and punitive damages for his allegedly wrongful discharge...</p>	Mar. 25, 1974	Case		—
Mentioned by	<p> 276. Landau Advertising Co. v. Zoning Bd. of Adjustment 128 A.2d 559, 566 , Pa.</p> <p>Proceedign to review order of zoning board of adjustment prohibiting erection of general advertising sign. The Court of Common Pleas, No. 1, for the County of Philadelphia, as of...</p>	Jan. 17, 1957	Case		—
Mentioned by	<p>277. Appeal of Medinger 104 A.2d 118, 121 , Pa.</p> <p>Action by owners of parcel of land to obtain permission to erect a home which would not contain the minimum number of square feet of habitable floor area as required by ordinance...</p>	Mar. 24, 1954	Case		—
Mentioned by	<p> 278. Appeal of White 134 A. 409, 412 , Pa.</p> <p>In the matter of the appeal of E. J. White and his wife from the decision of the Board of Appeals under the zoning ordinance of the City of Pittsburgh. From decree of Superior...</p>	June 26, 1926	Case		—
Mentioned by	<p> 279. Spierling v. First American Home Health Services, Inc.  737 A.2d 1250, 1257 , Pa.Super.</p> <p>LABOR AND EMPLOYMENT - Contracts. Nurse's wrongful discharge claim did not fall within public policy exception to at-will employment.</p>	Sep. 01, 1999	Case		—
Mentioned by	<p>280. Scholl v. Borough of Yeadon 26 A.2d 135, 137 , Pa.Super.</p> <p>Appeal No. 301, October term, 1941, from judgment of Court of Quarter Sessions, of Delaware County, Misc. Q. S. Docket 3, p. 91; John E. McDonough, Special President Judge. Action...</p>	Apr. 29, 1942	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	281. Boden v. Pulaski Tp. Zoning Commission 1962 WL 6849, *4 , Pa.Com.Pl. In this case, husband and wife, plaintiffs, are owners of a certain lot of land situate, lying and being in Pulaski Township, Lawrence County, upon which said property they have...	1962	Case		—
Mentioned by	282. American Engineering Co. v. International Moulders Union of North America, Local No. 15 25 Pa. D. 564, 566 , Pa.Com.Pl. The bill in this case was filed April 10, 1916, and an answer thereto filed April 13, 1916, for all of the defendants named in the bill excepting John Howlett. Hearings upon the...	1916	Case		—
Mentioned by	283. Com. v. Bove 1958 WL 5221, *6 , Pa.Quar.Sess. This case is before the court on appeal of John Bove, the above-named defendant, from a judgment of guilty by a justice of the peace on a charge of violating an ordinance of the...	1958	Case		—
Mentioned by	284. Gasque, Inc. v. Nates 2 S.E.2d 36, 39 , S.C. Appeal from Common Pleas Circuit Court of Richland County; G. Duncan Bellinger, Judge. Suits by Gasque, Inc., and others, representing themselves and all other druggists and drug...	Mar. 14, 1939	Case		—
Mentioned by	285. Bryan v. International Alliance 306 S.W.2d 64, 72 , Tenn.Ct.App. Action by members of foreign local unions against local union, parent union, and others, for a decree requiring defendants to enroll complainants names on the membership of...	July 09, 1957	Case		—
Mentioned by	286. In Interest of J.W.T. 872 S.W.2d 189, 210 , Tex. Paternity. Statutory scheme depriving man, who claims to be child's biological father, of standing to rebut marital presumption violates due course of law guarantee of State...	Feb. 02, 1994	Case		—
Mentioned by	287. Ex parte Martin 74 S.W.2d 1017, 1019 , Tex.Crim.App. Appeal from County Court at Law, El Paso County; John M. Worrell, Judge. Habeas corpus proceeding by Harry W. Martin, in which an order was made remanding him to the custody of the...	Oct. 03, 1934	Case		—
Mentioned by	288. Edwards Co. v. Deihl 169 S.E. 907, 908 , Va. Error to Circuit Court, Northumberland County. Action by Robert D. Deihl against Edwards Company, Inc. Judgment for plaintiff, and defendant brings error. Reversed and rendered.	June 15, 1933	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	289. Dr. Frederick D. Stricker 13 Or. Op. Atty. Gen. 512, 512 I am in receipt of your letter of May 14, inclosing a copy of the rules and regulations promulgated by the State Board of Health for the government of public campgrounds. You ask...	May 28, 1928	Administrative Decision		—
Mentioned by	290. Mr. Allen Parker, Sr. Tex. Atty. Gen. Op. JM-623, JM-623 Re: Constitutionality of article 5196, V.T.C.S., requiring corporations to give a written statement of cause for discharge of employees	Jan. 20, 1987	Administrative Decision		—
Distinguished in NEGATIVE	291. Reference re ss. 193 & 195.1(1)(c) of the Criminal Code 1990 WL 1050603 , S.C.C.	May 31, 1990	Case	—	—
Considered in	292. R. v. Morgentaler 1988 WL 866497 , S.C.C.	Jan. 28, 1988	Case	—	—
—	293. EMPLOYER SPEECH, UNION REPRESENTATION ELECTIONS, AND THE FIRST AMENDMENT 16 Berkeley J. Emp. & Lab. L. 356 , 406+ In the 1940s, non-coercive employer interventions during union representation election campaigns were accorded First Amendment protection, in dictum , by the Supreme Court and...	1995	Law Review	—	—
—	294. PRIVILEGE AND RESPONSIBILITY 42 Wash. U. J.L. & Pol'y 23 , 46+ Some twenty years ago, Stephanie Wildman began writing about privilege: an integrated, multi-layered, and largely invisible system of social hierarchy that sustains inequality and...	2013	Law Review	—	—
—	295. SOCIAL CHANGE AND JUDICIAL RESPONSE: THE HANDBOOK EXCEPTION TO EMPLOYMENT-AT-WILL 4 Employee Rts. & Emp. Pol'y J. 231 , 241+ I. Introduction. 232 II. The Advent, Growth, and Survival of Employment-at-Will. 235 A. Contract and Constitutional Doctrines Underlying the at-Will Rule. 237 1....	2000	Law Review	—	—
—	296. Rights of collective action by employees as declared in sec. 7 of National Labor Relations Act (29 USCA sec. 157) 6 A.L.R.2d 416 This annotation is limited to a discussion of the general nature of the right declared in § 7 of the National Labor Relations Act (49 Stat 452, 29 USCA § 157, 9 FCA title 29, §...	1949	ALR	—	—
—	297. Governmental control of actions or speech of public officers or employees in respect of matters outside the actual performance of their duties 163 A.L.R. 1358 The reported case for this annotation is Kane v. Walsh, 295 N.Y. 198, 66 N.E.2d 53, 163 A.L.R. 1351 (1946).	1946	ALR	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>298. Validity of stipulation in contract of employment against connection with labor union or employers' association, and power of legislature to prohibit such contract 68 A.L.R. 1267</p> <p>The reported case for this annotation is In re Opinion of the Justices, 271 Mass. 598, 171 N.E. 234, 68 A.L.R. 1265 (1930).</p>	1930	ALR	—	—
—	<p>299. Attempt to unionize employees under contract not to join union, as wrong to employer 26 A.L.R. 158</p> <p>The reported case for this annotation is McMichael v. Atlanta Envelope Co., 151 Ga. 776, 108 S.E. 226, 26 A.L.R. 149 (1921). This annotation is supplemented by 63 ALR 198.</p>	1923	ALR	—	—
—	<p>300. ADDRESSES DELIVERED AT THE NATIONAL CONFERENCE ON THE CAUSES OF POPULAR DISSATISFACTION WITH THE ADMINISTRATION OF JUSTICE 70 F.R.D. 79 , 150+</p> <p>C1-3TABLE OF CONTENTS Page L1-2Agenda for 2000 A.D.-Need for Systematic Anticipation 83 Keynote Address by Hon. Warren E. Burger L1-2Are We Asking Too Much of our Courts? 96 Simon...</p>	1976	Law Review	—	—
—	<p>301. AHLA Seminar Materials P06270405, Legal Issues Arising in the Context of Quarantine and Isolation</p> <p>Jane Speakman # Background # Provincial Emergency Declared March 26/03 # Number of Individuals Isolated: 13,000+ # Number of Contacts Followed Up: 23,000+ # Number of Deaths: 44...</p>	—	Other Secondary Source	—	—
—	<p>302. 2016 American Law Institute Annual Proceedings 49,</p> <p>The Monday afternoon session of The American Law Institute convened in the Ritz-Carlton Ballroom, Washington, DC, and was called to order at 1:34 p.m. by President Roberta Cooper...</p>	2022	Other Secondary Source	—	—
—	<p>303. Constitutional Rights of the Accused s 1:9, § 1:9. Due process of law—Substantive due process</p> <p>Among the more controversial doctrines of constitutional law is the concept of substantive due process. The notion of substantive due process is said to have originated in the case...</p>	2021	Other Secondary Source	—	—
—	<p>304. Federal Banking Law Reporter 18219936, UNITED STATES V. LOPEZ Federal Banking Law Reporter</p> <p>115 S.Ct. 1624 UNITED STATES v. LOPEZ UNITED STATES v. LOPEZ, 514 U.S. 549 (1995) CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT No. 93—1260. Argued...</p>	1995	Other Secondary Source	—	—

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—	305. Labor Law Journal 7199826, A PRELIMINARY INQUIRY INTO THE ATTITUDES TOWARD WORK THAT SHOULD BE FOSTERED BY SOCIALLY RESPONSIBLE EMPLOYERS Labor Law Journal By William A. Wines and Terence J. Lau William Arthur Wines is Associate Professor of Legal Environment & Business Ethics in the Department of Finance, The Richard T. Farmer School...	2004	Other Secondary Source	—	—
—	306. Labor Law Journal 9364820, RIGHT TO WORK AND THE COLORADO LABOR PEACE ACT: HOW POLITICS TRUMPED POLICY Labor Law Journal By Raymond L. Hogler Raymond Hogler is a Professor of Management at Colorado State University. He teaches courses in labor relations and human resource management. Professor Hogler...	2007	Other Secondary Source	—	—
—	307. Labor Law Journal 27287091, REPLY TO HOGLER AND LAJEUNESSE'S "OKLAHOMA'S RIGHT TO WORK INITIATIVE: LABOR POLICY AND POLITICAL IDEOLOGY" Labor Law Journal ©2003 Stan Greer and Charles Baird ©2003 Stan Greer and Charles Baird By Stan Greer and Charles W. Baird Stan Greer serves as senior research associate for the National Institute...	2003	Other Secondary Source	—	—
—	308. Labor Law Journal 35578529, OKLAHOMA'S RIGHT TO WORK INITIATIVE: LABOR POLICY AND POLITICAL IDEOLOGY Labor Law Journal By Raymond L. Hogler and Robert LaJeunesse Raymond Hogler is a Professor of Management at Colorado State University. He teaches courses in labor relations and human resource...	2002	Other Secondary Source	—	—
—	309. Legal Guide to Human Resources s 8:1, § 8:1. Generally As early as the 16th century, England had a statute prohibiting employers from discharging employees "unless it be done for some reasonable and sufficient cause of matter."...	2022	Other Secondary Source	—	—
—	310. Manual on Employ. Discrim. & Civ. Rights - Fed Cts s 8:12, § 8:12. Contract theories— Judicial exceptions Implied in the employment-at-will doctrine is the idea that either the employer or the employee can terminate an employment contract of indefinite duration for any reason. Because...	2022	Other Secondary Source	—	—
—	311. Modern Constitutional Law APP A, Appendix A. Supreme Court Justices	2021	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>312. Modern Constitutional Law s 17:18, § 17:18. Substantive due process and economic liberty</p> <p>In the nineteenth and early twentieth centuries, the Supreme Court safeguarded economic liberty as one of the basic, fundamental rights protected by the concept of "liberty"...</p>	2021	Other Secondary Source	—	—
—	<p>313. 18 N.J. Prac. Series s 3.1, § 3.1. Introduction</p> <p>N.J. Prac. Series</p> <p>In New Jersey, employment traditionally has been "at-will." In the absence of an employment contract, the employment relationship can be terminated by either the employee or the...</p>	2022	Other Secondary Source	—	—
—	<p>314. Substantive Criminal Law s 3.3(a), § 3.3(a). Legislation bearing no substantial relationship to injury to the public</p> <p>At an earlier time, the United States Supreme Court not infrequently held legislation invalid because the Court concluded that the legislation did not have a substantial...</p>	2022	Other Secondary Source	—	—
—	<p>315. Treatise on Constitutional Law s 4.6, § 4.6. 1888 to 1933 Decisions</p>	2022	Other Secondary Source	—	—
—	<p>316. Treatise on Constitutional Law s 15.3(a), § 15.3(a). The Era of Judicial Supremacy</p> <p>By the turn of the century the Supreme Court had indicated its complete acceptance of the substantive due process doctrine. The dicta of Allgeyer v. Louisiana revealed the Court's...</p>	2022	Other Secondary Source	—	—
—	<p>317. Treatise on Constitutional Law s 2.11(b)(ii), § 2.11(b)(ii). The Norris-LaGuardia Act</p> <p>The Norris-LaGuardia Act, perhaps the most famous example of congressional removal of jurisdiction, limits federal courts' power to issue an injunction or restraining order in a...</p>	2022	Other Secondary Source	—	—
—	<p>318. Williston on Contracts s 55:4, § 55:4. Evolution of public policy</p> <p>Early federal attempts to regulate individual employment contracts, as, for example, by a federal statute attempting to make it a criminal offense to discriminate unjustly against...</p>	2022	Other Secondary Source	—	—
—	<p>319. CJS Constitutional Law s 713, § 713. Requirement that statute be police law; lack of discrimination or unreasonableness; public purpose</p> <p>CJS Constitutional Law</p> <p>In order that a statute may be sustained as an exercise of the police power, the law must, in fact, be a police law, and the courts must be able to see that the enactment has for...</p>	2022	Other Secondary Source	—	—

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—	<p>320. BEYOND THE MINIMUM WAGE: HOW THE FAIR LABOR STANDARDS ACT'S BROAD SOCIAL AND ECONOMIC PROTECTIONS SUPPORT ITS APPLICATION TO WORKERS WHO EARN A SUBSTANTIAL INCOME</p> <p>30 ABA J. Lab. & Emp. L. 367 , 387+</p> <p>Litigation under the Fair Labor Standards Act (FLSA) heavily focuses on who qualifies for the FLSA's protections, such as its guarantee of a minimum wage and overtime compensation....</p>	2015	Law Review	—	—
—	<p>321. THE INTELLECTUAL ORIGINS OF AN INSTITUTIONAL REVOLUTION</p> <p>26 ABA J. Lab. & Emp. L. 201 , 209+</p> <p>In an August 29, 2010, New York Times column, Peter S. Goodman writes of how contemporary policy makers "have run through . their remedies for an ailing economy." They "are...</p>	2011	Law Review	—	—
—	<p>322. WHEN TEXT AND POLICY CONFLICT: INTERNAL WHISTLEBLOWING UNDER THE SHADOW OF DODD-FRANK</p> <p>70 Admin. L. Rev. 673 , 701+</p> <p>This Article considers whether the text of the Dodd-Frank Act protects internal whistleblowers from retaliation, and if not, whether it should. After the economic meltdown...</p>	2018	Law Review	—	—
—	<p>323. A MULTIFACTOR ANALYSIS OF THE PROPOSED UNIONIZATION OF THE UNIFORMED MEMBERS OF THE DEPARTMENT OF DEFENSE</p> <p>18 A.F. L. Rev. 66 , 84</p> <p>Recently, leaders of a major American union, the American Federation of Government Employees, have publicly expressed their desire to initiate union recruitment within the...</p>	1976	Law Review	—	—
—	<p>324. UNINTENDED CONSEQUENCES OF THE FOURTEENTH AMENDMENT AND WHAT THEY TELL US ABOUT ITS INTERPRETATION</p> <p>39 Akron L. Rev. 289 , 321</p> <p>The Fourteenth Amendment has been compared to a "second American Constitution." Indeed, it is said that more litigation is based upon the Fourteenth Amendment or its...</p>	2006	Law Review	—	—
—	<p>325. SCALIA, PROPERTY, AND DOLAN v. TIGARD: THE EMERGENCE OF A POST-CAROLINE PRODUCTS JURISPRUDENCE</p> <p>29 Akron L. Rev. 1 , 34</p> <p>A different version of this paper was presented at the 1995 Midwestern Political Science Association Annual Convention, and will appear as a chapter in The Jurisprudential Vision...</p>	1995	Law Review	—	—
—	<p>326. THE LEGAL CHOKEHOLD: PROFESSIONAL EMPLOYMENT IN OHIO UNDER THE EMPLOYMENT-AT-WILL DOCTRINE</p> <p>24 Akron L. Rev. 581 , 622</p> <p>Those of us who chose to pursue the education and expense essential to a professional career likely entered the working world bright-eyed and eager, ready to achieve greatness. ...</p>	1991	Law Review	—	—

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—	<p>327. SUPREME COURT PROGRESS REPORT: MORE HARM THAN GOOD? 7 Ala. C.R. & C.L. L. Rev. 219 , 229+</p> <p>I. Introduction. 220 A. The Thesis. 222 B. Why the Thesis is Counterintuitive. 224 II. The Cases. 224 A. Failure to Protect Vulnerable Groups. 225 B. Failure in...</p>	2016	Law Review	—	—
—	<p>328. REVOLUTION IN PRAGMATIST CLOTHING: NATIONALIZING WORKPLACE LAW 61 Ala. L. Rev. 1025 , 1077</p> <p>Workplace governance in the United States consists of a fragmented system of rules emanating from federal, state, and local governments. This fragmentation creates an unnecessarily...</p>	2010	Law Review	—	—
—	<p>329. CONSTITUTIONAL STATUTORY SYNTHESIS 54 Ala. L. Rev. 1281 , 1330+</p> <p>L1-5,T5Introduction 1282 I. L2-5,T5Theory 1287 A. L3-5,T5Constitutional Statutory Coherence 1289 1. L4-5,T5Jurisprudential Premises 1290. a. Lockean Liberal Political Theory:...</p>	2003	Law Review	—	—
—	<p>330. THE TEACHINGS OF DR. MARTIN LUTHER KING, JR. AND CONTRACT THEORY: AN INTRIGUING COMPARISON 50 Ala. L. Rev. 63 , 113</p> <p>I. L2-5,T5Introduction 64 II. L2-5,T5Jurisprudential Analysis of Dr. King's Teachings and Contract Law 74 A. L3-5,T5The Concept of Natural Law and Dr. King's Teachings 75 B....</p>	1998	Law Review	—	—
—	<p>331. THE TEACHINGS OF DR. MARTIN LUTHER KING, JR. AND CONTRACT THEORY: AN INTRIGUING COMPARISON 50 Ala. L. Rev. 63 , 113</p> <p>I. L2-5Introduction 64 II. L2-5Jurisprudential Analysis of Dr. King's Teachings and Contract Law 74 A. L3-5The Concept of Natural Law and Dr. King's Teachings 75 B. L3-5Contractual...</p>	1998	Law Review	—	—
—	<p>332. LESSONS FROM PUBLIUS FOR CONTEMPORARY LABOR LAW 38 Ala. L. Rev. 1 , 30</p> <p>On the eve of the bicentennial of the Constitution, Publius is alive and well. This decade appropriately has marked a special renaissance of constitutional law. Perhaps 1986 also...</p>	1986	Law Review	—	—
—	<p>333. ALASKA EQUAL PROTECTION: CONSTITUTIONAL LAW OR COMMON LAW? 15 Alaska L. Rev. 209 , 280</p> <p>This Article compares the equal protection analysis of the United States Supreme Court with the equal protection analysis of the Alaska Supreme Court. It first looks at the...</p>	1998	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>334. EMPLOYMENT AT WILL IN ALASKA: THE QUESTION OF PUBLIC POLICY TORTS 6 Alaska L. Rev. 269 , 320+</p> <p>In <i>Walt v. State and ARCO Alaska, Inc. v. Akers</i>, the Alaska Supreme Court recently fortified the contractual foundations of employment law. These cases reaffirmed the...</p>	1989	Law Review	—	—
—	<p>335. BLUE-COLLAR CRIME: CONSPIRACY, ORGANIZED LABOR, AND THE ANTI-UNION CIVIL RICO CLAIM 75 Alb. L. Rev. 559 , 631</p> <p>I. Introduction. 560 II. Why Tell This Kind of History and Why Tell This Particular History?. 567 A. Critical Legal (Cultural) History. 568 B. Why RICO: Why Now?. 572 III....</p>	2012	Law Review	—	—
—	<p>336. THE FATE OF NEW YORK PUBLIC EDUCATION IS A MATTER OF INTERPRETATION: A STORY OF COMPETING METHODS OF CONSTITUTIONAL INTERPRETATION, THE NATURE OF LAW, AND A FUNCTIONAL APPROACH TO THE NEW YORK EDUCATION ARTICLE 70 Alb. L. Rev. 625 , 673</p> <p>The virtues of one generation are not sufficient for the next, any more than the accumulations of knowledge possessed by one age are adequate to the needs of another. I believe...</p>	2007	Law Review	—	—
—	<p>337. THE "ORDERED LIBERTY" OF SUBSTANTIVE DUE PROCESS AND THE FUTURE OF CONSTITUTIONAL LAW AS A RHETORICAL ART: VARIATIONS ON A THEME FROM JUSTICE CARDOZO IN THE UNITED STATES SUPREME COURT 70 Alb. L. Rev. 1473 , 1561+</p> <p>Few judges are as revered in American legal history as Benjamin Nathan Cardozo (1870-1938). And few have had as influential an impact on the growth of American law as Justice...</p>	2007	Law Review	—	—
—	<p>338. THE LAWYER'S LICENSE TO DISCRIMINATE REVOKED: HOW A DENTIST PUT TEETH IN NEW YORK'S ANTI-DISCRIMINATION DISCIPLINARY RULE 64 Alb. L. Rev. 153 , 224+</p> <p>Many of the legal profession's rules of ethics are premised on legal obligations. Thus, for example, a lawyer in New York State may be disciplined for engaging in illegal conduct...</p>	2000	Law Review	—	—
—	<p>339. INDEPENDENCE OF THE JUDICIARY, PROSPECTS AND LIMITATIONS OF JUDICIAL REVIEW IN TERMS OF THE UNITED STATES MODEL IN A NEW SOUTH AFRICAN ORDER: TOWARDS AN ALTERNATIVE JUDICIAL STRUCTURE 55 Alb. L. Rev. 367 , 405</p> <p>The constitutional debate in South Africa is often waged in terms of a choice between the United States federal and presidential system and the unitary British parliamentary...</p>	1991	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	340. WINDOWS INTO THE LEGAL PAST 71-JAN A.B.A. J. 44 , 44 SEVENTY years have passed since the first American Bar Association Journal appeared. America in this time has gone through four major wars, the Great Depression, the McCarthy era,...	1985	Law Review	—	—
—	341. BLURRED BOUNDARIES: SOCIAL MEDIA PRIVACY AND THE TWENTY-FIRST-CENTURY EMPLOYEE 49 Am. Bus. L.J. 63 , 124 In his groundbreaking book on social psychology, Erving Goffman proposed that human beings control others' impressions of them through performances within spatially defined social...	2012	Law Review	—	—
—	342. THE SUBSTANTIVE DUE PROCESS DECISIONS OF MR. JUSTICE HOLMES 36 Am. Bus. L.J. 437 , 440+ At one point in his The Tempting of America, Robert Bork focused on Justice Oliver Wendell Holmes's renowned dissent in Lochner v. New York. Bork applauded Holmes's attack on the...	1999	Law Review	—	—
—	343. THE CONSTITUTIONALITY OF FLAG BURNING: CAN NEUTRAL VALUES PROTECT FIRST AMENDMENT PRINCIPLES? 28 Am. Crim. L. Rev. 887 , 927 At noon on October 30, 1989, Sergeant Edward L. Bailor of the United States Capitol Police witnessed Shawn Eichman, David Blalock, and Scott Tyler set three United States flags...	1991	Law Review	—	—
—	344. A PERSONALIST JURISPRUDENCE, THE NEXT STEP Samuel J.M. Donnelly Carolina Academic Press (2003) 49 Am. J. Juris. 199 , 203+ "Why should we quarrel, since we are both serving God, you in your way and I in His?" - old saying A great deal of law has been based on suppression of one truth or another about...	2004	Law Review	—	—
—	345. THE ANTI-REPUBLICAN ORIGINS OF THE AT-WILL DOCTRINE 60 Am. J. Legal Hist. 397 , 449+ This article highlights the origin of the employment at-will rule by providing the contextual contrast of Reconstruction free labor republicanism. To date, no work has situated the...	2020	Law Review	—	—
—	346. THE SOUTHERN AND WESTERN PREHISTORY OF "LIBERTY OF CONTRACT": REVISITING THE PATH TO LOCHNER IN LIGHT OF THE NEW HISTORY OF AMERICAN CAPITALISM 60 Am. J. Legal Hist. 253 , 283 This article examines the local legal histories of two "liberty of contract" constitutional disputes prior to Lochner in the South and West: Allgeyer v. Louisiana (1897) and...	2020	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>347. THE CONSTITUTIONAL LAW SCHOLARSHIP OF THOMAS MCINTYRE COOLEY 41 Am. J. Legal Hist. 368 , 399+</p> <p>Thomas McIntyre Cooley won a national reputation as a legal scholar unequalled by any American in his time. Between 1868 and 1879, he wrote original treatises on Constitutional...</p>	1997	Law Review	—	—
—	<p>348. HOLMES AND THE PATHS OF THE LAW 37 Am. J. Legal Hist. 273 , 303</p> <p>In the "Path of the Law," a lecture delivered to students at Boston University in the winter of 1897, Holmes began by echoing the common-place, anodyne theme of Langdell,...</p>	1993	Law Review	—	—
—	<p>349. CONSOLIDATING DEMOCRACY IN LATIN AMERICA: LAW, LEGAL INSTITUTIONS AND CONSTITUTIONAL STRUCTURE 10 Am. U. J. Int'l L. & Pol'y 1295 , 1329</p> <p>After near death experiences, each its own grisly tale, elected governments are reappearing throughout Latin America. What distinguishes this moment is not so much their mere...</p>	1995	Law Review	—	—
—	<p>350. THE FINE LINE EMPLOYERS WALK: IS IT A JUSTIFIED BUSINESS PRACTICE, OR DISCRIMINATION? 6 Am. U. Lab. & Emp. L.F. 1 , 36</p> <p>The focus on equal protection in employment and labor matters has steadily evolved in the United States in recent decades. This evolution has involved the Equal Employment...</p>	2016	Law Review	—	—
—	<p>351. THE ABCS OF COMMON LAW WRONGFUL TERMINATION CLAIMS IN THE WASHINGTON METROPOLITAN REGION 3 Am. U. Lab. & Emp. L.F. 197 , 262</p> <p>While there are numerous statutes protecting employees' job security, legal gaps still exist that render employees vulnerable in many ways. This is especially true given the...</p>	2013	Law Review	—	—
—	<p>352. THE "NEW JUDICIAL FEDERALISM" BEFORE ITS TIME: A COMPREHENSIVE REVIEW OF ECONOMIC SUBSTANTIVE DUE PROCESS UNDER STATE CONSTITUTIONAL LAW SINCE 1940 AND THE REASONS FOR ITS RECENT DECLINE 55 Am. U. L. Rev. 457 , 540</p> <p>Introduction. 458 I. Defining Economic Substantive Due Process: What is Included in This Study and What is Not. 463 A What Falls Under the "Economic Substantive Due Process"...</p>	2005	Law Review	—	—
—	<p>353. SYSTEMS OF BELIEF IN MODERN AMERICAN LAW: A VIEW FROM CENTURY'S END 49 Am. U. L. Rev. 1 , 80+</p> <p>Introduction. 2 I. The Range of Theoretical Perspectives. 8 A. Liberalism: The Master Paradigm. 9 B. Turn-of-the-Century Formalism. 10 C. Legal Realism. 16 D. The Legal...</p>	1999	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>354. ROOTS OF THE "UNDERCLASS": THE DECLINE OF LAISSEZ-FAIRE JURISPRUDENCE AND THE RISE OF RACIST LABOR LEGISLATION</p> <p>43 Am. U. L. Rev. 85 , 138+</p> <p>"[A] colored worker who is denied the protection and the benefits of organized labor because they will not take him in, has only one place of redress in case his right of...</p>	1993	Law Review	—	—
—	<p>355. RETHINKING THE MANAGERIAL-PROFESSIONAL EXEMPTION OF THE FAIR LABOR STANDARDS ACT</p> <p>43 Am. U. L. Rev. 139 , 189+</p> <p>C1-3Table of Contents L1-2Introduction 140 I. Background. 144 A. The History of Hours Regulation Prior to 1938. 144 B. The Fair Labor Standards Act. 146 C. The...</p>	1993	Law Review	—	—
—	<p>356. SEXUAL HARRASSMENT, WRONGFUL DISCHARGE, AND EMPLOYER LIABILITY: THE EMPLOYER'S DILEMMA</p> <p>43 Am. U. L. Rev. 191 , 230+</p> <p>Sexual harassment and wrongful termination are evolving and expanding areas of the law. They are also fields that sometimes conflict, thus creating a difficult dilemma for...</p>	1993	Law Review	—	—
—	<p>357. EQUAL PROTECTION: THE JURISPRUDENCE OF DENIAL AND EVASION</p> <p>40 Am. U. L. Rev. 1307 , 1355</p> <p>Introduction I. The Jurisprudential Culture of Denial and Evasion: Conditioning Factors and Consequences A. Dominant Morals and Values B. Legal Education: The Indoctrination of...</p>	1991	Law Review	—	—
—	<p>358. PROPERTY RIGHTS AND THE CONSTITUTION: WILL THE UGLY DUCKLING BECOME A SWAN?</p> <p>37 Am. U. L. Rev. 9 , 39</p> <p>C1-3TABLE OF CONTENTS Introduction. 9 I. The Historical Argument. 14 A. John Locke and the Constitution. 14 1. Locke's influence. 14 2. Locke's own views. 16 II...</p>	1987	Law Review	—	—
—	<p>359. THE DEATH OF LABOR LAW?</p> <p>2 Ann. Rev. L. & Soc. Sci. 105 , 106+</p> <p>Key Words employment, unions, collective bargaining • Abstract This review tells three interlocking tales of decline, each with its respective prognosis for recovery: the declines...</p>	2006	Law Review	—	—
—	<p>360. EMPLOYMENT-AT-WILL IN ARIZONA</p> <p>20-JUN Ariz. B.J. 22 , 26</p> <p>On April 25, 1984, the Arizona Supreme Court issued its decision in Leikvold v. Valley View Community Hospital holding that provisions in a personnel manual can restrict an...</p>	1984	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	361. THE FIRST AMENDMENT AND THE METAPHOR OF FREE TRADE 38 Ariz. L. Rev. 1125 , 1174+ I. Introduction 1126 II. The Interventionists, Free Speech, and the State 1131 A. The "Madisonian" First Amendment 1131 1. How "Madisonian" is the Madisonian First Amendment?....	1996	Law Review	—	—
—	362. LAWYER FOR THE MASSES: THE ROLE OF GILBERT ROE IN MASSES PUBLISHING CO. v. PATTEN 50 Ariz. St. L.J. 747 , 789 Masses Publishing Co. v. Patten is justly celebrated for the courageous, if futile, opinion of Judge Learned Hand. The Masses itself is justly celebrated for its courageous, if...	2018	Law Review	—	—
—	363. INDIVIDUAL VERSUS STATE CONSTITUTIONAL RIGHTS UNDER HEALTH CARE REFORM 42 Ariz. St. L.J. 1233 , 1243 Just as the New Deal was monumental in American social policy, it was also a turning point in constitutional jurisprudence. When major components of Roosevelt's New Deal...	2011	Law Review	—	—
—	364. NEGLIGENT INVESTIGATION: ARIZONA'S FOURTH EXCEPTION TO THE EMPLOYMENT-AT-WILL RULE? 27 Ariz. St. L.J. 993 , 1036+ The presumption that an employment contract for an indefinite period is terminable at the will of either party is uniquely a product of the American common law. Promulgators of...	1995	Law Review	—	—
—	365. CHARTING THE COURSE OF COMMERCE CLAUSE CHALLENGE 55 Ark. L. Rev. 1055 , 1096+ Recognizing Barry Cushman's formidable skills in both research and argument, and his enormous wealth of knowledge, I have long known that I would much rather be on the same side of...	2003	Law Review	—	—
—	366. SMALL DIFFERENCES? 55 Ark. L. Rev. 1097 , 1148+ I am gratified that my article has prompted Richard Friedman to revise or refine views he has previously expressed concerning the development of Commerce Clause jurisprudence. His...	2003	Law Review	—	—
—	367. UNDOCUMENTED ASIAN AMERICAN WORKERS AND STATE WAGE LAWS IN THE AFTERMATH OF HOFFMAN PLASTIC COMPOUNDS 13 Asian Am. L.J. 91 , 114 In 2002, the United States Supreme Court held in Hoffman Plastic Compounds v. NLRB that an undocumented immigrant employee who used false work-authorization documentation could not...	2006	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	368. EXACTIONS FOR THE FUTURE 64 Baylor L. Rev. 511 , 568 I. Exactions' Place. 516 A. The Prelude to Exaction Takings. 516 B. Exaction Takings. 518 II. Relying on Exactions to Prepare for Future Contingencies. 521 A. Nollan and...	2012	Law Review	—	—
—	369. THE INEVITABLE DEMISE OF THE IMPLIED EMPLOYMENT CONTRACT 29 Berkeley J. Emp. & Lab. L. 345 , 404 In this article, Professor Fineman argues that courts' decision in the early 1980s to apply implied contract doctrine to employment relationships did not have the intended results....	2008	Law Review	—	—
—	370. LEASING HUMAN CAPITAL: TOWARD A NEW FOUNDATION FOR EMPLOYMENT TERMINATION LAW 27 Berkeley J. Emp. & Lab. L. 111 , 177 I. Introduction. 112 II. The Rise and Decline of Employment at Will. 116 A. The Emergence and Consolidation of the Employment-at-Will Rule. 116 B. The Defense of the...	2006	Law Review	—	—
—	371. PROPERTY RIGHTS AT THE BICENTENNIAL: COURSE CORRECTION OR CONSTITUTIONAL REVOLUTION? 25 Beverly Hills B. Ass'n J. 114 , 125 Property rights, until recently one of the more esoteric subjects of constitutional law, have re-emerged as a prominent subject of constitutional law and scholarship. The lion's...	1991	Law Review	—	—
—	372. WRONGFUL DISCHARGE AND FEDERAL PREEMPTION: NUCLEAR WHISTLEBLOWER PROTECTION UNDER STATE LAW AND SECTION 210 OF THE ENERGY REORGANIZATION ACT 17 B.C. Envtl. Aff. L. Rev. 405 , 440 No doubt there is tension between the conclusion that safety regulation is the exclusive concern of the federal law and the conclusion that a State may nevertheless award damages...	1990	Law Review	—	—
—	373. REDEFINING PROPERTY UNDER THE DUE PROCESS CLAUSE: TOWN OF CASTLE ROCK v. GONZALES AND THE DEMISE OF THE POSITIVE LAW APPROACH 47 B.C. L. Rev. 773 , 814 Abstract: Since Board of Regents of State Colleges v. Roth, the U.S. Supreme Court has defined property for due process purposes as a legitimate claim of entitlement rooted in a...	2006	Law Review	—	—
—	374. THE FIVE FACES OF FREEDOM IN AMERICAN POLITICAL AND CONSTITUTIONAL THOUGHT 45 B.C. L. Rev. 499 , 594+ Abstract: In the deepest sense, this Article seeks to bridge the gap between philosophy, political theory, and constitutional law. It examines how our constitutional tradition...	2004	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	375. NO RIGHT TO OWN?: THE EARLY TWENTIETH-CENTURY "ALIEN LAND LAWS" AS A PRELUDE TO INTERNMENT 40 B.C. L. Rev. 37 , 72+ The past is never dead. It's not even past. It was a long time before we began to understand exploitation . It is possible that the struggles now taking place and the local,...	1998	Law Review	—	—
—	376. NO RIGHT TO OWN?: THE EARLY TWENTIETH-CENTURY "ALIEN LAND LAWS" AS A PRELUDE TO INTERNMENT 19 B.C. Third World L.J. 37 , 72+ The past is never dead. It's not even past. It was a long time before we began to understand exploitation . It is possible that the struggles now taking place and the local,...	1998	Law Review	—	—
—	377. BREAKING THE CYCLE: ROT AND RECRUDESCENCE IN AMERICAN CONSTITUTIONAL HISTORY 101 B.U. L. Rev. 1857 , 1873+ This Essay draws on Jack Balkin's The Cycles of Constitutional Time to evaluate the prospect of constitutional renewal through judicial review. It begins by questioning Balkin's...	2021	Law Review	—	—
—	378. CONGRESS BEFORE THE LOCHNER COURT 85 B.U. L. Rev. 821 , 858 Introduction. 821 I. The Regime Perspective on Judicial Review. 824 II. Judicial Review of Federal Statutes, 1890-1919. 829 III. Invalidating Federal Statutes. 835 IV. Striking...	2005	Law Review	—	—
—	379. SOME VARIETIES AND VICISSITUDES OF LOCHNERISM 85 B.U. L. Rev. 881 , 904+ Introduction. 881 I. Lochner Revisionism Besieged. 883 A. The Bernstein Critique. 883 1. The Neutrality Principle: Manifestations and Persistence. 885 2. Neutrality and...	2005	Law Review	—	—
—	380. PROPERTY, PRIVACY, AND THE HUMAN BODY 80 B.U. L. Rev. 359 , 460 Introduction. 360 I. The Legal Status of the Human Body. 365 A. The Body as Property. 367 1. Blood. 371 2. Spleen Cells. 373 3. Organs and Other Body Parts. 375 ...	2000	Law Review	—	—
—	381. LIBERTY AND ANTITRUST IN THE FORMATIVE ERA 79 B.U. L. Rev. 1 , 92 Introduction. 1 I. The Classical Paradigm and Liberty of Contract. 15 A. The Classical Approach to Regulation. 15 B. Constitutionalizing the Classical Paradigm. 23 II. The...	1999	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>382. DEFENDING THE LIFEWORLD: SUBSTANTIVE DUE PROCESS IN THE TAFT COURT ERA 78 B.U. L. Rev. 1489 , 1545+</p> <p>Savoring his landslide election, Warren G. Harding used his Inaugural Address to set an agenda for the coming decade. He surveyed the state of the nation, and pronounced that...</p>	1998	Law Review	—	—
—	<p>383. HOLMES'S PATH 77 B.U. L. Rev. 515 , 542+</p> <p>In October 1872 the Boston University School of Law opened its doors. In its twenty-fifth year, on January 8, 1897, the school dedicated its new home at 11 Ashburton Place. ...</p>	1997	Law Review	—	—
—	<p>384. THE GHOST OF LOCHNER: MODERN TAKINGS DOCTRINE AND ITS IMPACT ON ECONOMIC LEGISLATION 76 B.U. L. Rev. 605 , 667+</p> <p>Since the 1970s the Supreme Court has been reviewing more takings claims and deciding them more favorably to property owners. This point is undisputed; its impact is not. ...</p>	1996	Law Review	—	—
—	<p>385. THE POWER THAT SHALL BE VESTED IN A PRECEDENT: STARE DECISIS, THE CONSTITUTION AND THE SUPREME COURT 66 B.U. L. Rev. 345 , 376</p> <p>The opinions in Garcia v. San Antonio Metropolitan Transit Authority (SAMTA) clearly reveal that the current Supreme Court does not feel bound by precedent. Garcia held that the...</p>	1986	Law Review	—	—
—	<p>386. FREE EXPRESSION AND THE FUNCTION OF THE JURY 65 B.U. L. Rev. 483 , 557+</p> <p>C1-3TABLE OF CONTENTS I. LAW AND FACT. 489 A. MIXED QUESTIONS—LAW OR FACT? —THE TRADITIONAL APPROACH. 489 B. THE WEINER MODEL—POLICY ANALYSIS REPLACES COKE'S AXIOM. 493 1....</p>	1985	Law Review	—	—
—	<p>387. FOLLOWING THAYER: THE MANY FACES OF JUDICIAL RESTRAINT 21 B.U. Pub. Int. L.J. 61 , 84</p> <p>The concept of judicial restraint continues to generate both fierce fidelity and criticism. This paper argues judicial restraint does not embody a single theory of jurisprudence,...</p>	2011	Law Review	—	—
—	<p>388. BRANDEIS: THE PUBLIC ACTIVIST AND FREEDOM OF SPEECH 45 Brandeis L.J. 659 , 686+</p> <p>It was the year 1901, and the city of Boston was growing by leaps and bounds. Its population in 1880 was 362,000; by 1900, it had skyrocketed to over 560,000, and its citizens had...</p>	2007	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	389. STURRUP v. MAHAN AND ITS PROGENY: IS THERE A CONSTITUTIONAL RIGHT TO PLAY HIGH SCHOOL BASKETBALL IN INDIANA? 1994 B.Y.U. Educ. & L.J. 223 , 243 If asked to identify individual rights and freedoms protected under the United States Constitution or the constitution of a particular state, most Americans could name freedom of...	1994	Law Review	—	—
—	390. IMMATURE CITIZENS AND THE STATE 2010 B.Y.U. L. Rev. 1055 , 1147 I. Introduction. 1058 II. The Liberal Democratic State and Its Citizens, Mature and Immature. 1066 A. The State's Core Values and Minimum Ends. 1068 1. The state's minimum...	2010	Law Review	—	—
—	391. DEFINING ONE'S OWN CONCEPT OF EXISTENCE AND THE MEANING OF THE UNIVERSE: THE PRESUMPTION OF LIBERTY IN LAWRENCE V. TEXAS 2006 B.Y.U. L. Rev. 837 , 887 The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to...	2006	Law Review	—	—
—	392. THE RELIGIOUS FREEDOM RESTORATION ACT: LEGISLATIVE CHOICE AND JUDICIAL REVIEW 1993 B.Y.U. L. Rev. 73 , 96 The Supreme Court's 1989 decision in Employment Division v. Smith has generated a significant volume of scholarly criticism. This is not surprising considering the fundamental...	1993	Law Review	—	—
—	393. THE NEW YORK PHARMACEUTICAL COST TRANSPARENCY ACT How a Narrow View of the Prescription Drug Pricing Puzzle Renders a Well-Intentioned Bill Irrational 82 Brook. L. Rev. 315 , 356 What is the cost of innovation? Is there a fixed dollar and cents amount for each instance in which a person is able to complete an everyday task pain-free, or with less pain than...	2016	Law Review	—	—
—	394. IN DEFENSE OF THE "OLD" PUBLIC HEALTH The Legal Framework for the Regulation of Public Health 69 Brook. L. Rev. 1421 , 1436+ The traditional forms of public health law were directed largely toward communicable diseases and other externalities, such as pollution, with negative health impacts. The more...	2004	Law Review	—	—
—	395. UNILATERAL REFUSALS TO LICENSE SOFTWARE: LIMITATIONS ON THE RIGHT TO EXCLUDE AND THE NEED FOR COMPULSORY LICENSING 68 Brook. L. Rev. 557 , 587 Common thinking today is that intellectual property and antitrust law, despite their fundamental conflicts, complement each other. The common ground on which these fields of law...	2002	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>396. LOVE'S LABOR LAW: ESTABLISHING A UNIFORM INTERPRETATION OF NEW YORK'S "LEGAL RECREATIONAL ACTIVITIES" LAW TO ALLOW EMPLOYERS TO ENFORCE NO-DATING POLICIES</p> <p>62 Brook. L. Rev. 353 , 398</p> <p>"Love and work," it is reported that Sigmund Freud answered when asked to identify the most important elements of human existence. In 1993, the New York State Legislature passed...</p>	1996	Law Review	—	—
—	<p>397. THE TENTH JUSTICE</p> <p>60 Brook. L. Rev. 831 , 839</p> <p>Learned Hand: The Man and the Judge, Gerald Gunther, New York: Alfred A. Knopf (1994). 818 pp. At the end of the preface to Learned Hand, The Man and the Judge, Gerald Gunther...</p>	1994	Law Review	—	—
—	<p>398. TIME FOR AN UNJUST DISMISSAL STATUTE IN NEW YORK</p> <p>54 Brook. L. Rev. 1137 , 1214+</p> <p>For nearly one hundred years, the New York courts have presumed that contracts of indefinite employment are terminable at-will by either party at any time for any reason or even...</p>	1989	Law Review	—	—
—	<p>399. GENETIC SCREENING, EUGENIC ABORTION, AND ROE v. WADE: HOW VIABLE IS ROE'S VIABILITY STANDARD?</p> <p>50 Brook. L. Rev. 113 , 142</p> <p>Recent bio-technological advances in the area of pre-natal genetic screening have raised questions concerning the legal and ethical justifications for abortion when the decision...</p>	1983	Law Review	—	—
—	<p>400. HOME RULE AND THE SHERMAN ACT AFTER BOULDER: CITIES BETWEEN A ROCK AND A HARD PLACE</p> <p>49 Brook. L. Rev. 259 , 299</p> <p>Municipal home rule has been dealt a potentially crippling blow by the United States Supreme Court. In <i>Community Communications Co. v. City of Boulder</i>, the Court ruled that a broad...</p>	1983	Law Review	—	—
—	<p>401. WHAT'S LEFT OF SOLIDARITY? REFLECTIONS ON LAW, RACE, AND LABOR HISTORY</p> <p>57 Buff. L. Rev. 1515 , 1596+</p> <p>Institutions and institutional rules—not customs, ideas, attitudes, culture, or private behavior—have primarily shaped race relations in America. Until recent decades at least, the...</p>	2009	Law Review	—	—
—	<p>402. CLASS CONFLICTS OF LAW II: SOLIDARITY, ENTREPRENEURSHIP, AND THE DEEP AGENDA OF THE OBAMA NLRB</p> <p>57 Buff. L. Rev. 653 , 685</p> <p>On his first day in office, President Barack Obama elevated Wilma B. Liebman to the Chairmanship of the National Labor Relations Board (NLRB or Board). Now in the middle of her...</p>	2009	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	403. MANAGEMENT'S ATTITUDES AND THE NEED FOR THE WORKPLACE FAIRNESS ACT 41 Buff. L. Rev. 205 , 244+ Introduction. 206 I. Background. 209 A. The Mackay Doctrine and the National Labor Relations Act. 209 B. Summary of Existing Arguments Supporting Enactment of the...	1993	Law Review	—	—
—	404. GRASSROOTS VOICES: LOCAL ACTION AND NATIONAL MILITARY POLICY 40 Buff. L. Rev. 321 , 371 Before fighting began in the Persian Gulf, Congress engaged in a heated constitutional debate on the power to declare war. While the public watched on television, Senators and...	1992	Law Review	—	—
—	405. THE FAILURE OF GENDER EQUALITY: AN ESSAY IN CONSTITUTIONAL DISSONANCE 36 Buff. L. Rev. 573 , 644 I. INTRODUCTION A. The Caselaw Background B. The Feminist Debate II. THE SUBORDINATION OF WOMEN III. THE LIMITATIONS OF DISCRIMINATION LAW A. Substituting Culpability for Equality...	1987	Law Review	—	—
—	406. PUBLIC RIGHTS AND THE FEDERAL JUDICIAL POWER: FROM MURRAY'S LESSEE THROUGH CROWELL TO SCHOR 35 Buff. L. Rev. 765 , 869 C1-3Table of Contents I. INTRODUCTION. 767 II. THE EVOLUTION AND INFLUENCE OF THE 'PUBLIC RIGHTS' EXCEPTION: FROM Murray's Lessee TO Crowell. 772 A. The Second Life of Crowell v....	1986	Law Review	—	—
—	407. DEMOCRACY AND RENEWED DISTRUST: EQUAL PROTECTION AND THE EVOLVING JUDICIAL CONCEPTION OF POLITICS 101 Calif. L. Rev. 1565 , 1640 Judicial interpretations of the Equal Protection Clause have undergone a major transformation over the last fifty years. A Supreme Court once suspicious of the democratic losses of...	2013	Law Review	—	—
—	408. A TALE OF TWO LOCHNERS: THE UNTOLD HISTORY OF SUBSTANTIVE DUE PROCESS AND THE IDEA OF FUNDAMENTAL RIGHTS 97 Calif. L. Rev. 751 , 768+ To say that the Supreme Court's decision in Lochner v. New York is infamous is an understatement. Scholars remember Lochner for its strong right to contract and laissez-faire...	2009	Law Review	—	—
—	409. THE VALUE OF IRONY: LEGAL ORTHODOXY AND HENRY JAMES'S WASHINGTON SQUARE 95 Calif. L. Rev. 1027 , 1077+ In the following pages, I offer a close reading of Henry James's 1880 novel, Washington Square. My purpose is to show that representations of law in American fiction offer unique...	2007	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	410. BUSH V. GORE THROUGH THE LENS OF CONSTITUTIONAL HISTORY 89 Calif. L. Rev. 1721 , 1765 This Article considers the long-term implications of Bush v. Gore for the Court's institutional standing and legitimacy. First, the Article argues that if the Court's legitimacy...	2001	Law Review	—	—
—	411. "NOVEL" CONSTITUTIONAL CLAIMS: RENT CONTROL, MEANS-ENDS TESTS, AND THE TAKINGS CLAUSE 88 Calif. L. Rev. 1547 , 1573 Many commentators have criticized the due process roots of the "substantially advance" test, a means-ends test, of current takings jurisprudence. This Note revisits the issue in...	2000	Law Review	—	—
—	412. CONTRACTS IN THE MODERN SUPREME COURT 81 Calif. L. Rev. 433 , 529+ This Article compares the modern Supreme Court's jurisprudence concerning contract enforcement with the approach of the Court in the era of Lochner v. New York and the period...	1993	Law Review	—	—
—	413. BROWN AND MIRANDA 80 Calif. L. Rev. 673 , 753 The Warren Court's Brown and Miranda opinions are among the most controversial of the twentieth century. Professor Seidman argues that these decisions exemplify the ways in which...	1992	Law Review	—	—
—	414. INDETERMINACY AND INCOMMENSURABILITY IN CONSTITUTIONAL LAW 78 Calif. L. Rev. 1441 , 1459+ I. Law "and" Theory II. Paradigms Regained III. The Lessons of Constitutional Law in the Modern Age A. The Legal Realist Precedent B. The Politics of Indeterminacy C. The...	1990	Law Review	—	—
—	415. LEGAL REALISM NOW LEGAL REALISM AT YALE: 1927-1960. BY LAURA KALMAN. CHAPEL HILL AND LONDON: UNIVERSITY OF NORTH CAROLINA PRESS 1986. Pp. vii, 314. \$35.00 CLOTH 76 Calif. L. Rev. 465 , 490+ C1-3TABLE OF CONTENTS PAGE I. What is Legal Realism?. 468 A. Kalman's Story: Legal Realism as Functionalism. 468 B. Another Story: Legal Realism as a Pragmatic Critique of...	1988	Law Review	—	—
—	416. THE METAPHYSICS OF AMERICAN LAW 73 Calif. L. Rev. 1151 , 1193+ TABLE OF CONTENTS PAGE I. REPRESENTATION, MEDIATION, AND EVERYDAY POLITICS. 1159 A. The Social Construction of Knowledge. 1160 B. Literary Interpretation and Original Sources. 1171...	1985	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	417. DUE PROCESS AND THE ADMINISTRATIVE STATE 72 Calif. L. Rev. 1044 , 1179 If ever a constitutional doctrine has fallen from grace, it is the doctrine of procedural due process. By far the oldest of our civil rights, its content seemed so clear to prior...	1984	Law Review	—	—
—	418. STATE ACTIONS FOR WRONGFUL DISCHARGE: OVERCOMING BARRIERS POSED BY FEDERAL LABOR LAW PREEMPTION 71 Calif. L. Rev. 942 , 973 The "employment at will" doctrine provides that, absent contrary statutory or contractual provisions, an employer may discharge an employee for good cause, bad cuase, or no cause...	1983	Law Review	—	—
—	419. KOONTZ v. ST. JOHNS: EXPANDING PROPERTY RIGHTS IN TAKINGS JURISPRUDENCE 5 Cal. L. Rev. Circuit 239 , 248 The Fifth Amendment's Takings Clause prohibits the government from taking "private property . without just compensation." What degree of protection does this guarantee afford...	2014	Law Review	—	—
—	420. THE AMERICANISM OF JUSTICE HOLMES 39 Campbell L. Rev. 353 , 410+ There is no obvious way to reconcile each of Justice Oliver Wendell Holmes, Jr.'s intellectual sides. There is the monstrous Holmes, who thought the world was meaningless,...	2017	Law Review	—	—
—	421. LABOR UNIONS: SAVIORS OR SCOURGES? 41 Cap. U. L. Rev. 1 , 18+ I am most honored to have been invited this past April 13, 2012, to join the distinguished list of Sullivan lecturers at Capital University Law School. I am also pleased that the...	2013	Law Review	—	—
—	422. A REQUIEM FOR MORALITY: A RESPONSE TO PETER M. CICCHINO 30 Cap. U. L. Rev. 711 , 764+ Analogizing our age to that of the Roman Empire's collapse under the barbarian's weight, Professor Alisdair MacIntyre observes that: men and women of good will . construct[ed] new...	2002	Law Review	—	—
—	423. EMPLOYEE BENEFITS LAW: THE HIDDEN GAP ENABLING SEXUAL ORIENTATION DISCRIMINATION IN EMPLOYMENT 19 Cardozo J.L. & Gender 511 , 543 Thomas Bryant--a temporary employee at a cell phone supplies warehouse in Indiana--demonstrated his value to his supervisors as a "good employee." Even while being considered...	2013	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	424. SUPREME COURT APPOINTMENTS IN PRESIDENTIAL ELECTION YEARS: THE CASE OF JOHN HESSIN CLARKE 42 Cardozo L. Rev. 2961 , 2990+ C1-2Table of Contents Introduction. 2961 I. Charles Evans Hughes. 2964 II. John Hessin Clarke. 2971 III. Understanding Clarke's Smooth Confirmation. 2983 Conclusion. 2987...	2021	Law Review	—	—
—	425. CRIMINAL EMPLOYMENT LAW 39 Cardozo L. Rev. 2265 , 2327 This Article diagnoses a phenomenon, "criminal employment law," which exists at the nexus of employment law and the criminal justice system. Courts and legislatures discourage...	2018	Law Review	—	—
—	426. WHERE TECHS RUSH IN, COURTS SHOULD FEAR TO TREAD: HOW COURTS SHOULD RESPOND TO THE CHANGING ECONOMICS OF TODAY 38 Cardozo L. Rev. 761 , 796+ C1-2Table of Contents Introduction. 762 I. Background. 766 A. Evolving Treatment by the Supreme Court of Economic Legislation. 766 1. The Industrial Revolution. 767...	2016	Law Review	—	—
—	427. MANDATORY ARBITRATION AS AN EMPLOYER'S CONTRACTUAL PREROGATIVE: THE EFFICIENCY CHALLENGE TO EQUAL EMPLOYMENT OPPORTUNITY 33 Cardozo L. Rev. 195 , 236+ During the past twenty years there has been a rebirth of liberty-of- contract jurisprudence in labor and employment law. This doctrine, which dominated legal theory at the turn of...	2011	Law Review	—	—
—	428. THE SUBURB AS A LEGAL CONCEPT: THE PROBLEM OF ORGANIZATION AND THE FATE OF MUNICIPALITIES IN AMERICAN LAW 29 Cardozo L. Rev. 1193 , 1272+ Introduction. 1194 I. The Progressive Era and the Question of Organization. 1200 A. The Polis in the Progressive Era. 1200 B. The Birth of the Progressive Movement. 1202 C....	2008	Law Review	—	—
—	429. THE GRISWOLD DIAGRAMS: TOWARD A UNIFIED THEORY OF CONSTITUTIONAL RIGHTS 28 Cardozo L. Rev. 623 , 713+ Four decades after Griswold v. Connecticut, the fundamental controversy regarding the exercise of judicial review by the Supreme Court in our constitutional system remains the...	2006	Law Review	—	—
—	430. THE DANGERS TO THE AMERICAN RULE OF LAW WILL OUTLAST THE NEXT ELECTION 2020 Cardozo L. Rev. de novo 126 , 164 According to many constitutional lawyers and political scientists, the presidential administration of Donald Trump (for scholars on the left), or the response to that presidency...	2020	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>431. PROTECTING ATTORNEYS AGAINST WRONGFUL DISCHARGE: EXTENSION OF THE PUBLIC POLICY EXCEPTION 44 Case W. Res. L. Rev. 1043 , 1092+</p> <p>According to the at will doctrine, an employer has the unfettered right to discharge its employees. However, changes in the modern employment relationship have encouraged...</p>	1995	Law Review	—	—
—	<p>432. THE CONTRACTUAL REALLOCATION OF PROCREATIVE RESOURCES AND PARENTAL RIGHTS: THE NATURAL ENDOWMENT CRITIQUE 41 Case W. Res. L. Rev. 1 , 202</p> <p>INTRODUCTION. 4 I. A FRAMEWORK FOR DISCUSSION: THE ROLE OF CONTRACT UNDER HYPOTHETICAL ALTERNATIVES IN THE LEGAL ORDERING OF HUMAN REPRODUCTION. 12 A. A Definition of Contract. 13...</p>	1990	Law Review	—	—
—	<p>433. DOLAN v. CITY OF TIGARD: TAKING A CLOSER LOOK AT REGULATORY TAKINGS 45 Cath. U. L. Rev. 221 , 274</p> <p>The Takings Clause of the Fifth Amendment to the United States Constitution prevents the government from appropriating private property unless it is for public use and the...</p>	1995	Law Review	—	—
—	<p>434. COMPENSATION FOR TAKINGS: HOW MUCH IS JUST? 42 Cath. U. L. Rev. 721 , 770</p> <p>Once a court has determined that the government has "go[ne] too far" in changing or restricting existing property rights, and that a "taking" has, therefore, occurred, the...</p>	1993	Law Review	—	—
—	<p>435. EMPLOYMENT AT-WILL IN THE UNIONIZED SETTING 34 Cath. U. L. Rev. 979 , 1019</p> <p>The American employment at-will doctrine holds that either the employer or the employee may terminate an employment relationship upon giving notice to the other. Unless there is...</p>	1985	Law Review	—	—
—	<p>436. THE FRAMEWORK OF DEMOCRACY IN UNION GOVERNMENT 32 Cath. U. L. Rev. 13 , 38+</p> <p>C1-3TABLE OF CONTENTS I. Introduction. 15 II. Broad Contours of the Framework. 18 A. The Dual Union Governments. 18 B. Causes of Doctrinal Fragmentation. 20 III. Unions' Assigned...</p>	1982	Law Review	—	—
—	<p>437. THE MONOPOLISTIC VICES OF PROGRESSIVE CONSTITUTIONALISM 2005 Cato Sup. Ct. Rev. 11 , 11+</p> <p>It is my great pleasure to be asked to deliver the Cato Institute's third annual B. Kenneth Simon Lecture in Constitutional Thought, and to follow on the heels of Judge Douglas...</p>	2005	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	438. THE "NECESSARY" HISTORY OF PROPERTY AND LIBERTY 6 Chap. L. Rev. 1 , 29+ I am most pleased to have been invited by the editors of the Chapman Law Review to write the Foreword to a volume devoted to one of the hardy perennials of constitutional law: What...	2003	Law Review	—	—
—	439. UNDER THE BRIDGES OF PARIS: ECONOMIC LIBERTIES SHOULD NOT BE JUST FOR THE RICH 6 Chap. L. Rev. 31 , 42 When I was invited to participate in this symposium, I immediately accepted without giving any thought to what I would write on the topic of economic liberties. As the date for...	2003	Law Review	—	—
—	440. PROTECTING ECONOMIC LIBERTIES 6 Chap. L. Rev. 43 , 121+ This Article details the evolution of the treatment of economic liberties, beginning with the Magna Cartas of 1215 and 1225. The Magna Cartas were the original source of...	2003	Law Review	—	—
—	441. ORIGINAL INTENT AND THE FOURTEENTH AMENDMENT: INTO THE BLACK HOLE OF CONSTITUTIONAL LAW 89 Chi.-Kent L. Rev. 1019 , 1030+ The legal history of the Fourteenth Amendment is something of a constitutional black hole. Scholars are drawn to this galactic force of constitutional law, pulled into the...	2014	Law Review	—	—
—	442. UNIONS IN A FRAGMENTED SOCIETY 77 Chi.-Kent L. Rev. 849 , 877+ In the opening paragraphs of Democracy's Discontent, Michael Sandel observes: "Our public life is rife with discontent. Americans do not believe they have much to say in how they..."	2002	Law Review	—	—
—	443. OHIO'S BAN ON MUNICIPAL RESIDENCY REQUIREMENTS: CAN THE EMPLOYEE WELFARE PROVISION OF THE OHIO CONSTITUTION PROTECT THE BAN FROM HOME RULE CHALLENGES? 56 Clev. St. L. Rev. 709 , 738 I. Introduction. 710 II. Challenges to Cleveland's Residency Requirement. 712 III. Rocky River v. State Employment Relations Board Background. 715 A. Rocky River I. 715 B. Rocky...	2008	Law Review	—	—
—	444. WILL THE REAL LEGISLATURE PLEASE STAND UP? A RESPONSE TO "KULCH V. STRUCTURAL FIBERS, INC.: CLARIFYING THE PUBLIC POLICY EXCEPTION." 46 Clev. St. L. Rev. 19 , 47+ I. INTRODUCTION. 20 A. History of the At-Will Employment Doctrine. 21 B. Limiting the Employment-At-Will Doctrine. 22 1. Contract Exceptions to the At-Will Doctrine. 23 2....	1998	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>445. THE PROTECTION OF "HOT NEWS": PUTTING BALGANESH'S "ENDURING MYTH" ABOUT INTERNATIONAL NEWS SERVICE v. ASSOCIATED PRESS IN PERSPECTIVE 111 Colum. L. Rev. Sidebar 79 , 90</p> <p>Response to: Shyamkrishna Balganes, "Hot News": The Enduring Myth of Property in News, 111 Colum. L. Rev. 419 (2011). In his thorough and elegant article, Professor Shyamkrishna...</p>	2011	Law Review	—	—
—	<p>446. A "SWITCH IN TIME" FOR THE EUROPEAN COMMUNITY? LOCHNER DISCOURSE AND THE RECALIBRATION OF ECONOMIC AND SOCIAL RIGHTS IN EUROPE 14 Colum. J. Eur. L. 467 , 508</p> <p>This Article undertakes a comparative analysis of debates related to the legacies of the Lochner era in the United States with contemporary debates in Europe. It demonstrates that...</p>	2008	Law Review	—	—
—	<p>447. CONSTITUTIONAL CONSTRAINTS ON REDISTRIBUTION THROUGH CLASS POWER 5 Colum. J. Eur. L. 313 , 317</p> <p>My comments will not be so much a critique as an elaboration of the two papers, especially Professor Neuman's paper on United States (U.S.) law, since I am not an expert on German...</p>	1999	Law Review	—	—
—	<p>448. LOCHNER IN THE LOWER COURTS, 1930-1960 37 Colum. J.L. & Soc. Probs. 211 , 237</p> <p>A wealth of academic commentary has focused on the interpretation of the Supreme Court's infamous decision in Lochner v. New York. While views on the case are diverse, with few...</p>	2003	Law Review	—	—
—	<p>449. WHAT'S WRONG WITH POLICE UNIONS? 120 Colum. L. Rev. 1333 , 1401</p> <p>In an era of declining labor power, police unions stand as a success story for worker organizing--they exert political clout and negotiate favorable terms for their members. Yet,...</p>	2020	Law Review	—	—
—	<p>450. THE SEARCH FOR AN EGALITARIAN FIRST AMENDMENT 118 Colum. L. Rev. 1953 , 2010</p> <p>Over the past decade, the Roberts Court has handed down a series of rulings that demonstrate the degree to which the First Amendment can be used to thwart economic and social...</p>	2018	Law Review	—	—
—	<p>451. THE EARLY YEARS OF FIRST AMENDMENT LOCHNERISM 116 Colum. L. Rev. 1915 , 2004</p> <p>From Citizens United to Hobby Lobby, civil libertarian challenges to the regulation of economic activity are increasingly prevalent. Critics of this trend invoke the specter of...</p>	2016	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	452. FREE EXERCISE LOCHNERISM 115 Colum. L. Rev. 1453 , 1519 In this Article, I identify and critique a phenomenon I call Free Exercise Lochnerism. In promoting corporate religious exemptions from employment and consumer protections,...	2015	Law Review	—	—
—	453. THE DANGEROUS THIRTEENTH AMENDMENT 112 Colum. L. Rev. 1459 , 1499+ Through most of its history, the Thirteenth Amendment has been interpreted extremely narrowly, especially when compared to the Fourteenth Amendment and the Bill of Rights. The...	2012	Law Review	—	—
—	454. CONSTITUTIONAL TIPPING POINTS: CIVIL RIGHTS, SOCIAL CHANGE, AND FACT-BASED ADJUDICATION 106 Colum. L. Rev. 1955 , 2022 This Article offers an account of how courts respond to social change, with a specific focus on the process by which courts "tip" from one understanding of a social group and its...	2006	Law Review	—	—
—	455. THE THIRTEENTH AMENDMENT VERSUS THE COMMERCE CLAUSE: LABOR AND THE SHAPING OF AMERICAN CONSTITUTIONAL LAW, 1921-1957 102 Colum. L. Rev. 1 , 122+ During the twentieth century, Congress's power to regulate commerce grew sensationally while its human rights powers atrophied. The author traces this phenomenon back to the...	2002	Law Review	—	—
—	456. PEONAGE AND CONTRACTUAL LIBERTY 101 Colum. L. Rev. 351 , 391+ Supreme Court jurisprudence concerning the Thirteenth Amendment is sparse. However, in 1911 and 1914, the Court decided two cases concerning peonage laws: laws that had the effect...	2001	Law Review	—	—
—	457. "UNCONSCIONABLE" CONDITIONS: A CONTRACTUAL ANALYSIS OF CONDITIONS ON PUBLIC ASSISTANCE BENEFITS 94 Colum. L. Rev. 193 , 241 The technique of conditioning the receipt of government benefits illustrates the old adage that there is more than one way to skin a cat. If a government wishes to prevent certain...	1994	Law Review	—	—
—	458. THE CURIOUS EVOLUTION OF IMMIGRATION LAW: PROCEDURAL SURROGATES FOR SUBSTANTIVE CONSTITUTIONAL RIGHTS 92 Colum. L. Rev. 1625 , 1704 Introduction I. Procedural Due Process in Immigration Law: An Analytical Retrospective A. Classical Immigration Law and the Origins of the Procedural Due Process Exception B....	1992	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	459. THE NEW DEAL COURT: EMERGENCE OF A NEW REASON 90 Colum. L. Rev. 1973 , 2016 In order to know what [the law] is, we must know what it has been, and what it tends to become. When Franklin D. Roosevelt delivered his inaugural address in March 1933, the...	1990	Law Review	—	—
—	460. ADMINISTRATIVE AGENCY INTRACIRCUIT NONACQUIESCENCE 85 Colum. L. Rev. 582 , 610 In 1981, the Social Security Administration began a massive review of the status of disabled and indigent Social Security beneficiaries, and within a year terminated the benefits...	1985	Law Review	—	—
—	461. NAKED PREFERENCES AND THE CONSTITUTION 84 Colum. L. Rev. 1689 , 1732 One of the most striking facts of modern constitutional law is the overlap—almost the identity—of current tests under many of the most important clauses of the Constitution: the...	1984	Law Review	—	—
—	462. POLITICS, PERSONALITY AND JUDGING: THE LESSONS OF BRANDEIS AND FRANKFURTER ON JUDICIAL RESTRAINT The Brandeis/Frankfurter Connection. By Bruce Allen Murphy. New York: Oxford University Press, 1982. Pp. xi, 473. \$18.95. T 83 Colum. L. Rev. 1863 , 1887 Felix Frankfurter stands today, perhaps more than any other judge past or present, as an easy target for criticism. An engaging personality with a searing intellect, brilliant...	1983	Law Review	—	—
—	463. PRINCIPLE AND PREJUDICE: THE SUPREME COURT AND RACE IN THE PROGRESSIVE ERA. PART 1: THE HEYDAY OF JIM CROW 82 Colum. L. Rev. 444 , 524+ Herein lie buried many things which if read with patience may show the strange meaning of being black here at the dawning of the Twentieth Century. This meaning is not without...	1982	Law Review	—	—
—	464. COURTS AND POLITICAL THICKETS 77 Colum. L. Rev. 345 , 387 This Article presents some reflections on the role of the courts in considering controversies over the application and validity of statutes regulating the political process....	1977	Law Review	—	—
—	465. PRIVACY AND AUTONOMY 74 Colum. L. Rev. 1410 , 1433 Governments, and students of government, frequently confront "private rights" with the "public good," implying tension between them that requires choice or accommodation. That...	1974	Law Review	—	—

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—	466. UNION DISCIPLINE OF SUPERVISOR MEMBERS 74 Colum. L. Rev. 706 , 732 Supervisors, or foremen, occupying the lowest level of the management hierarchy, act as their employer's main point of contact with its labor force. Supervisory personnel often...	1974	Law Review	—	—
—	467. PRESUMPTION THAT ESTATE INCOME IS ALLOCATED AMONG MULTIPLE BENEFICIARIES IN PROPORTION TO THEIR RECEIPT OF TOTAL DISTRIBUTIONS GIVEN CONCLUSIVE RATHER THAN REBUTTABLE EFFECT 73 Colum. L. Rev. 1319 , 1331 In 1954 plaintiff Rebekah Harkness' husband died testate, leaving plaintiff one half of his residuary estate. The will further provided that the remaining half, after deduction of...	1973	Law Review	—	—
—	468. EMPLOYMENT AT WILL VS. INDIVIDUAL FREEDOM: ON LIMITING THE ABUSIVE EXERCISE OF EMPLOYER POWER 67 Colum. L. Rev. 1404 , 1417+ It is a widely accepted proposition that large corporations now pose a threat to individual freedom comparable to that which would be posed if governmental power were unchecked. ...	1967	Law Review	—	—
—	469. VALIDITY OF MUNICIPAL LAW BARRING DISCRIMINATION IN PRIVATE HOUSING 58 Colum. L. Rev. 728 , 735 On December 5, 1957, the City Council of New York enacted a bill, commonly known as the Sharkey-Brown-Isaacs Law, prohibiting discrimination in privately owned housing within the...	1958	Law Review	—	—
—	470. CONSTITUTIONALITY OF RESTRICTIONS ON ALIENS' RIGHT TO WORK 57 Colum. L. Rev. 1012 , 1028 The dramatic plight of the Hungarian refugees has again focused attention on the problems faced by immigrants to this country in obtaining work of their own choice. While nowhere...	1957	Law Review	—	—
—	471. STATE VIEWS ON ECONOMIC DUE PROCESS: 1937-1953 53 Colum. L. Rev. 827 , 845 Prior to 1937 the Congress and the legislatures of the several states were severely restricted in their choice of economic regulation by the Supreme Court's; interpretation of the...	1953	Law Review	—	—
—	472. SOME BASIC CONSTITUTIONAL RIGHTS OF ECONOMIC SIGNIFICANCE 51 Colum. L. Rev. 271 , 310+ The Constitution cannot guarantee absolute liberty to every individual. We are all restricted in our actions by numerous legal obligations imposed upon us by law and enforced by...	1951	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>473. JOB SECURITY IN A FLEXIBLE LABOR MARKET: CHALLENGES AND POSSIBILITIES FOR WORKER VOICE 33 Comp. Lab. L. & Pol'y J. 459 , 479+</p> <p>The diverse needs and preferences of workers in modern firms present seemingly intractable challenges for the law and policy of employment protection. The preferences of both...</p>	2012	Law Review	—	—
—	<p>474. RELUCTANCE AND REMORSE: THE COVENANT OF GOOD FAITH AND FAIR DEALING IN AMERICAN EMPLOYMENT LAW 32 Comp. Lab. L. & Pol'y J. 773 , 808</p> <p>The covenant of good faith and fair dealing ("the covenant" or "Good Faith") is now an accepted feature of contractual relations in the United States. Essentially undeveloped...</p>	2011	Law Review	—	—
—	<p>475. "FOREIGN TO THE COMPETENCE OF COURTS" VERSUS "ONE LAW FOR ALL": LABOR ARBITRATORS' POWERS AND JUDICIAL REVIEW IN THE UNITED STATES AND CANADA 23 Comp. Lab. L. & Pol'y J. 967 , 1006</p> <p>Canadian collective bargaining legislation has generally been structured following the model introduced in the American National Labor Relations Act (NLRA). Canadian jurisdictions...</p>	2002	Law Review	—	—
—	<p>476. REFLECTIONS ON THE DECLINING PRESTIGE OF AMERICAN LABOR LAW SCHOLARSHIP 23 Comp. Lab. L. & Pol'y J. 789 , 800</p> <p>I want to offer a brief historical perspective on the state of American labor law scholarship, and on a question that is near and dear to labor law academics: Why has our prestige...</p>	2002	Law Review	—	—
—	<p>477. AGAINST LEGISLATION: GARCETTI V. CEBALLOS AND THE PARADOX OF STATUTORY PROTECTION FOR PUBLIC EMPLOYEES 7 First Amend. L. Rev. 22 , 53+</p> <p>In <i>Garcetti v. Ceballos</i>, the Supreme Court denied constitutional protection to a deputy prosecutor named Richard Ceballos. In reaching its decision, the Court pointed to the...</p>	2008	Law Review	—	—
—	<p>478. FREE SPEECH, WORLD WAR I, AND REPUBLICAN DEMOCRACY: THE INTERNAL AND EXTERNAL HOLMES 6 First Amend. L. Rev. 192 , 251</p> <p>The Supreme Court did not explicitly decide a First Amendment free-expression case until the World War I era. The Court then issued a flurry of decisions under the Espionage Act of...</p>	2008	Law Review	—	—
—	<p>479. IN DEFENSE OF THE ROOSEVELT COURT 2 Fla. A & M U. L. Rev. 1 , 90</p> <p>These economic royalists complain that we seek to overthrow the institutions of America. What they really complain of is that we seek to take away their power. Our allegiance to...</p>	2007	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	480. HISTORICAL OVERVIEW OF THE FAIR LABOR STANDARDS ACT 10 Fla. Coastal L. Rev. 657 , 690 "If each of us hires people who are smaller than we are, we shall become a company of dwarfs, but if each of us hires people who are bigger than we are, [we shall] . . . become a...	2009	Law Review	—	—
—	481. LET THEM TRAIN: WHY THE EIGHTH CIRCUIT'S DECISION TO STAY THE INJUNCTION OF THE 2011 NFL LOCKOUT WAS INCORRECT 45 Conn. L. Rev. 1017 , 1044 Although the 2011 National Football League ("NFL") lockout did not result in any cancelled regular season games, nor did it damage the players, stadium employees, and small...	2013	Law Review	—	—
—	482. THE MOST DANGEROUS PROFESSION 39 Conn. L. Rev. 603 , 665 This Article explores the history of the accounting profession, expertise, and the administrative state. It explains how the government gradually grew to rely on expertise not only...	2006	Law Review	—	—
—	483. IT'S SIMPLE: JUDGES DON'T LIKE LABOR UNIONS 30 Conn. L. Rev. 1365 , 1370 In his wonderful but dolorous Birdsong, Jack Getman concludes that the willful ignorance of decisionmakers has produced a body of labor law painfully inconsistent with his sense of...	1998	Law Review	—	—
—	484. RACE, CULTURE, AND CONTRACT LAW: FROM THE COTTONFIELD TO THE COURTROOM 28 Conn. L. Rev. 1 , 34+ A joke. A nigger joke. That was the way it got started. Not the town, of course, but that part of town where the Negroes lived, the part they called the Bottom in spite of the fact...	1995	Law Review	—	—
—	485. THE IMPACT OF HOBBS'S EMPIRICAL NATURAL LAW ON TITLE VII'S EFFECTIVENESS: A HEGELIAN CRITIQUE 25 Conn. L. Rev. 607 , 679 I. Introduction II. Nomothetical Thesis A. The Liberal Mandate: Justice and Individual Rights B. Title VII's Hobbesian Assumptions C. Hegel's Ethical Life III. Title VII: A Liberal...	1993	Law Review	—	—
—	486. RACIAL REALISM 24 Conn. L. Rev. 363 , 379 The struggle by black people to obtain freedom, justice, and dignity is as old as this nation. At times, great and inspiring leaders rose out of desperate situations to give...	1992	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	487. WRONGFUL REFUSAL TO HIRE: ATTACHING THE OTHER HALF OF THE EMPLOYMENT-AT-WILL RULE 24 Conn. L. Rev. 97 , 146 I. INTRODUCTION. 98 II. WRONGFUL DISCHARGE. 103 A. Public Policy. 103 B. Implied Contract. 106 C. Implied Covenant of Good Faith and Fair Dealing. 108 III. STATUTORY REGULATION OF...	1991	Law Review	—	—
—	488. CONTRACEPTION AND PRIVACY 5 Geo. J. Gender & L. 643 , 661 I. The Various Constitutional Arguments for the Right to Privacy and Contraception. 645 A. Griswold v. Connecticut: The Right to Privacy and Contraception Emanates From Penumbras...	2004	Law Review	—	—
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