

Index

- Advisory opinion, 4
Alabama NAACP Case, 18
"Amount in controversy," 7
Appeals courts, 7
Appropriations. *See* Military appropriations
Army, early definition of, 91
Articles of Confederation, 45 65-66
Authorizations. *See* Military appropriations
Baez, Joan, 20n.
Baker v. Carr, 52-53
Berk Case, 29, 56, 60, 69, 76-78, 84, 99-100, 110-111
Best plaintiff argument, 34
Brennan, Justice William J., 46, 53, 111
Brown, Mildred F., 101
Burger, Justice Warren E., 96, 99
Cambodian invasion, 30, 49, 101
"Case and controversy," 4
Certiorari, 8-9
Child-Labor Amendment Case, 33
Chomsky, Noam, 20n.
Circuit courts, 7
Clay, John E., 66n.
Collusive suits, 4
Commander-in-chief. *See* Presidency
Commissions. *See* Military reserves
Congress: debate on war, 32; implied consent to war, 47, 57, 75-78; power of the purse, 72; ratification of war, 76; undeclared war, 59; war powers, 63-68, 90, 92. *See also* House of Representatives Congressmen's Case (*Mitchell v. Laird*), 32-35, 79-84, 99
Constitution, U.S.: Article I, Section 8, 63-64; Article III, 3-4, 7; war clauses, 61-67
Constitutional Lawyers' Committee on Undeclared War, 38, 41, 44, 47, 57n., 69, 78, 83-84, 93-94
Conyers, John, 83
Cooper-Church Amendment, 76
Courts. *See* Appeals courts, Circuit courts, District courts, Federal court system, Jurisdiction, Supreme Court, Three-judge courts
DaCosta Case, 102-103
D'Amato, Anthony, 25n., 48, 66n., 79-81, 95
Declaration of war. *See* War
De Tocqueville, Alexis, 1
District courts, 6-7
Douglas, Justice William O., 13, 26, 46, 55-56
Draft resisters, 25-30, 89-96
Dworkin, Ronald, 37

- Eisenhower, Dwight D., 68, 70
 Ellsworth, Oliver, 65
 Environmental litigation, 15, 45-46
 Excise taxes, 20-21
- Falk, Richard, 28
 Federal court system, 6-7
 Federalist No. 69, 66
 Frankfurter, Justice Felix, 9, 53, 72
 Fraser, Donald M., 85
 Freeman, Harrop, 93
 Frothingham Case, 21-23, 31, 42
 Fulbright, William, 72, 77-78, 85, 110
 Functional equivalent. *See* War
- Georgia Case, 43
 Gideon Case, 2
 Graham, Fred, 45
 Gravel, Mike, 102
 Griswold, Erwin, 41
 Gulf of Tonkin Resolution, 57, 75, 84-87, 105; repealed, 86
- Hamilton, Alexander, 66
 Harlan, Justice John M., 46, 111
 Harrington, Michael, 86
 Hatch Act, 6
 Hoffmann, Stanley, 28
 Holmes Case, 13-14
 House of Representatives, procedures of, 81-83
- Interposition, 40
- Jackson, Andrew, 113
 Jaffe, Louis, 17
 Jefferson, Thomas, 4
 Johnson, Lyndon B., 14-15, 68, 70, 84-85, 112
 Jurisdiction, general, 2-4. *See also* Supreme Court
 Justiciability, 51-58
- Kalish, Donald, 20, 22-23
 Kansas Child-Labor Case, 33
 Kissinger, Henry, 103
 Korean War, 68
- Laird, Melvin R., 19, 79, 103
 Laos, 101, 103
 Lewis, Anthony, 37
 Limited wars, 62
 Lincoln, Abraham, 54, 66, 66n., 84
 Lord, Joseph S., 104
Luftig v. McNamara, 96
- Madison, James, 65
- Mansfield Amendment, 101-103
Marbury v. Madison, 1
 Marshall, John, 1, 113
 Massachusetts Antiwar Bill, 38
 Massachusetts Case (*Massachusetts v. Laird*), 37, 40-47, 55, 99, 108, 111
 Massachusetts, Commonwealth of, 21, 37-40, 43-48
 Maternity Act Case, 21-23, 42, 44, 46
 McGovern, George, 79, 100, 102
 Military appropriations, 57, 75-84, 99, 104
 Military reserves, commissions in, 19
 Militia, 47-48, 90-96
 Minute Men, 20, 90
 Mitchell Case, 26
Mitchell v. Laird. *See* Congressmen's Case
 Mitchell, Parren J., 32
 Moot cases, 4
 Mottola Case, 30-32, 52, 60, 99, 104n.
- New York Bill of Rights, 39-40
 New York City Council, 24
 Nixon, Richard M., 38, 70, 79, 103
 Nullification, 40
- O'Neil, Robert M., 31
 Oregon school cases, 18
 Original jurisdiction. *See* Supreme Court
 Orlando Case, 29-30, 60, 76, 77-78, 84, 95, 100, 110-111
- Parens patriae*, 42-44
 Pentagon Papers, 3, 71, 80, 85, 112
 Phillips Case, 26
 Political questions, 11, 28, 41, 51-58
 Powell Case, 54, 56
 Presidency: commander-in-chief, 65; foreign affairs powers, 65-66
 Prize Cases, 54
- Quinn, Robert, 40
- Reapportionment Case, 52-53
 Reservists, 19
 Reservists Committee to Stop the War Case, 19-20, 104
 Ripeness, 5
 Rosenthal, Benjamin S., 81
 Roybal, Edward R., 85
- Sargent, Francis W., 38, 41
 Sartre, Jean Paul, 71

- School desegregation cases, 10
 Selective Draft Law Cases, 27, 92-93
 Selective Service legislation, 75-84, 94-95
 Separation of powers, 4, 34
 Shea, James, Jr., 38, 47, 49
 Sisson Case, 26-28, 32, 46, 51, 61
 Smith, Michael E., 40
 South Carolina Case, 43-44
 Standing requirement, 11, 14-35, 60, 104; by necessity, 18, 27; of a state, 42-47
 Steel Seizure Case, 53, 55, 67
 Stennis, John, 77-78, 110
 Step forward, 25, 25n.
 Stewart, Justice Potter, 28, 46, 111
 Story, Joseph, 71
 Supreme Court: appellate jurisdiction, 8-9; certiorari, 8-9; original jurisdiction, 7-8, 42-47; review of lower court cases, 2-3. *See also* Collusive suits, Moot cases, Ripeness
 Sweigert, William T., 30-32, 52, 53, 60
 Taxpayer suits, 20-24
 Telephone tax. *See* Excise taxes
 Three-judge courts, 8-9
 Tonkin Gulf. *See* Gulf of Tonkin Resolution
 Truman, Harry S, 53
United States v. United States
 Velvel, Lawrence R., 14-17, 19, 22-23, 38, 79, 95-96, 107-109
 Veterans' pensions, 76n.
 War: authorization of, 68, declaration of, 59, 61-71; enforcement of judicial decree against, 41, 41n.; functional equivalent of declaration, 76, 79-84. *See also* Korean War, Limited wars
 War Powers Act, 100
 War Tax Resistance Movement, 24
 Warren, Justice Earl, 22, 44
 Wells, John M., 38, 47, 79, 103
Wells v. Nixon, 103
 White, Justice Byron, 29
 Wicker, Tom, 40
 Wilson, Woodrow, 92
 Worth, Stephen, 38, 47
 Wyzanski, Charles E., Jr., 26-28, 46, 51, 61-62