sary when the action is filed, but that afterwards there need be only a live controversy with the class, provided the adequacy of the representation is sufficient.[464]

Standing of States to Represent Their Citizens.—The right of a state to sue as *parens patriae*, in behalf of its citizens, has long been recognized.[465] No state, however, may be *parens patriae* of its citizens "as against the Federal Government."[466] But a state may sue to protect the its citizens from environmental harm,[467] and to enjoin other states and private parties from engaging in actions harmful to the economic or other well-being of it citizens.[468] The state must be more than a nominal party without a real interest of its own, merely representing the interests of particular citizens who cannot represent themselves;[469] it must articulate an interest apart from those of private parties that partakes of a "quasi-sovereign interest" in the health and well-being, both physical and economic, of its residents in general, although there are suggestions that the restrictive definition grows out of the Court's wish to constrain its original jurisdiction and may not fit such suits brought in the lower federal courts.[470]

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[464] United States Parole Comm'n v. Geraghty, 445 U.S. 388 (1980). *Geraghty* was a mootness case.

[465] Louisiana v. Texas, 176 U.S. 1 (1900) (recognizing the propriety of *parens patriae* suits but denying it in this particular suit).

[466] Massachusetts v. Mellon, 262 U.S. 447, 485–486 (1923). *But see* South Carolina v. Katzenbach, 383 U.S. 301 (1966) (denying such standing to raise two constitutional claims against the United States but deciding a third); Oregon v. Mitchell, 400 U.S. 112, 117 n.1 (1970) (no question raised about standing or jurisdiction; claims adjudicated).

[467] Missouri v. Illinois, 180 U.S. 208 (1901); Kansas v. Colorado, 206 U.S. 46 (1907); Georgia v. Tennessee Copper Co., 206 U.S. 230 (1907); New York v. New Jersey, 256 U.S. 296 (1921); Pennsylvania v. West Virginia, 262 U.S. 553 (1923); North Dakota v. Minnesota, 263 U.S. 365 (1923).

[468] Georgia v. Pennsylvania R. Co., 324 U.S. 439 (1945) (antitrust); Maryland v. Louisiana, 451 U.S. 725, 737–739 (1981) (discriminatory state taxation of natural gas shipped to out-of-state customers); Alfred L. Snapp & Son v. Puerto Rico ex rel. Barez, 458 U.S. 592 (1982) (discrimination by growers against Puerto Rican migrant workers and denial of Commonwealth's opportunity to participate in federal employment service laws).

[469] New Hampshire v. Louisiana, 108 U.S. 76 (1883); Oklahoma ex rel. Johnson v. Cook, 304 U.S. 387 (1938); Oklahoma v. Atchison, T. & S.F. Ry., 220 U.S. 277 (1911); North Dakota v. Minnesota, 263 U.S. 365, 376 (1923); Pennsylvania v. New Jersey, 426 U.S. 660 (1976).

[470] Alfred L. Snapp & Son v. Puerto Rico ex rel. Barez, 458 U.S. 592, 607–08 (1982). Justice Brennan, joined by Justices Marshall, Blackmun, and Stevens, argued that the Court's standards should apply only in original actions and not in actions filed in federal district courts, where, they contended, the prerogative of a state to bring suit on behalf of its citizens should be commensurate with the ability of private organizations to do so. Id. at 610. The Court admitted that different considerations might apply between original actions and district court suits. Id. at 603 n.12.