in industries vital to public health, as distinguished from the private rights of labor and management, was held not to alter the adversary ("case or controversy") nature of the litigation instituted by the United States as the guardian of the aforementioned rights.[956] Also, by reason of the highest public interest in the fulfillment of all constitutional guarantees, "including those that bear . . . directly on private rights, . . . it [is] perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief." [957]

Suits Against States.—Controversies to which the United States is a party include suits brought against states as party defendants. The first such suit occurred in *United States v. North Carolina*,[958] which was an action by the United States to recover upon bonds issued by North Carolina. Although no question of jurisdiction was raised, in deciding the case on its merits in favor of the state, the Court tacitly assumed that it had jurisdiction of such cases. The issue of jurisdiction was directly raised by Texas a few years later in a bill in equity brought by the United States to determine the boundary between Texas and the Territory of Oklahoma, and the Court sustained its jurisdiction over strong arguments by Texas to the effect that it could not be sued by the United States without its consent and that the Supreme Court's original jurisdiction did not extend to cases to which the United States is a party.[959] Stressing the inclusion within the judicial power of cases to which the United States and a state are parties, the elder Justice Harlan pointed out that the Constitution made no exception of suits brought by the United States. In effect, therefore, consent to be sued by the United States "was given by Texas when admitted to the Union upon an equal footing in all respects with the other States." [960]

Suits brought by the United States have, however, been infrequent. All of them have arisen since 1889, and they have become somewhat more common since 1926. That year the Supreme Court decided a dispute between the United States and Minnesota over

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[956] United Steelworkers v. United States, 361 U.S. 39, 43–44 (1960), citing *In re* Debs, 158 U.S. 564 (1895).

[957] United States v. Raines, 362 U.S. 17, 27 (1960), upholding jurisdiction of the federal court over an action to enjoin state officials from discriminating against African-American citizens seeking to vote in state elections. *See also* Oregon v. Mitchell, 400 U.S. 112 (1970), in which two of the four cases considered were actions by the United States to enjoin state compliance with the Voting Rights Act Amendments of 1970.

[958] 136 U.S. 211 (1890).

[959] United States v. Texas, 143 U.S. 621 (1892).

[960] 143 U.S. at 642–46. This suit, it may be noted, was specifically authorized by the Act of Congress of May 2, 1890, providing for a temporary government for the Oklahoma territory to determine the ownership of Greer County. 26 Stat. 81, 92, § 25. *See also* United States v. Louisiana, 339 U.S. 699, 701–02 (1950).