by alternative service, and for Congress to have so provided to make military service more attractive.[498]

"The federal sovereign, like the States, must govern impartially. . . . [B]ut . . . there may be overriding national interests which justify selective federal legislation that would be unacceptable for an individual State."[499] The paramount federal power over immigration and naturalization is the principal example, although there are undoubtedly others, of the national government's being able to classify upon some grounds—alienage, naturally, but also other suspect and quasi-suspect categories as well—that would result in invalidation were a state to enact them. The instances may be relatively few, but they do exist.

Congressional Police Measures.—Numerous regulations of a police nature, imposed under powers specifically granted to the Federal Government, have been sustained over objections based on the Due Process Clause. Congress may require the owner of a vessel entering United States ports, and on which alien seamen are afflicted with specified diseases, to bear the expense of hospitalizing such persons.[500] It may prohibit the transportation in interstate commerce of filled milk[501] or the importation of convict-made goods into any state where their receipt, possession, or sale is a violation of local law.[502] It may require employers to bargain collectively with representatives of their employees chosen in a manner prescribed by law, to reinstate employees discharged in violation of law, and

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[498] Johnson v. Robison, 415 U.S. 361 (1974). *See also* Schlesinger v. Ballard, 419 U.S. 498 (1975) (military law that classified men more adversely than women deemed rational because it had the effect of compensating for prior discrimination against women). Wayte v. United States, 470 U.S. 598 (1985) (selective prosecution of persons who turned themselves in or were reported by others as having failed to register for the draft does not deny equal protection, there being no showing that these men were selected for prosecution because of their protest activities).

[499] Hampton v. Mow Sun Wong, 426 U.S. 88, 100 (1976). Thus, the power over immigration and aliens permitted federal discrimination on the basis of alienage, *Hampton*, *supra* (employment restrictions like those previously voided when imposed by states), durational residency, Mathews v. Diaz, 426 U.S. 67 (1976) (similar rules imposed by states previously voided), and illegitimacy, Fiallo v. Bell, 430 U.S. 787 (1977) (similar rules by states would be voided). Racial preferences and discriminations in immigration have had a long history, *e.g.*, *The Chinese Exclusion Case*, 130 U.S. 581 (1889), and the power continues today, *e.g.*, Dunn v. INS, 499 F.2d 856, 858 (9th Cir. 1974), *cert. denied*, 419 U.S. 1106 (1975); Narenji v. Civiletti, 617 F.2d 745, 748 (D.C. Cir. 1979), *cert. denied*, 446 U.S. 957 (1980), although Congress has removed most such classifications from the statute books.

[500] United States v. New York S.S. Co., 269 U.S. 304 (1925).

[501] United States v. Carolene Products Co., 304 U.S. 144 (1938); Carolene Products Co. v. United States, 323 U.S. 18 (1944).

[502] Kentucky Whip & Collar Co. v. Illinois Cent. R.R., 299 U.S. 334 (1937).