ests. It can sue to protect its own property interests,[1040] and if it sues for its own interest as owner of another state's bonds, rather than as an assignee for collection, jurisdiction exists.[1041] Where a state, in order to avoid the limitation of the Eleventh Amendment, provided by statute for suit in the name of the state to collect on the bonds of another state held by one of its citizens, it was refused the right to sue.[1042] Nor can a state sue the citizens of other states on behalf of its own citizens to collect claims.[1043]

The State as Parens Patriae.—The distinction between suits brought by states to protect the welfare of their citizens as a whole and suits to protect the private interests of individual citizens is not easily drawn. Thus, in *Oklahoma v. Atchison, T. & S.F. Ry.*,[1044] the state was refused permission to sue to enjoin unreasonable rate charges by a railroad on the shipment of specified commodities, because the state was not engaged in shipping these commodities and had no proprietary interest in them. But, in *Georgia v. Pennsylvania R.Co.*,[1045] a closely divided Court accepted a suit by the state, suing as *parens patriae* and in its proprietary capacity—the latter being treated by the Court as something of a makeweight—seeking injunctive relief against 20 railroads on allegations that the rates were discriminatory against the state and its citizens and their economic interests and that the rates had been fixed through coercive action by the northern roads against the southern lines in violation of the Clayton Antitrust Act. For the Court, Justice Douglas observed that the interests of a state for purposes of invoking the original jurisdiction of the Court were not to be confined to those which are proprietary but rather "embrace the so called 'quasi-sovereign' interests which . . . are 'independent of and behind the titles of its citizens, in all the earth and air within its domain.'" [1046]

Discriminatory freight rates, the Justice continued, may cause a blight no less serious than noxious gases in that they may arrest the development of a state and put it at a competitive disadvan-

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[1040] Pennsylvania v. Wheeling & B. Bridge Co., 54 U.S. (13 How.) 518, 559 (1852); Oklahoma ex rel. Johnson v. Cook, 304 U.S. 387 (1938); Georgia v. Evans, 316 U.S. 159 (1942).

[1041] South Dakota v. North Carolina, 192 U.S. 286 (1904).

[1042] New Hampshire v. Louisiana, 108 U.S. 76 (1883).

[1043] Oklahoma ex rel. Johnson v. Cook, 304 U.S. 387 (1938).

[1044] 220 U.S. 277 (1911).

[1045] 324 U.S. 439 (1945).

[1046] 324 U.S. at 447–48 (quoting from Georgia v. Tennessee Copper Co., 206 U.S. 230, 237 (1907), in which the state was permitted to sue as *parens patriae* to enjoin the defendant from emitting noxious gases from its works in Tennessee which caused substantial damage in nearby areas of Georgia). In Alfred L. Snapp & Son v. Puerto Rico ex rel. Barez, 458 U.S. 592, 607–08 (1982), the Court attempted to enunciate the standards by which to recognize permissible *parens patriae* assertions. *See also* Maryland v. Louisiana, 451 U.S. 725, 737–39 (1981).