

ORDERS FROM JUNE 4 THROUGH  
JUNE 25, 1965

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*Decision of the Supreme Court*  
REPORTER'S NOTE

The next page is purposely numbered 1001. The numbers between 882 and 1001 were intentionally omitted, in order to make it possible to publish the orders with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

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No. 88-1242. *See American Tobacco Company, Inc. v. Riddell et al.* Appeal from Sup. Ct. N.C. Dismissed for want of substantial federal question. Reported below 317 F.2d 325, 677 P.2d 449.

No. 88-1242. *Valenzas Publishing Corp. v. North Carolina Department of Revenue.* Appeal from Sup. Ct. N.C. Dismissed for want of substantial federal question. Reported below 312 N.C. 315, 523 S.E.2d 31352.

Justice White, with whom Justice Blackman joins, dissenting.

The North Carolina Sales and Use Tax Act, N.C. Gen. Stat. §§ 105-164.1 to 105-164.40 (1970) and Prop. 1968, example "Sales of newspapers by newspaper street vendors and by newspaper carriers making door-to-door deliveries and sales of magazines by magazine vendors making door-to-door sales," § 105-164.13(28). The provision offers newspapers, among the nature of delivery a tax benefit denied other members of the press. A publisher distributing a newspaper that of course pay a sales or use tax on personal property that is purchased and incorporated into the newspaper (or in possession of the printed newspaper itself if it is purchased in completed form from the printer), for such property is "not sold but held, received, distributed, or stored for consumption" in North Carolina. § 105-164.3(1). A publisher selling a newspaper at retail other than through street vendors or paper-

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HARRISON, J., dissenting

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origin even in the absence of any position closely related to immigration concerns. To my mind, the Constitution clearly provides that it may not. I would therefore reverse the judgment of the Court of Appeals and sustain the trial court's denial of the scope of petitioner's equal protection rights.

The Court reached different conclusions through reliance on a statutory and legislative analysis that finds no support in established authority.<sup>34</sup> In 1991, when a Wisconsin state senator, seeking to amend a plan of mine to postpone Wisconsin's crew, RPLI had set to limit the gathering and spending of campaign funds available until the end of the year, I responded by introducing the "Wisconsin