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3. *Discriminatory employment practices—Class action—Seniority relief for unnamed class members.*—In class action against respondent employer and labor unions alleging various racially discriminatory employment practices in violation of Title VII of Act, especially discriminatory refusal to hire over-the-road truckdrivers, denial of seniority relief for unnamed class members cannot be justified as within District Court's discretion on grounds given by that court that such individuals had not filed administrative charges with Equal Employment Opportunity Commission under Title VII and that there was no evidence of a "vacancy, qualification, and performance" for every individual member of class. Nor can denial of such relief be justified as within District Court's discretion on ground that an award of retroactive seniority to class of discriminatees will conflict with economic interests of other employees of respondent. *Franks v. Bowman Transportation Co.*, p. 747.

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1. *Mootness—Class action.*—That petitioner, who was named plaintiff representing class in question in action against respondent employer and labor unions alleging various racially discriminatory employment practices in violation of Title VII of Civil Rights Act of 1964, no longer has a personal stake in outcome of action because he had been hired by respondent and later was properly discharged for cause, does not moot case. An adverse relationship sufficient to meet requirement that a "live controversy" remain before this Court not only obtained as to unnamed members of class with respect to underlying cause of action but also continues with respect to their assertion that relief they have received in entitlement to consideration for hiring and backpay is inadequate without further award of entitlement to seniority benefits. *Franks v. Bowman Transportation Co.*, p. 747.

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2. *Disqualification for welfare benefits—"Rebuttable presumption."*—With respect to New York welfare statute disqualifying from receipt of Home Relief benefits for 75 days anyone who voluntarily terminates his employment or reduces his earning capacity for purpose of qualifying for benefits, and further providing, by way of a "rebuttable presumption," that a person who applies for assistance within 75 days after so voluntarily terminating his employment or reducing his earning capacity shall be "deemed" to have done so "for the purpose of qualifying for such assistance or larger amount thereof, in the absence of evidence to the contrary supplied by such person," "rebuttable presumption" provision does not deny due process of law under Fourteenth Amendment. *Lavine v. Milne*, p. 577.

3. *Juror examination on voir dire—Racial prejudice.*—Absent circumstances comparable in significance to those existing in *Ham v. South Carolina*, 409 U. S. 524, examination of veniremen during *voir dire* about racial prejudice is not constitutionally required. In instant case, which involved prosecution of respondent, a Negro, for

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violent crimes against a white security guard, respondent did not show such circumstances, and there was thus no error of constitutional dimension when state trial judge questioned veniremen about general bias or prejudice but declined to question them specifically about racial prejudice. *Ristaino v. Ross*, p. 589.

4. *Termination of Social Security disability benefits—Necessity for hearing.*—An evidentiary hearing is not required prior to termination of Social Security disability payments, and administrative procedures prescribed under Social Security Act fully comport with due process. *Mathews v. Eldridge*, p. 319.

V. Equal Protection of the Laws.

1. *Fifth Amendment—Public financing of Presidential nominating conventions and campaigns—Subtitle H of Internal Revenue Code.*—Subtitle H of IRC—providing for public financing of Presidential nominating conventions and general election and primary campaigns from general revenues, with full funding for “major” parties, a percentage of full funding for “minor” parties, and either only post-election funding, or no funding if insufficient votes are received, for “new” parties—being less burdensome than ballot-access regulations and having been enacted in furtherance of vital governmental interests in relieving major-party candidates from rigors of soliciting private contributions, in not funding candidates who lack significant public support, and in eliminating reliance on large private contributions for funding of conventions and campaigns, does not invidiously discriminate against minor and new parties in violation of Due Process Clause of Fifth Amendment. *Buckley v. Valeo*, p. 1.

2. *Military post regulations governing political campaigning and distribution of literature.*—Fort Dix regulations banning political speeches and demonstrations on post and governing distribution of literature there were not unconstitutionally applied under circumstances of this case. As to regulation banning political speeches and demonstrations, there is no claim that military authorities discriminated in any way among candidates based upon candidates’ supposed political views; on contrary it appears that Fort Dix has a policy, objectively and evenhandedly applied, of keeping official military activities there wholly free of entanglement with any partisan political campaigns, a policy that post was constitutionally free to pursue. As to regulation governing distribution of literature, a military commander may disapprove only those publications that he perceives clearly endanger loyalty, discipline, or morale of troops on base under his command, and, while this regulation might in future be applied irrationally, invidiously, or arbitrarily, none of

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respondents even submitted any material for review, and non-candidate respondents had been excluded from post because they had previously distributed literature there without attempting to obtain approval. *Greer v. Spock*, p. 828.

VI. Fifth Amendment.

1. *Double jeopardy—Attorney's misconduct—Mistrial—Retrial.*—Where, after respondent's counsel had been expelled for misconduct during opening-statement period in respondent's criminal trial, judge, upon being advised by co-counsel that respondent wanted expelled counsel to try case, declared a mistrial to permit respondent to obtain another counsel, Double Jeopardy Clause did not bar respondent's retrial. *United States v. Dinitz*, p. 600.

2. *Privilege against self-incrimination—Income tax returns—Gambling.*—Petitioner's privilege against compulsory self-incrimination was not violated when his income tax returns, in which he revealed himself to be a gambler, were introduced in evidence, over his Fifth Amendment objection, as proof of federal gambling offense with which he was charged. *Garner v. United States*, p. 648.

VII. First Amendment.

1. *Freedom of association—General disclosure and recordkeeping provisions of Federal Election Campaign Act of 1971.*—Provisions of FECA requiring political committees to keep detailed records of contributions and expenditures, including name and address of each individual contributing in excess of \$10, and his occupation and principal place of business if his contribution exceeds \$100, and to file quarterly reports with Federal Election Commission disclosing source of every contribution exceeding \$100 and recipient and purpose of every expenditure over \$100, are constitutional. Such provisions, which serve substantial governmental interests in informing electorate and preventing corruption of political process, are not overbroad insofar as they apply to contributions to minor parties and independent candidates. No blanket exemption for minor parties is warranted since such parties in order to prove injury as a result of application to them of disclosure provisions need show only a reasonable probability that compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals in violation of their First Amendment associational rights. Extension of recordkeeping provisions to contributions as small as those just above \$10 and of disclosure provisions to contributions above \$100 is not on this record overbroad since it cannot be said to be unrelated to informational and enforcement goals of legislation. *Buckley v. Valeo*, p. 1.

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2. *Freedom of association and speech—Disclosure provisions of Federal Election Campaign Act of 1971—Independent contributions and expenditures.*—Provision of FECA requiring every individual or group, other than a candidate or political committee, making contributions or expenditures exceeding \$100 “other than by contribution to a political committee or candidate” to file a statement with the Federal Election Commission, is constitutional. Such provision, as narrowly construed to apply only (1) when contributions earmarked for political purposes or authorized or requested by a candidate or his agent are made to some person other than a candidate or political committee and (2) when an expenditure is made for a communication that expressly advocates election or defeat of a clearly identified candidate, is not unconstitutionally vague and does not constitute a prior restraint but is a reasonable and minimally restrictive method of furthering First Amendment values by public exposure of federal election system. *Buckley v. Valeo*, p. 1.

3. *Freedom of speech—Contribution provisions of Federal Election Campaign Act of 1971.*—Provisions of FECA limiting political contributions to candidates for federal elective office by an individual or a group to \$1,000 and by a political committee to \$5,000 to any single candidate per election, with an overall annual limitation of \$25,000 by an individual contributor, are constitutional. Such provisions are appropriate legislative weapons against reality or appearance of improper influence stemming from dependence of candidates on large campaign contributions, and ceilings imposed accordingly serve basic governmental interest in safeguarding integrity of electoral process without directly impinging upon rights of individual citizens and candidates to engage in political debate and discussion. *Buckley v. Valeo*, p. 1.

4. *Freedom of speech—Expenditure provisions of Federal Election Campaign Act of 1971.*—Provisions of FECA limiting expenditures by individuals or groups “relative to a clearly identified candidate” to \$1,000 per candidate per election, and by a candidate from his personal or family funds to various specified annual amounts depending upon federal office sought, and restricting overall general election and primary campaign expenditures by candidates to various specified amounts, again depending upon federal office sought, violate First Amendment. Such provisions place substantial and direct restrictions on ability of candidates, citizens, and associations to engage in protected political expression, restrictions that First Amendment cannot tolerate. *Buckley v. Valeo*, p. 1.

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5. *Freedom of speech—Magazines—Judicial declaration of obscenity—Effect on criminal prosecution.*—Alabama statutory procedures whereby magazines were judicially declared obscene in an “*in rem*” action against magazines, violated First and Fourteenth Amendments insofar as such procedures precluded petitioner, who had not been given notice or made a party to “*in rem*” action, from litigating obscenity *vel non* of one such magazine as a defense to his criminal prosecution for selling it. *McKinney v. Alabama*, p. 669.

6. *Freedom of speech—Military post regulations governing political campaigning and distribution of literature.*—Fort Dix regulations banning political speeches and demonstrations on post and governing distribution of literature there are not unconstitutionally invalid on their face. Since under Constitution it is basic function of a military installation like Fort Dix to train soldiers, not to provide a public forum, and since, as a necessary concomitant to this basic function, a commanding officer has historically unquestioned power to exclude civilians from area of his command, any notion that federal military installations, like municipal streets and parks, have traditionally served as a place for free public assembly and communication of thoughts by private citizens is false, and therefore respondents had no generalized constitutional right to make political speeches or distribute leaflets at Fort Dix. *Greer v. Spock*, p. 828.

7. *Freedom of speech—Public financing of Presidential nominating conventions and campaigns—Subtitle H of Internal Revenue Code.*—Subtitle H of IRC, providing for public financing of Presidential nominating conventions and general election and primary campaigns from general revenues, does not violate First Amendment. Rather than abridging, restricting, or censoring speech, it represents an effort to use public money to facilitate and enlarge public discussion and participation in electoral process. *Buckley v. Valeo*, p. 1.

8. *Freedom of speech—Right to picket in shopping center.*—Under present state of law constitutional guarantee of free expression has no part to play in a case such as this, where striking members of respondent union picketed in front of their employer's leased store located in petitioner's shopping center, and pickets here did not have a First Amendment right to enter shopping center for purpose of advertising their strike against their employer. *Hudgens v. NLRB*, p. 507.

9. *Freedom of the press—Media liability for defamation—Constitutional limitations—Damages—Fault.*—In case such as this, where respondent brought a libel suit in Florida court against peti-

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tioner magazine publisher for reporting that her husband had obtained a divorce from her "on grounds of extreme cruelty and adultery," when in fact divorce court never made finding that she was guilty of adultery, *Gertz v. Robert Welch, Inc.*, 418 U. S. 323, imposes constitutional limitations that (1) compensatory awards "be supported by competent evidence concerning the injury" and (2) liability cannot be imposed without fault. Since Florida permits damages in defamation actions based on elements other than injury to reputation, and there was competent evidence here to permit jury to assess amount of such injury, first of these conditions was satisfied, but since there was no finding of fault on petitioner's part in its publication of defamatory material, second condition was not met. *Time, Inc. v. Firestone*, p. 448.

10. *Freedom of the press—Media liability for defamation—Public figure.*—Standard enunciated in *New York Times Co. v. Sullivan*, 376 U. S. 254, as later extended, which bars media liability for defamation of a public figure absent proof that defamatory statements were published with knowledge of their falsity or in reckless disregard of truth, is inapplicable to facts of this case, where respondent brought a libel suit against petitioner magazine publisher for reporting that her husband, scion of a wealthy industrial family, had obtained a divorce from her on his counterclaim "on grounds of extreme cruelty and adultery," when in fact divorce court had never made finding that she was guilty of adultery. Respondent was not a "public figure," and *New York Times* rule does not automatically extend to all reports of judicial proceedings regardless of whether party plaintiff in such proceedings is a public figure who might be assumed to "have voluntarily exposed [himself] to increased risk of injury from defamatory falsehood." *Time, Inc. v. Firestone*, p. 448.

VIII. General Welfare Clause.

Public financing of Presidential nominating conventions and campaigns—Subtitle H of Internal Revenue Code.—Subtitle H of IRC, providing for public financing of Presidential nominating conventions and general election and primary campaigns from general revenues, is not invalid under General Welfare Clause but, as a means to reform electoral process, was clearly a choice within power granted to Congress by Clause to decide which expenditures will promote general welfare. *Buckley v. Valeo*, p. 1.

IX. Right to Privacy.

Defamatory police flyer of "active shoplifters."—Respondent's contention that petitioner police chiefs' defamatory flyer of "active

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shoplifters" including photograph and name of respondent, who had been arrested on a shoplifting charge which was subsequently dismissed, deprived him of his constitutional right to privacy is without merit, being based not upon any challenge to State's ability to restrict his freedom of action in a sphere contended to be "private" but on a claim that State may not publicize a record of an official act like an arrest. *Paul v. Davis*, p. 693.

X. Right to Travel.

City employees—Residency requirement.—Philadelphia municipal regulation requiring city employees to be residents of city is constitutional as a bona fide continuing residence requirement and does not violate right of interstate travel of appellant, whose employment as a city fireman was terminated under regulation because he moved his residence from Philadelphia to New Jersey. *McCarthy v. Philadelphia Civil Service Comm'n*, p. 645.

XI. Severability.

Public financing of Presidential nominating conventions and campaigns—Subtitle H of Internal Revenue Code.—Invalidation of spending-limit provisions of Federal Election Campaign Act of 1971 does not render unconstitutional Subtitle H of IRC, which provides for public financing of Presidential nominating conventions and general election and primary campaigns from general revenues, but Subtitle H is severable from such provisions and is not dependent upon existence of a generally applicable expenditure limit. *Buckley v. Valeo*, p. 1.

XII. Supremacy Clause.

State prohibition against employment of aliens.—Section 2805 (a) of California Labor Code, which prohibits an employer from knowingly employing an alien who is not entitled to lawful residence in United States if such employment would have an adverse effect on lawful resident workers, is not unconstitutional as a regulation of immigration or as being pre-empted under Supremacy Clause by Immigration and Nationality Act. *DeCanas v. Bica*, p. 351.

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2. *Bank robbery—Propriety of conviction of receiving or possessing robbery proceeds.*—A person convicted of robbing a bank in violation of 18 U. S. C. §§ 2113 (a) and (b) and of assault with a dangerous weapon during robbery in violation of § 2113 (d), cannot also be convicted of receiving or possessing robbery proceeds in violation of § 2113 (c). *United States v. Gaddis*, p. 544.

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1. *New Mexico-Arizona Enabling Act—Land held in trust by State—Compensable leasehold interest—Evaluation.*—In United States' action to condemn land held in trust by Arizona under New Mexico-Arizona Enabling Act, including tracts leased by Arizona to petitioner for grazing, there is to be determined on remand (1) whether, under state law and provisions of lease, petitioner could not possess a compensable leasehold interest upon federal condemnation; (2) if petitioner did possess such an interest, how it is properly to be evaluated and calculated (with subsidiary questions of relevance of possible lease renewals and of possible value additions by reason of petitioner's development of adjoining properties); and (3) if that interest proves to be substantial, whether it is permissible to find from that fact a violation of Enabling Act's requirement that a lease, when offered, shall be appraised at its "true value" and be given at not less than that value. *Alamo Land & Cattle Co. v. Arizona*, p. 295.

2. *New Mexico-Arizona Enabling Act—Land held in trust by State—Leasehold interest—Just compensation.*—Nothing in New Mexico-Arizona Enabling Act, apart, possibly, from extent it may incorporate Arizona law by reference, prevents usual application of Fifth Amendment protection of outstanding leasehold interest in land held in trust by Arizona under Act, whereby holder of such interest is entitled to just compensation for value of that interest when it is taken upon condemnation by United States. *Alamo Land & Cattle Co. v. Arizona*, p. 295.

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- FORT DIX.** See **Constitutional Law**, V, 2; VII, 6.
- FOURTEENTH AMENDMENT.** See **Constitutional Law**, IV, 1-2; VII, 5.
- FREEDOM OF ASSOCIATION.** See **Constitutional Law**, VII, 1-2.
- FREEDOM OF SPEECH.** See **Constitutional Law**, VII, 2-8.
- FREEDOM OF THE PRESS.** See **Constitutional Law**, VII, 9-10.
- GAMBLING OFFENSES.** See **Constitutional Law**, VI, 2.
- GENERAL WELFARE CLAUSE.** See **Constitutional Law**, VIII.
- GOVERNMENT EMPLOYEES.** See also **Court of Claims**.
Classification Act—Back Pay Act—Action seeking civil service reclassification—Right to backpay.—In action in Court of Claims by respondent Government trial attorneys seeking civil service reclassification to higher grade and backpay, neither Classification Act nor Back Pay Act creates a substantive right in respondents to backpay for period of claimed wrongful classification. *United States v. Testan*, p. 392.
- GRAZING LEASES.** See **Eminent Domain**.
- GRIEVANCE PROCEDURES.** See **Labor Management Relations Act**.
- HOME RELIEF WELFARE BENEFITS.** See **Constitutional Law**, IV, 2.
- ILLEGAL ALIENS.** See **Constitutional Law**, XII.
- ILLINOIS.** See **Stays**, 2.
- IMMIGRATION AND NATIONALITY ACT.** See **Constitutional Law**, XII.
- IMMUNITY OF PROSECUTING ATTORNEY FROM CIVIL DAMAGES SUIT.** See **Civil Rights Act of 1871**.
- IMPARTIAL TRIALS.** See **Constitutional Law**, IV, 3.
- INCOME TAXES.** See **Internal Revenue Code**.
- INCOME TAX RETURNS.** See **Constitutional Law**, VI, 2.
- INCRIMINATION.** See **Constitutional Law**, VI, 2.
- INDIANS.** See **Jurisdiction**, 5.
- INDIAN WATER RIGHTS.** See **Abstention; Jurisdiction**, 2-4.
- INJUNCTIONS.** See **Internal Revenue Code**.

INJURY TO REPUTATION. See **Constitutional Law**, IV, 1; IX.

IN REM PROCEEDINGS. See **Constitutional Law**, VII, 5.

INTERLOCUTORY APPEALS. See **Appeals**.

INTERNAL REVENUE CODE. See also **Constitutional Law**, II, 2; V, 1; VII, 7; VIII; XI.

Jeopardy assessment—Taxpayer's suit—Anti-Injunction Act.—Where, after a jeopardy income tax assessment had been made against respondent because of his imminent departure for Israel under an extradition order to stand trial there on criminal charges, and various bank accounts of his were levied, he brought suit, claiming that he owed no taxes, that he could not litigate issue while jailed in Israel, and that he would be in jail there unless he could use levied bank accounts as bail money, and seeking an injunction against his extradition until he could litigate whether he owed taxes, Anti-Injunction Act did not require dismissal of respondent's complaint. *Commissioner v. Shapiro*, p. 614.

INTERSTATE COMMERCE. See **Constitutional Law**, III.

INVIDIOUS DISCRIMINATION. See **Constitutional Law**, V, 1.

IRREPARABLE INJURY. See **Internal Revenue Code**; **Stays**, 2-3.

JEOPARDY ASSESSMENTS. See **Internal Revenue Code**.

JUDICIAL DECLARATIONS OF OBSCENITY. See **Constitutional Law**, VII, 5.

JUDICIAL REVIEW. See **Court of Claims**; **Jurisdiction**, 1.

JURIES. See **Constitutional Law**, IV, 3.

JURISDICTION. See also **Abstention**; **Court of Claims**.

1. *District Court—Termination of Social Security disability benefits—Action challenging procedures.*—District Court had jurisdiction over respondent's claim that procedures for terminating Social Security disability benefits were unconstitutional, since state agency's denial, as accepted by Social Security Administration, of respondent's request for benefits was a final decision with respect to that claim for purposes of jurisdiction under 42 U. S. C. § 405 (g), which grants jurisdiction only to review a "final" decision of Secretary of Health, Education, and Welfare made after a hearing to which he was a party. *Mathews v. Eldridge*, p. 319.

2. *State-court determination of water rights—McCarran Amendment—Indian water rights.*—McCarran Amendment, 43 U. S. C. § 666, includes consent to determine in state court reserved water

JURISDICTION—Continued.

rights held on behalf of Indians, and exercise of state jurisdiction does not imperil those rights or breach Government's special obligation to protect Indians. *Colorado River Water Cons. Dist. v. U. S.*, p. 800.

3. *Suit by United States for determination of water rights—Desirability of unified adjudication—McCarran Amendment—Dismissal.*—In suit for determination of water rights brought in Federal District Court by United States as trustee for certain Indian tribes and as owner of various non-Indian Government claims, several factors are present that counsel against exercise of concurrent federal jurisdiction, clearly supporting dismissal of action and resolution of Government's water-right claims in state-court proceedings. Most significantly, such dismissal furthers policy of McCarran Amendment, 43 U. S. C. § 666, recognizing desirability of unified adjudication of water rights and availability of state systems like one in Colorado for such adjudication and management of rights to use State's waters. *Colorado River Water Cons. Dist. v. U. S.*, p. 800.

4. *Suit by United States for determination of water rights—Effect of McCarran Amendment.*—McCarran Amendment, 43 U. S. C. § 666, as is clear from its language and legislative history, did not divest District Court of jurisdiction under 28 U. S. C. § 1345 over suit for determination of water rights brought by United States as trustee for certain Indian tribes and as owner of various non-Indian Government claims. Effect of Amendment is to give consent to state jurisdiction concurrent with federal jurisdiction over controversies involving federal water rights. *Colorado River Water Cons. Dist. v. U. S.*, p. 800.

5. *Tribal court—Adoption proceeding on Indian reservation.*—Tribal court of Northern Cheyenne Tribe has exclusive jurisdiction over an adoption proceeding arising on Northern Cheyenne Indian Reservation in which all parties are members of tribe residing on reservation. *Fisher v. District Court*, p. 382.

JUST COMPENSATION. See **Eminent Domain.**

JUSTICIABILITY. See **Constitutional Law, II.**

LABOR. See **Constitutional Law, VII, 8; Labor Management Relations Act; National Labor Relations Act.**

LABOR MANAGEMENT RELATIONS ACT.

Wrongful-discharge suit—Improper dismissal—Union's duty of fair representation.—It was improper to dismiss petitioner employees' suit under § 301 of Act against respondent employer and

LABOR MANAGEMENT RELATIONS ACT—Continued.

respondent union for wrongful discharge, since if petitioners prove an erroneous discharge and union's breach of duty of fair representation tainting arbitration committee's decision upholding discharges, they are entitled to an appropriate remedy against employer as well as union. A union's breach of duty relieves employee of an express or implied requirement that disputes be settled through contractual procedures and, if it seriously undermines integrity of arbitral process, also removes bar of contract provision making arbitration decision final and binding on all parties. *Hines v. Anchor Motor Freight*, p. 554.

LABOR UNIONS. See **Labor Management Relations Act.**

LANDLORD AND TENANT. See **Stays**, 1.

LARCENY. See **Criminal Law.**

LEASES. See **Eminent Domain**; **Stays**, 1.

LIBEL. See **Constitutional Law**, VII, 9-10.

LIBERTY RIGHTS. See **Constitutional Law**, IV, 1.

LIKELIHOOD OF SUCCESS ON MERITS. See **Stays**, 3.

LIMITATIONS ON POLITICAL CONTRIBUTIONS AND EXPENDITURES. See **Constitutional Law**, VII, 3-4.

LIVE CONTROVERSY. See **Constitutional Law**, II, 1.

LOTTERIES FOR ASSIGNING BALLOT POSITIONS. See **Stays**, 2.

LOUISIANA. See **Constitutional Law**, III; **Elections.**

LOW-INCOME HOUSING. See **Stays**, 1.

MAGAZINES. See **Constitutional Law**, VII, 5.

MAJOR POLITICAL PARTIES. See **Constitutional Law**, V, 1.

"MAKE-WHOLE" PURPOSES OF CIVIL RIGHTS ACT OF 1964. See **Civil Rights Act of 1964.**

MALAPPORTIONMENT. See **Elections.**

MANDAMUS.

State court's failure to effectuate Supreme Court's judgment.—Where further proceedings pursuant to an information charging petitioners with violating Florida's obscenity statute were foreclosed by this Court's judgment summarily reversing Florida Supreme Court's affirmance of petitioners' convictions, latter court, by remanding case to trial court for further proceedings, failed to

MANDAMUS—Continued.

effectuate this Court's judgment, and such failure was not cured by intervening exercise of prosecutorial discretion in *nolle prosequing* charges. Accordingly, petitioners' motion for leave to file a petition to mandamus Florida Supreme Court to conform its decision to this Court's mandate is granted. *Bucolo v. Adkins*, p. 641.

MANDATES. See **Mandamus.**

MATERNITY LEAVE REGULATIONS. See **Appeals.**

McCARRAN AMENDMENT (McCARRAN WATER RIGHTS SUIT ACT). See **Jurisdiction**, 2-4.

MEDIA LIABILITY FOR DEFAMATION. See **Constitutional Law**, VII, 9-10.

MILITARY INSTALLATION REGULATIONS. See **Constitutional Law**, V, 2; VII, 6.

MILK AND MILK PRODUCTS. See **Constitutional Law**, III.

MINOR POLITICAL PARTIES. See **Constitutional Law**, V, 1; VII, 1.

MISSISSIPPI. See **Constitutional Law**, III.

MISTRIALS. See **Constitutional Law**, VI, 1.

MONTANA. See **Jurisdiction**, 5; **Stays**, 1.

MOOTNESS. See **Constitutional Law**, II, 1; **Stays**, 2.

MOTOR VEHICLE SAFETY STANDARDS. See **Stays**, 3.

MULTIMEMBER REAPPORTIONMENT PLANS. See **Elections.**

MUNICIPAL REGULATIONS. See **Constitutional Law**, X.

NATIONAL LABOR RELATIONS ACT.

Right to picket in shopping center.—Where striking members of respondent union picketed in front of their employer's leased store located in petitioner's shopping center, rights and liabilities of parties are dependent exclusively upon Act, under which it is National Labor Relations Board's task, subject to judicial review, to resolve conflicts between rights under § 7 of Act and private property rights and to seek accommodation of such rights "with as little destruction of one as is consistent with maintenance of the other." *Hudgens v. NLRB*, p. 507.

NATIONAL LABOR RELATIONS BOARD. See **National Labor Relations Act.**

NATURAL GAS ACT.

Federal Power Commission—Pregranted authority to producer to abandon natural gas sales.—An optional procedure which encompasses pregranted authority to natural gas producers to abandon gas sales and which is intended to draw new gas supplies to interstate market, is clearly within FPC's authority under § 7 (b) of Act to permit abandonments justified by *present* or *future* public convenience or necessity, timing of abandonment approval being within FPC's discretion. FPC v. Moss, p. 494.

NEGROES. See **Civil Rights Act of 1964**; **Constitutional Law**, II, 1; IV, 3.

NEW MEXICO-ARIZONA ENABLING ACT. See **Eminent Domain**.

NEW POLITICAL PARTIES. See **Constitutional Law**, V, 1.

NEW TRIALS. See **Constitutional Law**, VI, 1; **Criminal Law**, 1.

NEW YORK. See **Constitutional Law**, IV, 2.

NORTHERN CHEYENNE TRIBE. See **Jurisdiction**, 5.

OBSCENITY. See **Constitutional Law**, VII, 5; **Mandamus**.

OFFICERS OF THE UNITED STATES. See **Constitutional Law**, I.

ONE-MAN, ONE-VOTE PRINCIPLE. See **Elections**.

OPPORTUNITY FOR HEARING. See **Constitutional Law**, IV, 4.

OVERBREADTH. See **Constitutional Law**, VII, 1.

OVER-THE-ROAD TRUCK DRIVERS. See **Civil Rights Act of 1964**.

PARISH ELECTIONS. See **Elections**.

PERSONAL STAKE IN OUTCOME OF CASE. See **Constitutional Law**, II.

PHILADELPHIA. See **Constitutional Law**, X.

PICKETING. See **Constitutional Law**, VII, 8; **National Labor Relations Act**.

POLICE FLYERS OF SHOPLIFTERS. See **Constitutional Law**, IV, 1; IX.

POLICE POWER. See **Constitutional Law**, III; XII.

POLITICAL CANDIDATES. See **Constitutional Law**, II, 2; V, 1; VII, 1-4, 7; VIII; XI.

- POLITICAL CONTRIBUTIONS AND EXPENDITURES.** See Constitutional Law, VII, 3-4.
- POLITICAL SPEECHES.** See Constitutional Law, V, 2; VII, 6.
- POSSESSION OF STOLEN PROPERTY.** See Criminal Law.
- POST REGULATIONS.** See Constitutional Law, V, 2; VII, 6.
- PRE-EMPTION.** See Constitutional Law, XII.
- PREGRANTED ABANDONMENT OF NATURAL GAS SALES.**
See Natural Gas Act.
- PREJUDICE OF JURIES.** See Constitutional Law, IV, 3.
- PRESIDENTIAL CONVENTIONS AND CAMPAIGNS.** See Constitutional Law.
- PRETERMINATION HEARINGS.** See Constitutional Law, IV, 4.
- PRIOR RESTRAINTS.** See Constitutional Law, VII, 2.
- PRIVACY RIGHTS.** See Constitutional Law, IX.
- PRIVILEGE AGAINST SELF-INCRIMINATION.** See Constitutional Law, VI, 2.
- PROCEDURAL DUE PROCESS.** See Constitutional Law, IV, 4.
- PROCEDURE.** See Criminal Law, 1; Mandamus.
- PROPERTY RIGHTS.** See Constitutional Law, IV, 1; VII, 8; National Labor Relations Act.
- PROSECUTING ATTORNEYS.** See Civil Rights Act of 1871.
- PROSECUTORIAL IMMUNITY FROM CIVIL DAMAGES SUIT.**
See Civil Rights Act of 1871.
- PROTECTED POLITICAL EXPRESSION.** See Constitutional Law, VII, 3-4.
- PUBLIC CONVENIENCE OR NECESSITY.** See Natural Gas Act.
- PUBLIC EMPLOYEES.** See Constitutional Law, X.
- PUBLIC FIGURES.** See Constitutional Law, VII, 9-10.
- PUBLIC FINANCING OF PRESIDENTIAL CONVENTIONS AND CAMPAIGNS.** See Constitutional Law, V, 1; VII, 7; VIII; XI.
- QUALIFICATION FOR WELFARE BENEFITS.** See Constitutional Law, IV, 2.

- RACIAL DISCRIMINATION.** See **Civil Rights Act of 1964;**
Constitutional Law, II, 1.
- RACIAL PREJUDICE OF JURIES.** See **Constitutional Law,**
IV, 3.
- REAPPORTIONMENT PLANS.** See **Elections.**
- REBUTTABLE PRESUMPTIONS.** See **Constitutional Law, IV,**
2.
- RECEIVING STOLEN PROPERTY.** See **Criminal Law.**
- RECIPROCITY AGREEMENTS AS TO MILK PRODUCTION**
AND SALES. See **Constitutional Law, III.**
- RECLASSIFICATION OF CIVIL SERVICE POSITIONS.** See
Court of Claims; Government Employees.
- RECORDKEEPING OF POLITICAL CONTRIBUTIONS AND**
EXPENDITURES. See **Constitutional Law, VII, 1.**
- REDUCTION OF EARNING CAPACITY.** See **Constitutional**
Law, IV, 2.
- REGULATION OF IMMIGRATION.** See **Constitutional Law,**
XII.
- REGULATION OF MILK PRODUCTION AND SALES.** See
Constitutional Law, III.
- REMAND.** See **Court of Claims; Eminent Domain, 1.**
- REPUTATION.** See **Constitutional Law, IV, 1; IX.**
- RESERVED WATER RIGHTS.** See **Abstention; Jurisdiction,**
2-4.
- RESIDENCY REQUIREMENT FOR CITY EMPLOYEES.** See
Constitutional Law, X.
- RETRIALS.** See **Constitutional Law, VI, 1.**
- RETROACTIVE SENIORITY STATUS.** See **Civil Rights Act of**
1964.
- RIGHT TO ASSOCIATION.** See **Constitutional Law, VII, 1-2.**
- RIGHT TO BACKPAY FOR WRONGFUL CIVIL SERVICE**
CLASSIFICATION. See **Government Employees.**
- RIGHT TO LIBERTY.** See **Constitutional Law, IV, 1.**
- RIGHT TO PICKET IN SHOPPING CENTER.** See **Constitu-**
tional Law, VII, 8; National Labor Relations Act.
- RIGHT TO PRIVACY.** See **Constitutional Law, IX.**

- RIGHT TO PROPERTY.** See Constitutional Law, IV, 1.
- RIGHT TO TERMINATE LEASE.** See Stays, 1.
- RIGHT TO TRAVEL.** See Constitutional Law, X.
- ROBBERY.** See Criminal Law.
- RULES OF CIVIL PROCEDURE.** See Appeals.
- SALES OF NATURAL GAS.** See Natural Gas Act.
- SECRETARY OF TRANSPORTATION.** See Stays, 3.
- SELF-INCRIMINATION.** See Constitutional Law, VI, 2.
- SENIORITY BENEFITS.** See Civil Rights Act of 1964; Constitutional Law, II, 1.
- SENTENCES.** See Criminal Law, 1.
- SEVERABILITY.** See Constitutional Law, XI.
- SEX DISCRIMINATION.** See Appeals.
- SHOPLIFTING.** See Constitutional Law, IV, 1; IX.
- SHOPPING CENTERS.** See Constitutional Law, VII, 8; National Labor Relations Act.
- SINGLE-MEMBER REAPPORTIONMENT PLANS.** See Elections.
- SOCIAL SECURITY ACT.** See Constitutional Law, IV, 4; Jurisdiction, 1.
- STANDING TO SUE.** See Constitutional Law, II, 2.
- STATE COURTS.** See Jurisdiction, 2-5.
- STATE PROSECUTING ATTORNEYS.** See Civil Rights Act of 1871.
- STATE WATER RIGHTS.** See Abstention; Jurisdiction, 2-4.
- STAYS.**

1. *Eviction—Low-income housing project—Termination provision of lease.*—Application to stay Montana Supreme Court's judgment reversing trial court's judgment that applicant tenant was entitled to certain rights under Due Process Clause of Fifth Amendment before being evicted from respondent landlord's federally subsidized low-income housing project, is denied in view of lease provision that either party to lease may terminate it by giving 30 days' written notice to other party, thus making it unnecessary to reach any due process issue. *Flamm v. Real-BLT, Inc.* (REHNQUIST, J., in chambers), p. 1313.

STAYS—Continued.

2. *Lottery to assign ballot positions—Lack of irreparable injury or mootness.*—Application by appellant independent candidates for judicial office in Illinois to stay, pending this Court's disposition of appeal, of Illinois Supreme Court's judgment reversing Circuit Court's order enjoining appellee State Board of Elections Commissioners from conducting a lottery to assign ballot positions in accordance with Board regulation prescribing lottery system for breaking ties resulting from simultaneous filing of petitions for nomination to elective office, is denied, where there is insufficient indication of unfairness or irreparable injury and (because questions presented by appeal are capable of repetition) no suggestion that forthcoming election will moot case. *Bradley v. Lunding* (STEVENS, J., in chambers), p. 1309.

3. *Motor vehicle safety standard—Irreparable harm.*—Application by Secretary of Transportation to vacate Court of Appeals' order staying operation of a certain motor vehicle safety standard, which was before court upon respondents' petition for review, is granted, where it appears that Court of Appeals in ordering stay failed to consider likelihood of respondents' success on merits, and Secretary has demonstrated that irreparable harm might result from stay. *Coleman v. PACCAR Inc.* (REHNQUIST, J., in chambers), p. 1301.

STRIKES. See **Constitutional Law**, VII, 8; **National Labor Relations Act**.

SUMMARY SEIZURE OF TAXPAYER'S ASSETS. See **Internal Revenue Code**.

SUPREMACY CLAUSE. See **Constitutional Law**, XII.

SUPREME COURT. See also **Mandamus**.

Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Third Circuit, p. 959.

TAX ASSESSMENT AND COLLECTION. See **Internal Revenue Code**.

TERMINATION OF LEASE. See **Stays**, 1.

TERMINATION OF SOCIAL SECURITY DISABILITY BENEFITS. See **Constitutional Law**, IV, 4; **Jurisdiction**, 1.

TRANSPORTATION SECRETARY. See **Stays**, 3.

TRIAL ATTORNEYS. See **Court of Claims**; **Government Employees**.

- TRIBAL COURTS.** See Jurisdiction, 5.
- TRUCK DRIVERS.** See Civil Rights Act of 1964.
- TUCKER ACT.** See Court of Claims.
- UNFAIR LABOR PRACTICES.** See Constitutional Law, VII, 8;
National Labor Relations Act.
- UNIONS.** See Labor Management Relations Act.
- UNITED STATES.** See Abstention; Eminent Domain; Jurisdiction, 2-4.
- UNLAWFUL EMPLOYMENT DISCRIMINATION.** See Appeals; Civil Rights Act of 1964; Constitutional Law, II, 1.
- VACATION OF SENTENCES AND CONVICTIONS.** See Criminal Law, 1.
- VACATION OF STAY.** See Stays, 3.
- VAGUENESS.** See Constitutional Law, VII, 2.
- VOIR DIRE.** See Constitutional Law, IV, 3.
- VOLUNTARY TERMINATION OF EMPLOYMENT.** See Constitutional Law, IV, 2.
- WATER RIGHTS.** See Abstention; Jurisdiction, 2-4.
- WELFARE BENEFITS.** See Constitutional Law, IV, 2.
- WITNESSES.** See Constitutional Law, VI, 2.
- WOMEN EMPLOYEES.** See Appeals.
- WRONGFUL DISCHARGES OF EMPLOYEES.** See Labor Management Relations Act.

THESE RIGHTS ARE GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES

AND BY THE LAWS OF THE STATE OF CALIFORNIA

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