

## INDEX

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**ABORTIONS.** See also **Abstention; Appeals; Constitutional Law, I, 1-6; Standing to Sue.**

*Definition of "viability"—Flexibility.*—Definition of "viability" in § 2 (2) of Missouri abortion statute as "that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems" does not conflict with definition in *Roe v. Wade*, 410 U. S. 113, 160, 163, as point at which fetus is "potentially able to live outside the mother's womb, albeit with artificial aid," and is presumably capable of "meaningful life outside the mother's womb." Section 2 (2) maintains flexibility of term "viability" recognized in *Roe*. It is not a proper legislative or judicial function to fix viability, which is essentially for judgment of responsible attending physician, at a specific point in gestation period. *Planned Parenthood of Missouri v. Danforth*, p. 52.

**ABSTENTION.**

*District Court—Constitutionality of state abortion statute.*—In class action claiming that Massachusetts statute governing type of consent, including parental consent, required before an abortion may be performed on an unmarried woman under age of 18, violates Due Process and Equal Protection Clauses of Fourteenth Amendment, District Court should have abstained from deciding constitutional issue and should have certified to Massachusetts Supreme Judicial Court appropriate questions concerning meaning of statute and procedure it imposes. *Bellotti v. Baird*, p. 132.

**ACTIONS FOR VIOLATIONS OF COLLECTIVE-BARGAINING AGREEMENTS.** See **Labor.**

**ADMISSIBILITY OF ILLEGALLY SEIZED EVIDENCE.** See **Evidence; Habeas Corpus.**

**AGGRAVATING CIRCUMSTANCES OR FACTORS.** See **Constitutional Law, II, 1, 2, 5.**

**ALIENS.** See **Constitutional Law, III, 1, 2; Criminal Law.**

**ANTITRUST ACTS.**

*Electric utility—Light-bulb exchange program—State approval—Implied exemption from antitrust laws.*—Neither Michigan's approval

**ANTITRUST ACTS**—Continued.

of respondent private electric utility's present tariff nor fact that light-bulb exchange program whereby respondent furnishes its residential customers, without additional charge, with almost 50% of standard-size light bulbs, may not be terminated until a new tariff is filed, is sufficient basis for implying an exemption from federal antitrust laws for that program. *Cantor v. Detroit Edison Co.*, p. 579.

**APPEALS.**

*Court of Appeals—Constitutionality of state statute—Merits of case—Lack of answer or other pleading on merits.*—In respondent physicians' action against petitioner state official challenging constitutionality of Missouri statute excluding abortions that are not "medically indicated" from purposes for which Medicaid benefits are available to needy persons, Court of Appeals, on appeal from District Court's dismissal of case for lack of standing, should not have proceeded to resolve merits of case in respondents' favor, since petitioner, who has not filed an answer or other pleading addressed to merits, has not had opportunity to present evidence or legal arguments in defense of statute. *Singleton v. Wulff*, p. 106.

**ARBITRABLE GRIEVANCES.** See **Labor**.

**AUTOMATIC DEATH SENTENCES.** See **Constitutional Law**, II, 3, 4.

**AUTOMATIC REVIEW OF DEATH SENTENCES.** See **Constitutional Law**, II, 2.

**AUTOMOBILE SEARCHES.** See **Constitutional Law**, III, 3.

**BIFURCATED TRIALS.** See **Constitutional Law**, II, 1, 2, 5.

**BLACK LUNG BENEFITS ACT OF 1972.** See **Constitutional Law**, I, 7; **Procedure**.

**BORDER PATROL.** See **Constitutional Law**, III, 1, 2; **Criminal Law**.

**CAPITAL PUNISHMENT.** See **Constitutional Law**, II.

**CASE OR CONTROVERSY.** See **Standing to Sue**.

**CHECKPOINTS.** See **Constitutional Law**, III, 1, 2; **Criminal Law**.

**COAL MINERS.** See **Constitutional Law**, I, 7.

**COLLECTIVE-BARGAINING AGREEMENTS.** See **Labor**.

**CONSENT TO ABORTION.** See **Abstention**; **Constitutional Law**, I, 1-6.

**CONSTITUTIONAL LAW.** See also **Abstention; Appeals; Procedure; Standing to Sue.**

**I. Due Process.**

1. *Abortions—Physician's criminal and civil liability for death of child.*—First sentence of § 6 (1) of Missouri abortion statute, requiring physician to exercise professional care to preserve fetus' life and health during abortion, impermissibly requires a physician to preserve *fetus'* life and health, whatever the stage of pregnancy. Second sentence, which provides for criminal and civil liability where a physician fails "to take such measures to encourage or to sustain life of the *child*, and the death of the *child* results," does not alter duty imposed by first sentence or limit that duty to pregnancies that have reached stage of viability, and since it is inseparably tied to first provision, whole section is invalid. *Planned Parenthood of Missouri v. Danforth*, p. 52.

2. *Abortions—Prohibition of certain procedure.*—Through § 9 of Missouri abortion statute, prohibiting after first 12 weeks of pregnancy abortion procedure of saline amniocentesis as "deleterious to maternal health," State would prohibit most commonly used abortion procedure in country and one that is safer, with respect to maternal mortality, than even continuation of pregnancy until normal childbirth and would force pregnancy terminations by methods more dangerous to woman's health than method outlawed. As so viewed outright legislative proscription of saline amniocentesis fails as a reasonable protection of maternal health. As an arbitrary regulation designed to prevent vast majority of abortions after first 12 weeks, it is plainly unconstitutional. *Planned Parenthood of Missouri v. Danforth*, p. 52.

3. *Abortions—Reporting and recordkeeping requirements.*—Sections 10 and 11 of Missouri abortion statute, prescribing reporting and recordkeeping requirements for health facilities and physicians performing abortions, which requirements can be useful to State's interest in protecting health of its female citizens and may be of medical value, are not constitutionally offensive in themselves, particularly in view of reasonable confidentiality and retention provisions. They thus do not interfere with abortion decision or physician-patient relationship. *Planned Parenthood of Missouri v. Danforth*, p. 52.

4. *Abortions—Requiring spousal consent.*—Section 3 (3) of Missouri abortion statute requiring, for first 12 weeks of pregnancy, written consent of spouse of a woman seeking abortion unless licensed physician certifies that abortion is necessary to preserve mother's life, which provision does not comport with standards enunciated

**CONSTITUTIONAL LAW**—Continued.

in *Roe v. Wade*, 410 U. S. 113, 164–165, is unconstitutional, since State cannot “delegate to a spouse a veto power which the [S]tate itself is absolutely and totally prohibited from exercising during the first trimester of pregnancy.” *Planned Parenthood of Missouri v. Danforth*, p. 52.

5. *Abortions—Requiring woman’s consent.*—Section 3 (2) of Missouri abortion statute requiring that before submitting to an abortion during first 12 weeks of pregnancy a woman must consent in writing to procedure and certify that “her consent is informed and freely given and is not the result of coercion,” is not unconstitutional. Decision to abort is important and often stressful, and awareness of decision and its significance may be constitutionally assured by State to extent of requiring woman’s prior written consent. *Planned Parenthood of Missouri v. Danforth*, p. 52.

6. *Abortions—Unmarried minor—Requiring parental consent.*—State may not constitutionally impose a blanket parental consent requirement, such as § 3 (4) of Missouri abortion statute does, as a condition for an unmarried minor’s abortion during first 12 weeks of her pregnancy for substantially same reasons as in case of spousal consent provision, there being no significant state interest, whether to safeguard family unit and parental authority or otherwise, in conditioning an abortion on consent of a parent with respect to under-18-year-old pregnant minor. As stressed in *Roe v. Wade*, 410 U. S. 113, 164, “the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman’s attending physician.” *Planned Parenthood of Missouri v. Danforth*, p. 52.

7. *Federal Coal Mine Health and Safety Act of 1969.*—Challenged provisions of Title IV of Federal Coal Mine Health and Safety Act of 1969, as amended by Black Lung Benefits Act of 1972, requiring “black lung” (pneumoconiosis) benefit payments with respect to miners who left mine employment before effective date of amended Act, and containing certain definitions, presumptions, and limitations on rebuttal evidence against benefit claims, do not violate Due Process Clause of Fifth Amendment. *Usery v. Turner Elkhorn Mining Co.*, p. 1.

**II. Eighth Amendment.**

1. *Death sentence for murder—Cruel and unusual punishment—Florida statute.*—Florida Supreme Court’s judgment upholding death sentence for murder imposed pursuant to Florida statute requiring trial judge as sentencing authority to weigh eight statutory aggravating factors against seven statutory mitigating factors to determine whether death penalty should be imposed, is affirmed against chal-

**CONSTITUTIONAL LAW**—Continued.

lenges death sentence violates Eighth and Fourteenth Amendments. *Proffitt v. Florida*, p. 242.

2. *Death sentence for murder—Cruel and unusual punishment—Georgia statute.*—Georgia Supreme Court's judgment upholding death sentences for murder imposed pursuant to Georgia's statutory bifurcated procedure providing jury as sentencing authority with information relevant to imposing death sentence and with standards to guide its use of such information, and further providing for automatic review of all death sentences by Georgia Supreme Court, is affirmed against challenges that imposition of death sentences constitutes "cruel and unusual" punishment under Eighth and Fourteenth Amendments. *Gregg v. Georgia*, p. 153.

3. *Death sentence for murder—Cruel and unusual punishment—Louisiana statute.*—Louisiana Supreme Court's judgment upholding death sentence for first-degree murder imposed pursuant to Louisiana statute making death penalty mandatory for that crime, and challenged as violating Eighth and Fourteenth Amendments, is reversed and case is remanded. *Roberts v. Louisiana*, p. 325.

4. *Death sentence for murder—Cruel and unusual punishment—North Carolina statute.*—North Carolina Supreme Court's judgment upholding death sentence for first-degree murder imposed pursuant to North Carolina statute making death penalty mandatory for that crime, and challenged as violating Eighth and Fourteenth Amendments, is reversed and case is remanded. *Woodson v. North Carolina*, p. 280.

5. *Death sentence for murder—Cruel and unusual punishment—Texas statute.*—Texas Court of Criminal Appeals' judgment upholding death sentence for murder imposed pursuant to Texas statute requiring jury to find existence of a statutory aggravating circumstance before death sentence may be imposed, is affirmed against challenge that death sentence violates Eighth and Fourteenth Amendments. *Jurek v. Texas*, p. 262.

**III. Fourth Amendment.**

1. *Search and seizure—Border Patrol—Fixed checkpoint—Necessity for warrant.*—Operation of a fixed checkpoint by Border Patrol need not be authorized in advance by a judicial warrant. Visible manifestation of field officers' authority at a checkpoint provides assurances to motorists that officers are acting lawfully. Moreover, purpose of a warrant in preventing hindsight from coloring evaluation of reasonableness of a search or seizure is inapplicable here, since reasonableness of checkpoint stops turns on factors such as checkpoint's location and method of operation. These factors are

**CONSTITUTIONAL LAW**—Continued.

not susceptible of distortion of hindsight, and will be open to post-stop review notwithstanding absence of a warrant. Nor is purpose of a warrant in substituting a magistrate's judgment for that of searching or seizing officer applicable, since need for this is reduced when decision to "seize" is not entirely in hands of field officer and deference is to be given to administrative decisions of higher ranking officials in selecting checkpoint locations. *United States v. Martinez-Fuerte*, p. 543.

2. *Search and seizure—Border Patrol's stopping of vehicle—Permanent checkpoint.*—Border Patrol's routine stopping of a vehicle at a permanent checkpoint located on a major highway away from Mexican border for brief questioning of vehicle's occupants is consistent with Fourth Amendment, and stops and questioning may be made at reasonably located checkpoints in absence of any individualized suspicion that particular vehicle contains illegal aliens. *United States v. Martinez-Fuerte*, p. 543.

3. *Search and seizure—Warrantless inventory search of impounded automobile.*—Procedures whereby police discovered marihuana in glove compartment of respondent's car while conducting a warrantless inventory search of car which had been impounded for parking violations, did not involve an "unreasonable" search in violation of Fourth Amendment. *South Dakota v. Opperman*, p. 364.

**COURT-MADE EXCLUSIONARY RULE.** See **Evidence**; **Habeas Corpus**.

**COURTS OF APPEALS.** See **Appeals**.

**CRIMINAL LAW.** See **Constitutional Law**, II, III; **Habeas Corpus**.

**CRUEL AND UNUSUAL PUNISHMENT.** See **Constitutional Law**, II.

**DEATH OR DISABILITY BENEFITS FOR COAL MINERS.**  
See **Constitutional Law**, I, 7.

**DEATH SENTENCES.** See **Constitutional Law**, II.

**DEFINITION OF "VIABILITY."** See **Abortions**.

**DETERRENCE OF UNLAWFUL POLICE CONDUCT.** See **Evidence**; **Habeas Corpus**.

**DISTRICT COURTS.** See **Abstention**; **Labor**; **Procedure**.

**DUE PROCESS.** See **Constitutional Law**, I.

**EIGHTH AMENDMENT.** See **Constitutional Law**, II.

**ELECTRIC UTILITIES.** See **Antitrust Acts.**

**EVIDENCE.** See also **Habeas Corpus.**

*Exclusionary rule—Evidence illegally seized by state agent—Admissibility in federal civil proceeding.*—Judicially created exclusionary rule should not be extended to forbid use in civil proceeding of one sovereign (here Federal Government) of evidence illegally seized by a criminal law enforcement agent of another sovereign (here state government), since likelihood of deterring law enforcement conduct through such a rule is not sufficient to outweigh societal costs imposed by exclusion. *United States v. Janis*, p. 433.

**“EXCESSIVE” PUNISHMENT.** See **Constitutional Law**, II, 2.

**EXCLUSIONARY RULE.** See **Evidence; Habeas Corpus.**

**EXEMPTIONS FROM ANTITRUST LAWS.** See **Antitrust Acts.**

**EXPECTATION OF PRIVACY.** See **Constitutional Law**, III, 3.

**EXTENUATING CIRCUMSTANCES OR FACTORS.** See **Constitutional Law**, II, 1, 2, 5.

**FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969.** See **Constitutional Law**, I, 7; **Procedure.**

**FEDERAL-STATE RELATIONS.** See **Evidence; Habeas Corpus.**

**FELONY MURDER.** See **Constitutional Law**, II, 1, 2.

**FIFTH AMENDMENT.** See **Constitutional Law**, I, 7.

**FIRST-DEGREE MURDER.** See **Constitutional Law**, II, 1, 3, 4.

**FIXED CHECKPOINTS.** See **Constitutional Law**, III, 1, 2.

**FLORIDA.** See **Constitutional Law**, II, 1.

**FOURTEENTH AMENDMENT.** See **Constitutional Law**, I, 1-6; II; III, 3.

**FOURTH AMENDMENT.** See **Constitutional Law**, III; **Criminal Law; Evidence; Habeas Corpus.**

**GEORGIA.** See **Constitutional Law**, II, 2.

**GUIDANCE IN IMPOSING DEATH SENTENCE.** See **Constitutional Law**, II, 1, 2, 5.

**HABEAS CORPUS.**

*State prisoner—Fourth Amendment claim—Opportunity for state litigation—Denial of federal relief.*—Where State has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus

**HABEAS CORPUS**—Continued.

relief on ground that evidence obtained through an unconstitutional search and seizure was introduced at his trial. In this context contribution of exclusionary rule, if any, to effectuation of Fourth Amendment is minimal as compared to substantial societal costs of applying rule. *Stone v. Powell*, p. 465.

**HUSBAND'S CONSENT TO ABORTION.** See **Constitutional Law**, I, 1-6.

**ILLEGAL ALIENS.** See **Constitutional Law**, III, 1, 2; **Criminal Law**.

**ILLEGALLY SEIZED EVIDENCE.** See **Evidence**; **Habeas Corpus**.

**IMPLIED EXEMPTIONS FROM ANTITRUST LAWS.** See **Antitrust Acts**.

**IMPOUNDMENT OF AUTOMOBILES.** See **Constitutional Law**.

**INJUNCTIONS.** See **Labor**.

**INJURY IN FACT.** See **Standing to Sue**, 2.

**INVENTORY SEARCHES OF AUTOMOBILES.** See **Constitutional Law**, III, 3.

**IRREBUTTABLE PRESUMPTIONS.** See **Constitutional Law**, I, 7.

**JUDICIALLY CREATED EXCLUSIONARY RULE.** See **Evidence**; **Habeas Corpus**.

**JUDICIAL SENTENCING.** See **Constitutional Law**, II, 1.

**JUDICIAL WARRANTS.** See **Constitutional Law**, III, 1, 2.

**JURY'S DISCRETION IN IMPOSING DEATH SENTENCE.** See **Constitutional Law**, II, 2, 5.

**JURY'S RECOMMENDATION OF DEATH SENTENCE.** See **Constitutional Law**, II, 1.

**JUSTICIABILITY.** See **Standing to Sue**.

**LABOR.**

*Sympathy strike—Injunction—No-strike clause—Arbitrator's decision.*—District Court was not empowered to enjoin production and maintenance employees' sympathy strike in support of "office clerical-technical" employees' strike pending arbitrator's decision as to whether sympathy strike was forbidden by no-strike clause of collective-bargaining contracts between petitioner employer and respondent unions. *Buffalo Forge Co. v. Steelworkers*, p. 397.

- LABOR MANAGEMENT RELATIONS ACT.** See Labor.
- LIGHT-BULB EXCHANGE PROGRAM.** See Antitrust Acts.
- LOUISIANA.** See Constitutional Law, II, 3.
- MANDATORY DEATH SENTENCES.** See Constitutional Law, II, 3, 4.
- MASSACHUSETTS.** See Abstention.
- MEDICAID BENEFITS.** See Appeals; Standing to Sue, 2.
- MEXICAN ALIENS.** See Constitutional Law, III, 1, 2.
- MICHIGAN.** See Antitrust Acts.
- MISSOURI.** See Abortions; Appeals; Constitutional Law, I, 1-6; Standing to Sue.
- MITIGATING CIRCUMSTANCES OR FACTORS.** See Constitutional Law, II, 1, 2, 5.
- MURDER.** See Constitutional Law, II.
- NECESSITY FOR WARRANT TO OPERATE CHECKPOINT.**  
See Constitutional Law, III, 1, 2.
- NORRIS-LaGUARDIA ACT.** See Labor.
- NORTH CAROLINA.** See Constitutional Law, II, 4.
- NO-STRIKE CLAUSES.** See Labor.
- PARENTAL CONSENT TO ABORTION.** See Abstention; Constitutional Law, I, 1-6.
- PERMANENT CHECKPOINTS.** See Constitutional Law, III, 1, 2; Criminal Law.
- PHYSICIANS.** See Appeals; Constitutional Law, I, 1-6; Standing to Sue.
- PNEUMOCONIOSIS.** See Constitutional Law, I, 7.
- PRESUMPTIONS.** See Constitutional Law, I, 7.
- PRISONERS.** See Habeas Corpus.
- PRIVACY.** See Constitutional Law, III, 3.
- PRIVATE UTILITIES.** See Antitrust Acts.
- PROCEDURE.** See also Abstention; Appeals.

*District Court's rulings—Effect of Supreme Court's summary affirmance.*—This Court's summary affirmance in *National Independent Coal Operators Assn. v. Brennan*, 419 U. S. 955, did not foreclose District Court's determination of unconstitutionality regard-

**PROCEDURE**—Continued.

ing §§ 411 (c)(3) and (4) of Title IV of Federal Coal Mine Health and Safety Act of 1969, as amended by Black Lung Benefits Act of 1972, which issues were not before Court on that appeal. *Usery v. Turner Elkhorn Mining Co.*, p. 1.

**REASONABLE SUSPICION FOR CHECKPOINT STOPS.** See Constitutional Law, III, 1, 2.

**REPORTING AND RECORDKEEPING OF ABORTIONS.** See Constitutional Law, I, 1-6.

**RESTRAINTS OF TRADE.** See Antitrust Acts.

**REVIEW OF DEATH SENTENCES.** See Constitutional Law, II, 1, 2.

**RIGHT OF PRIVACY.** See Constitutional Law, I, 1-6.

**ROUTINE CHECKPOINT STOPS.** See Constitutional Law, III, 1, 2.

**SALINE AMNIOCENTESIS.** See Constitutional Law, I, 1-6.

**SEARCHES AND SEIZURES.** See Constitutional Law, III; Evidence; Habeas Corpus.

**SENTENCING PROCEDURES.** See Constitutional Law, II.

**SHERMAN ACT.** See Antitrust Acts.

**SPOUSAL CONSENT TO ABORTION.** See Constitutional Law, I, 1-6.

**STANDING TO SUE.** See also Appeals.

1. *Physicians—Constitutionality of state abortion statute.*—Appellant Missouri-licensed physicians, one of whom performs abortions at hospitals and other of whom supervises abortions at Planned Parenthood, have standing to challenge constitutionality of certain provisions of Missouri abortion statute. *Planned Parenthood of Missouri v. Danforth*, p. 52.

2. *Physicians—Constitutionality of state statute excluding abortions from Medicaid.*—Respondent Missouri-licensed physicians had standing to maintain suit for injunctive relief and a declaration of unconstitutionality of a Missouri statute that excludes abortions that are not "medically indicated" from purposes for which Medicaid benefits are available to needy persons. Respondents alleged "injury in fact," *i. e.*, a sufficiently concrete interest in outcome of their suit to make it a case or controversy subject to District Court's Art. III jurisdiction. If respondents prevail in their suit to remove statutory limitation on reimbursable abortions, they will benefit by

**STANDING TO SUE**—Continued.

receiving payment for abortions and State will be out of pocket by amount of payments. *Singleton v. Wulff*, p. 106.

**STATE PRISONERS.** See *Habeas Corpus*.

**STOPPING OF VEHICLES AT CHECKPOINTS.** See *Constitutional Law*, III, 1, 2; *Criminal Law*.

**STRIKES.** See *Labor*.

**SUITS FOR VIOLATIONS OF COLLECTIVE-BARGAINING AGREEMENTS.** See *Labor*.

**SUMMARY AFFIRMANCES.** See *Procedure*.

**SUPREME COURT.** See also *Procedure*.

Appointment of Marshal, p. 901.

**SYMPATHY STRIKES.** See *Labor*.

**TEXAS.** See *Constitutional Law*, II, 5.

**UNLAWFULLY SEIZED EVIDENCE.** See *Evidence*; *Habeas Corpus*.

**UNMARRIED MINOR'S ABORTION.** See *Abstention*; *Constitutional Law*, I, 1-6.

**VALIDITY OF CAPITAL PUNISHMENT.** See *Constitutional Law*, II.

**VETO POWER OVER ABORTIONS.** See *Abstention*; *Constitutional Law*, I, 1-6.

**VIABILITY.** See *Abortions*.

**VIOLATIONS OF COLLECTIVE-BARGAINING AGREEMENTS.** See *Labor*.

**WARRANTLESS SEARCHES OF AUTOMOBILES** See *Constitutional Law*, III, 3.

**WARRANTS.** See *Constitutional Law*, III, 1, 2.

**WOMAN'S CONSENT TO ABORTION.** See *Constitutional Law*, I, 1-6.

**WORK STOPPAGES.** See *Labor*.

















