

INDEX

ADMINISTRATIVE PROCEDURE ACT.

Judicial review—FTC's issuance of complaint.—Federal Trade Commission's issuance of complaint alleging "reason to believe" that certain oil companies were violating Federal Trade Commission Act was not "final agency action" under § 10 (c) of APA and hence was not judicially reviewable in suit brought by one of companies before conclusion of administrative adjudication. *FTC v. Standard Oil Co. of Cal.*, p. 232.

ALIENS. See **Constitutional Law, X, 2; Immigration and Nationality Act of 1952.**

ALL WRITS ACT. See **Mandamus.**

ANTI-INJUNCTION ACT. See **Injunctions.**

APPEALS. See **Constitutional Law, IV; Jurisdiction; Mandamus; Stays, 2.**

ARKANSAS. See **Constitutional Law, VII.**

ARTICLE III JUDGES. See **Judges.**

ASSISTANCE OF COUNSEL. See **Constitutional Law, IX.**

ATTORNEY-CLIENT PRIVILEGE. See **Internal Revenue Service.**

ATTORNEYS. See **Internal Revenue Service; Jurisdiction, 1.**

ATTORNEY'S FEES. See **Constitutional Law, V, 4.**

AUTOMOBILE INSURANCE. See **Conflict of Laws.**

AUTOMOBILE SEARCHES. See **Constitutional Law, X.**

BASKETBALL TEAMS. See **Stays, 4.**

BORDER SEARCHES. See **Constitutional Law, X, 2.**

BRIBERY. See **Civil Rights Act of 1871, 2.**

BURDENS ON INTERSTATE COMMERCE. See **Constitutional Law, I.**

CALIFORNIA. See **Constitutional Law, VII; Habeas Corpus; Injunctions; Stays, 2, 3.**

CAPITAL GAINS. See **Constitutional Law, V, 1.**

CHOICE OF LAW. See **Conflict of Laws.**

CITIZENSHIP. See **Immigration and Nationality Act of 1952.**

CIVIL RIGHTS ACT OF 1866. See **Limitation of Actions.**

CIVIL RIGHTS ACT OF 1871. See also **Constitutional Law, V, 4.**

1. *Action for damages—Earlier state-court proceedings—Collateral estoppel.*—Doctrine of collateral estoppel barred respondent's damages action under Act against police officers for alleged violation of his constitutional rights by an illegal search and seizure, even though he was precluded from seeking federal habeas corpus relief, since he had been given full and fair opportunity to litigate search-and-seizure claim in state courts, which rejected claim in criminal proceedings. *Allen v. McCurry*, p. 90.

2. *Conspiracy—Immunity of judge—Liability of private co-conspirators.*—Private persons, jointly engaged with state officials in a challenged action, act "under color" of state law for purposes of actions under Act, and even though action was dismissed as to state-court judge on ground of his immunity from damages liability for official act pursuant to alleged corrupt conspiracy with private defendants in issuing an injunction against certain business activities of plaintiff-respondents, action against private defendants was not subject to dismissal. *Dennis v. Sparks*, p. 24.

CIVIL RIGHTS ACT OF 1964. See also **Limitation of Actions.**

Employment discrimination—EEOC's disclosure of information.—Parties filing discrimination charges against their employer with Equal Employment Opportunity Commission are not included within "public" to whom disclosure by Commission of confidential information received from employer is illegal under §§ 706 (b) and 709 (e) of Title VII of Act. *EEOC v. Associated Dry Goods Corp.*, p. 590.

CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976. See **Constitutional Law, V, 4.**

COAL MINING. See **Federal Water Pollution Control Act.**

COLLATERAL ESTOPPEL. See **Civil Rights Act of 1871, 1.**

COLLATERAL FOR LOANS. See **Securities Regulation.**

COLLATERAL ORDERS. See **Administrative Procedure Act; Jurisdiction.**

COLLEGES. See **Limitation of Actions.**

COLOR OF STATE LAW. See **Civil Rights Act of 1871, 2.**

COMMERCE CLAUSE. See **Constitutional Law, I.**

COMPACT CLAUSE. See **Constitutional Law, II.**

COMPENSATION FOR DISABILITY. See Longshoremen's and Harbor Workers' Compensation Act.

COMPENSATION OF FEDERAL JUDGES. See Constitutional Law, III; Judges; Jurisdiction, 2.

CONCENTRATION CAMP GUARD. See Immigration and Nationality Act of 1952.

CONCURRENT SENTENCES. See Criminal Law.

CONDITIONS OF IMPRISONMENT. See Stays, 1.

CONFIDENTIAL INFORMATION. See Civil Rights Act of 1964.

CONFLICT OF INTEREST. See Jurisdiction, 1.

CONFLICT OF LAWS.

Out-of-state accident—Insurance coverage—Application of forum's law.—Where (1) respondent's husband died from injuries suffered as a passenger on a motorcycle struck by a car in Wisconsin near Minnesota border, (2) vehicle operators and decedent were all Wisconsin residents, (3) decedent had commuted daily to work in Minnesota, (4) neither operator had valid insurance, but decedent had a policy for three automobiles containing a clause insuring him against losses from accidents with uninsured motorists but limiting such coverage to \$15,000 for each automobile, (5) respondent became a Minnesota resident after accident and was appointed there as personal representative of decedent's estate, and (6) respondent brought action in a Minnesota court seeking a declaration under Minnesota law that uninsured motorist coverage on each of decedent's automobiles could be "stacked" to provide total coverage of \$45,000, Minnesota Supreme Court's judgment affirming trial court's determination that Minnesota's choice-of-law rules required application of Minnesota law permitting stacking, rather than contrary Wisconsin law, is affirmed. *Allstate Ins. Co. v. Hague*, p. 302.

CONSERVATION. See Constitutional Law, I; VI, 1.

CONSTITUTIONAL LAW. See also Civil Rights Act of 1871, 1; Stays, 1, 3, 4.

I. Commerce Clause.

Ban on plastic milk containers—Validity of Minnesota statute.—A Minnesota statute banning retail sale of milk in plastic nonreturnable containers does not violate Commerce Clause as constituting an unreasonable burden on interstate commerce, since statute does not discriminate between interstate and intrastate commerce and since incidental burden on interstate commerce is not excessive in relation to putative local benefits. *Minnesota v. Clover Leaf Creamery Co.*, p. 456.

CONSTITUTIONAL LAW—Continued.**II. Compacts Between States.**

Interpretation of Interstate Agreement on Detainers—Federal law.—Interpretation of Interstate Agreement on Detainers, as a congressionally sanctioned interstate compact within scope of Compact Clause, presents a question of federal law, and, as a matter of statutory construction, a prisoner incarcerated in a jurisdiction that has also adopted Uniform Criminal Extradition Act is entitled to procedural protections of that Act, including right to a pretransfer hearing, before being involuntarily transferred to another jurisdiction pursuant to Art. IV of Interstate Agreement on Detainers. *Cuyler v. Adams*, p. 433.

III. Compensation of Federal Judges.

Validity of statutory pay "freeze."—With regard to federal statutes that, for certain fiscal years, stopped or reduced previously authorized statutory cost-of-living pay increases for high-level federal officials, including federal judges, those statutes that became law on or after first day of fiscal year involved—but not those that became law before start of fiscal year—violated prohibition of Compensation Clause against diminishing compensation of federal judges while in office. *United States v. Will*, p. 200.

IV. Double Jeopardy.

"Dangerous special offender"—Sentence—Appeal by Government.—Section 3576 of Organized Crime Control Act of 1970, which authorizes Government to appeal sentence imposed upon a "dangerous special offender," does not violate either multiple punishment or multiple trials guarantee of Double Jeopardy Clause. *United States v. DiFrancesco*, p. 117.

V. Due Process.

1. *Change in Internal Revenue Code—Retroactive application.*—Amendments in 1976 of Internal Revenue Code's minimum tax provisions—increasing rate of tax and decreasing allowable exemption for enumerated items of tax preference, including deduction for net long-term capital gain, and making amendment effective for taxable years beginning after December 31, 1975—may be applied to appellee taxpayer's sale of a house, resulting in a long-term capital gain, that took place in 1976 prior to enactment of amendments, without violating Fifth Amendment's Due Process Clause. *United States v. Darusmont*, p. 292.

2. *Criminal trials—Photographic, radio, and television coverage.*—Constitution does not prohibit a State from experimenting with a program allowing photographic, radio, and television coverage of criminal trials. *Chandler v. Florida*, p. 560.

CONSTITUTIONAL LAW—Continued.

3. *Identification evidence—Hearing to determine reliability.*—A state criminal court is not required by Due Process Clause of Fourteenth Amendment to conduct a hearing out of jury's presence whenever a defendant contends that a witness' identification of him was arrived at improperly. *Watkins v. Sowders*, p. 341.

4. *Solitary confinement—Prior hearing.*—Allegations of uncounseled state prisoner's complaint in Federal District Court under 42 U. S. C. § 1983 that his solitary confinement for a violation of prison regulations without a prior hearing denied him due process were sufficient to require response from state corrections officers where there was nothing to show that immediate segregation was necessitated by emergency conditions or concern for institutional security; and award of attorney's fees against prisoner was improper since there was no finding that his action was frivolous, unreasonable, or without foundation. *Hughes v. Rowe*, p. 5.

VI. Equal Protection of the Laws.

1. *Ban on plastic milk containers—Validity of Minnesota statute.*—A Minnesota statute banning retail sale of milk in plastic nonreturnable containers bears a rational relation to State's objectives of promoting resource conservation, easing solid waste disposal problems, and conserving energy, and thus does not violate Equal Protection Clause. *Minnesota v. Clover Leaf Creamery Co.*, p. 456.

2. *Railroad Retirement Act of 1974—Denial of "windfall" benefits.*—Equal protection guarantee under Fifth Amendment is not violated by provisions of Railroad Retirement Act of 1974 which changed earlier provisions as to "windfall" benefits for persons who qualified for both railroad retirement and social security benefits, and which preserved windfall benefits for certain current employees who had qualified for dual benefits as of changeover date but distinguished between employees who had more than 10 years but less than 25 years of railroad employment on basis of whether they had "current connection" with railroad industry as of changeover date or date of retirement. *U. S. Railroad Retirement Bd. v. Fritz*, p. 166.

VII. Extradition.

Prison conditions in demanding State.—Extradition Clause and its implementing statute, 18 U. S. C. § 3182, do not give courts of asylum State authority to inquire into prison conditions of demanding State, and thus once Governor of California issued warrant for respondent's extradition to Arkansas, claims as to constitutional defects in Arkansas penal system should be heard in Arkansas, not California, courts. *Pacileo v. Walker*, p. 86.

CONSTITUTIONAL LAW—Continued.**VIII. Freedom of Religion.**

Public schools—Posting of Ten Commandments.—A Kentucky statute requiring posting of a copy of Ten Commandments, purchased with private contributions, on wall of each public school classroom in State has no secular legislative purpose and therefore violates Establishment Clause of First Amendment. *Stone v. Graham*, p. 39.

IX. Right to Counsel.

Remedy for violation—Dismissal of indictment.—Assuming, *arguendo*, that respondent's Sixth Amendment right to counsel was violated when federal agents, despite knowledge that she had been indicted on a federal charge and had retained counsel, met with her without counsel's knowledge or permission, disparaged counsel, sought respondent's cooperation in a related investigation, and indicated that she would benefit if she cooperated and would face a stiff jail term if she did not, but respondent did not cooperate or supply any information pertinent to her case, dismissal of indictment against respondent was not an appropriate remedy, since there was no showing of any adverse consequence to representation she received or to fairness of proceedings leading to her conviction. *United States v. Morrison*, p. 361.

X. Searches and Seizures.

1. *Automobile search—Probable cause.*—Where police officer, after observing speeding car, heard radio dispatch which reported theft of motor vehicle parts, including chrome lug nuts, and which described suspects, and officer then again spotted speeding car and followed it into service station, circumstances provided probable cause for officer's seizure without a warrant of chrome lug nuts and lug wrenches which were observed in plain view in car after occupants, who met suspects' descriptions, had stepped out of car to talk with officer. *Colorado v. Bannister*, p. 1.

2. *Smuggling aliens into country—Investigative stop of vehicle.*—Objective acts and circumstantial evidence justified Border Patrol officers' investigative stop of respondents' vehicle, resulting in discovery of illegal aliens, since on basis of totality of circumstances officers could reasonably surmise that particular vehicle they stopped was engaged in criminal activity. *United States v. Cortez*, p. 411.

XI. Taking of Property.

Interest on interpleader fund—County's taking.—County's taking as its own, under authority of a Florida statute, interest accruing on an interpleader fund deposited in a registry of county court was a taking violative of Fifth and Fourteenth Amendments, where a fee, based on amount of principal deposited as prescribed by another Florida statute, was also charged for court clerk's services in receiving fund into registry, and

CONSTITUTIONAL LAW—Continued.

where deposited fund was private and was required by statute in order for depositor to avail itself of statutory protection from claims of creditors and others. *Webb's Fabulous Pharmacies, Inc. v. Beckwith*, p. 155.

COST-OF-LIVING PAY INCREASES. See **Constitutional Law, III; Judges; Jurisdiction, 2.**

COURTS OF APPEALS. See **Criminal Law; Judicial Review; Jurisdiction, 1; Mandamus; Stays, 2.**

CREDITORS' CLAIMS. See **Constitutional Law, XI.**

CRIME CONTROL CONSENT ACT OF 1934. See **Constitutional Law, II.**

CRIMINAL LAW. See also **Constitutional Law, II; IV; V, 2, 3; VII; IX; X; Habeas Corpus; Securities Regulation; Stays, 3.**

Affirmance of convictions—"Concurrent sentence" doctrine—Remand.—Court of Appeals' judgment affirming, on basis of "concurrent sentence" doctrine, petitioner's mail fraud convictions—court also having affirmed, on merits, his convictions for another offense—is vacated, and case is remanded for reconsideration of applicability of "concurrent sentence" doctrine, since Solicitor General conceded in this Court that mail fraud convictions were invalid. *Mariscal v. United States*, p. 405.

CRUEL AND UNUSUAL PUNISHMENT. See **Constitutional Law, V, 4; Stays, 1.**

CUSTODIAL POLICE INTERROGATIONS. See **Constitutional Law, IX.**

DANGEROUS SPECIAL OFFENDERS. See **Constitutional Law, IV.**

DEBTOR AND CREDITOR. See **Constitutional Law, XI.**

DECEPTIVE ACTS OR PRACTICES IN COMMERCE. See **Administrative Procedure Act.**

DENATURALIZATION. See **Immigration and Nationality Act of 1952.**

DETAINEES. See **Constitutional Law, II.**

DISABILITY BENEFITS. See **Longshoremen's and Harbor Workers' Compensation Act.**

DISCLOSURE OF INFORMATION BY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. See **Civil Rights Act of 1964.**

DISCRIMINATION AGAINST FEMALES. See **Stays, 4.**

DISCRIMINATION AGAINST INTERSTATE COMMERCE. See **Constitutional Law, I.**

- DISCRIMINATION IN EMPLOYMENT.** See Civil Rights Act of 1964.
- DISCRIMINATION OF RAILROAD RATES AGAINST RECYCLABLE MATERIALS.** See Judicial Review.
- DISCRIMINATION ON BASIS OF NATIONAL ORIGIN.** See Limitation of Actions.
- DISMISSAL OF INDICTMENTS.** See Constitutional Law, IX.
- DISPLACED PERSONS ACT OF 1948.** See Immigration and Nationality Act of 1952.
- DISQUALIFICATION OF JUDGES.** See Judges.
- DISQUALIFICATION OF OPPOSING PARTY'S COUNSEL.** See Jurisdiction, 1.
- DISTRICT COURTS.** See Injunctions; Jurisdiction.
- DOUBLE JEOPARDY.** See Constitutional Law, IV.
- DUE PROCESS.** See Conflict of Laws; Constitutional Law, V.
- ECONOMIC CAPABILITY TO COMPLY WITH EFFLUENT LIMITATIONS.** See Federal Water Pollution Control Act.
- EFFECTIVE ASSISTANCE OF COUNSEL.** See Constitutional Law, IX.
- EFFLUENT LIMITATIONS.** See Federal Water Pollution Control Act.
- EIGHTH AMENDMENT.** See Constitutional Law, VII; Stays, 1.
- EMPLOYER AND EMPLOYEES.** See Civil Rights Act of 1964; Constitutional Law, VI, 2; Longshoremen's and Harbor Workers' Compensation Act.
- EMPLOYMENT DISCRIMINATION.** See Civil Rights Act of 1964; Limitation of Actions.
- ENERGY CONSERVATION.** See Constitutional Law, I; VI, 1.
- ENVIRONMENTAL PROTECTION AGENCY.** See Federal Water Pollution Control Act.
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.** See Civil Rights Act of 1964; Limitation of Actions.
- EQUAL PROTECTION OF THE LAWS.** See Constitutional Law, VI; Stays, 4.
- ESTABLISHMENT OF RELIGION CLAUSE.** See Constitutional Law, VIII.
- EVIDENCE.** See Constitutional Law, V, 3; X, 1.

- EXHAUSTION OF STATE REMEDIES.** See *Stays*, 2.
- EXTRADITION.** See *Constitutional Law*, II; VII.
- FALSE STATEMENTS.** See *Securities Regulation*.
- FEDERAL EMPLOYEES.** See *Constitutional Law*, III; *Judges*; *Jurisdiction*, 2.
- FEDERAL INCOME TAXES.** See *Constitutional Law*, V, 1.
- FEDERAL JUDGES.** See *Constitutional Law*, III; *Judges*; *Jurisdiction*, 2.
- FEDERAL RULES OF CIVIL PROCEDURE.** See *Stays*, 1.
- FEDERAL-STATE RELATIONS.** See *Civil Rights Act of 1871*, 1; *Constitutional Law*, II; V, 2; *Habeas Corpus*; *Injunctions*; *Stays*, 1, 2.
- FEDERAL TRADE COMMISSION ACT.** See *Administrative Procedure Act*.
- FEDERAL WATER POLLUTION CONTROL ACT.**
Effluent limitations—Variances—Economic capability of applicant.—Act does not require Environmental Protection Agency to consider economic capability of variance applicant to comply with Agency's 1977 uniform effluent limitations for categories of point sources, even though Act contains variance provision authorizing consideration of economic ability to meet 1987 effluent limitations for individual point sources. *EPA v. National Crushed Stone Assn.*, p. 64.
- FIFTH AMENDMENT.** See *Constitutional Law*, IV; V, 1; VI, 2; XI.
- FINAL AGENCY ACTION.** See *Administrative Procedure Act*.
- FINAL DECISIONS.** See *Jurisdiction*, 1.
- FINAL JUDGMENTS.** See *Mandamus*.
- FINANCIAL INTERESTS OF JUDGES.** See *Judges*.
- FIRST AMENDMENT.** See *Constitutional Law*, VIII.
- FLORIDA.** See *Constitutional Law*, XI.
- FOURTEENTH AMENDMENT.** See *Civil Rights Act of 1871*, 1; *Conflict of Laws*; *Constitutional Law*, V, 2-4; X, 1; XI; *Stays*, 1.
- FOURTH AMENDMENT.** See *Civil Rights Act of 1871*, 1; *Constitutional Law*, X; *Stays*, 3.
- FRAUD.** See *Securities Regulation*.
- FREEDOM OF RELIGION.** See *Constitutional Law*, VIII.

"FREEZE" OF FEDERAL JUDGES' PAY. See **Constitutional Law**, III; **Judges**; **Jurisdiction**, 2.

FULL FAITH AND CREDIT. See **Conflict of Laws**.

GENDER-BASED DISCRIMINATION. See **Stays**, 4.

GIRL'S RIGHT TO TRY OUT FOR BOYS' SPORTS TEAMS. See **Stays**, 4.

GOVERNMENT EMPLOYEES. See **Constitutional Law**, III; **Judges**; **Jurisdiction**, 2; **Limitation of Actions**.

HABEAS CORPUS. See also **Stays**, 2.

State prisoner—Federal relief—State-court determinations—Presumption of correctness.—In view of provisions of 28 U. S. C. § 2254 (d) regarding presumption in state prisoner's federal habeas corpus proceedings of correctness of state-court determination of fact issue, Federal Court of Appeals erred in concluding, on basis of state trial-court record, that pretrial photographic identification of prisoner was improper, since (1) on same record, state appellate court, in affirming conviction, had reached a contrary conclusion after plenary consideration of question which was first raised on appeal, and (2) federal court's opinion contained no references to either § 2254 (d) or state-court findings and no reasoning to show why "presumption of correctness" was not applicable. *Sumner v. Mata*, p. 539.

HARBOR WORKERS. See **Longshoremen's and Harbor Workers' Compensation Act**.

HEARINGS IN EXTRADITION PROCEEDINGS. See **Constitutional Law**, II.

HEARINGS TO DETERMINE RELIABILITY OF IDENTIFICATION EVIDENCE. See **Constitutional Law**, V, 3.

IDENTIFICATION EVIDENCE. See **Constitutional Law**, V, 3.

ILLEGAL ALIENS. See **Constitutional Law**, X, 2.

ILLINOIS. See **Constitutional Law**, V, 4.

IMMIGRATION AND NATIONALITY ACT OF 1952.

Revocation of citizenship—Failure to disclose service as concentration camp guard.—Petitioner's citizenship, obtained in 1970 on basis of his 1949 visa papers and his naturalization application—none of such documents having disclosed his service during World War II as an armed guard at a Nazi concentration camp—must be revoked under § 340 (a) of Act because it was "illegally procured." *Fedorenko v. United States*, p. 490.

IMMUNITY OF JUDGES FROM DAMAGES LIABILITY. See **Civil Rights Act of 1871, 2.**

IMPARTIAL JUDGES. See **Judges.**

INCIDENTS OF OWNERSHIP. See **Constitutional Law, XI.**

INCOME TAXES. See **Constitutional Law, V, 1.**

INDICTMENTS. See **Constitutional Law, IX.**

INJUNCTIONS. See also **Stays, 1.**

Anti-Injunction Act—Enforcement of water permit—Earlier state-court proceeding.—Anti-Injunction Act prohibits Federal District Court, in action by respondent merchants involved in California landowner's sale of water to Mexico, from enjoining petitioner county from enforcing permit issued to owner which allowed sale of water only for use within county, where county had earlier obtained a state-court injunction prohibiting owner from violating permit and it was not determined that respondents were "strangers" to state-court proceeding. *County of Imperial v. Munoz*, p. 54.

INSURANCE. See **Conflict of Laws.**

INTEREST ON INTERPLEADER FUNDS. See **Constitutional Law, XI.**

INTERLOCUTORY ORDERS. See **Mandamus.**

INTERNAL REVENUE CODE. See **Constitutional Law, V, 1.**

INTERNAL REVENUE SERVICE.

Tax investigation—Summons—Documents prepared by taxpayer's attorneys.—In an action to enforce an Internal Revenue Service tax-investigation summons, questionnaires sent to corporate taxpayer's employees by corporation's attorneys during internal investigation of payments to foreign government officials, and attorneys' memoranda and notes of interviews with corporation's officers and employees, are covered by attorney-client privilege insofar as responses to questionnaires and any notes reflecting responses to interview questions were concerned, including responses made by corporate personnel who did not control corporation's actions; and notes and memoranda of interviews, insofar as they revealed attorneys' mental processes in evaluating communications, constitute work product that cannot be disclosed simply on Government's showing of substantial need or inability to obtain equivalent without undue hardship. *Upjohn Co. v. United States*, p. 383.

INTERPLEADER FUNDS. See **Constitutional Law, XI.**

INTERSTATE AGREEMENT ON DETAINERS. See **Constitutional Law, II.**

INTERSTATE COMMERCE. See **Administrative Procedure Act**; **Constitutional Law**, I.

INTERSTATE COMMERCE COMMISSION. See **Judicial Review**.

INTERSTATE EXTRADITION. See **Constitutional Law**, VII.

INVESTIGATIVE STOP OF VEHICLE. See **Constitutional Law**, X, 2.

JUDGES. See also **Civil Rights Act of 1871**, 2; **Constitutional Law**, III; **Jurisdiction**, 2.

Disqualification—Rule of Necessity—Actions challenging “freeze” of federal judges’ salaries.—Because of common-law Rule of Necessity, 28 U. S. C. § 455—which requires disqualification of federal judge in proceedings where his impartiality might reasonably be questioned or where he has a financial interest in subject matter or is a party to proceedings—does not operate to disqualify all federal judges, including Supreme Court Justices, from deciding class actions by federal judges against United States challenging validity under Compensation Clause of Constitution of federal statutes that stopped or reduced previously authorized statutory cost-of-living pay increases for high-level federal officials, including federal judges. *United States v. Will*, p. 200.

JUDICIAL IMMUNITY. See **Civil Rights Act of 1871**, 2.

JUDICIAL REVIEW. See also **Administrative Procedure Act**.

ICC order—Railroad rates for recyclable materials.—Upon review of Interstate Commerce Commission’s order under Railroad Revitalization and Regulatory Reform Act of 1976, which order found that rail rates for recyclable and competing virgin materials unjustly discriminated against certain recyclables and permitted railroads to raise rates if new rates did not produce revenue in excess of 180% ratio between revenue and variable cost, Court of Appeals had power to order further proceedings to determine propriety of 180% ratio standard, but had no power to revoke rates implemented under standard or to enjoin further increases toward 180% level. *Consolidated Rail Corp. v. National Assn. of Recycling Industries, Inc.*, p. 609.

JURISDICTION. See also **Constitutional Law**, VII; **Stays**, 2.

1. *Court of Appeals—District Court order—Denial of disqualification of opposing party’s counsel.*—District court orders denying motions to disqualify the opposing party’s counsel in a civil case are not appealable “final decisions” under 28 U. S. C. § 1291, and thus Court of Appeals was without jurisdiction to consider merits of District Court’s order denying defendant manufacturer’s motion to disqualify plaintiffs’ lead counsel in product-liability litigation for alleged conflict of interest arising from fact that manufacturer’s liability insurer was also an occasional client of counsel’s law firm. *Firestone Tire & Rubber Co. v. Risjord*, p. 368.

JURISDICTION—Continued.

2. *Supreme Court—District Court judgments—Actions challenging “freeze” of federal judges’ salaries.*—Under 28 U. S. C. § 1251, Supreme Court has jurisdiction of appeals from District Court’s judgments in class actions by federal judges against United States holding unconstitutional federal statutes that stopped or reduced previously authorized statutory cost-of-living pay increases for high-level federal officials, including federal judges, and District Court had jurisdiction under 28 U. S. C. § 1346 (a) (2), which confers jurisdiction over actions against United States based on Constitution when amount in controversy does not exceed \$10,000, none of individual claims here having been alleged to have exceeded that amount. *United States v. Will*, p. 200.

KENTUCKY. See **Constitutional Law**, V, 3; VIII.

LIMITATION OF ACTIONS.

Employment discrimination—Actions under Civil Rights Acts.—Where (1) state college’s board of trustees decided to deny professor tenure and notified him on June 26, 1974, that he would be offered a 1-year terminal contract that would expire June 30, 1975, (2) board notified professor on September 12, 1974, of denial of his grievance, (3) on April 18, 1975, Equal Employment Opportunity Commission accepted his complaint charging discrimination in violation of Title VII of Civil Rights Act of 1964, and (4) after receiving Commission’s right-to-sue letter, professor filed action in District Court on September 9, 1977, alleging discrimination on basis of national origin in violation of both Title VII and 42 U. S. C. § 1981, his claims were untimely under both Title VII’s requirement that a complaint be filed with Commission within 180 days after alleged unlawful employment practice occurred and requirement of applicable state statute of limitations that § 1981 action be filed within three years of unfavorable employment decision, since only alleged discrimination occurred—and limitations periods therefore commenced—when tenure decision was made and communicated to professor on June 26, 1974. *Delaware State College v. Ricks*, p. 250.

LOANS. See **Securities Regulation**.

LONGSHOREMEN’S AND HARBOR WORKERS’ COMPENSATION ACT.

Disability benefits—Determination of amount.—Employee’s recovery for permanent partial loss of use of a leg is limited by Act’s schedule specifying method of calculation of compensation for such an injury, and § 8 (c) (21)’s provision of a method of calculation in “all other cases” does not authorize an alternative method for computing benefits for permanent partial disabilities covered by schedule. *Potomac Electric Power Co. v. Director, OWCP*, p. 268.

LONG-TERM CAPITAL GAINS. See **Constitutional Law**, V, 1.

MAIL FRAUD. See **Criminal Law**.

MAIL SEARCHES. See **Stays**, 3.

MANDAMUS.

New-trial order—Propriety of mandamus relief.—Where District Court, because of error in its evidentiary rulings in respondent's private antitrust action, had entered a nonappealable interlocutory new-trial order after return of jury verdict for respondent, Court of Appeals erred in issuing writ of mandamus directing restoration of verdict as to liability but permitting a new trial on damages, a trial court's new-trial order being reviewable on direct appeal after final judgment and rarely, if ever, justifying mandamus. *Allied Chemical Corp. v. Daiflon, Inc.*, p. 33.

MILK CONTAINERS. See **Constitutional Law**, I; VI, 1.

MINIMUM TAX. See **Constitutional Law**, V, 1.

MINING. See **Federal Water Pollution Control Act**.

MINNESOTA. See **Conflict of Laws**; **Constitutional Law**, I; VI, 1.

MISSOURI. See **Civil Rights Act of 1871**, 1.

MOTORISTS. See **Conflict of Laws**.

MULTIPLE PUNISHMENT. See **Constitutional Law**, IV.

MULTIPLE TRIALS. See **Constitutional Law**, IV.

NATURALIZATION. See **Immigration and Nationality Act of 1952**.

NEW JERSEY. See **Constitutional Law**, II.

NEWS MEDIA COVERAGE OF CRIMINAL TRIALS. See **Constitutional Law**, V, 2.

NEW TRIALS. See **Mandamus**.

"OFFER" OF SECURITIES. See **Securities Regulation**.

OIL COMPANIES. See **Administrative Procedure Act**.

OREGON. See **Stays**, 1.

ORGANIZED CRIME CONTROL ACT OF 1970. See **Constitutional Law**, IV.

OVERCROWDING IN PRISONS. See **Stays**, 1.

PENNSYLVANIA. See **Constitutional Law**, II.

PERMANENT PARTIAL DISABILITY. See **Longshoremen's and Harbor Workers' Compensation Act**.

PERMITS FOR SALE OF WATER. See **Injunctions**.

- PHOTOGRAPHIC COVERAGE OF CRIMINAL TRIALS.** See Constitutional Law, V, 2.
- PHOTOGRAPHIC IDENTIFICATION.** See Habeas Corpus.
- "PLAIN VIEW" EXCEPTION.** See Constitutional Law, X, 1.
- PLASTIC MILK CONTAINERS.** See Constitutional Law, I; VI, 1.
- PLEDGES OF STOCK.** See Securities Regulation.
- POLICE INTERROGATIONS.** See Constitutional Law, IX.
- POLLUTION.** See Federal Water Pollution Control Act.
- POSTING TEN COMMANDMENTS IN CLASSROOMS.** See Constitutional Law, VIII.
- PRELIMINARY INJUNCTIONS.** See Injunctions; Stays, 4.
- PRETRIAL IDENTIFICATION.** See Habeas Corpus; Constitutional Law, V, 3.
- PRISONS AND PRISONERS.** See Constitutional Law, V, 4; VII; Stays, 1.
- PRIVACY RIGHTS.** See Constitutional Law, X, 2.
- PRIVILEGED COMMUNICATIONS.** See Internal Revenue Service.
- PROBABLE CAUSE.** See Constitutional Law, X, 1.
- PRODUCTION OF DOCUMENTS.** See Internal Revenue Service.
- PRODUCT-LIABILITY ACTIONS.** See Jurisdiction, 1.
- PUBLIC DISCLOSURE OF INFORMATION BY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.** See Civil Rights Act of 1964.
- PUBLIC EMPLOYEES.** See Constitutional Law, III; Judges; Jurisdiction, 2; Limitation of Actions.
- RADIO COVERAGE OF CRIMINAL TRIALS.** See Constitutional Law, V, 2.
- RAILROAD RATES.** See Judicial Review.
- RAILROAD RETIREMENT ACT OF 1974.** See Constitutional Law, VI, 2.
- RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976.** See Judicial Review.
- RECYCLABLE MATERIALS.** See Judicial Review.
- RELIGIOUS FREEDOM.** See Constitutional Law, VIII.
- RESOURCE CONSERVATION.** See Constitutional Law, I; VI, 1.

- RETIREMENT BENEFITS.** See Constitutional Law, VI, 2.
- RETROACTIVITY OF STATUTES.** See Constitutional Law, V, 1.
- REVOCAION OF CITIZENSHIP.** See Immigration and Nationality Act of 1952.
- RIGHT TO COUNSEL.** See Constitutional Law, IX.
- RIGHT TO FAIR TRIAL.** See Constitutional Law, V, 2; IX.
- RULE OF NECESSITY.** See Judges.
- RULES OF CIVIL PROCEDURE.** See Stays, 1.
- SALARIES OF FEDERAL JUDGES.** See Constitutional Law, III; Judges; Jurisdiction, 2.
- "SALE" OF SECURITIES.** See Securities Regulation.
- SCHOOLS.** See Constitutional Law, VIII; Stays, 4.
- SEARCHES AND SEIZURES.** See Civil Rights Act of 1871, 1; Constitutional Law, X; Stays, 3.
- SEARCH WARRANTS.** See Stays, 3.
- SECURITIES ACT OF 1933.** See Securities Regulation.
- SECURITIES REGULATION.**
Securities Act of 1933—Fraud—Pledge of stock as an "offer or sale."—
 In view of definitions in § 2 (3) of Securities Act of 1933, a borrower's pledge of stock to a bank as collateral for a loan is an "offer or sale" of a security under § 17 (a), which prohibits fraud in "offer or sale" of any securities. *Rubin v. United States*, p. 424.
- SEGREGATION OF PRISONERS.** See Constitutional Law, V, 4.
- SENTENCING OF DANGEROUS SPECIAL OFFENDERS.** See Constitutional Law, IV.
- SEX DISCRIMINATION.** See Stays, 4.
- SIXTH AMENDMENT.** See Constitutional Law, IX.
- SMUGGLING ALIENS INTO COUNTRY.** See Constitutional Law, X, 2.
- SOCIAL SECURITY BENEFITS.** See Constitutional Law, VI, 4.
- SOLID WASTE DISPOSAL.** See Constitutional Law, I; VI, 1.
- SOLITARY CONFINEMENT.** See Constitutional Law, V, 4.
- SPORTS TEAMS IN SCHOOLS.** See Stays, 4.
- "STACKING" INSURANCE COVERAGE.** See Conflict of Laws.
- STATUTES OF LIMITATIONS.** See Limitation of Actions.

STAYS.

1. *Injunction—Overcrowding in state prison.*—Application to stay District Court's injunction requiring Oregon officials to eliminate overcrowding in a certain prison by reducing number of prisoners housed there by specified amounts by specified dates, is granted. *Atiyeh v. Capps* (REHNQUIST, J., in chambers), p. 1312.

2. *Mandate of Court of Appeals—Habeas corpus proceedings.*—Application to stay mandate of Court of Appeals—which had reversed District Court's judgment dismissing respondent state prisoner's habeas corpus petition—is granted, since apparently no certificate of probable cause for appeal to Court of Appeals from District Court's order, as required by 28 U. S. C. § 2253, had been issued. *McCarthy v. Harper* (REHNQUIST, J., in chambers), p. 1309.

3. *Reversal of drug conviction—Violation of Fourth Amendment.*—Application to stay California Court of Appeal's judgment reversing respondent's state drug conviction on ground that Fourth Amendment was violated by search and seizure involving discovery of hashish in mailed packages and subsequent "controlled" delivery of packages, is granted. *California v. Riegler* (REHNQUIST, J., in chambers), p. 1319.

4. *Sex discrimination—Boys' basketball teams.*—Application to vacate Court of Appeals' stay pending appeal of District Court's preliminary injunction requiring respondent school officials to allow plaintiff-applicant, a female junior high school student, to try out for boys' basketball teams, is denied. *O'Connor v. Board of Ed. of School Dist. 23* (STEVENS, J., in chambers), p. 1301.

STOCK PLEDGES. See **Securities Regulation.**

SUCCESSIVE PROSECUTIONS. See **Constitutional Law, IV.**

SUMMONSES. See **Internal Revenue Service.**

SUPREME COURT. See also **Judges; Jurisdiction, 2.**

1. Proceedings in memory of Justice Douglas, p. vii.
2. Proceedings in memory of Justice Reed, p. xxxvii.
3. Amendments to Rules of the Supreme Court, p. 1137.
4. Retirement of Michael Rodak as Clerk, p. lxi.
5. Appointment of Alexander L. Stevas as Clerk, p. 1105.
6. Appointment of Francis J. Lorson as Chief Deputy Clerk, p. 1106.
7. Presentation of Attorney General, p. lxiii.

TAKING OF PROPERTY. See **Constitutional Law, XI.**

TAXES. See **Constitutional Law, V, 1.**

TAX-INVESTIGATION SUMMONSES. See **Internal Revenue Service.**

TEACHERS. See **Limitation of Actions.**

- TELEVISION COVERAGE OF CRIMINAL TRIALS.** See Constitutional Law, V, 2.
- TEN COMMANDMENTS.** See Constitutional Law, VIII.
- TENURE.** See Limitation of Actions.
- TOLLING OF STATUTES OF LIMITATIONS.** See Limitations of Actions.
- UNFAIR COMPETITION.** See Administrative Procedure Act.
- UNIFORM CRIMINAL EXTRADITION ACT.** See Constitutional Law, II.
- UNINSURED MOTORISTS.** See Conflict of Laws.
- UNLAWFUL EMPLOYMENT PRACTICES.** See Limitation of Actions.
- VARIANCES FROM COMPLIANCE WITH WATER POLLUTION REGULATIONS.** See Federal Water Pollution Control Act.
- VISAS.** See Immigration and Nationality Act of 1952.
- WARRANT FOR EXTRADITION.** See Constitutional Law, VII.
- WARRANTLESS SEARCHES AND SEIZURES.** See Constitutional Law, X, 1.
- WARRANTS.** See Constitutional Law, VII; Stays, 3.
- WASTE DISPOSAL.** See Constitutional Law, I; VI, 1.
- WATER POLLUTION.** See Federal Water Pollution Control Act.
- WATER RIGHTS.** See Injunctions.
- "WINDFALL" RETIREMENT BENEFITS.** See Constitutional Law, VI, 2.
- WISCONSIN.** See Conflict of Laws.
- WORDS AND PHRASES.**
1. "*All other cases.*" § 8 (c) (21), Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C. § 908 (c) (21). *Potomac Electric Power Co. v. Director, OWCP*, p. 268.
 2. "*Charges shall not be made public.*" § 706 (b), Civil Rights Act of 1964, 42 U. S. C. § 2000e-5 (b). *EEOC v. Associated Dry Goods Corp.*, p. 590.
 3. "*Dangerous special offender.*" Organized Crime Control Act of 1970, 18 U. S. C. § 3575. *United States v. DiFrancesco*, p. 117.
 4. "*Disposition of . . . interest in a security, for value.*" § 2 (3), Securities Act of 1933, 15 U. S. C. § 77b (3). *Rubin v. United States*, p. 424.
 5. "*Final agency action.*" § 10 (c), Administrative Procedure Act, 5 U. S. C. § 704. *FTC v. Standard Oil Co. of Cal.*, p. 232.

WORDS AND PHRASES—Continued.

6. "*Final decisions.*" 28 U. S. C. § 1291. Firestone Tire & Rubber Co. v. Risjord, p. 368.

7. "*Hearing.*" 28 U. S. C. § 2254 (d). Sumner v. Mata, p. 539.

8. "*Illegally procured.*" § 340 (a), Immigration and Nationality Act of 1952, 8 U. S. C. § 1451 (a). Fedorenko v. United States, p. 490.

9. "*Injunction to stay proceedings in a State court.*" Anti-Injunction Act, 28 U. S. C. § 2283. County of Imperial v. Munoz, p. 54.

10. "*Offer or sale of any securities.*" § 17 (a), Securities Act of 1933, 15 U. S. C. § 77q (a). Rubin v. United States, p. 424.

11. "*To make public.*" § 709 (e), Civil Rights Act of 1964, 42 U. S. C. § 2000e-8 (e). EEOC v. Associated Dry Goods Corp., p. 590.

WORKERS' COMPENSATION. See **Longshoremen's and Harbor Workers' Compensation Act.**

WORK-PRODUCT DOCTRINE. See **Internal Revenue Service.**















