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II. Double Jeopardy.

1. *Drug offenses—Separate conspiracies arising from single agreement—Consecutive sentences.*—Congress intended to permit imposition of consecutive sentences for violations of 21 U. S. C. § 846, which prohibits conspiracies to distribute marihuana, and § 963, which prohibits conspiracies to import marihuana, even though such violations arise from a single agreement or conspiracy having dual objectives, and imposition of consecutive sentences for such violations does not violate Double Jeopardy Clause. *Albernaz v. United States*, p. 333.

2. *Insufficient evidence to support guilty verdict—Propriety of new trial.*—Louisiana violated Double Jeopardy Clause by prosecuting petitioner a second time for first-degree murder after judge at first trial granted petitioner's motion for new trial on ground that evidence was legally insufficient to support jury's guilty verdict. *Hudson v. Louisiana*, p. 40.

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1. *Inability to pay fines—Imprisonment of probationers.*—Question of constitutionality under Equal Protection Clause of imprisoning petitioner

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2. *Mental Patients—Right to Supplemental Security Income benefits.*—Denial of reduced Supplemental Security Income benefits under Social Security Act to appellees, mentally ill persons, because they were aged 21 through 64 and were institutionalized in public mental institutions that did not receive Medicaid funds for their care, whereas such benefits were provided to otherwise eligible persons in institutions receiving Medicaid funds for their care, did not violate appellees' rights to equal protection. *Schweiker v. Wilson*, p. 221.

3. *Sex discrimination—Right to dispose of community property.*—A Louisiana statute which gave a husband unilateral right to dispose of jointly owned community property without his spouse's consent violated Equal Protection Clause, and Court of Appeals' prospective decision so holding applied to husband's unilateral mortgage of jointly owned home in this case. *Kirchberg v. Feenstra*, p. 455.

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IV. Ex Post Facto Laws.

Reduction of sentence for good conduct—Validity of Florida statute.—A Florida statute repealing an earlier statute and reducing amount of "gain time" for good conduct and obedience to prison rules deducted from a prisoner's sentence is unconstitutional as an *ex post facto* law as applied to petitioner, whose crime was committed before statute's enactment. *Weaver v. Graham*, p. 24.

V. Freedom of Association.

Delegates to Democratic National Convention—Open Presidential primary election—Wisconsin laws.—National Democratic Party cannot be constitutionally compelled by Wisconsin to seat a delegation to National Convention chosen in violation of Party's rules through Wisconsin's election laws allowing open Presidential preference primary without regard to party affiliation, where even though Wisconsin delegates are chosen at caucuses of persons who have stated their affiliation with Democratic Party, they are bound to vote at Convention in accord with results of primary election. *Democratic Party of U. S. v. La Follette*, p. 107.

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Jehovah's Witness—Voluntary termination of employment in weapons production—Right to unemployment compensation.—Indiana's denial of unemployment compensation benefits to petitioner, a Jehovah's Witness who voluntarily terminated his job because his religious beliefs forbade participation in direct production of weapons, violated his First Amendment right to free exercise of religion, and payment of benefits to petitioner would not involve State in fostering a religious faith in violation of Establishment Clause. *Thomas v. Review Bd., Ind. Employment Security Div.*, p. 707.

VII. Privilege Against Self-incrimination.

Defendant's failure to testify—Jury instruction.—Under Fifth and Fourteenth Amendments, a defendant in a state prosecution had a right to a requested jury instruction that "[he] is not compelled to testify and the fact that he does not cannot be used as an inference of guilt and should not prejudice him in any way," notwithstanding a state statute prohibiting trial judge from commenting upon defendant's failure to testify. *Carter v. Kentucky*, p. 288.

VIII. Right to Abortion.

Notice to parents of minor—Validity of Utah statute.—As applied to an unemancipated minor girl living with and dependent on her parents, and making no claim or showing as to maturity or as to her relations with her parents, a Utah statute requiring a physician to notify, if possible, parents or guardian of a minor upon whom an abortion is to be performed serves important state interests, is narrowly drawn to protect only those interests, and does not violate any guarantees of the Constitution. *H. L. v. Matheson*, p. 398.

IX. States' Immunity from Suit.

Waiver—Liability for Medicaid reimbursements to nursing homes.—Neither statutory general waiver of sovereign immunity for Florida Department of Health and Rehabilitative Services nor Department's agreement, upon participating in Medicaid program, to obey federal law in administering program effects waiver of State's Eleventh Amendment immunity from liability for retroactive monetary relief in federal-court action by nursing homes and a nursing home association wherein regulations relating to Medicaid reimbursements to be paid by participating States to nursing homes were held invalid. *Florida Dept. of Health v. Florida Nursing Home Assn.*, p. 147.

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- DRUG OFFENSES.** See Constitutional Law, II, 1.
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- EMINENT DOMAIN.** See Jurisdiction, 2.
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- ENTERTAINMENT FORMATS OF RADIO STATIONS.** See Communications Act of 1934.
- EQUAL PROTECTION OF THE LAWS.** See Constitutional Law, III.
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Employees' wage claims under Act—Effect of earlier arbitration proceedings.—Petitioner truckdrivers' wage claims under Act—for time spent conducting a required pretrip safety inspection of employer's trucks and transporting trucks that failed inspection to employer's on-premises repair facility—were not barred by union's prior unsuccessful submission of their grievances to arbitration under collective-bargaining agreement. *Barrentine v. Arkansas-Best Freight System, Inc.*, p. 728.
- FEDERAL COMMUNICATIONS COMMISSION.** See Communications Act of 1934.
- FEDERAL CONSTRUCTION CONTRACTS.** See Davis-Bacon Act.
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Settlement of action—Plaintiff's rejection of defendant's offer.—Rule 68—which provides that if a plaintiff rejects a defendant's formal settlement offer "to allow judgment to be taken against him" and if "the judgment finally obtained by the offeree is not more favorable than the offer," the plaintiff "must pay the costs incurred after the making of the offer"—does not apply to a case in which judgment is entered against plaintiff-offeree and in favor of defendant-offeror. *Delta Air Lines, Inc. v. August*, p. 346.

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IMMIGRATION AND NATIONALITY ACT.

Deportation—Suspension for “extreme hardship.”—Board of Immigration Appeals did not exceed its authority in denying without a hearing a motion to reopen deportation proceedings in order to suspend deportation of alien husband and wife for “extreme hardship” under § 244 of Act and applicable regulations on basis of alleged extreme hardship to couple’s American-born children through loss of educational opportunities and to both couple and their children from forced liquidation of assets, and thus Court of Appeals erred in ordering that case be reopened. *INS v. Jong Ha Wang*, p. 139.

IMMUNITY OF STATES FROM SUIT. See **Constitutional Law**, IX.

INABILITY TO PAY FINE. See **Constitutional Law**, III, 1.

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INDIANS.

Title to bed of Big Horn River—Regulation of hunting and fishing.—Title to bed of Big Horn River is not held by United States in trust for Crow Tribe of Montana under pertinent treaties, but instead passed to Montana upon its admission into Union, and although Tribe may prohibit or regulate hunting or fishing by nonmembers on land belonging to Tribe or held by United States in trust for Tribe, it has no power to regulate non-Indian fishing and hunting on reservation land owned in fee by nonmembers of Tribe. *Montana v. United States*, p. 544.

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INTERNAL REVENUE CODE.

1. *Income taxes—Charitable organizations—Cooperative hospital service organization.*—A cooperative hospital service organization cannot qualify

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for exemption from income taxation as a charitable organization under § 501 (c) (3) of Code, but instead may qualify only if it performs one of services listed in § 501 (e) (1) (A), and since laundry service is not included in such list, petitioner nonprofit corporation, organized to provide laundry services for exempt hospitals and an exempt ambulance service, was not entitled to tax-exempt status. *HCSC-Laundry v. United States*, p. 1.

2. *Income taxes—Depletion deduction—Integrated cement miner and manufacturer.*—Code and Treasury Regulations support Commissioner of Internal Revenue's position that in calculating, by proportionate profits method, constructive gross income from mining of taxpayer integrated cement miner and manufacturer—for purpose of determining taxpayer's depletion deduction from taxable income—taxpayer should have included (1) proceeds from sale of bagged cement as well as bulk cement, and (2) costs incurred for bags, bagging, storage, distribution, and sales. *Commissioner v. Portland Cement Co. of Utah*, p. 156.

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INTERSTATE COMMERCE ACT.

Rail carrier's abandonment of branch line—ICC approval—Shipper's right to maintain state-court action.—Act precludes a shipper from maintaining a state-court action for damages for violation of state statutory and common law against a regulated rail carrier when Interstate Commerce Commission, in approving carrier's application for abandonment of its branch line that had served shipper, reached merits of matters shipper sought to raise in state court. *Chicago & North Western Transp. Co. v. Kalo Brick & Tile Co.*, p. 311.

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Rights Act of 1964, wherein parties moved District Court to enter a proposed consent decree that would permanently enjoin defendant employer and unions from discriminating against black employees and would require them to give hiring and seniority preferences to blacks, District Court's interlocutory order refusing to enter consent decree was an order "refusing" an "injunction" and was therefore appealable to Court of Appeals under 28 U. S. C. § 1292 (a)(1). *Carson v. American Brands, Inc.*, p. 79.

2. *Supreme Court—Finality of state-court judgment.*—Since 28 U. S. C. § 1257 permits Supreme Court to review only final judgments or decrees of a state court, Supreme Court must dismiss, for lack of a final judgment, an appeal from California Court of Appeal's decision which—in reversing trial court's judgment that awarded damages to appellant in its inverse condemnation action based on appellee city's rezoning of appellant's property—held that monetary compensation was not an appropriate remedy but did not decide whether any other remedy was available and instead appeared to contemplate further trial court proceedings on remand to resolve disputed factual issues as to whether there had been any taking. *San Diego Gas & Electric Co. v. San Diego*, p. 621.

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- RACIAL DISCRIMINATION.** See Jurisdiction, 1.
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- REDUCTION OF SENTENCE FOR GOOD CONDUCT.** See Constitutional Law, IV.
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"Mother's insurance benefits"—Failure to file written application—Estoppel of Government.—A Social Security Administration field agent's erroneous statement to respondent that she was not eligible for "mother's insurance benefits" under Act, and agent's failure to comply with internal handbook's instructions that it be recommended to claimant that a written application be filed, did not estop Secretary of Health and Human Services from denying retroactive benefits to respondent for period in which she was eligible for benefits but had not filed a written application as required by Act. *Schweiker v. Hansen*, p. 785.
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notify, if possible, parents or guardian of a minor upon whom an abortion is to be performed, plaintiff lacked standing to challenge facial constitutionality of statute on ground of overbreadth in that it could be construed to apply to all unmarried minor girls, including those who are mature and emancipated, since plaintiff did not allege or offer evidence that either she or any member of her class was mature or emancipated. *H. L. v. Matheson*, p. 398.

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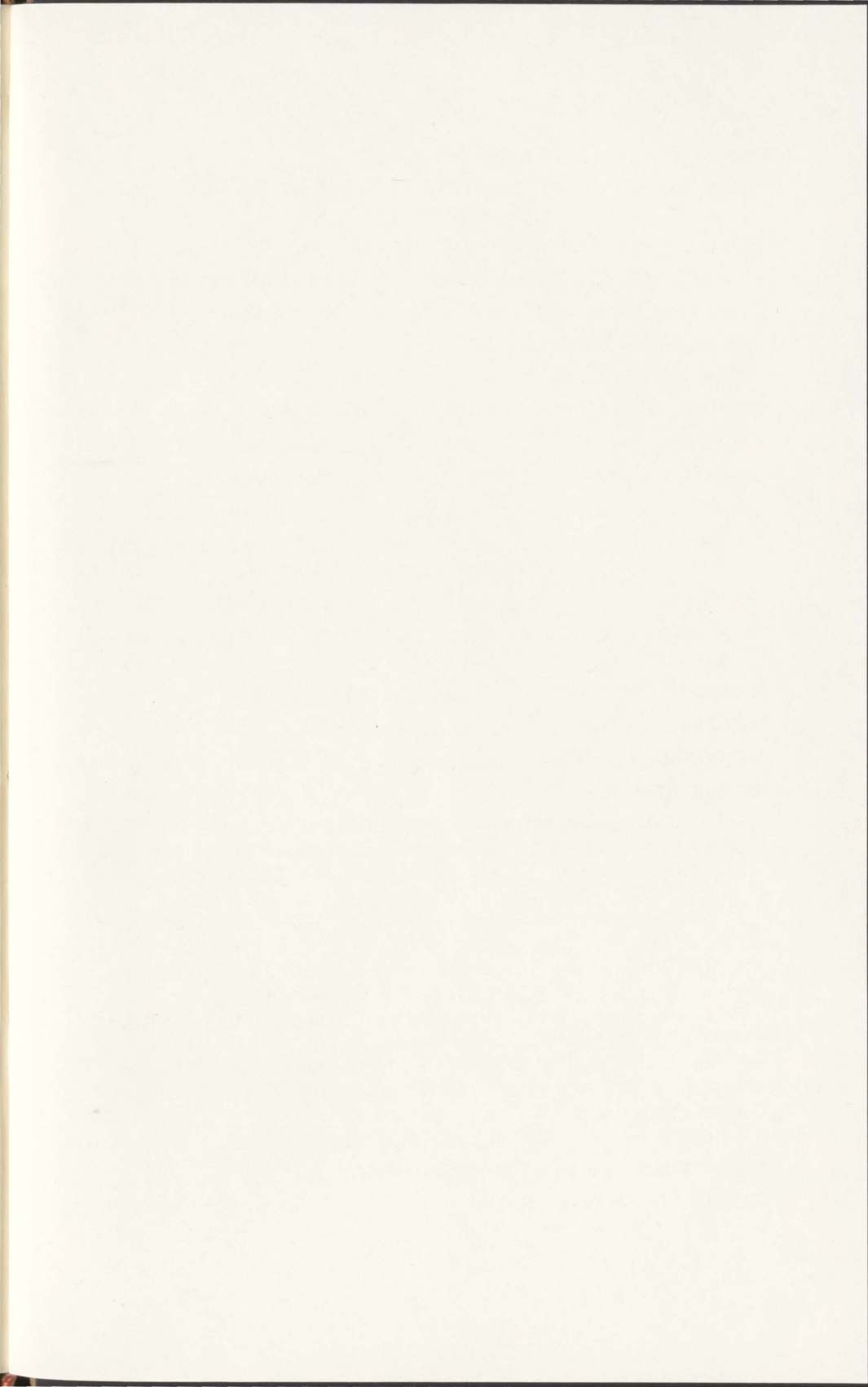
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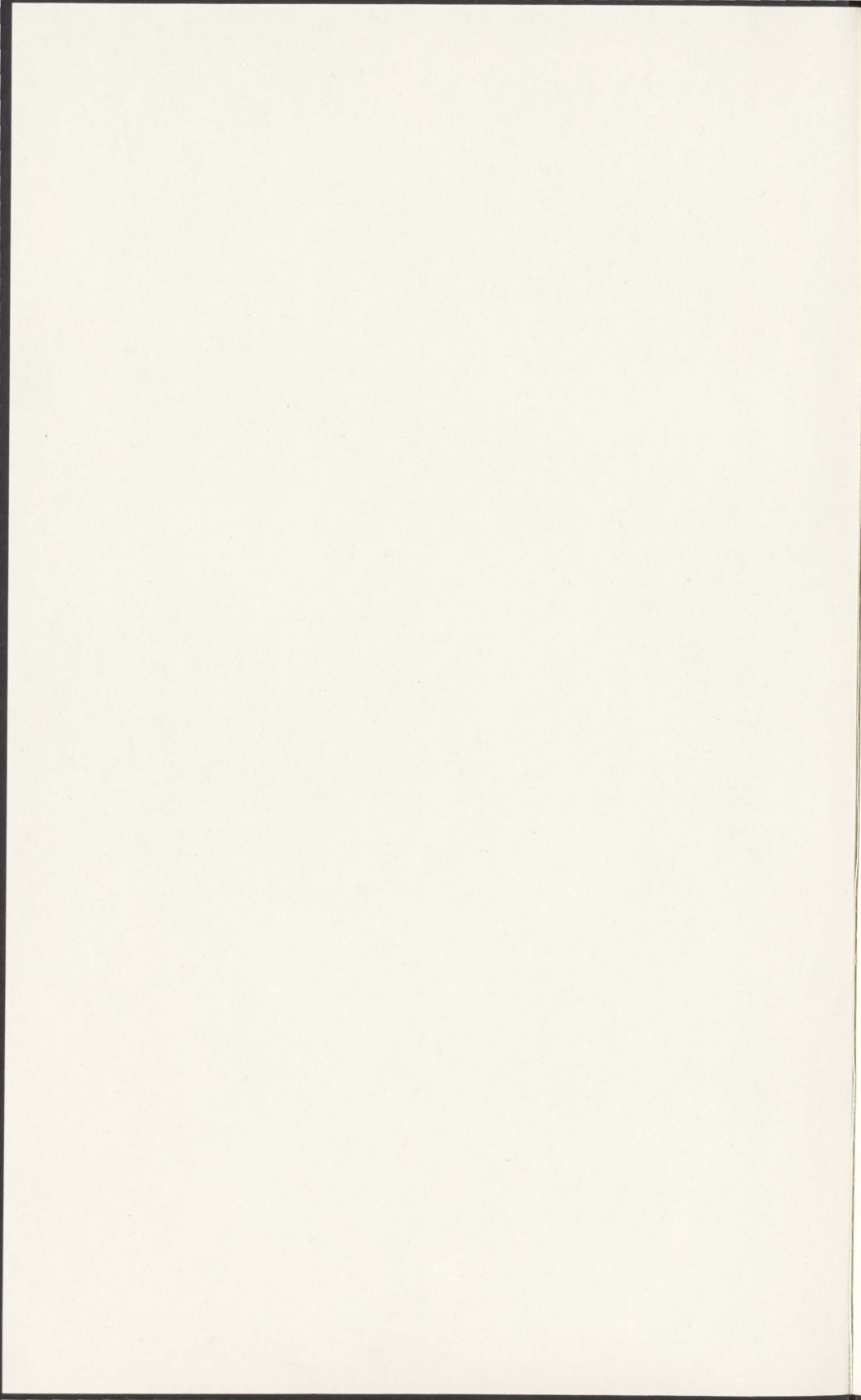
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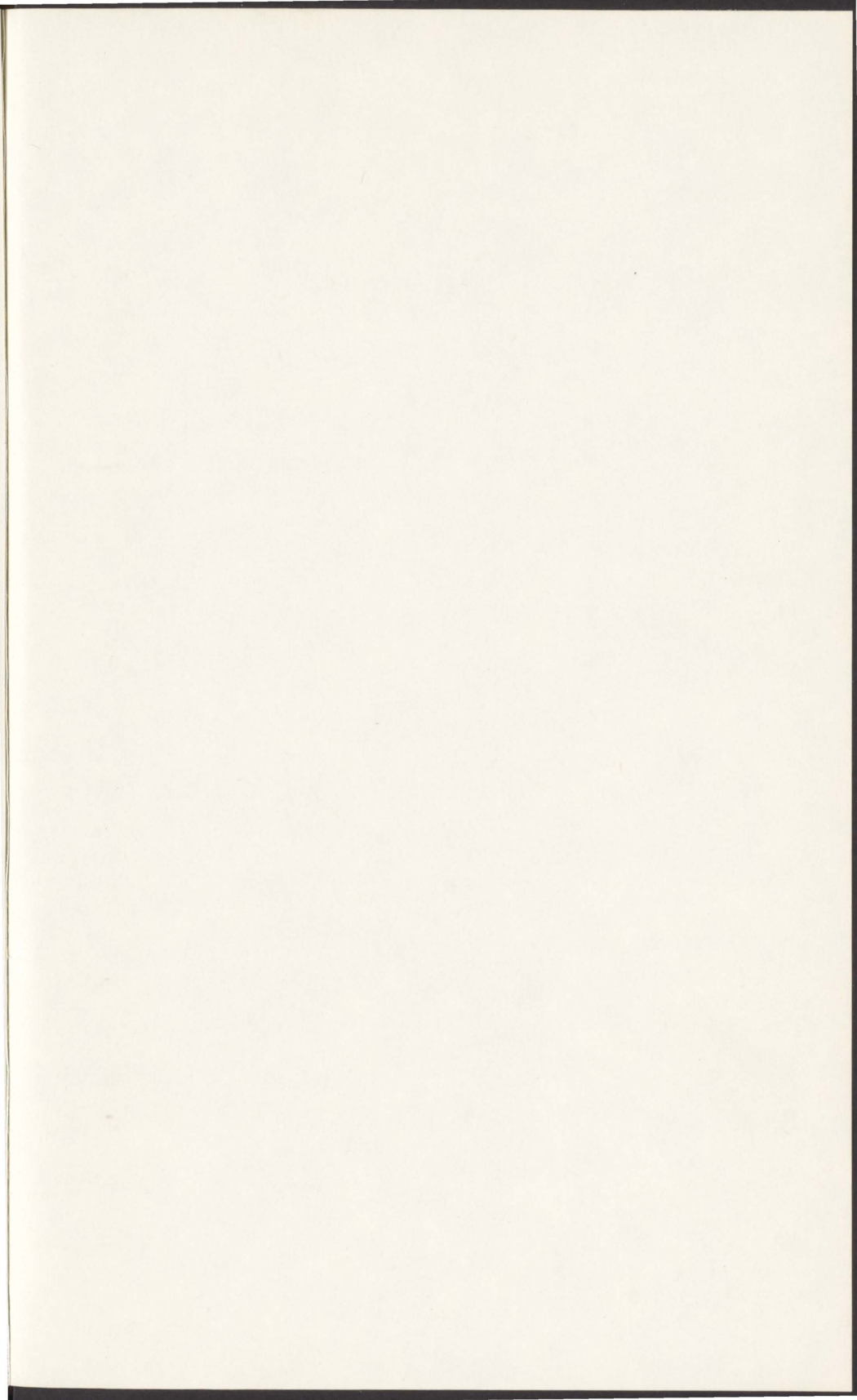
TAX INJUNCTION ACT.

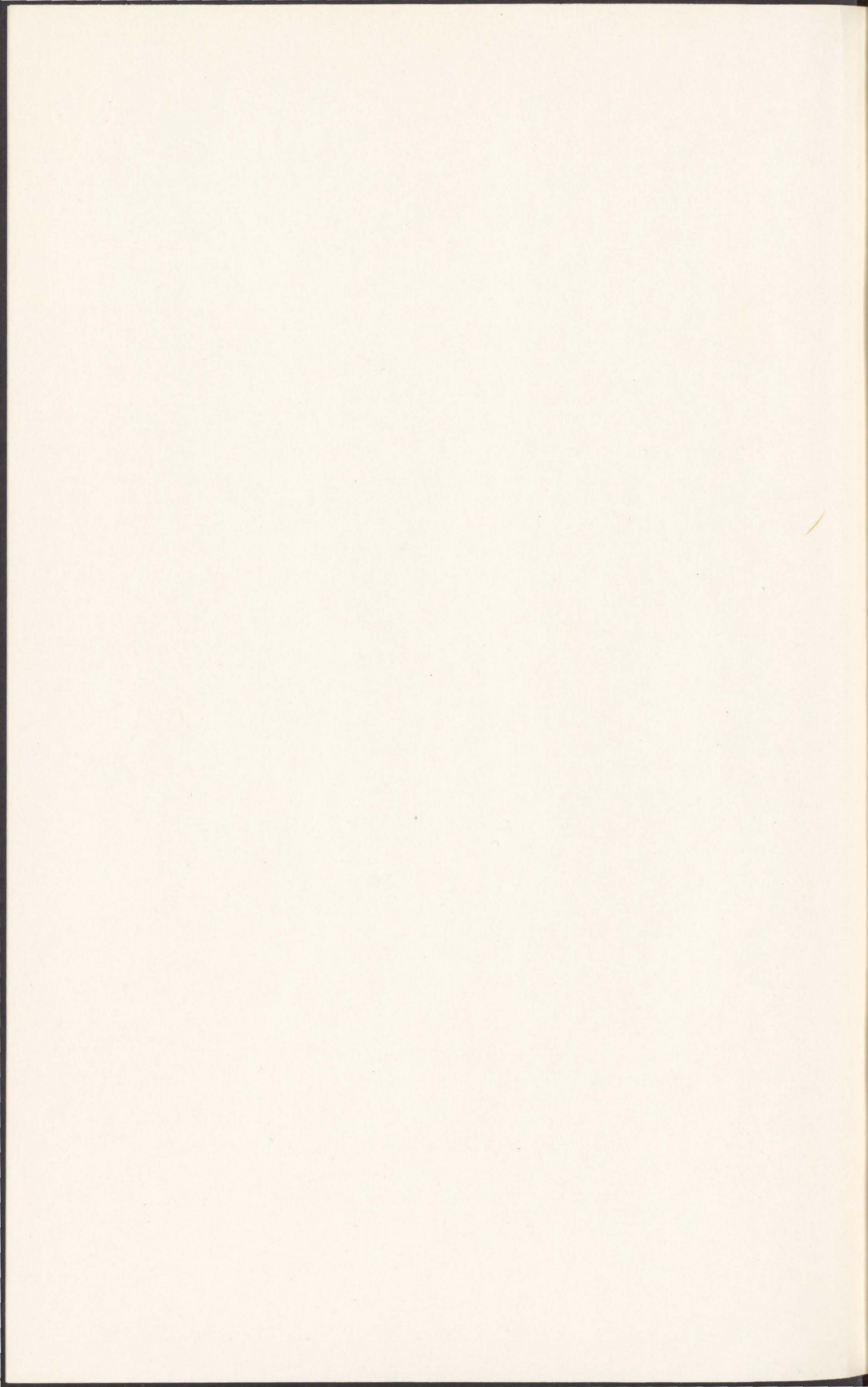
State tax refund procedures—Federal jurisdiction to grant injunctive relief.—Illinois' statutory procedure whereby real property owners, after unsuccessfully contesting property taxes in administrative proceedings, must pay taxes under protest and then seek refund in court action is "a plain, speedy and efficient remedy" within meaning of Act, thereby barring federal jurisdiction to grant injunctive relief after taxpayer's unsuccessful administrative proceedings, notwithstanding customary delay from time of payment of taxes under protest until any refund is two years and refund is not accompanied by a payment of interest. *Rosewell v. LaSalle National Bank*, p. 503.

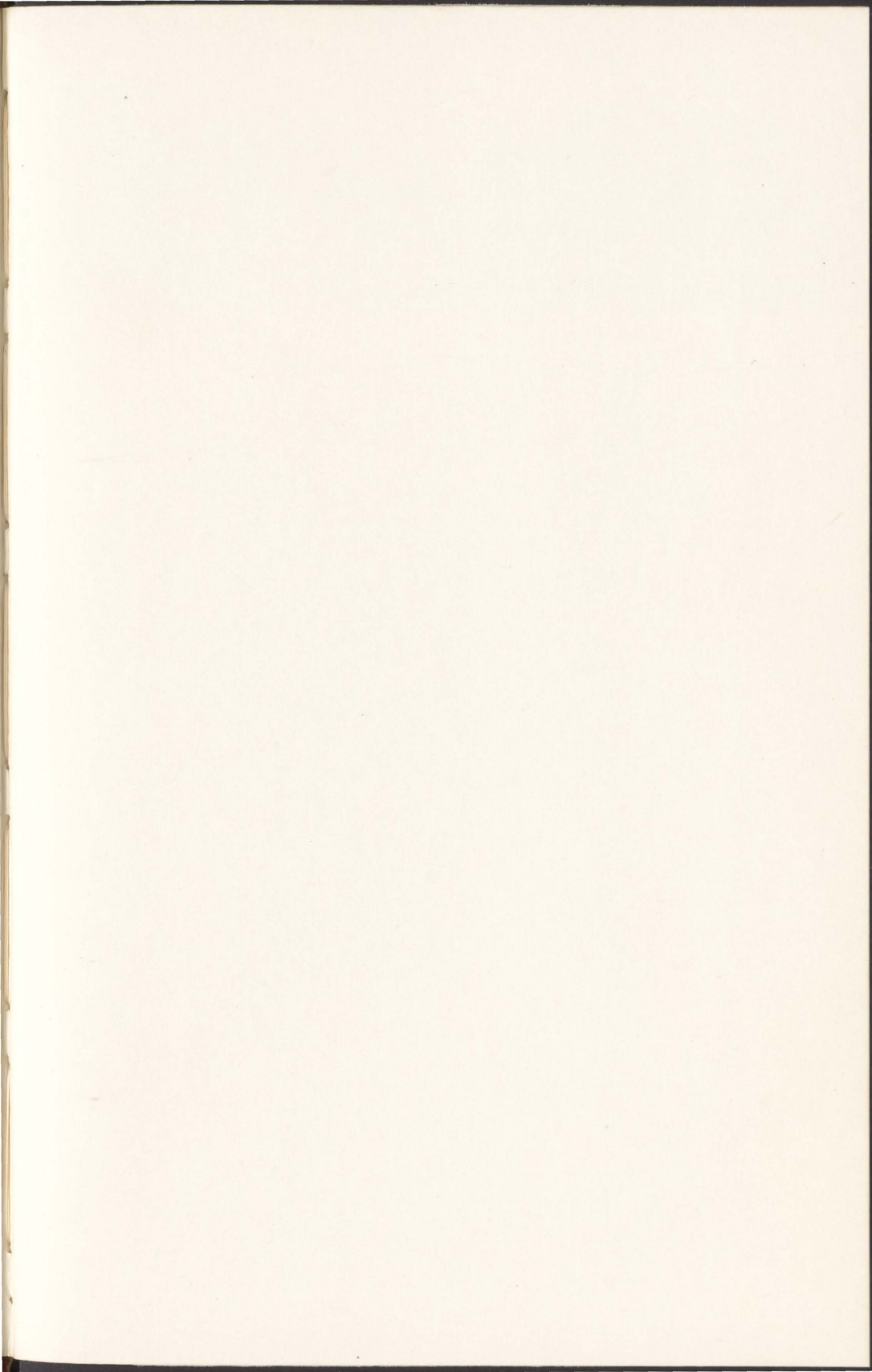
- TAX REFUNDS.** See **Tax Injunction Act.**
- TERMINATION OF EMPLOYMENT BECAUSE OF RELIGIOUS BELIEFS.** See **Constitutional Law, VI.**
- TITLE TO RIVERBEDS.** See **Indians.**
- TRAILER-TRUCK REGULATIONS.** See **Constitutional Law, I.**
- TREASURY REGULATIONS.** See **Internal Revenue Code, 2.**
- TREATIES OF FORT LARAMIE.** See **Indians.**
- TRIBAL SELF-GOVERNMENT.** See **Indians.**
- TRUCKDRIVERS' WAGE CLAIMS.** See **Fair Labor Standards Act.**
- TRUCKERS.** See **Constitutional Law, I; Fair Labor Standards Act.**
- UNEMPLOYMENT COMPENSATION.** See **Constitutional Law, VI.**
- UTAH.** See **Constitutional Law, VIII; Standing to Sue.**
- VOLUNTARY TERMINATION OF EMPLOYMENT BECAUSE OF RELIGIOUS BELIEFS.** See **Constitutional Law, VI.**
- WAGE CLAIMS.** See **Davis-Bacon Act; Fair Labor Standards Act.**
- WAIVER OF STATE'S IMMUNITY FROM SUIT.** See **Constitutional Law, IX.**
- WEAPONS PRODUCTION.** See **Constitutional Law, VI.**
- WELFARE BENEFITS.** See **Social Security Act.**
- WISCONSIN.** See **Constitutional Law, V.**
- WORDS AND PHRASES.**
1. "*A plain, speedy and efficient remedy.*" **Tax Injunction Act, 28 U. S. C. § 1341. Rosewell v. LaSalle National Bank, p. 503.**
 2. "*Extreme hardship.*" § 244, **Immigration and Nationality Act, 8 U. S. C. § 1254 (a)(1). INS v. Jong Ha Wang, p. 139.**
 3. "*Final judgments or decrees.*" **28 U. S. C. § 1257. San Diego Gas & Electric Co. v. San Diego, p. 621.**
 4. "*In accordance with . . . substantial evidence.*" § 7 (c), **Administrative Procedure Act, 5 U. S. C. § 556 (d). Steadman v. SEC, p. 91.**
 5. "*Interlocutory orders . . . refusing . . . injunctions.*" **28 U. S. C. § 1292 (a)(1). Carson v. American Brands, Inc., p. 79.**
 6. "*So closely related to banking.*" § 4 (c)(8), **Bank Holding Company Act, 12 U. S. C. § 1843 (c)(8). Board of Governors, FRS v. Investment Company Institute, p. 46.**
 7. "*Useful process.*" **35 U. S. C. § 101. Diamond v. Diehr, p. 175.**
- WORK TIME.** See **Fair Labor Standards Act.**
- ZONING.** See **Jurisdiction, 2.**

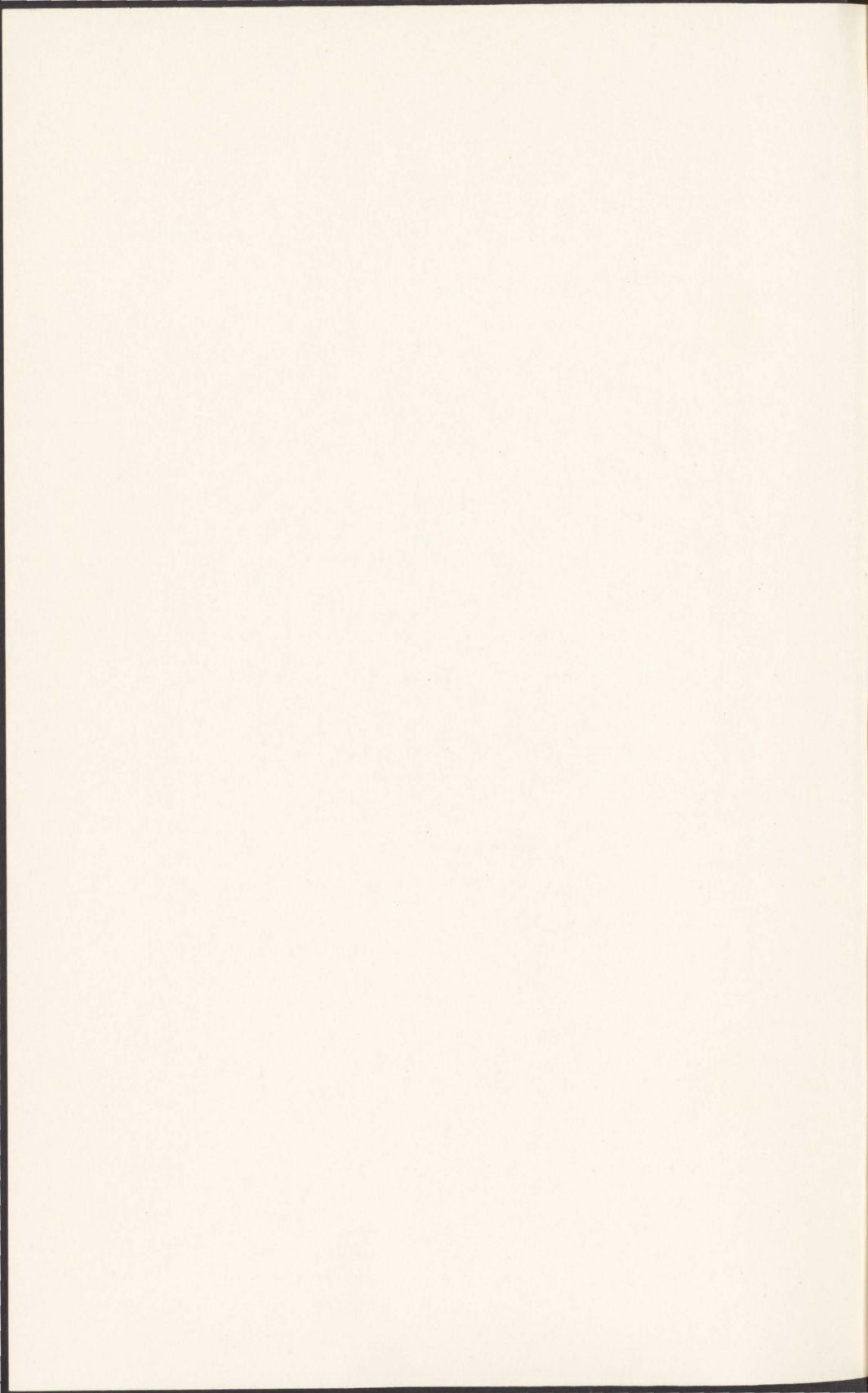












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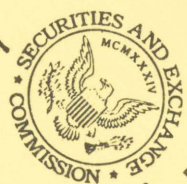
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