

I N D E X

AGENTS OF THEATRICAL PERFORMERS. See **Antitrust Acts**, 2.

ALASKA. See **Mineral Leasing Act of 1920.**

ALIENS. See **Juries.**

ANTITRUST ACTS.

1. *Conspiracy to raise prices—Conspirator's right to contribution from co-conspirators.*—Neither federal statutory nor common law allows federal courts to fashion right to contribution among antitrust wrongdoers sought by manufacturer of ready-mix concrete who—in customer's suit against it seeking treble damages under Clayton Act for its alleged conspiracy with other manufacturers to raise prices in violation of Sherman Act—filed third-party complaint against alleged co-conspirators for contribution if it was found liable in original action. *Texas Industries, Inc. v. Radcliff Materials, Inc.*, p. 630.

2. *Exemption of labor unions from antitrust liability—Regulation of theatrical agents by performers' union.*—Norris-LaGuardia Act's exemption of labor unions from antitrust liability covers regulations established by union—which represented most of stage performers in country through collective-bargaining agreements with major theatrical producers—whereby theatrical agents, who negotiated individual contracts for performers with producers, must obtain license from union and must limit their commissions as specified by union, but franchise fees exacted from agents by union are not a permissible component of exempt regulatory system. *H. A. Artists & Associates, Inc. v. Actors' Equity Assn.*, p. 704.

3. *Price discrimination—Automobile manufacturer's "sales incentive" programs—Former dealer's right to treble damages.*—In former automobile dealer's action against automobile manufacturer for treble damages under Clayton Act for price discrimination allegedly resulting from defendant's "sales incentive" programs that set plaintiff's sales quotas higher than its competitors' and required it to pay more for its automobiles when it failed to meet its quotas, plaintiff was not entitled to "automatic damages" in amount of price discrimination upon merely proving price discrimination, but must make some showing of actual injury attributable to antitrust violation. *J. Truett Payne Co. v. Chrysler Motors Corp.*, p. 557.

APPEALS BY GOVERNMENT IN CRIMINAL CASES. See **Criminal Law.**

APPORTIONMENT OF VOTING POWER BASED ON PROPERTY OWNERSHIP. See Constitutional Law, III, 2.

ARBITRATION OF EMPLOYEE GRIEVANCES. See Labor Management Relations Act, 1, 2.

ARIZONA. See Constitutional Law, III, 2; V, 2; Criminal Law.

ARREST WARRANTS. See Constitutional Law, VI.

ASSIGNMENT OF INJURED LONGSHOREMAN'S RIGHT TO RECOVER FROM SHIPOWNER. See Longshoremen's and Harbor Workers' Compensation Act, 2.

ASSISTANCE OF COUNSEL. See Constitutional Law, V; Stays, 1.

"AUTOMATIC DAMAGES" IN ANTITRUST ACTIONS. See Antitrust Acts, 3.

AUTOMOBILE MANUFACTURERS' LIABILITY TO DEALERS FOR PRICE DISCRIMINATION. See Antitrust Acts, 3.

BADGES AND INCIDENTS OF SLAVERY. See Constitutional Law, VIII.

CALIFORNIA. See Constitutional Law, I, 1; III, 1; Rivers and Harbors Appropriation Act of 1899; Social Security Act.

CAPITAL PUNISHMENT. See Constitutional Law, II; IV; V, 1.

CARE OF MENTALLY RETARDED. See Developmentally Disabled Assistance and Bill of Rights Act.

CERTIORARI.

1. *Dismissal for lack of jurisdiction—Discriminatory enforcement of state obscenity laws—Lack of final judgment below.*—Where Ohio Supreme Court affirmed Ohio Court of Appeals' reversal of trial court's pretrial dismissal of obscenity complaints on alleged grounds of selective and discriminatory prosecution of petitioners in violation of Fourteenth Amendment's Equal Protection Clause, writ of certiorari previously granted by this Court is dismissed for want of jurisdiction because Ohio Supreme Court's decision was not a final judgment within meaning of 28 U. S. C. § 1257, it being proper to postpone resolution of question of selective or discriminatory prosecution until final judgment in state criminal proceeding. *Flynt v. Ohio*, p. 619.

2. *Dismissal for lack of jurisdiction—State-court child-custody decrees—Full-faith-and-credit claim.*—Writ of certiorari to Georgia Supreme Court—granted on a mother's petition raising question whether Constitution required Georgia courts, which had awarded custody of minor child to father, to give full faith and credit to earlier Florida state-court decree awarding custody to mother—is dismissed for lack of jurisdiction, since

CERTIORARI—Continued.

record disclosed that mother did not raise her federal claim in Georgia courts and that Georgia Supreme Court did not rule on a federal issue. *Webb v. Webb*, p. 493.

CHILD CUSTODY. See *Certiorari*, 2.

CHURCH SCHOOLS. See *Internal Revenue Code*, 2.

CITY'S CLOSING OF STREETS. See *Civil Rights Act of 1866*; *Constitutional Law*, VIII.

CIVIL RIGHTS ACT OF 1866.

City's closing of street—Impairment of blacks' property interests.—Under record in case, Memphis' closing end of street that traversed a white residential community and led to predominantly black area did not violate 42 U. S. C. § 1982 as impairing property interests of blacks. *Memphis v. Greene*, p. 100.

CIVIL RIGHTS ACT OF 1871.

Loss of prisoner's mail—Liability of prison officials.—Claim for relief was not stated under 42 U. S. C. § 1983 where inmate of Nebraska prison alleged deprivation of property without due process of law by prison officials' negligent loss of inmate's package through failure to follow normal procedure for receipt of mail packages, since alleged due process violation resulted not from deprivation of property occurring as result of some established state procedure, but from unauthorized failure of state agents to follow established state procedure, and since state tort-claims procedure could have fully compensated inmate and was sufficient to satisfy due process requirements. *Parratt v. Taylor*, p. 527.

CIVIL RIGHTS ACT OF 1964. See *Equal Pay Act of 1963*.

CLAYTON ACT. See *Antitrust Acts*, 1, 3.

CLOSING OF STREETS. See *Civil Rights Act of 1866*; *Constitutional Law*, VIII.

COAL MINING. See *Internal Revenue Code*, 1.

COLLECTIVE-BARGAINING AGREEMENTS. See *Equal Pay Act of 1963*; *Labor Management Relations Act*.

COLLEGES. See *Rehabilitation Act of 1973*.

COMMERCE CLAUSE. See *Constitutional Law*, I.

COMMON-LAW ACTIONS. See *Antitrust Acts*, 1; *Federal Water Pollution Control Act*.

"COMPENSATORY" TAXES. See *Constitutional Law*, I, 2.

COMPULSORY SELF-INCRIMINATION. See **Constitutional Law**, IV; V, 2.

CONCRETE MANUFACTURER'S RIGHT TO CONTRIBUTION FOR ANTITRUST LIABILITY. See **Antitrust Acts**, 1.

CONFESSIONS. See **Constitutional Law**, V, 2.

CONSTITUTIONAL LAW. See also **Certiorari**; **Civil Rights Act of 1871**; **Developmentally Disabled Assistance and Bill of Rights Act**; **Juries**; **Stays**, 1.

I. Commerce Clause.

1. *Foreign insurance companies—Validity of state "retaliatory" tax.*—California's "retaliatory" tax, imposed on foreign insurance companies doing business in California when insurer's State of incorporation imposes higher taxes on California insurers doing business in that State than California would otherwise impose on that State's insurers doing business in California, does not violate Commerce Clause. *Western & Southern Life Ins. Co. v. Board of Equalization*, p. 648.

2. *Louisiana's tax on "first use" of natural gas—Validity.*—Louisiana's tax on "first use" of any natural gas brought into Louisiana—imposed on gas produced in Outer Continental Shelf, piped to processing plants in Louisiana, and then piped to ultimate out-of-state consumers—is unconstitutional under Commerce Clause. *Maryland v. Louisiana*, p. 725.

II. Double Jeopardy.

Murder conviction—Life sentence—State's right to seek death penalty on retrial.—Where petitioner had been convicted of murder, his subsequent presentence hearing, pursuant to Missouri law, had resulted in an additional jury verdict fixing punishment at life imprisonment without eligibility for probation or parole for 50 years, and he subsequently was granted a new trial on issue of guilt, protections afforded by Double Jeopardy Clause precluded State from seeking death penalty at retrial, because under Missouri law sentencing proceeding at petitioner's first trial was like a trial on question of guilt or innocence. *Bullington v. Missouri*, p. 430.

III. Equal Protection of the Laws.

1. *Foreign insurance companies—Validity of state "retaliatory" tax.*—California's "retaliatory" tax, imposed on foreign insurance companies doing business in California when insurer's State of incorporation imposes higher taxes on California insurers doing business in that State than California would otherwise impose on that State's insurers doing business in California, does not violate Equal Protection Clause. *Western & Southern Life Ins. Co. v. Board of Equalization*, p. 648.

2. *One-person, one-vote principle—Voting eligibility based on property ownership.*—Under facts of case, one-person, one-vote principle under

CONSTITUTIONAL LAW—Continued.

Equal Protection Clause does not invalidate Arizona law whereby voting eligibility for electing directors of Salt River Project Agricultural Improvement and Power District—a governmental entity that stores and delivers untreated water to certain landowners—is limited to landowners and whereby voting power is apportioned according to acreage owned, even though District, to subsidize its water operations, sells electricity to approximately half of State's population and exercises certain governmental powers so as to affect all District residents, regardless of property ownership. *Ball v. James*, p. 355.

IV. Privilege Against Self-incrimination.

Murder conviction—Presentence hearing—Use of evidence based on pretrial psychiatric examination.—Where prior to state-court trial resulting in murder conviction and death sentence defendant underwent psychiatric examination to determine competency to stand trial, admission at presentence hearing before jury of examining doctor's testimony, based on pretrial examination, as to defendant's future dangerousness (a necessary element for imposition of death sentence under Texas law) violated his Fifth Amendment privilege against self-incrimination since he had not been advised before pretrial examination that he had a right to remain silent and that statements he made could be used against him at sentencing proceeding. *Estelle v. Smith*, p. 454.

V. Right to Counsel.

1. *Murder conviction—Presentence hearing—Use of evidence based on pretrial psychiatric examination.*—Where prior to state-court trial resulting in murder conviction and death sentence defendant underwent psychiatric examination to determine competency to stand trial, admission at presentence hearing before jury of examining doctor's testimony, based on pretrial examination, as to defendant's future dangerousness (a necessary element for imposition of death sentence under Texas law) violated his Sixth Amendment right to assistance of counsel, since defense counsel had not been notified in advance that psychiatric examination would encompass issue of future dangerousness, and since defendant was denied assistance of counsel in deciding whether to submit to examination and to what end psychiatrist's findings could be employed. *Estelle v. Smith*, p. 454.

2. *Police interrogation—Accused's assertion of right to attorney—Validity of confession obtained at later interrogation.*—Where police, after arresting petitioner on state criminal charge and giving him *Miranda* warnings, stopped interrogation when petitioner said he wanted an attorney, but on next day police again initiated interrogation after giving *Miranda* warnings and obtained his confession when petitioner said he was willing to talk, use of confession at petitioner's trial violated his right under Fifth and Fourteenth Amendments to have counsel present during

CONSTITUTIONAL LAW—Continued.

custodial interrogation, petitioner not having validly waived right at second police-initiated interrogation. *Edwards v. Arizona*, p. 477.

VI. Searches and Seizures.

Search of home—Warrant to arrest third party.—Absent exigent circumstances or consent, a home may not be searched without a warrant, and thus Fourth Amendment was violated when law enforcement officers, acting pursuant to an arrest warrant for a third party but without a search warrant, entered petitioner's home to search for third party and found cocaine and other evidence (that led to petitioner's federal drug conviction) but did not find third party, there having been no consent to search or exigent circumstances. *Steagald v. United States*, p. 204.

VII. Supremacy Clause.

Louisiana's tax on "first use" of natural gas—Pre-emption by federal law.—Provision of Louisiana Act imposing tax on "first use" of any natural gas brought into Louisiana whereby entire tax must be passed on to ultimate consumer without attempting to allocate any part of tax to processor violates Supremacy Clause since it is inconsistent with federal scheme under Natural Gas Act and implementing regulations of Federal Energy Regulatory Commission. *Maryland v. Louisiana*, p. 725.

VIII. Thirteenth Amendment.

Badge of slavery—City's closing of street.—Under record in case, Memphis' closing end of street that traversed a white residential community and led to predominantly black area did not violate Thirteenth Amendment as constituting a badge or incident of slavery. *Memphis v. Greene*, p. 100.

CONTRIBUTION. See **Antitrust Acts**, 1; **Equal Pay Act of 1963**.

COURTS OF APPEAL. See **Criminal Law**.

CRIMINAL LAW. See also **Certiorari**, 1; **Constitutional Law**, II; IV; V; VI; **Juries**; **Stays**, 1.

Removal of state prosecution to federal court—State's right to appeal from adverse judgment.—In a criminal proceeding against a federal officer on state charges, removed to Federal District Court under 28 U. S. C. § 1442 (a)(1), State may appeal to Court of Appeals under 28 U. S. C. § 1291 from an adverse judgment, such as post-guilty-verdict judgment of acquittal, if statutory authority to seek such review is conferred by state law. *Arizona v. Manypenny*, p. 232.

"CRITICAL STAGE" OF PROSECUTION. See **Constitutional Law**, V, 1.

CUSTODIAL QUESTIONING. See **Constitutional Law** IV; V; **Stays**, 1.

- CUSTODY OF CHILDREN.** See *Certiorari*, 2.
- DAMAGES.** See *Antitrust Acts*, 1, 3.
- DEAF STUDENTS' RIGHT TO SIGN-LANGUAGE INTERPRETERS.**
See *Rehabilitation Act of 1973*.
- DEATH PENALTY.** See *Constitutional Law*, II; IV; V, 1.
- DEFECTIVE SHIP'S GEAR.** See *Longshoremen's and Harbor Workers' Compensation Act*, 1.
- DEPARTMENT OF THE INTERIOR.** See *Mineral Leasing Act of 1920*.
- DEPLETION DEDUCTIONS.** See *Internal Revenue Code*, 1.
- DEVELOPMENTALLY DISABLED ASSISTANCE AND BILL OF RIGHTS ACT.**
Treatment of mentally retarded persons—Substantive rights.—Provision of Act, which states that mentally retarded persons have a right to "appropriate treatment" in "least restrictive" environment, does not create, pursuant to either Congress' power to enforce Fourteenth Amendment or its spending power, any substantive rights enforceable by mentally retarded persons against States participating in Act's federal-state grant program. *Pennhurst State School v. Halderman*, p. 1.
- DISCHARGE OF EMPLOYEES.** See *Labor Management Relations Act*, 1, 2.
- DISCHARGE OF WATER POLLUTANTS.** See *Federal Water Pollution Control Act*.
- DISCRIMINATION AGAINST BLACKS.** See *Civil Rights Act of 1866*; *Constitutional Law*, VIII.
- DISCRIMINATION AGAINST DEAF STUDENTS.** See *Rehabilitation Act of 1973*.
- DISCRIMINATION AGAINST INTERSTATE COMMERCE.** See *Constitutional Law*, I, 2.
- DISCRIMINATION AGAINST WOMEN.** See *Equal Pay Act of 1963*.
- DISCRIMINATORY ENFORCEMENT OF OBSCENITY LAWS.** See *Certiorari*, 1.
- DISCRIMINATORY PRICES.** See *Antitrust Acts*, 3.
- DISCRIMINATORY TAXATION OF FOREIGN INSURANCE COMPANIES.** See *Constitutional Law*, I, 1; III, 1.
- DISMISSAL OF CERTIORARI.** See *Certiorari*.

DISTRIBUTION OF REVENUES FROM GOVERNMENT OIL AND GAS LEASES. See Mineral Leasing Act of 1920.

DOUBLE JEOPARDY. See Constitutional Law, II.

DUE PROCESS. See Civil Rights Act of 1871.

EFFLUENT LIMITATIONS. See Federal Water Pollution Control Act.

ELECTIONS. See Constitutional Law, III, 2.

ELIGIBILITY TO VOTE. See Constitutional Law, III, 2.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Private pension plans—Reducing pension benefits by amount of workers' compensation award—Pre-emption of state law.—Congress, in passing Act, contemplated and approved provisions in private pension plans reducing a retiree's pension benefits by amount of a workers' compensation award for which retiree is eligible, and thus provision in New Jersey Workers' Compensation Act prohibiting such offsets was pre-empted by federal law. *Alessi v. Raybestos-Manhattan, Inc.*, p. 504.

EMPLOYEES' LIABILITY TO EMPLOYER FOR ILLEGAL STRIKE.
See Labor Management Relations Act, 3.

EMPLOYER AND EMPLOYEES. See Certiorari; Employee Retirement Income Security Act of 1974; Equal Pay Act of 1963; Internal Revenue Code, 2; Labor Management Relations Act; Longshoremen's and Harbors Workers' Compensation Act.

EMPLOYER'S RIGHT TO CONTRIBUTION FROM UNIONS. See Equal Pay Act of 1963.

ENVIRONMENTAL ORGANIZATIONS' RIGHT TO SUE. See Rivers and Harbors Appropriation Act of 1899.

EQUAL PAY ACT OF 1963.

Sex discrimination—Employer's liability—Right to contribution from unions.—An airline as an employer has neither a federal statutory nor a federal common-law right to contribution from unions for airline's liability under Act and Title VII of Civil Rights Act of 1964 to female cabin attendants for sex discrimination because of wage differentials between male and female cabin attendants collectively bargained with unions. *Northwest Airlines, Inc. v. Transport Workers*, p. 77.

EQUAL PROTECTION OF THE LAWS. See Certiorari, 1; Constitutional Law, III.

EXAMINATION OF PROSPECTIVE JURORS. See Juries.

EXCLUSIVE JURISDICTION. See Jurisdiction.

- EXEMPTIONS FROM ANTITRUST LAWS.** See *Antitrust Acts*, 2.
- EXEMPTIONS FROM TAXATION.** See *Internal Revenue Code*, 2.
- EXHAUSTION OF INTERNAL UNION REMEDIES BEFORE SUIT.**
See *Labor Management Relations Act*, 2.
- FAIR REPRESENTATION.** See *Labor Management Relations Act*, 2.
- FEDERAL COMMON-LAW ACTIONS.** See *Antitrust Arts*, 1; *Federal Water Pollution Control Act*.
- FEDERAL ENERGY REGULATORY COMMISSION.** See *Constitutional Law*, VII.
- FEDERAL GRANTS.** See *Developmentally Disabled Assistance and Bill of Rights Act*.
- FEDERAL INCOME TAXES.** See *Internal Revenue Code*, 1; *Stays*, 2.
- FEDERAL-STATE RELATIONS.** See *Constitutional Law*, I, 2; VII; *Criminal Law*; *Developmentally Disabled Assistance and Bill of Rights Act*; *Employee Retirement Income Security Act of 1974*; *Jurisdiction*; *Mineral Leasing Act of 1920*; *Social Security Act*.
- FEDERAL UNEMPLOYMENT TAX ACT.** See *Internal Revenue Code*, 2.
- FEDERAL WATER POLLUTION CONTROL ACT.**
Wisconsin cities' pollution of Lake Michigan—Illinois' right to maintain nuisance action.—In view of 1972 Amendments of Act, establishing new system of regulating discharge of pollutants into Nation's waters, Illinois could not maintain federal-court action, based on federal common law of nuisance, against Wisconsin cities and sewerage commissions for their alleged polluting of Lake Michigan by overflows of untreated sewage and discharges of inadequately treated sewage. *Milwaukee v. Illinois*, p. 304.
- FEDERAL WILDLIFE REFUGES.** See *Mineral Leasing Act of 1920*.
- FIFTH AMENDMENT.** See *Constitutional Law*, II; IV; V, 2.
- FINAL JUDGMENTS.** See *Certiorari*, 1.
- "FIRST-USE" TAX ON NATURAL GAS.** See *Constitutional Law*, I, 2; VII; *Jurisdiction*.
- FLORIDA.** See *Certiorari*, 2.
- FOREIGN INSURANCE COMPANIES.** See *Constitutional Law*, I, 1; III.
- FOURTEENTH AMENDMENT.** See *Certiorari*, 1; *Civil Rights Act of 1871*; *Constitutional Law*, III; V, 2; *Developmentally Disabled Assistance and Bill of Rights Act*.

- FOURTH AMENDMENT.** See Constitutional Law, VI.
- FULL FAITH AND CREDIT CLAUSE.** See Certiorari, 2.
- FUTURE DANGEROUSNESS AS ELEMENT WARRANTING DEATH PENALTY.** See Constitutional Law, IV; V, 1.
- GENDER-BASED DISCRIMINATION.** See Equal Pay Act of 1963.
- GEORGIA.** See Certiorari, 2.
- GOVERNMENT APPEALS IN CRIMINAL CASES.** See Criminal Law.
- GRIEVANCES.** See Labor Management Relations Act, 1, 2.
- HARBOR WORKERS.** See Longshoremen's and Harbor Workers' Compensation Act.
- HOUSE SEARCHES.** See Constitutional Law, VI.
- ILLINOIS.** See Federal Water Pollution Control Act.
- IMPAIRMENT OF BLACKS' PROPERTY INTERESTS.** See Civil Rights Act of 1866.
- IMPARTIAL JURY.** See Juries.
- INCOME TAXES.** See Internal Revenue Code, 1; Stays, 1.
- INCRIMINATING STATEMENTS.** See Constitutional Law, IV; V; Stays, 1.
- INJUNCTIONS.** See Rehabilitation Act of 1973.
- INSURANCE COMPANIES.** See Constitutional Law, I, 1; III, 1.
- INTERIOR DEPARTMENT.** See Mineral Leasing Act of 1920.
- INTERNAL REVENUE CODE.**

1. *Income tax—Lessees of underground coal—Depletion deduction.*—“Percentage depletion” allowance under §§ 611 and 613 of Code—whereby owner of an economic interest in a mineral deposit may deduct from taxable income percentage of gross income derived from exhaustion of mineral—may not be denied to lessees of underground coal who had right to extract and sell coal at prices fixed by them, paying a fixed royalty per ton to their lessors, merely because their leases were subject to termination by lessor on 30 days' notice. *United States v. Swank*, p. 571.

2. *Unemployment compensation taxes—Exemption—Church school employees.*—Petitioners—(1) a church, located in South Dakota, which is a member of Wisconsin Evangelical Lutheran Synod and operates an elementary Christian day school that is not a separate legal entity from church, but is financed by church's congregation and controlled by a board elected from congregation, and (2) a secondary school in South Dakota

INTERNAL REVENUE CODE—Continued.

owned, supported, and controlled by Synod, and not separately incorporated—are exempt under 26 U. S. C. § 3309 (b)(1)(A), with respect to their school employees, from unemployment compensation taxes imposed by Federal Unemployment Tax Act and South Dakota's complementary statutes. *St. Martin Evangelical Lutheran Church v. South Dakota*, p. 772.

INTERNAL REVENUE SERVICE SUMMONSES. See *Stays*, 2.

INTERPRETERS FOR DEAF STUDENTS. See *Rehabilitation Act of 1973*.

INTERSTATE COMMERCE. See *Constitutional Law*, I.

IRRIGATION WATERS. See *Constitutional Law*, III, 2.

JURISDICTION. See also *Certiorari*, 1; *Criminal Law*.

Original jurisdiction of Supreme Court—Suit challenging Louisiana's tax on "first use" of natural gas.—Exercise of this Court's original jurisdiction under Constitution and 28 U. S. C. § 1251 (b)(2) (1976 ed., Supp. III), and of its exclusive jurisdiction under § 1251 (a), was warranted with regard to action by several States, United States, Federal Energy Regulatory Commission, and several pipeline companies against Louisiana, challenging constitutionality of Louisiana's tax on "first use" of any natural gas brought into Louisiana. *Maryland v. Louisiana*, p. 725.

JURIES.

Criminal case—Voir dire examination—Prejudice against Mexicans.—Court of Appeals' judgment upholding District Judge's refusal—in his *voir dire* examination of prospective jurors for prosecution based on defendant's participation in a plan for smuggling Mexican aliens into country—to ask a question as to possible prejudice toward Mexicans, as requested by defendant who was of Mexican descent, is affirmed. *Rosales-Lopez v. United States*, p. 182.

KENAI NATIONAL MOOSE RANGE. See *Mineral Leasing Act of 1920*.

LABOR MANAGEMENT RELATIONS ACT.

1. *Discharge of employee—Vacation of arbitration award—Statute of limitations.*—In an employee's action under § 301 (a) of Act against union for alleged breach of duty of fair representation at grievance and arbitration proceedings which resulted in a decision upholding employee's discharge for dishonest acts, and against employer for alleged improper discharge of employee, District Court properly applied New York's 90-day statute of limitations for actions to vacate arbitration awards, thus barring employee's action, rather than New York's 6-year limitations

LABOR MANAGEMENT RELATIONS ACT—Continued.

period for breach-of-contract actions. *United Parcel Service, Inc. v. Mitchell*, p. 56.

2. *Former employee's suit against union and employer—Failure to exhaust appeal procedure under union constitution.*—Where former employee filed suit under § 301 (a) of Act against union and employer—alleging that employer had breached collective-bargaining agreement by discharging him without just cause and that union had breached its duty of fair representation in failing to seek arbitration of employee's grievance—employee was not precluded from maintaining suit merely because he had failed to exhaust appeal procedure against union under union constitution, since such procedure could not reactivate employee's grievance or grant him complete relief sought under § 301 (a). *Clayton v. Automobile Workers*, p. 679.

3. *Illegal strikes—Employees' liability to employer.*—Section 301 (a) of Act does not sanction damages actions by employers against individual employees for violating no-strike provision of a collective-bargaining agreement, whether or not union participated in or authorized strike. *Complete Auto Transit, Inc. v. Reis*, p. 401.

LABOR UNIONS. See **Antitrust Acts, 2; Equal Pay Act of 1963; Labor Management Relations Act.**

LAKE MICHIGAN. See **Federal Water Pollution Control Act.**

LAND OWNERSHIP AS QUALIFICATION FOR VOTING. See **Constitutional Law, III, 2.**

LESSEES' RIGHT TO CLAIM MINERAL DEPLETION DEDUCTIONS. See **Internal Revenue Code, 1.**

LIBERTY INTERESTS. See **Constitutional Law, VIII.**

LICENSING OF THEATRICAL AGENTS. See **Antitrust Acts, 2.**

LIFE SENTENCE AFTER MURDER CONVICTION AS PRECLUDING DEATH PENALTY ON RETRIAL. See **Constitutional Law, II.**

LIMITATION OF ACTIONS. See **Labor Management Relations Act, 1.**

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.

1. *Injury to longshoreman—Defective ship's gear—Shipowner's liability.*—Under Act's provision authorizing longshoreman injured by vessel's negligence to sue vessel as third party, a longshoreman, employed by a stevedore, may sue shipowner for injuries resulting from malfunctioning of ship's gear being used by stevedore in cargo operations if shipowner knew of defect in ship's gear and that stevedore was continuing to use it,

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT—Continued.

and should have realized defect presented an unreasonable risk of harm to longshoremen; however, while shipowner is also liable for injuries caused by defective gear if he fails to warn stevedore of hidden danger known to shipowner or which should have been known to him in exercise of reasonable care, once stevedore's cargo operations have begun shipowner has no general duty to exercise reasonable care to discover dangerous conditions that develop within confines of cargo operations assigned to stevedore. *Scindia Steam Navigation Co. v. De Los Santos*, p. 156.

2. *Injury to longshoreman—Right to recover from shipowner—Assignment to employer.*—Section 33 (b) of Act—which provides that a longshoreman's acceptance of compensation from his employer shall operate as an assignment to employer of longshoreman's right to recover damages from a third party unless longshoreman commences an action against third party within six months after compensation award—precludes injured longshoremen who accepted compensation awards from their stevedore employers from pursuing their third-party claims against shipowners after 6-month period expired. *Rodriguez v. Compass Shipping Co.*, p. 596.

LOUISIANA. See **Constitutional Law**, I, 2; VII; **Jurisdiction**.

MAIL OF PRISONERS. See **Civil Rights Act of 1871**.

McCARRAN-FERGUSON ACT. See **Constitutional Law**, I, 1.

MEDICAID BENEFITS. See **Social Security Act**.

"MEDICALLY NEEDY" PERSONS. See **Social Security Act**.

MEMPHIS. See **Civil Rights Act of 1866**; **Constitutional Law**, VIII.

MENTALLY RETARDED PERSONS. See **Developmentally Disabled Assistance and Bill of Rights Act**.

MEXICAN ALIENS. See **Juries**.

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

MINERAL DEPLETION DEDUCTIONS. See **Internal Revenue Code**, 1.

MINERAL LEASING ACT OF 1920.

Federal wildlife refuges—Oil and gas leases—Distribution of revenues.—Revenues generated by Government-issued oil and gas leases on federal wildlife refuges consisting of reserved public lands must be distributed according to formula in § 35 of Act, rather than by formula in § 401 of Wildlife Refuge Revenue Sharing Act, which applies only to minerals on land acquired for wildlife refuges. *Watt v. Alaska*, p. 259.

- MIRANDA WARNINGS.** See Constitutional Law, IV; V, 1; Stays, 1.
- MOOTNESS.** See Rehabilitation Act of 1973.
- NATIONAL WILDLIFE REFUGES.** See Mineral Leasing Act of 1920.
- NATURAL GAS ACT.** See Constitutional Law, I, 2; VII; Jurisdiction.
- NAVIGABLE WATERS.** See Federal Water Pollution Control Act; Rivers and Harbors Appropriation Act of 1899.
- NEBRASKA.** See Civil Rights Act of 1871.
- NEW JERSEY.** See Employee Retirement Income Security Act of 1974.
- NEW YORK.** See Labor Management Relations Act, 1.
- NORRIS-LaGUARDIA ACT.** See Antitrust Acts, 2.
- NO-STRIKE CLAUSES.** See Labor Management Relations Act, 3.
- NUISANCES.** See Federal Water Pollution Control Act.
- OBSCENITY.** See Certiorari, 1.
- OBSTRUCTIONS TO NAVIGABLE WATERS.** See Rivers and Harbors Appropriation Act of 1899.
- OFFSET OF WORKERS' COMPENSATION AWARDS AGAINST PENSION BENEFITS.** See Employee Retirement Income Security Act of 1974.
- OHIO.** See Certiorari, 1.
- OIL AND GAS LEASES.** See Mineral Leasing Act of 1920.
- ONE-PERSON, ONE-VOTE PRINCIPLE.** See Constitutional Law, III, 2.
- OUT-OF-STATE INSURANCE COMPANIES.** See Constitutional Law, I, 1; III, 1.
- PARENT AND CHILD.** See Certiorari, 2.
- PAROCHIAL SCHOOLS.** See Internal Revenue Code, 2.
- PENNSYLVANIA.** See Developmentally Disabled Assistance and Bill of Rights Act.
- PENSION PLANS.** See Employee Retirement Income Security Act of 1974.
- POLICE INTERROGATIONS.** See Constitutional Law, V, 2; Stays, 1.
- POLLUTION.** See Federal Water Pollution Control Act.
- PRE-EMPTION OF STATE LAW BY FEDERAL LAW.** See Constitutional Law, VII; Employee Retirement Income Security Act of 1974; Social Security Act.

PREJUDICE OF PROSPECTIVE JURORS AGAINST MEXICANS.

See *Juries*.

PRELIMINARY INJUNCTIONS. See *Rehabilitation Act of 1973*.**PRICE DISCRIMINATION.** See *Antitrust Acts, 3*.**PRICE FIXING.** See *Antitrust Acts, 1*.**PRISON OFFICIALS' LIABILITY FOR LOSS OF PRISONERS' MAIL.** See *Civil Rights Act of 1871*.**PRIVACY RIGHTS.** See *Constitutional Law, VI*.**PRIVATE PENSION PLANS.** See *Employee Retirement Income Security Act of 1974*.**PRIVATE RIGHTS OF ACTION.** See *Rivers and Harbors Appropriation Act of 1899*.**PRIVILEGE AGAINST SELF-INCRIMINATION.** See *Constitutional Law, IV; V, 2*.**PRODUCTION OF VIDEOTAPES.** See *Stays, 2*.**PROPERTY OWNERSHIP AS QUALIFICATION FOR VOTING.** See *Constitutional Law, III, 2*.**PROSECUTION'S RIGHT TO APPEAL.** See *Criminal Law*.**PROSPECTIVE JURORS' RACIAL PREJUDICE.** See *Juries*.**PSYCHIATRIC EXAMINATIONS.** See *Constitutional Law, IV; V, 1*.**PUBLIC LANDS.** See *Mineral Leasing Act of 1920*.**QUALIFICATIONS FOR VOTING.** See *Constitutional Law, III, 2*.**RACIAL DISCRIMINATION.** See *Civil Rights Act of 1866; Constitutional Law, VIII*.**RACIAL PREJUDICE OF PROSPECTIVE JURORS.** See *Juries*.**REDUCING PENSION BENEFITS BY AMOUNT OF WORKERS' COMPENSATION AWARD.** See *Employee Retirement Income Security Act of 1974*.**REHABILITATION ACT OF 1973.**

Deaf student—University's refusal to pay for sign-language interpreter—Preliminary injunction.—In deaf graduate student's action for injunctive relief on ground that university had allegedly violated § 504 of Act by discriminatorily refusing to pay for a sign-language interpreter for student, question whether District Court had properly issued a preliminary injunction—Court of Appeals having affirmed grant of injunction and university having in meantime paid for interpreter for student who

REHABILITATION ACT OF 1973—Continued.

then graduated—is moot, but question whether university must pay for interpreter remains for trial on merits. *University of Texas v. Camenisch*, p. 390.

REMOVAL OF STATE PROSECUTION TO FEDERAL COURT. See **Criminal Law**.

"RETALIATORY" TAX AGAINST FOREIGN INSURANCE COMPANIES. See **Constitutional Law**, I, 1; III, 1.

RETIREMENT BENEFITS. See **Employee Retirement Income Security Act of 1974**.

REVENUES FROM GOVERNMENT OIL AND GAS LEASES. See **Mineral Leasing Act of 1920**.

RIGHT TO COUNSEL. See **Constitutional Law**, V; **Stays**, 1.

RIGHT TO REMAIN SILENT. See **Constitutional Law**, IV.

RIVERS AND HARBORS APPROPRIATION ACT OF 1899.

Prohibition of obstructions to navigable waters—Private right of action to enforce.—No private right of action can be implied on behalf of those allegedly injured by claimed violation of § 10 of Act, which prohibits creation of any obstruction to navigable capacity of waters of United States not affirmatively authorized by Congress, and thus environmental organization and private citizens may not maintain federal-court action to enjoin, as violating § 10, construction and operation of water diversion facilities that are part of California water allocation project. *California v. Sierra Club*, p. 287.

ROBINSON-PATMAN ACT. See **Antitrust Acts**, 3.

"SALES INCENTIVE" PROGRAMS OF AUTOMOBILE MANUFACTURERS. See **Antitrust Acts**, 3.

SEARCHES AND SEIZURES. See **Constitutional Law**, VI.

SECRETARY OF THE INTERIOR. See **Mineral Leasing Act of 1920**.

SELECTIVE ENFORCEMENT OF OBSCENITY LAWS. See **Certiorari**, 1.

SELF-INCRIMINATION. See **Constitutional Law**, IV; V, 2.

SENTENCE TO LIFE IMPRISONMENT AFTER MURDER CONVICTION AS PRECLUDING DEATH PENALTY ON RETRIAL. See **Constitutional Law**, II.

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

SEX DISCRIMINATION. See **Equal Pay Act of 1963**.

SHERMAN ACT. See Antitrust Acts, 1.

SHIPOWNERS' LIABILITY FOR INJURIES TO LONGSHOREMEN.

See Longshoremen's and Harbor Workers' Compensation Act.

SIGN-LANGUAGE INTERPRETERS FOR DEAF STUDENTS. See Rehabilitation Act of 1973.

SIXTH AMENDMENT. See Constitutional Law, V, 1; Stays, 1.

SMUGGLING ALIENS INTO COUNTRY. See Juries.

SOCIAL SECURITY ACT.

Medicaid benefits—Effect of transfer of assets by claimant—Validity of state law.—Court of Appeals' decision upholding, as not in conflict with governing federal law, a California statute that denied Medicaid benefits to "medically needy" persons because of their previous transfers of assets for less than full consideration is vacated, and case is remanded for reconsideration in light of subsequent amendment of Social Security Act which alters federal standards governing state Medicaid plans with respect to transfer-of-asset rules. *Beltran v. Myers*, p. 625.

SOUTH DAKOTA. See Internal Revenue Code, 2.

SPENDING POWER OF CONGRESS. See Developmentally Disabled Assistance and Bill of Rights Act.

STAGE PERFORMERS. See Antitrust Acts, 2.

STATE "RETALIATORY" TAX AGAINST FOREIGN INSURANCE COMPANIES. See Constitutional Law, I, 1; III, 1.

STATE'S RIGHT TO APPEAL IN CRIMINAL CASES. See Criminal Law.

STATE TAX ON "FIRST USE" OF NATURAL GAS. See Constitutional Law, I, 2; VII; Jurisdiction.

STATE UNEMPLOYMENT COMPENSATION TAXES. See Internal Revenue Code, 2.

STATE WATER ALLOCATION PROJECTS. See Rivers and Harbors Appropriation Act of 1899.

STATUTES OF LIMITATIONS. See Labor Management Relations Act, 1.

STAYS.

1. *Criminal prosecution—Right to counsel.*—Application by State to stay California Court of Appeal's judgment reversing respondent's conviction on ground that he had not been properly advised of his right to services of a free attorney before and during police interrogation that resulted in

STAYS—Continued.

incriminating statements which were admitted at trial, is granted. *California v. Prysock* (REHNQUIST, J., in chambers), p. 1301.

2. *Internal Revenue Service's summonses—Production of videotapes.*—On application for a stay pending appeal to Court of Appeals of District Court's judgment ordering applicants to turn over certain videotapes to Internal Revenue Service, which had issued summonses for production of videotapes, a temporary stay previously granted by Circuit Justice is continued pending further action by full Court. *Becker v. United States* (REHNQUIST, J., in chambers), p. 1306.

STEVEDORES. See *Longshoremen's and Harbor Workers' Compensation Act*.

STREET CLOSINGS. See *Civil Rights Act of 1866; Constitutional Law, VIII*.

STRIKES. See *Labor Management Relations Act, 3*.

SUMMONSES IN TAX INVESTIGATIONS. See *Stays, 2*.

SUPREMACY CLAUSE. See *Constitutional Law, VII*.

SUPREME COURT. See *Certiorari; Jurisdiction*.

TAXES. See *Constitutional Law, I; III, 1; VII; Internal Revenue Code; Jurisdiction; Stays, 2*.

TEXAS. See *Constitutional Law, IV; V, 1*.

THEATRICAL AGENTS. See *Antitrust Acts, 2*.

THIRTEENTH AMENDMENT. See *Constitutional Law, VIII*.

TRANSFER OF ASSETS AS AFFECTING RIGHT TO MEDICAID BENEFITS. See *Social Security Act*.

TREATMENT OF MENTALLY RETARDED PERSONS. See *Developmentally Disabled Assistance and Bill of Rights Act*.

TREBLE DAMAGES. See *Antitrust Acts, 1, 3*.

UNEMPLOYMENT COMPENSATION TAXES. See *Internal Revenue Code, 2*.

UNFAIR REPRESENTATION OF EMPLOYEES BY UNION. See *Labor Management Relations Act, 1, 2*.

UNIONS. See *Antitrust Acts, 2; Equal Pay Act of 1963; Labor Management Relations Act*.

UNIVERSITY'S REFUSAL TO PAY FOR INTERPRETER FOR DEAF STUDENT. See *Rehabilitation Act of 1973*.

VACATION OF ARBITRATION AWARDS. See **Labor Management Relations Act**, 1.

VIDEOTAPES. See **Stays**, 2.

VOIR DIRE EXAMINATION OF PROSPECTIVE JURORS. See **Juries**.

VOTING RIGHTS. See **Constitutional Law**, III, 2.

WAGE DIFFERENTIALS BASED ON SEX. See **Equal Pay Act of 1963**.

WAIVER OF RIGHT TO COUNSEL. See **Constitutional Law**, V, 2.

WARRANTLESS SEARCHES. See **Constitutional Law**, VI.

WATER DISTRICTS. See **Constitutional Law**, III, 2.

WATER POLLUTION. See **Federal Water Pollution Control Act**.

WELFARE BENEFITS. See **Social Security Act**.

WILDCAT STRIKES. See **Labor Management Relations Act**, 3.

WILDLIFE REFUGE REVENUE SHARING ACT. See **Mineral Leasing Act of 1920**.

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

WORDS AND PHRASES.

1. "*In the employ of . . . a church or convention or association of churches.*" § 3309 (b) (1) (A), Internal Revenue Code of 1954, 26 U. S. C. § 3309 (b) (1) (A). *St. Martin Evangelical Lutheran Church v. South Dakota*, p. 772.

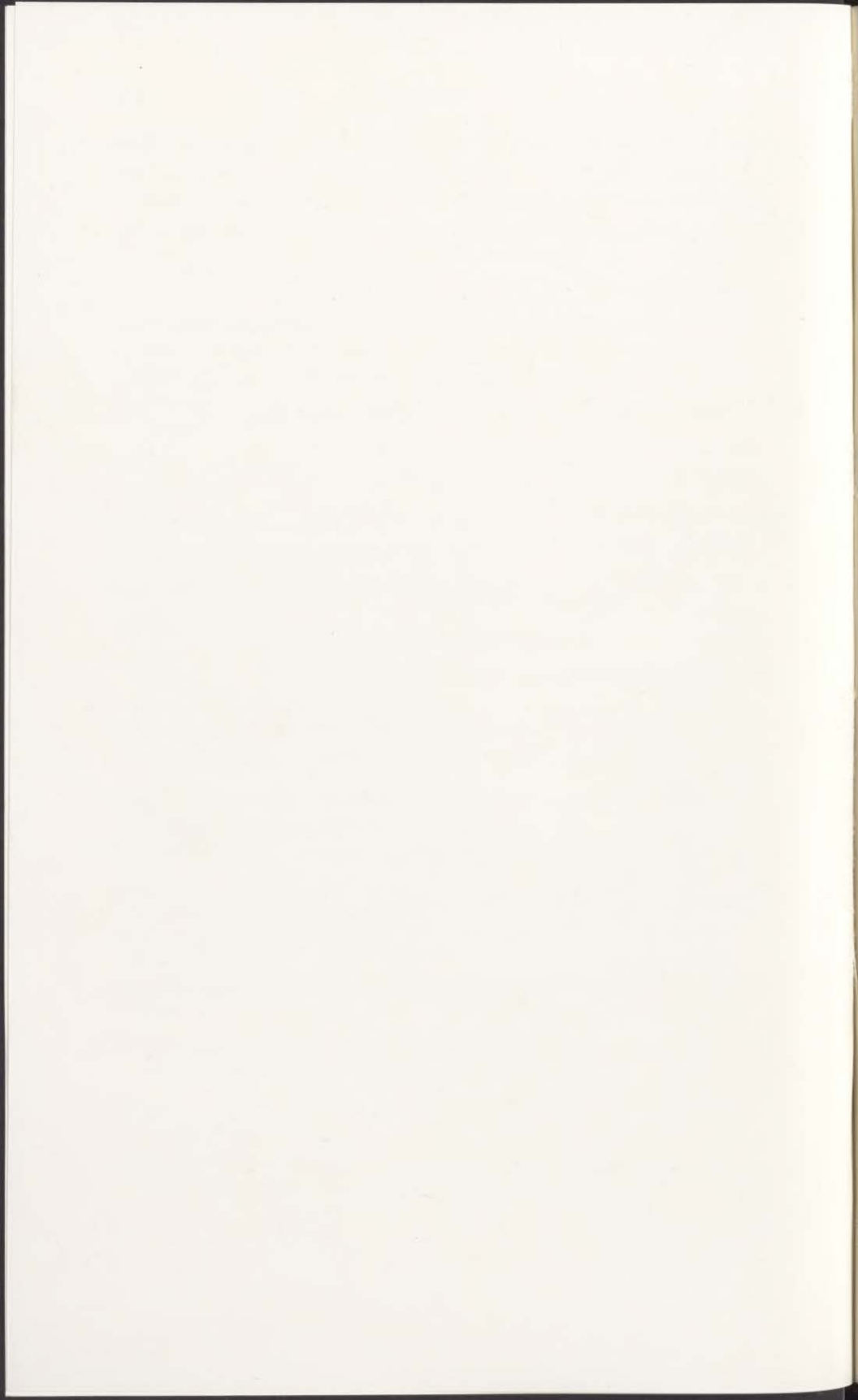
2. "*Minerals.*" § 401 (a), Wildlife Refuge Revenue Sharing Act, 16 U. S. C. § 715s (a) (1976 ed., Supp. III). *Watt v. Alaska*, p. 259.

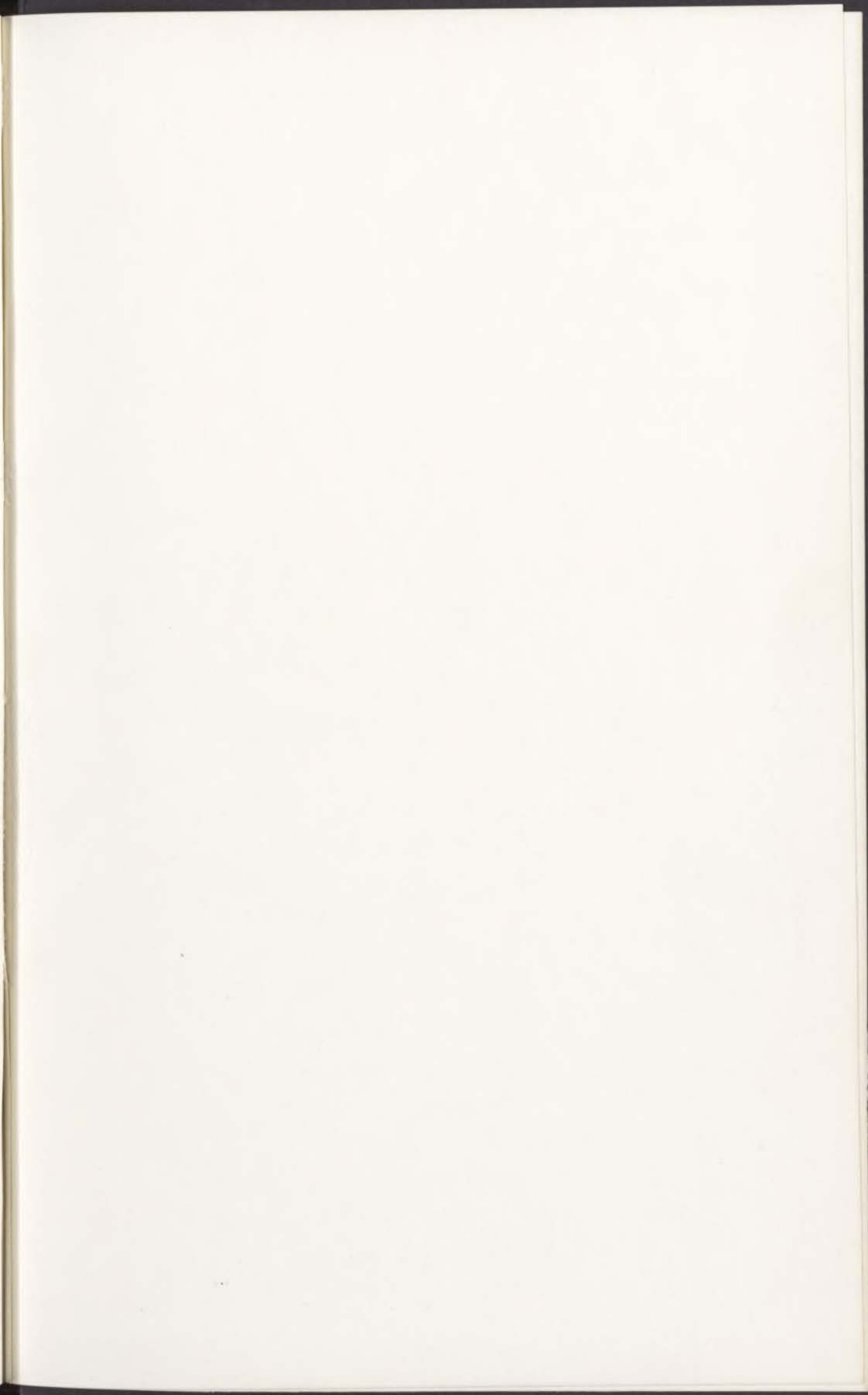
3. "*Who shall be injured in his business or property.*" § 4, Clayton Act, 15 U. S. C. § 15. *J. Truett Payne Co. v. Chrysler Motors Corp.*, p. 557.

WORKERS' COMPENSATION. See **Employee Retirement Income Security Act of 1974**; **Longshoremen's and Harbor Workers' Compensation Act**.

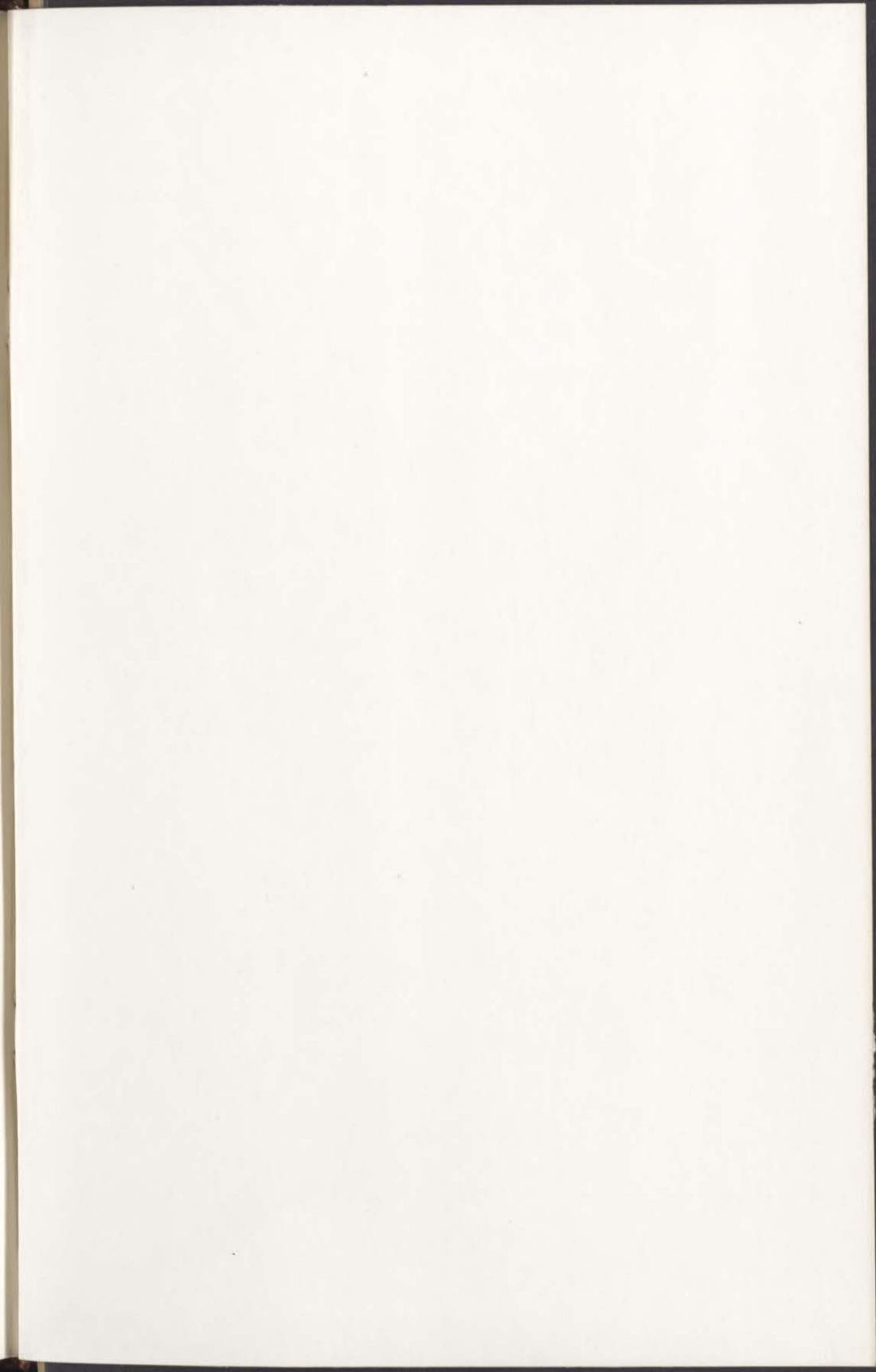
WRONGFUL DISCHARGES OF EMPLOYEES. See **Labor Management Relations Act**, 1, 2.

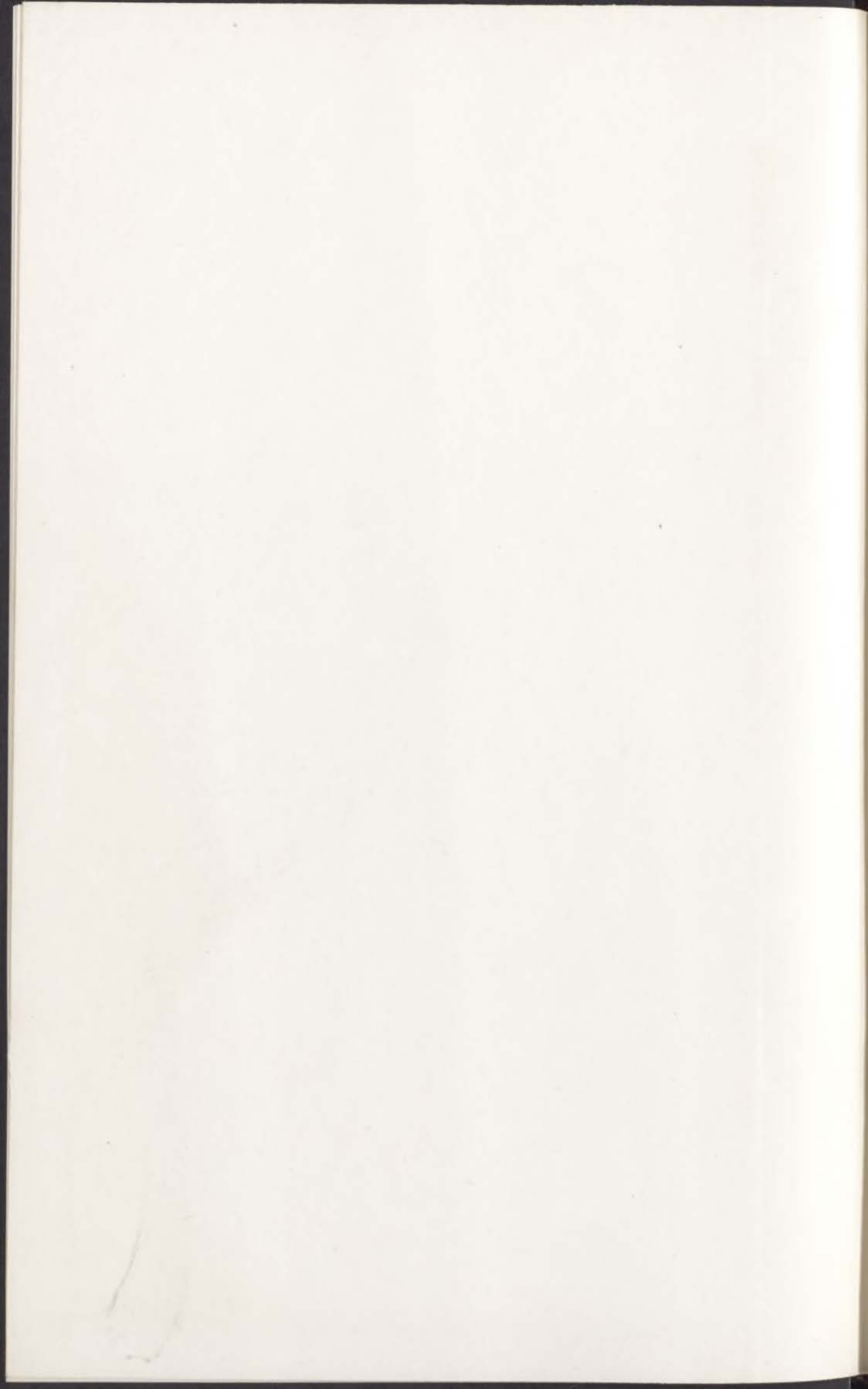


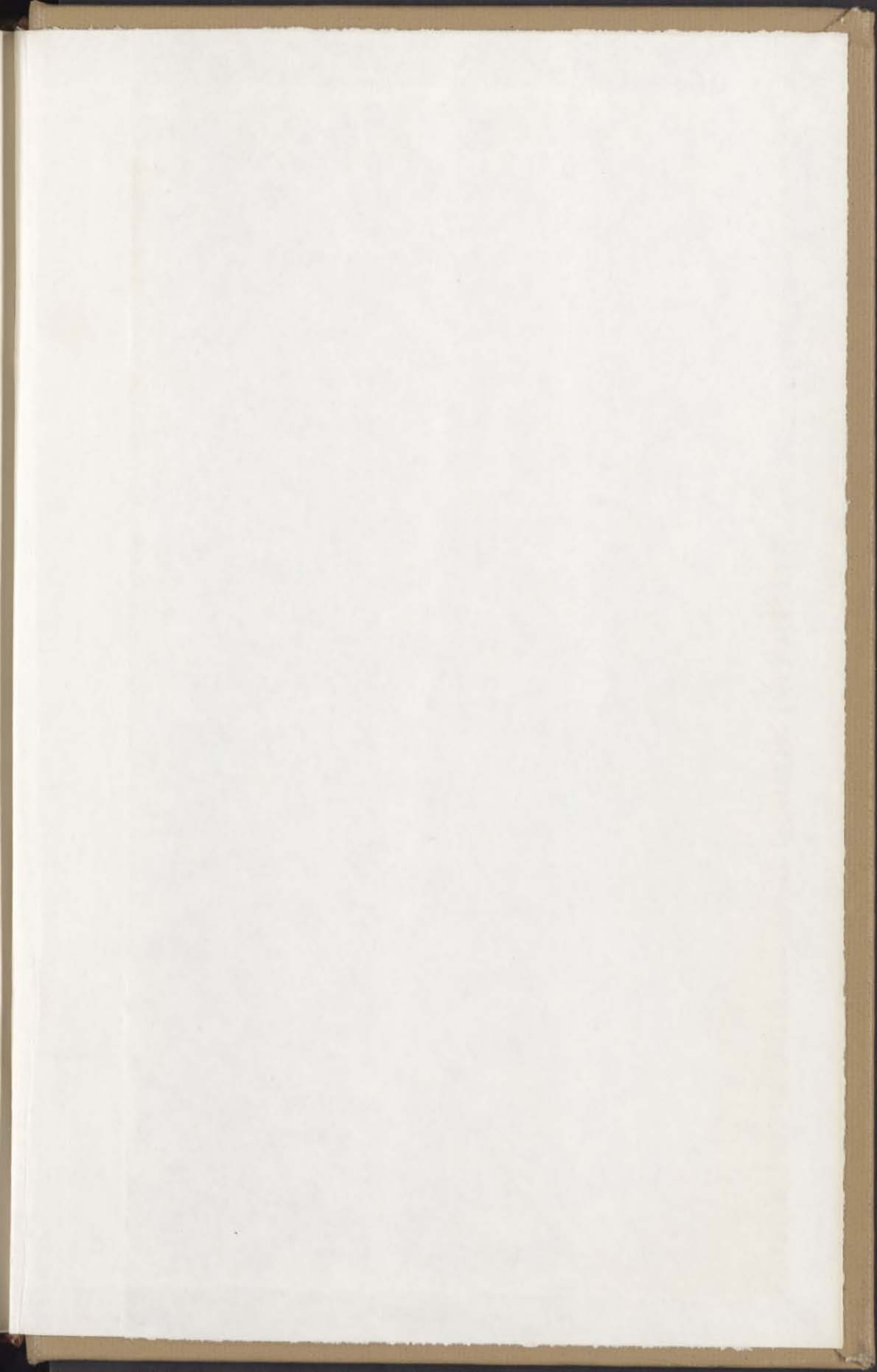














IF OAMGENPUB0367
607US PW 263754111 - 000125
M -47-01-1-05-0001-1-06
SKP:837071233 - 00007 CUS
NRM
Place Holder Srv: 10/21 5:00pm EE
R  Mich