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CIVIL RIGHTS ACT OF 1964. See **Employee Retirement Income Security Act of 1974**.

1. *Employment discrimination — Discriminatory intent — Relief.* — Where—in class action against respondent city officials and entities for alleged violations of Title VI of Act because “last-hired, first-fired” policy had resulted in disproportionate layoffs of black and Hispanic police officers hired in order of their test scores that were lower than those of similarly situated whites—(1) District Court held that proof of discriminatory effect was sufficient for Title VI relief and ordered certain relief based on award to each class member of constructive seniority, but (2) Court of Appeals reversed, holding that Title VI relief could not be sustained because proof of discriminatory intent was required, Court of Appeals' judgment

CIVIL RIGHTS ACT OF 1964—Continued.

was affirmed. *Guardians Assn. v. Civil Service Comm'n of New York City*, p. 582.

2. *Retirement plan—State employees—Sex discrimination.*—Arizona's retirement plan for its employees—whereby they have option of receiving benefits from one of several companies selected by State, all of which pay lower monthly benefits to a woman than to a man who has made the same contributions—discriminates on basis of sex in violation of Title VII of Act, and all benefits derived from future contributions must be calculated without regard to beneficiary's sex; however, benefits derived from prior contributions may be calculated as provided by existing terms of Arizona plan. *Arizona Governing Committee v. Norris*, p. 1073.

CLEAN AIR ACT.

Emissions standards—Unsuccessful challenge—Attorney's fees.—Absent some degree of success on merits by claimant in action for review of Environmental Protection Agency's emission standards, it is not "appropriate" for a federal court to award attorney's fees under § 307(f) of Act, and thus Court of Appeals should not have granted attorney's fees to respondents after rejecting their challenges to standards limiting coal-burning powerplants' sulfur dioxide emissions. *Ruckelshaus v. Sierra Club*, p. 680.

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I. Cruel and Unusual Punishment.

1. *Capital sentencing hearing—Instructions—Governor's power to commute sentence.*—Eighth and Fourteenth Amendments do not prohibit an instruction permitting capital sentencing jury at penalty phase of state-court trial to consider Governor's power to commute a life sentence without possibility of parole; nor is such instruction unconstitutional because it fails to inform jury also of Governor's power to commute a death sentence. *California v. Ramos*, p. 992.

CONSTITUTIONAL LAW—Continued.

2. *Disproportionate punishment—Sentence as recidivist.*—Respondent's life sentence without possibility of parole was significantly disproportionate to his crime, and was therefore prohibited by Eighth Amendment, where he was convicted of uttering a "no account" check for \$100, a crime ordinarily having a maximum penalty of five years' imprisonment and a \$5,000 fine, and was sentenced under South Dakota's recidivist statute because of six prior felony convictions, all of which were neither violent nor a crime against a person; possibility of commutation of a life sentence under South Dakota law was not sufficient to save respondent's otherwise unconstitutional sentence. *Solem v. Helm*, p. 277.

II. Due Process.

1. *Acquittal because of insanity—Confinement in mental hospital.*—When a criminal defendant (such as petitioner, who was tried for an offense under District of Columbia Code) establishes by a preponderance of evidence that he is not guilty by reason of insanity, Constitution permits Government to confine him to a mental institution until he has regained his sanity or is no longer a danger to himself or society, and he is not entitled to release merely because he has been hospitalized longer than he could have been incarcerated if convicted. *Jones v. United States*, p. 354.

2. *Adoption of illegitimate child—Notice to putative father.*—Where (1) appellant putative father of a child born out of wedlock had never established a substantial relationship with his child and had not entered his name in "putative father registry," which would have entitled him under New York law to notice of adoption proceedings, and (2) appellant was not notified of adoption proceeding instituted by child's mother and her husband, appellant's rights under Due Process and Equal Protection Clauses were not violated by failure of New York law to require that notice be given to him. *Lehr v. Robertson*, p. 248.

3. *Capital sentencing hearing—Psychiatric testimony.*—State's use at capital sentencing hearing of psychiatric testimony predicting petitioner's dangerousness, based on hypothetical questions, did not violate petitioner's right to due process; Federal Court of Appeals did not err in refusing to stay petitioner's death sentence pending appeal of District Court's denial of habeas corpus relief, since it was clear that Court of Appeals ruled on merits of petitioner's claim in denying stay and that petitioner had ample opportunity to address merits. *Barefoot v. Estelle*, p. 880.

4. *Drunken driving—Implied-consent statute—Arresting officer's affidavit.*—Due Process Clause does not require an arresting officer in enforcing Illinois implied-consent statute—which provides that a driver may request a hearing prior to suspension of his license for refusing to take a breath-analysis test after his arrest for drunken driving—to recite in affidavit, required by statute, specific evidentiary matters constituting underlying circumstances which provided officer with a reasonable belief that

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arrestee was driving under influence of intoxicating liquor. *Illinois v. Batchelder*, p. 1112.

5. *Wounding of criminal suspect by police—Responsibility for medical treatment.*—Due Process Clause, rather than Eighth Amendment's proscription of cruel and unusual punishment, requires responsible governmental entity to provide medical care to persons who have been injured while being apprehended by police, and respondent hospital had Art. III standing to raise constitutional claim against petitioner city where a city police officer had wounded a fleeing suspect who was then taken to hospital for treatment; however, state law, rather than Federal Constitution, governs how cost of medical care should be allocated as between governmental entity and provider of care. *Revere v. Massachusetts General Hospital*, p. 239.

III. Establishment of Religion.

1. *State income tax—Deduction for educational expenses.*—A Minnesota statute that allows state taxpayers, in computing their state income tax, to deduct expenses incurred in providing tuition, textbooks, and transportation for their children attending an elementary or secondary school does not violate Establishment Clause. *Mueller v. Allen*, p. 388.

2. *State legislature—Prayer to open session.*—Nebraska Legislature's practice of beginning each of its sessions with a prayer by a chaplain selected by legislature and paid by State does not violate Establishment Clause. *Marsh v. Chambers*, p. 783.

IV. Freedom of Speech.

Advertisements—Contraceptives.—Title 39 U. S. C. § 3001(e)(2), which prohibits mailing of unsolicited advertisements for contraceptives, is unconstitutional as applied to appellee contraceptive manufacturer's proposed mailings of unsolicited advertisements including informational pamphlets promoting its products but also discussing venereal disease and family planning. *Bolger v. Youngs Drug Products Corp.*, p. 60.

V. Right to Counsel.

Counsel's duty to raise issues on appeal.—Defense counsel assigned to prosecute an appeal from a criminal conviction does not have a constitutional duty to raise every nonfrivolous issue requested by defendant. *Jones v. Barnes*, p. 745.

VI. Searches and Seizures.

1. *Container search—Reseizure after "controlled delivery."*—Where (1) locked container was opened by a customs officer at an airport and marijuana was discovered concealed in a table therein, (2) table and container were resealed and delivered to respondent, (3) one officer saw respondent take container into his apartment and maintained surveillance while an-

CONSTITUTIONAL LAW—Continued.

other officer went for a warrant to search apartment, (4) some 30 or 45 minutes after delivery, but before other officer could return with a warrant, respondent emerged from apartment with container and was immediately arrested, and (5) container was reopened at station house and marihuana concealed in table was seized, warrantless reopening of container did not violate respondent's Fourth Amendment rights. *Illinois v. Andreas*, p. 765.

2. *Protective search—Passenger compartment of automobile.*—Where (1) police officers stopped to investigate when car being erratically driven by respondent swerved into ditch, (2) respondent, who was then standing at rear of car, did not respond to initial request to produce his license and registration and began walking toward car door, (3) officers, upon observing hunting knife on car floor, stopped respondent and conducted a patdown search, which revealed no weapons, (4) one of officers then saw something protruding from under armrest on front seat, raised armrest, and saw an open pouch that contained what appeared to be marihuana, and (5) a further search of car's passenger compartment, after respondent was arrested, revealed no more contraband, protective search of passenger compartment was reasonable under Fourth Amendment. *Michigan v. Long*, p. 1032.

VII. Self-Incrimination.

Confessions—Custodial interrogation—Miranda warnings.—Where (1) after respondent informed police of a homicide in which he was involved, he voluntarily accompanied them to station house, having been told he was not under arrest, (2) he was not given *Miranda* warnings and was allowed to leave after a brief interview, (3) he was arrested five days later, received *Miranda* warnings, and gave a second confession in which he admitted the voluntariness of his earlier interview, and (4) his statements at both interviews were admitted in evidence at his state-court trial, which resulted in a conviction, *Miranda* warnings were not required at his first interview, which did not constitute "custodial interrogation." *California v. Beheler*, p. 1121.

CONTAINER SEARCHES. See **Constitutional Law**, VI, 1.

CONTRACEPTIVE ADVERTISEMENTS. See **Constitutional Law**, IV.

CORPORATE FRANCHISE TAXES. See **State Corporate Franchise Taxes**.

CRIMINAL LAW. See **Bail**; **Constitutional Law**, I; II, 2, 3, 5; V; VI; VII; **Death Penalty**; **Federal Rules of Criminal Procedure**; **Stays**, 1, 8-10.

CRUEL AND UNUSUAL PUNISHMENT. See **Constitutional Law**, I; II, 5.

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

DEATH PENALTY. See also **Constitutional Law, I, 1; II, 3; Stays, 1, 9, 10.**

Aggravating circumstances—Prior criminal record.—Where Florida trial judge, after capital sentencing hearing, rejected jury's recommendation of life imprisonment and sentenced petitioner to death—judge having found existence of several statutory aggravating circumstances and no mitigating circumstances, but also having (improperly under Florida law) considered petitioner's prior criminal record as an aggravating circumstance—Florida Supreme Court's judgment, affirming trial court's judgment, was affirmed. *Barclay v. Florida*, p. 939.

DISABILITY BENEFITS. See **Employee Retirement Income Security Act of 1974; Stays, 6.**

DISCLOSURE BY ENVIRONMENTAL PROTECTION AGENCY OF HEALTH AND SAFETY DATA. See **Stays, 5.**

DISCLOSURE OF GRAND JURY RECORDS. See **Federal Rules of Criminal Procedure.**

DISCLOSURE OF INSIDE INFORMATION. See **Securities Regulation.**

DISCRIMINATION BASED ON PREGNANCY. See **Employee Retirement Income Security Act of 1974.**

DISCRIMINATION BASED ON RACE. See **Civil Rights Act of 1964, 1.**

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DISCRIMINATION IN EMPLOYMENT. See **Civil Rights Act of 1964; Employee Retirement Income Security Act of 1974.**

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DISTRICT OF COLUMBIA. See **Constitutional Law, II, 1.**

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EIGHTH AMENDMENT. See *Constitutional Law*, I; II, 5.

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EMISSION STANDARDS. See *Clean Air Act*.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

See also *Jurisdiction*, 2.

Pre-emption of state law—Disability benefits—Discrimination based on pregnancy.—New York's Human Rights Law is pre-empted with respect to ERISA benefit plans only insofar as it prohibits practices that are lawful under federal law, and thus is not pre-empted to extent that it provides means of enforcing commands of Title VII of Civil Rights Act of 1964 proscribing discrimination based on pregnancy; New York's Disability Benefits Law, requiring employers to pay sick-leave benefits to employees unable to work because of pregnancy, is not pre-empted by ERISA with respect to separately administered disability plans maintained by employers solely to comply with State's law. *Shaw v. Delta Air Lines, Inc.*, p. 85.

EMPLOYER AND EMPLOYEES. See *Civil Rights Act of 1964*; *Employee Retirement Income Security Act of 1974*; *National Labor Relations Act*, 1.

EMPLOYMENT DISCRIMINATION. See *Civil Rights Act of 1964*, 2; *Employee Retirement Income Security Act of 1974*.

ENVIRONMENTAL PROTECTION AGENCY. See *Clean Air Act*; *Stays*, 5.

EQUAL PROTECTION OF THE LAWS. See *Constitutional Law*, II, 2.

ESTABLISHMENT OF RELIGION. See *Constitutional Law*, III.

FEDERAL ENERGY REGULATORY COMMISSION. See *Natural Gas Policy Act of 1978*.

FEDERAL INCOME TAXES. See *Federal Rules of Criminal Procedure*, 2.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT. See *Stays*, 5.

FEDERAL-QUESTION JURISDICTION. See *Jurisdiction*, 2.

FEDERAL RULES OF CIVIL PROCEDURE. See *Stays*, 2.

FEDERAL RULES OF CRIMINAL PROCEDURE.

1. *Grand jury materials—Disclosure to Government attorneys and their staff.*—Attorneys in Civil Division of Justice Department and their

FEDERAL RULES OF CRIMINAL PROCEDURE—Continued.

assistants and staff may not obtain automatic disclosure under Rule 6(e)(3)(A)(i) of grand jury materials for use in a civil suit, but instead must seek a court order for access to such materials under Rule 6(e)(3)(C)(i), requiring a strong showing of particularized need for disclosure. *United States v. Sells Engineering, Inc.*, p. 418.

2. *Grand jury materials—Disclosure to IRS.*—Where Government sought disclosure of grand jury materials to Internal Revenue Service for use in an audit to determine civil income tax liability of respondent, who had been target of grand jury's investigation that did not result in an indictment, disclosure was not available under Rule 6(e)(3)(C)(i) since audit was not "preliminar[y] to or in connection with a judicial proceeding." *United States v. Baggott*, p. 476.

FEDERAL-STATE RELATIONS. See *Bail, 2; Employee Retirement Income Security Act of 1974; Intoxicating Liquors; Jurisdiction; National Labor Relations Act, 1; State Corporate Franchise Taxes; State Property Taxes; Stays, 2.*

FIRST AMENDMENT. See *Civil Rights Act of 1871; Constitutional Law, III; IV; Stays, 7, 8.*

"FIRST SALES" OF NATURAL GAS. See *Natural Gas Policy Act of 1978.*

FLORIDA. See *Death Penalty.*

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FOREIGN COMMERCE CLAUSE. See *State Corporate Franchise Taxes.*

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FOURTEENTH AMENDMENT. See *Constitutional Law, I, 1; II, 2, 4, 5; III, 2.*

FOURTH AMENDMENT. See *Constitutional Law, VI.*

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FREEDOM OF ASSOCIATION. See *Civil Rights Act of 1871.*

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- INSANITY DEFENSE TO CRIMINAL CHARGE.** See Constitutional Law, II, 1.
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- INTERROGATIONS BY POLICE.** See Constitutional Law, VII.
- INTOXICATING LIQUORS.**

Indian reservations—State license requirements—Pre-emption by federal law.—California may properly require respondent, a federally licensed Indian trader who operates a general store on an Indian reservation in California, to obtain a state license to sell liquor for off-premises consumption; 18 U. S. C. § 1161 authorizes, rather than pre-empts, state regulation of Indian liquor transactions. *Rice v. Rehner*, p. 713.

JURISDICTION.

1. *Indian water rights—State-court jurisdiction.*—McCarran Amendment, which waived United States' immunity as to comprehensive state water rights adjudications, removed any limitations that Enabling Acts admitting States to Union or federal policy may have originally placed on state-court jurisdiction over Indian water rights, and where state courts have jurisdiction to adjudicate Indian water rights, concurrent federal suits—even though brought by Indian tribes rather than Government and even though seeking adjudication only of Indian water rights—are subject to dismissal. *Arizona v. San Carlos Apache Tribe*, p. 545.

2. *State-court action—Removal to federal court.*—Where petitioner Tax Board, in California state-court action against respondent trust (established to administer a bargaining agreement's provisions as to workers' vacations) and trustees, asserted that (1) trust was liable for damages for its failure to comply with tax levies under a California statute, and (2) a judgment should be issued declaring parties' rights in view of respondents' contention that federal Employee Retirement Income Security Act of 1974 pre-empted state law and trustees lacked power to honor levies, case was not within Federal District Court's removal jurisdiction since, under "well-pleaded complaint" rule, case did not fall within "federal question" jurisdiction. *Franchise Tax Board of Cal. v. Construction Laborers Vacation Trust for Southern California*, p. 1.

3. *Supreme Court—Review of state-court decision.*—This Court does not lack jurisdiction to decide a case on asserted ground that state-court decision below rested on an adequate and independent state ground, where decision below fairly appears to rest primarily on federal law or to be interwoven with federal law, and where adequacy and independence of any possible state-law ground is not clear from face of opinion. *Michigan v. Long*, p. 1032.

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NATIONAL LABOR RELATIONS ACT.

1. *Strikes—Replacement employees—State causes of action—Pre-emption.*—Where petitioner hired respondents as replacements for striking employees and assured respondents that they would be permanent replacements, but petitioner—pursuant to settlement with union of mutual unfair labor practice charges filed with National Labor Relations Board—later laid off respondents to make room for returning strikers, respondents' causes of action in Kentucky state-court suit against petitioner to recover damages for misrepresentation and breach of contract were not pre-empted by Act. *Belknap, Inc. v. Hale*, p. 491.

2. *Unfair labor practices—Secondary boycotts—Union's handbilling at shopping center.*—Where, because of a dispute between respondent union and a contractor retained by a department store company to construct a store in petitioner's shopping center, union passed out handbills urging consumers not to patronize any of stores in center until petitioner publicly promised that all construction at center would be done by contractors who paid their employees fair wages and fringe benefits, handbilling did not come within "publicity proviso" of § 8(b)(4) of Act, which exempts certain publicity from that section's prohibition of secondary boycotts. *Edward J. DeBartolo Corp. v. NLRB*, p. 147.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966.

Motor vehicle passive restraints—Rescission of regulation.—National Highway Traffic Safety Administration's rescission under Act of agency's 1977 standard requiring that motor vehicles produced after September 1982 be equipped with passive restraints (automatic seatbelts or airbags), because agency could no longer find that requirement would produce significant safety benefits, was arbitrary and capricious. *Motor Vehicle Mfrs. Assn. v. State Farm Mut. Automobile Ins. Co.*, p. 29.

NATURAL GAS ACT. See **Natural Gas Policy Act of 1978.**

NATURAL GAS POLICY ACT OF 1978.

Prices for "first sales"—FERC regulations.—With regard to Federal Energy Regulatory Commission's regulations implementing Act's provisions relating to maximum prices for "first sales" of natural gas, Commission's exclusion of pipeline production from Act's pricing scheme was inconsistent with statutory mandate and Congress' intent; however, Commission has discretion in deciding which transfer by pipeline—intra-corporate or downstream—should receive "first sale" treatment. *Public Service Comm'n v. Mid-Louisiana Gas Co.*, p. 319.

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- SECURITIES EXCHANGE ACT OF 1934.** See *Securities Regulation*.
- SECURITIES REGULATION.**
- Inside trading—Tippee's duty to disclose information.*—Where (1) petitioner officer of a broker-dealer received information from a former officer of an insurance company that its assets were overstated as a result of fraudulent corporate practices, (2) petitioner, during his investigation of allegations, urged *Wall Street Journal* to publish a story on fraud allegations and discussed his investigation with clients and investors, some of whom sold their holdings in company, and (3) fraud was subsequently disclosed to public, petitioner had no duty, under principles governing inside trading and tippees' disclosure obligations, to abstain from use of inside information and thus did not violate § 10(b) of *Securities Exchange Act of 1934* or *Securities and Exchange Commission's Rule 10b-5*. *Dirks v. SEC*, p. 646.
- SELF-INCRIMINATION.** See *Constitutional Law*, VII.
- SENIORITY RIGHTS OF EMPLOYEES.** See *Civil Rights Act of 1964*, 1.
- SEX DISCRIMINATION.** See *Civil Rights Act of 1964*, 2.
- SHOPPING CENTER BOYCOTTS.** See *National Labor Relations Act*, 2.

- SKETCHING JURORS DURING TRIAL.** See *Stays*, 8.
- SOCIAL SECURITY DISABILITY BENEFITS.** See *Stays*, 6.
- SOVEREIGN'S IMMUNITY FROM SUIT.** See *Jurisdiction*, 1; *Tucker Act*.
- STANDARD OF PROOF OF INSANITY.** See *Constitutional Law*, II, 1.
- STANDING TO SUE.** See *Constitutional Law*, II, 5.
- STATE CORPORATE FRANCHISE TAXES.**

Application to unitary businesses—Foreign subsidiaries—Validity of California law.—California properly applied “unitary business” principle of its corporate franchise tax to appellant Delaware corporation (doing business in California and elsewhere) and its overseas subsidiaries (operating in foreign countries), and properly applied formula apportionment as to income of that unitary business; California had no obligation under Foreign Commerce Clause to employ “arm’s-length” analysis used by Federal Government and most foreign nations in evaluating tax consequences of intercorporate relationships, and California’s tax was not pre-empted by federal law or inconsistent with federal policy. *Container Corp. v. Franchise Tax Board*, p. 159.

STATE INCOME TAXES. See *Constitutional Law*, III, 1.

STATE PROPERTY TAXES.

Bank shares—Computation of tax—United States obligations.—Texas property tax on bank shares—computed on basis of bank’s net assets without any deduction for value of United States obligations held by bank—violates a federal statute exempting United States obligations from computation of state or local taxes; nor is Texas tax authorized by a federal statute prohibiting States from imposing discriminatory taxes on national banks. *American Bank & Trust Co. v. Dallas County*, p. 855.

STAYS. See also *Constitutional Law*, II, 3.

1. *Death sentence.*—Application to stay execution is granted, where execution was set for a date before expiration of period for applicant’s filing a petition for certiorari to review Missouri Supreme Court’s affirmance of his conviction and death sentence. *Williams v. Missouri* (BLACKMUN, J., in chambers), p. 1301.

2. *Injunction—Condemnation—Hawaii Land Reform Act.*—Application to stay an order of Court of Appeals—which, after holding condemnation provisions of Hawaii Land Reform Act unconstitutional, entered challenged order that recalled its mandate for clarification and, pending such clarification, enjoined applicants from pursuing any state proceedings under Act—is denied. *Hawaii Housing Authority v. Midkiff* (REHNQUIST, J., in chambers), p. 1323.

STAYS—Continued.

3. *Injunction—Election of Boston City Council and School Committee.*—Application to stay District Court's judgment—holding unconstitutional, and enjoining elections under, a new districting plan for election of members of Boston City Council and School Committee—is denied. *Bellotti v. Latino Political Action Committee* (BRENNAN, J., in chambers), p. 1319.

4. *Injunction—Football telecasts.*—Application by association of colleges, universities, and athletic conferences to stay lower federal courts' judgments—holding that antitrust laws were violated by applicant's plan involving contracts with television networks for broadcasting football games, and enjoining further implementation of contracts—is granted. *National Collegiate Athletic Assn. v. Board of Regents, Univ. of Okla.* (WHITE, J., in chambers), p. 1311.

5. *Injunction—Registration of pesticides.*—Application to stay injunction of District Court—which held unconstitutional, and enjoined enforcement of, provisions of Federal Insecticide, Fungicide, and Rodenticide Act relating to registration of pesticides with Environmental Protection Agency and to public disclosure of health and safety data—is denied. *Ruckelshaus v. Monsanto Co.* (BLACKMUN, J., in chambers), p. 1315.

6. *Injunction—Termination of social security disability benefits.*—Application by Secretary of Health and Human Services—who had terminated social security disability benefits without first producing evidence that recipient's medical condition had improved, contrary to Ninth Circuit decisions requiring such proof—to stay portion of District Court's preliminary injunction requiring Secretary to pay benefits to reapplying prior recipients until she established their lack of disability through hearings complying with Ninth Circuit rule, is granted pending appeal to Court of Appeals for Ninth Circuit. *Heckler v. Lopez* (REHNQUIST, J., in chambers), p. 1328.

7. *State-court injunction—Exhibiting allegedly obscene movies.*—Application by owner and operator of a drive-in theater to stay Michigan trial court's preliminary injunction—in respondent township's common-law nuisance action based on recent exhibition of allegedly obscene films—prohibiting applicants from showing any films containing scenes of explicit sexual intercourse or other carnal acts, is granted pending decision of their appeal in state courts. *M. I. C., Ltd. v. Bedford Township* (BRENNAN, J., in chambers), p. 1341.

8. *Trial court orders—News media restrictions.*—Application to stay Pennsylvania trial court's orders is granted insofar as they prohibited publication of names or addresses of jurors who served in a homicide trial that has since been completed, but application is denied insofar as orders (1) prohibited sketching, photographing, televising, or videotaping jurors during trial, and (2) restricted access to exhibits. *Capital Cities Media, Inc. v. Toole* (BRENNAN, J., in chambers), p. 1303.

STAYS—Continued.

9. *Vacation of Court of Appeals' stay—Death sentence.*—Application to vacate Court of Appeals' stay of respondent's execution is denied. *Kemp v. Smith* (POWELL, J., in chambers), p. 1321.

10. *Vacation of Court of Appeals' stay—Death sentence.*—Application to vacate stay of execution that Court of Appeals granted pending issuance of its mandate after consideration of respondent's suggestion for an en banc rehearing of court's denial of his petition for habeas corpus, is denied. *Kemp v. Smith* (POWELL, J., in chambers), p. 1344.

STRIKES. See **National Labor Relations Act**, 1.

SUPREME COURT. See also **Jurisdiction**, 3.

Term statistics, p. 1346.

SUSPENSION OF DRIVER'S LICENSE FOR REFUSAL TO TAKE BREATH-ANALYSIS TEST. See **Constitutional Law**, II, 4.

TAXES. See **Constitutional Law**, III, 1; **Federal Rules of Criminal Procedure**, 2; **State Corporate Franchise Taxes**; **State Property Taxes**.

TELEVISIONING FOOTBALL GAMES. See **Stays**, 4.

TELEVISIONING JURORS DURING TRIAL. See **Stays**, 8.

TERMINATION OF SOCIAL SECURITY DISABILITY BENEFITS.
See **Stays**, 6.

TEXAS. See **State Property Taxes**.

TIMBERLANDS IN INDIAN RESERVATIONS. See **Tucker Act**.

TIPPEE'S DUTY TO DISCLOSE INSIDE INFORMATION. See **Securities Regulation**.

TUCKER ACT.

Government's consent to suit—Mismanagement of Indian reservation timberlands.—Act furnishes United States' consent to suit for claims founded upon statutes or regulations that create substantive rights to money damages, and thus Government was accountable in damages for alleged breaches of trust as to its duties to allottees of Indian reservation lands under various federal laws governing United States' management of timberlands in reservation. *United States v. Mitchell*, p. 206.

TWENTY-FIRST AMENDMENT. See **Intoxicating Liquors**.

UNFAIR LABOR PRACTICES. See **National Labor Relations Act**.

UNION CONSPIRACIES AGAINST NONUNION WORKERS. See **Civil Rights Act of 1871**.

UNION'S HANDBILLING AT SHOPPING CENTER. See **National Labor Relations Act**, 2.

"UNITARY BUSINESS" PRINCIPLE. See *State Corporate Franchise Taxes*.

UNITED STATES' IMMUNITY FROM SUIT. See *Jurisdiction*, 1; *Tucker Act*.

UNITED STATES OBLIGATIONS AS EXEMPT FROM TAXATION. See *State Property Taxes*.

VACATION OF STAYS. See *Stays*, 9, 10.

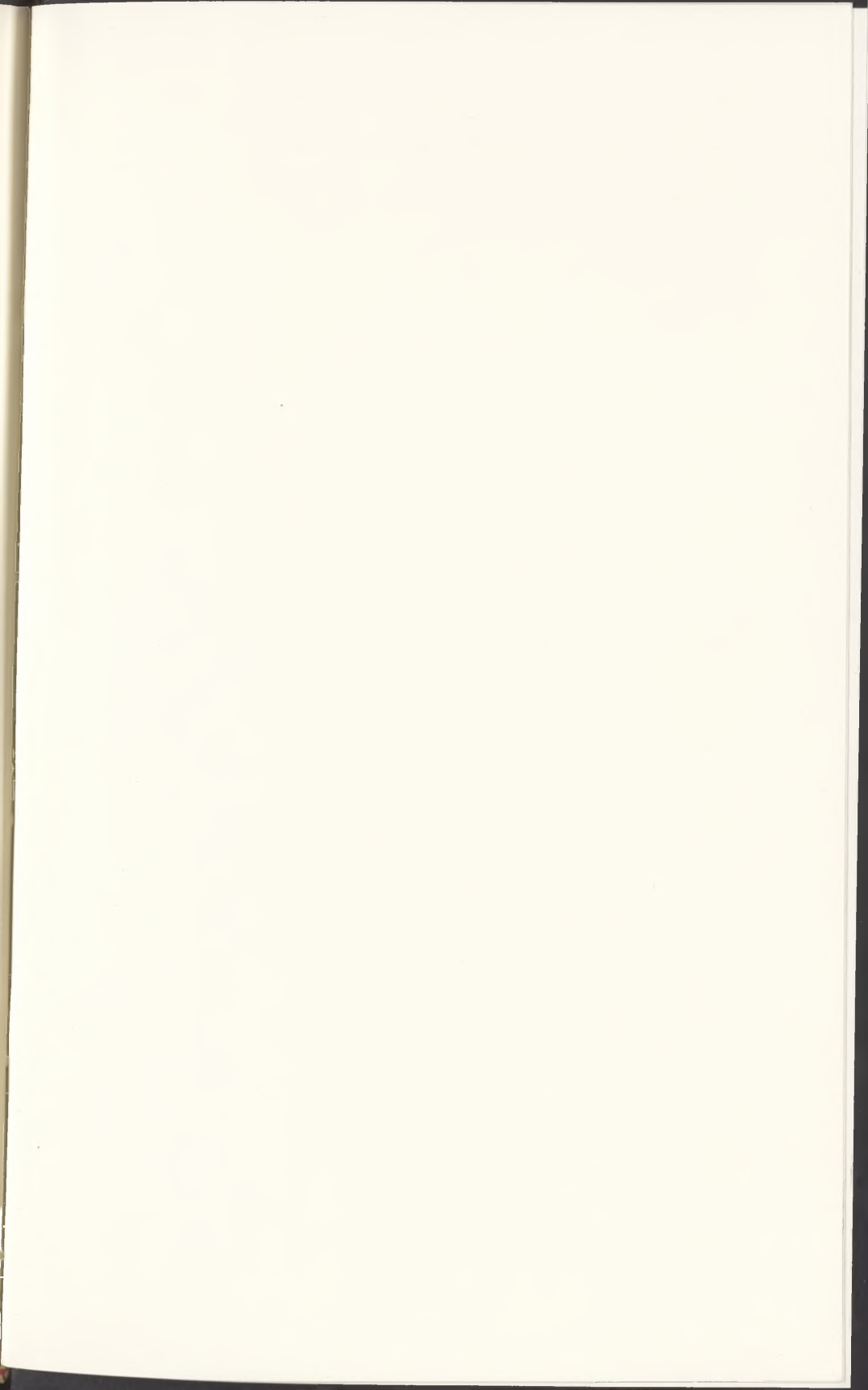
VIDEOTAPING JURORS DURING TRIAL. See *Stays*, 8.

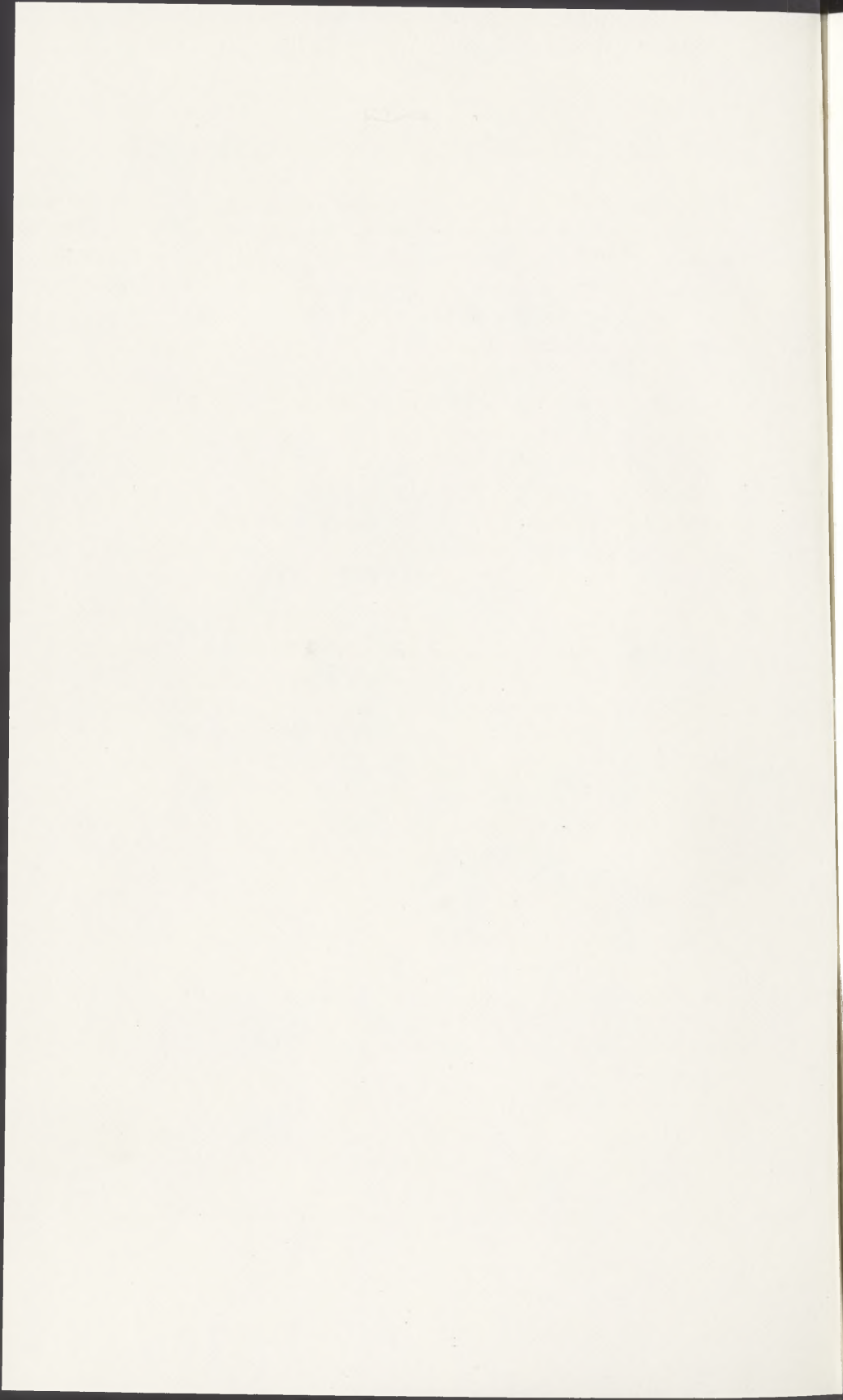
WATER RIGHTS. See also *Jurisdiction*, 1.

Suit by Government on behalf of Indian reservation—Earlier action—Res judicata.—Where (1) United States had filed an earlier suit in Federal District Court against all water users on Truckee River in Nevada to adjudicate water rights to river for benefit of an Indian reservation and a reclamation project, (2) a final decree was entered in 1944, and (3) United States filed present action in same court on behalf of same reservation against defendants who included all defendants in first action and their successors, res judicata prevented United States and Indian tribe from litigating instant claim involving reallocation of water rights previously decreed to reservation and reclamation project. *Nevada v. United States*, p. 110.

WEAPONS SEARCHES. See *Constitutional Law*, VI, 2.

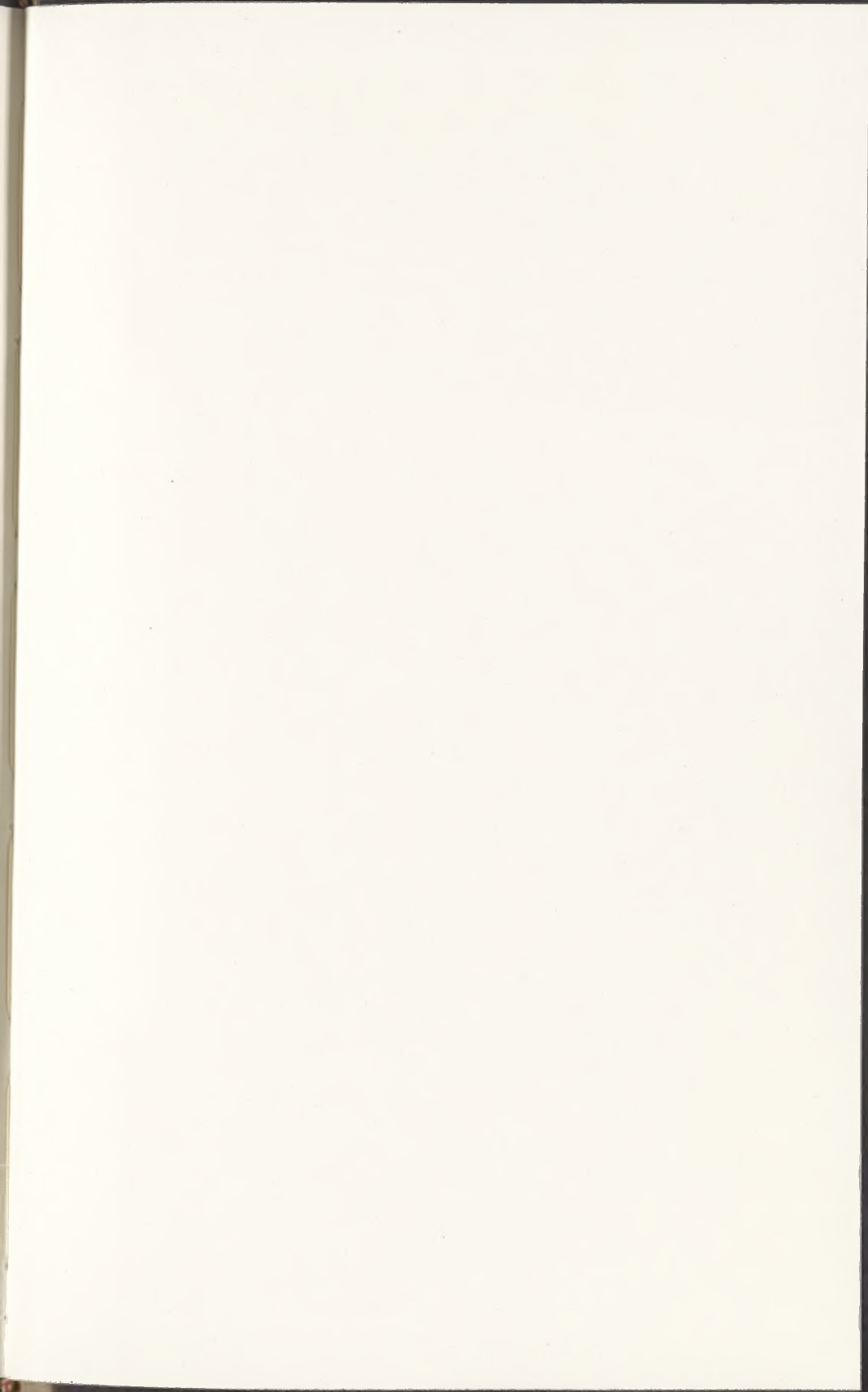
"WELL-PLEADED COMPLAINT" RULE. See *Jurisdiction*, 2.

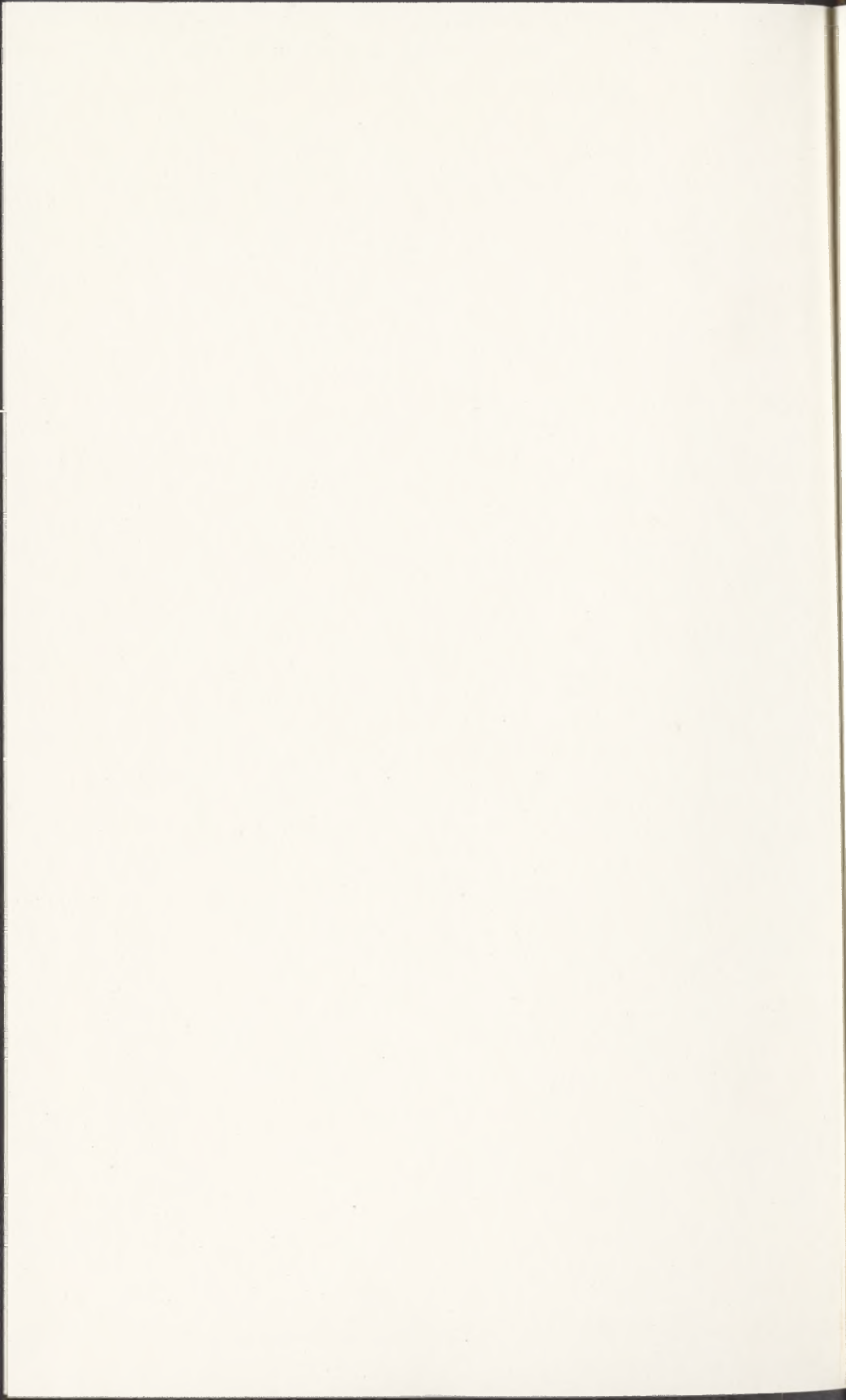




















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