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CIVIL RIGHTS ACT OF 1871—Continued.

2. *Immunity of judicial officer—Injunctive relief—Attorney's fees.*—Judicial immunity does not bar (1) prospective injunctive relief in an action brought under 42 U. S. C. § 1983 against a judicial officer or (2) an award of attorney's fees against such officer under Civil Rights Attorney's Fees Awards Act of 1976—such as in instant § 1983 action challenging constitutionality of petitioner County Magistrate's practice of imposing bail on persons (such as respondents) arrested for nonjailable state offenses and of incarcerating those persons if they cannot meet bail. *Pulliam v. Allen*, p. 522.

CIVIL RIGHTS ACT OF 1964.

1. *Discrimination suit against employer—Limitations period—Complaint.*—Where (1) after filing a discrimination charge with Equal Employment Opportunity Commission, respondent received a right-to-sue letter informing her that she could file suit against employer within 90 days from receipt of letter, as provided by Title VII of Act, (2) she mailed right-to-sue letter, with a request for appointment of counsel, to District Court within 90-day period, (3) when she received a questionnaire relating to her request for appointment of counsel, she was reminded that a complaint must be filed within 90-day period, and (4) District Court ultimately held that she had forfeited her right to sue by failing to file a timely, proper complaint, Court of Appeals erred in reversing apparently on alternative grounds that Federal Rules of Civil Procedure governing adequacy of complaints did not apply to, or had a different meaning in, Title VII litigation, or that 90-day period was "tolled" by filing of right-to-sue letter. *Baldwin County Welcome Center v. Brown*, p. 147.

2. *Notice of employment discrimination charge—EEOC subpoena.*—Equal Employment Opportunity Commission's subpoena *duces tecum*, directing an employer to turn over certain records, was enforceable since EEOC had complied with all strictures of Title VII of Act and an implementing regulation pertaining to form and content of a charge of systemic discrimination and to timing and adequacy of notice afforded employer. *EEOC v. Shell Oil Co.*, p. 54.

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COLLECTIVE-BARGAINING AGREEMENTS—Continued.

that petitioner employers had entered into with unions—could seek judicial enforcement of contribution requirements of trust agreements against petitioners without first submitting to arbitration (under bargaining agreements) an underlying dispute over meaning of a term in bargaining agreements. *Schneider Moving & Storage Co. v. Robbins*, p. 364.

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II. Due Process.

State-court jurisdiction—Wrongful-death actions—Defendant's contacts with State.—Petitioner—a Colombian corporation that contracted to provide helicopter transportation in Peru for a Peruvian consortium that was alter ego of a joint venture headquartered in Texas—did not have sufficient contacts with Texas to satisfy due process requirements, and thus Texas court lacked *in personam* jurisdiction over petitioner in respondents' wrongful-death actions arising from a crash in Peru of petitioner's helicopter that resulted in deaths of respondents' decedents, who were United States citizens employed by consortium. *Helicopteros Nacionales de Colombia v. Hall*, p. 408.

III. Equal Protection of the Laws.

Divorce—Child custody—Racial prejudice.—Where, upon divorce of Caucasian parents, custody of their child was awarded to mother, but Florida trial court later awarded custody to father because mother was cohabiting with a Negro, whom she later married, such change of custody award violated Constitution. *Palmore v. Sidoti*, p. 429.

IV. Freedom of Speech.

Political campaign signs—Posting on public property.—First Amendment was not violated by a city ordinance prohibiting posting of signs on public property, as applied to preclude appellees' expressive activities

CONSTITUTIONAL LAW—Continued.

in attaching posters for city council candidate to utility pole crosswires. *Members of City Council of Los Angeles v. Taxpayers for Vincent*, p. 789.

V. Import-Export Clause.

State personal property tax—Manufacturer's imported materials.—Assessment of Ohio's personal property tax on respondent manufacturer's inventory of original-package goods to be used in future manufacturing process did not violate Import-Export Clause, and state official was not barred from assessing tax by collateral estoppel because of earlier decision involving same tax, same parties, and similar property. *Limbach v. Hooven & Allison Co.*, p. 353.

VI. Right to Counsel.

1. *Effectiveness of assistance—Inference.*—Where, in prosecution of respondent for mail fraud involving a "check kiting" scheme, (1) District Court appointed a young lawyer with a real estate practice who had never participated in a jury trial to represent respondent when retained counsel withdrew shortly before scheduled trial date, (2) appointed counsel was allowed only 25 days to prepare for trial, even though Government had taken several years to investigate case and had reviewed thousands of documents during its investigation, and (3) respondent was convicted, Court of Appeals, without inquiring into counsel's actual performance at trial, erred in utilizing inferential approach to determine that respondent's right to effective assistance of counsel was violated. *United States v. Cronin*, p. 648.

2. *Effectiveness of assistance—Standard for determination.*—Proper standard for judging effectiveness of assistance of counsel is that of reasonably effective assistance, considering all the circumstances, and with regard to required showing of prejudice defendant must show a reasonable probability that, but for counsel's unprofessional errors, result of proceeding would have been different; respondent's counsel's failure—at and before Florida state-court sentencing hearing following respondent's guilty pleas to capital murder charges—to request psychiatric and presentence reports or to seek out and present character witnesses was not unreasonable, and in any event respondent suffered insufficient prejudice to warrant setting aside his death sentence. *Strickland v. Washington*, p. 668.

VII. Searches and Seizures.

1. *Automobile search—Effect of impoundment.*—Where (1) at time of respondent's arrest, police searched his automobile and seized several items, and (2) about eight hours after car was impounded, an officer, without a warrant, searched car a second time, seizing additional evidence, Fourth Amendment was not violated by second search of car. *Florida v. Meyers*, p. 380.

CONSTITUTIONAL LAW—Continued.

2. *Factory searches—Illegal aliens.*—Where federal agents, acting pursuant to employer's consent or warrants issued on a showing of probable cause that unidentified illegal aliens were employed at certain factories, conducted "factory surveys" in search of illegal aliens—involving some agents' positioning themselves at exits while other agents moved through factory asking employees questions relating to their citizenship—surveys did not result in seizure of entire work forces, and individual questioning of respondent employees (United States citizens or permanent resident aliens) did not amount to a detention or seizure under Fourth Amendment. *INS v. Delgado*, p. 210.

3. *Nonjailable traffic offense—Arrest at accused's home.*—Where (1) a witness observed an erratically driven car swerve into a field and saw driver walk away, (2) police arrived in a few minutes, were told by witness that driver appeared to be either inebriated or sick, proceeded, at about 9 p. m., to petitioner's nearby home after checking car's registration, and arrested petitioner for driving while under influence of an intoxicant in violation of a Wisconsin statute, which made a first offense a noncriminal, nonjailable offense subject to only a fine, and (3) petitioner refused to take breath-analysis test at police station, thus subjecting himself to revocation of driving privileges under state law unless his arrest was not lawful, such warrantless nighttime entry of petitioner's home to arrest him was prohibited by Fourth Amendment. *Welsh v. Wisconsin*, p. 740.

4. *Open fields doctrine—"No Trespassing" signs.*—Where, in one instance, narcotics agents bypassed a locked gate with a "No Trespassing" sign and found a field of marihuana over a mile from farmhouse, and, in another instance, police officers entered woods behind a residence and followed a path until they reached marihuana patches that were fenced and had "No Trespassing" signs, open fields doctrine was applicable in both instances to determine whether discovery or seizure of marihuana was constitutional. *Oliver v. United States*, p. 170.

5. *Private search of package—Later Government search—Chemical test for drugs.*—Where (1) during their examination of a damaged package, freight carrier's employees saw a white powdery substance in plastic bags that had been concealed in a tube inside package, (2) employees notified Drug Enforcement Administration and replaced bags in tube and tube in package, (3) DEA agent later removed tube from package and bags from tube, took a trace of powder, and by a chemical test determined that it was cocaine, Fourth Amendment did not require agent to obtain a warrant before testing powder. *United States v. Jacobsen*, p. 109.

6. *Warrant to search motel home—Officer's affidavit.*—Where (1) police, executing a search warrant, discovered items relating to certain burglaries in a motel room reserved by a third party, and shortly thereafter received a phone call from a female who stated that a motor home

CONSTITUTIONAL LAW—Continued.

containing stolen items purchased from such third party by respondent was parked behind respondent's home and that respondent was going to move motor home, (2) caller admitted her identity and stated that she had been respondent's girlfriend but that she had broken up with him and "wanted to burn him," and (3) police officer verified location of motor home, officer's affidavit setting forth information noted above provided a substantial basis for a Magistrate's issuance of a warrant to search motor home under Fourth Amendment "totality of circumstances" test. *Massachusetts v. Upton*, p. 727.

"CONSULTATIVE PROCESS" MEETINGS OF FEDERAL COMMUNICATIONS COMMISSION. See **Federal Communications Commission; Government in the Sunshine Act.**

COUNTY COMMISSIONER ELECTIONS. See **Voting Rights Act of 1965.**

COURTS OF APPEALS. See **Federal Communications Commission.**

CRIMINAL LAW. See also **Constitutional Law, VI; VII, 1, 3-6; Habeas Corpus; Stays.**

1. *Accused's failure to testify—"Admonition" to jury.*—Where (1) Kentucky judge, in trial resulting in petitioner's conviction, overruled petitioner's request that an "admonition" be given to jury that no emphasis be placed on his failure to testify, and (2) Kentucky Supreme Court held that although a trial judge, upon request, must give an "instruction" as to a defendant's constitutional right to remain silent, petitioner's request had been properly denied because of difference between an "admonition" and an "instruction" under Kentucky law, failure to respect petitioner's constitutional rights was not supported by an independent and adequate state ground. *James v. Kentucky*, p. 341.

2. *False statements—FBI and Secret Service criminal investigations.*—Title 18 U. S. C. § 1001, which proscribes knowingly and willfully making a false statement "in any matter within the jurisdiction of any department or agency of the United States," encompasses criminal investigations conducted by Federal Bureau of Investigation and Secret Service. *United States v. Rodgers*, p. 475.

3. *State-court trial orders—Denial of relief on state ground.*—Pennsylvania Supreme Court's judgment—denying a petition for a writ of prohibition as to judge's orders in a criminal trial prohibiting publishing of juror information; sketching, photographing, televising, and videotaping jurors during proceedings; and handling of trial exhibits—was vacated, and cause was remanded for clarification as to whether Pennsylvania Supreme Court passed on petitioners' federal constitutional claims or acted on an adequate and independent state ground. *Capital Cities Media, Inc. v. Toole*, p. 378.

- CUSTODIAL INTERROGATIONS.** See *Stays*.
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- DISCRIMINATION BASED ON RACE.** See *Civil Rights Act of 1964*, 2; *Constitutional Law*, III; *Voting Rights Act of 1965*.
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- DISTRICT COURTS.** See *Federal Communications Commission*; *Habeas Corpus*; *Social Security Act*.
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- DRUNKEN DRIVING.** See *Constitutional Law*, VII, 3.
- DUE PROCESS.** See *Constitutional Law*, II.
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- ELECTIONS.** See *Voting Rights Act of 1965*.
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- EMPLOYER AND EMPLOYEES.** See *Civil Rights Act of 1871*, 1; *Civil Rights Act of 1964*; *Collective-Bargaining Agreements*.
- EMPLOYMENT DISCRIMINATION.** See *Civil Rights Act of 1964*.
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FACTORY SEARCHES FOR ILLEGAL ALIENS. See *Constitutional Law*, VII, 2.

FALSE STATEMENTS MADE TO GOVERNMENT AGENCIES. See *Criminal Law*, 2.

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FEDERAL COMMUNICATIONS COMMISSION. See also *Government in the Sunshine Act*.

FCC orders—Judicial review.—Court of Appeals had exclusive jurisdiction to review FCC's denial of respondents' rulemaking petition requesting FCC to disclaim any intent to negotiate with foreign governments or to bind FCC to agreements at "Consultative Process" sessions among FCC members and their European and Canadian counterparts intended to facilitate joint planning of telecommunications facilities, and thus District Court lacked jurisdiction over suit claiming that FCC's negotiations with foreign officials at Consultative Process were ultra vires. *FCC v. ITT World Communications, Inc.*, p. 463.

FEDERAL ENERGY REGULATORY COMMISSION. See *Federal Power Act*.

FEDERAL POWER ACT.

Hydroelectric projects on Indian reservations—Licenses.—Section 4(e) of Act required Federal Energy Regulatory Commission, in considering renewal of license to operate hydroelectric facilities located on or near respondents' reservations, to accept conditions that Secretary of Interior deemed necessary for protection of reservations, but only with respect to projects located, at least in part, within geographical boundaries of reservations, and § 8 of Mission Indian Relief Act of 1891 did not require licensees to obtain respondents' consent before they operated licensed facilities located on reservations. *Escondido Mutual Water Co. v. La Jolla Band of Mission Indians*, p. 765.

FEDERAL-QUESTION JURISDICTION. See *Social Security Act*.

FEDERAL RULES OF CIVIL PROCEDURE. See *Civil Rights Act of 1964*, 1; *Procedure*.

FEDERAL-STATE RELATIONS. See *Civil Rights Act of 1871*, 2; *Constitutional Law*, I; V.

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- TOLLING OF LIMITATIONS PERIOD.** See **Civil Rights Act of 1964, 1.**
- TRAFFIC OFFENSES.** See **Constitutional Law, VII, 3.**
- TREATY OF GUADALUPE HIDALGO.** See **Water Rights.**
- TRUST FUNDS UNDER COLLECTIVE-BARGAINING AGREEMENTS.** See **Collective-Bargaining Agreements.**
- TYING ARRANGEMENTS.** See **Antitrust Acts, 2.**
- UNION DUES AND FEES.** See **Railway Labor Act.**
- UNION SHOPS.** See **Railway Labor Act.**
- UNIONS' LIABILITY FOR BACKPAY.** See **National Labor Relations Board.**
- VIDEOTAPING JURORS DURING TRIAL.** See **Criminal Law, 3.**
- VOTING RIGHTS ACT OF 1965.**

County Commissioners—Validity of election system.—Where Court of Appeals affirmed District Court's judgment holding that an at-large

VOTING RIGHTS ACT OF 1965—Continued.

system for electing County Commissioners violated Fourteenth Amendment rights of appellee black voters but did not review District Court's conclusion that election system also violated Act, this Court will not decide constitutional question but, instead, will vacate Court of Appeals' judgment and remand case for that court's consideration of statutory question. *Escambia County v. McMillan*, p. 48.

WARRANT TO SEARCH MOTOR HOME. See **Constitutional Law**, VII, 6.

WARSAW CONVENTION.

Lost cargo—Air carrier's liability.—Provision of Convention (ratified by United States in 1934) setting a limit on an international air carrier's liability for lost cargo at 250 gold French francs per kilogram (convertible into any national currency) was not rendered unenforceable by 1978 repeal of Par Value Modification Act, which had set an "official" price of gold in United States, and liability limit of \$9.07 per pound (last official price of gold) was not inconsistent with domestic law or with Convention itself. *Trans World Airlines, Inc. v. Franklin Mint Corp.*, p. 243.

WATER RIGHTS.

Ballona Lagoon—Public trust easement.—Where petitioner's predecessors-in-interest had their fee title to Ballona Lagoon confirmed in federal patent proceedings pursuant to an 1851 Act that was enacted to implement Treaty of Guadalupe Hidalgo, and California made no claim to any interest in lagoon at that time, it was precluded now from asserting a public trust easement in lagoon. *Summa Corp. v. California ex rel. State Lands Comm'n*, p. 198.

WISCONSIN. See **Constitutional Law**, VII, 3.

WORDS AND PHRASES.

1. "*Any matter within the jurisdiction of any department or agency of the United States.*" 18 U. S. C. § 1001. *United States v. Rodgers*, p. 475.

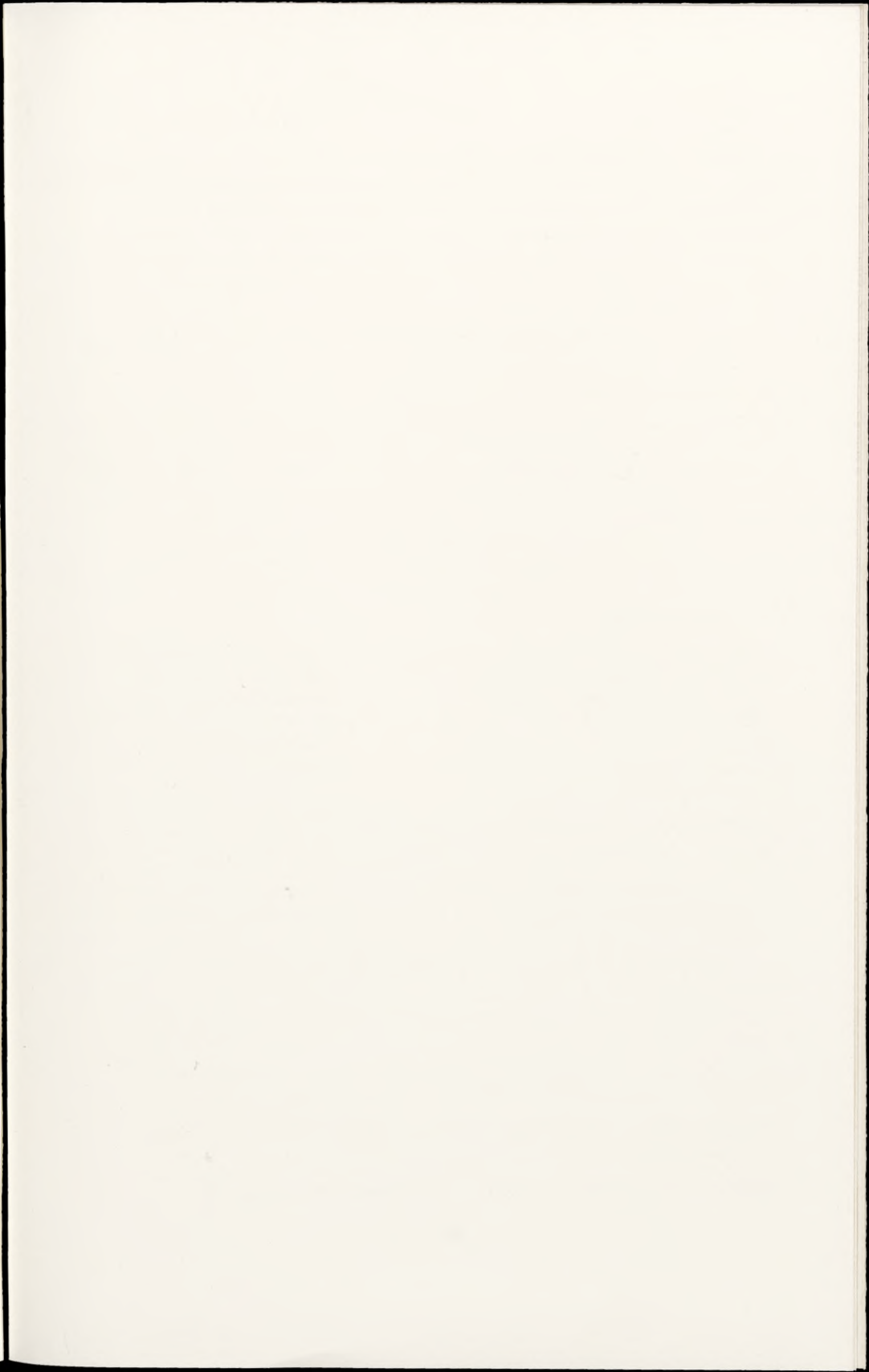
2. "*In custody.*" 28 U. S. C. § 2254(b). *Justices of Boston Municipal Court v. Lydon*, p. 294.

3. "*Judicial proceedings.*" 28 U. S. C. § 1738. *McDonald v. West Branch*, p. 284.

4. "*Meeting of an agency.*" Government in the Sunshine Act, 5 U. S. C. § 552b(b). *FCC v. ITT World Communications, Inc.*, p. 463.

WORK FORCE SEARCHES FOR ILLEGAL ALIENS. See **Constitutional Law**, VII, 2.

WRONGFUL-DEATH ACTIONS. See **Constitutional Law**, II.



VOTING RIGHTS ACT OF 1965—Continued.

system for electing County Commissioners violated Fourteenth Amendment rights of certain black voters but did not violate District Court's conclusion that election system also violated Act, this Court will not decide constitutional question but, instead, will vacate Court of Appeals' judgment and remand case for that court's consideration of statutory violation, *Kenneth County v. McMillan*, p. 44.

WARRANT TO SEARCH HOTEL ROOM. See Constitutional Law, VII, 2.

WARSAW CONVENTION.

Lost cargo—Air carrier's liability.— Provisions of Convention (ratified by United States in 1964) setting a limit on an international air carrier's liability for lost cargo at 250 gold French francs per kilogram (convertible into any national currency) was not rendered inoperative by 1970 repeal of Tar Value Modification Act, which had set an "official" price of gold in United States, and liability limit of \$200 per pound (that official price of gold) was not inconsistent with domestic law or with Convention itself, *Tread World Airlines, Inc. v. Franklin Mint Corp.*, p. 242.

WATER RIGHTS.

Ballou's legacy—Public trust doctrine.— Where petitioner's predecessors-in-interest had their fee title to Ballou's legacy transferred in federal patent proceedings pursuant to an 1851 Act that was enacted to implement Treaty of Guadalupe Hidalgo, and California made no claim to any interest in legacy at that time, it was precluded now from asserting a public trust interest in legacy. *Tarima Corp. v. California ex rel. State Land Comm'n.*, p. 320.

WISCONSIN. See Constitutional Law, VII, 3.

WORDS AND PHRASES.

1. "Any matter within the jurisdiction of any department or agency of the United States." 28 U. S. C. § 1301. *United States v. Rodgers*, p. 425.

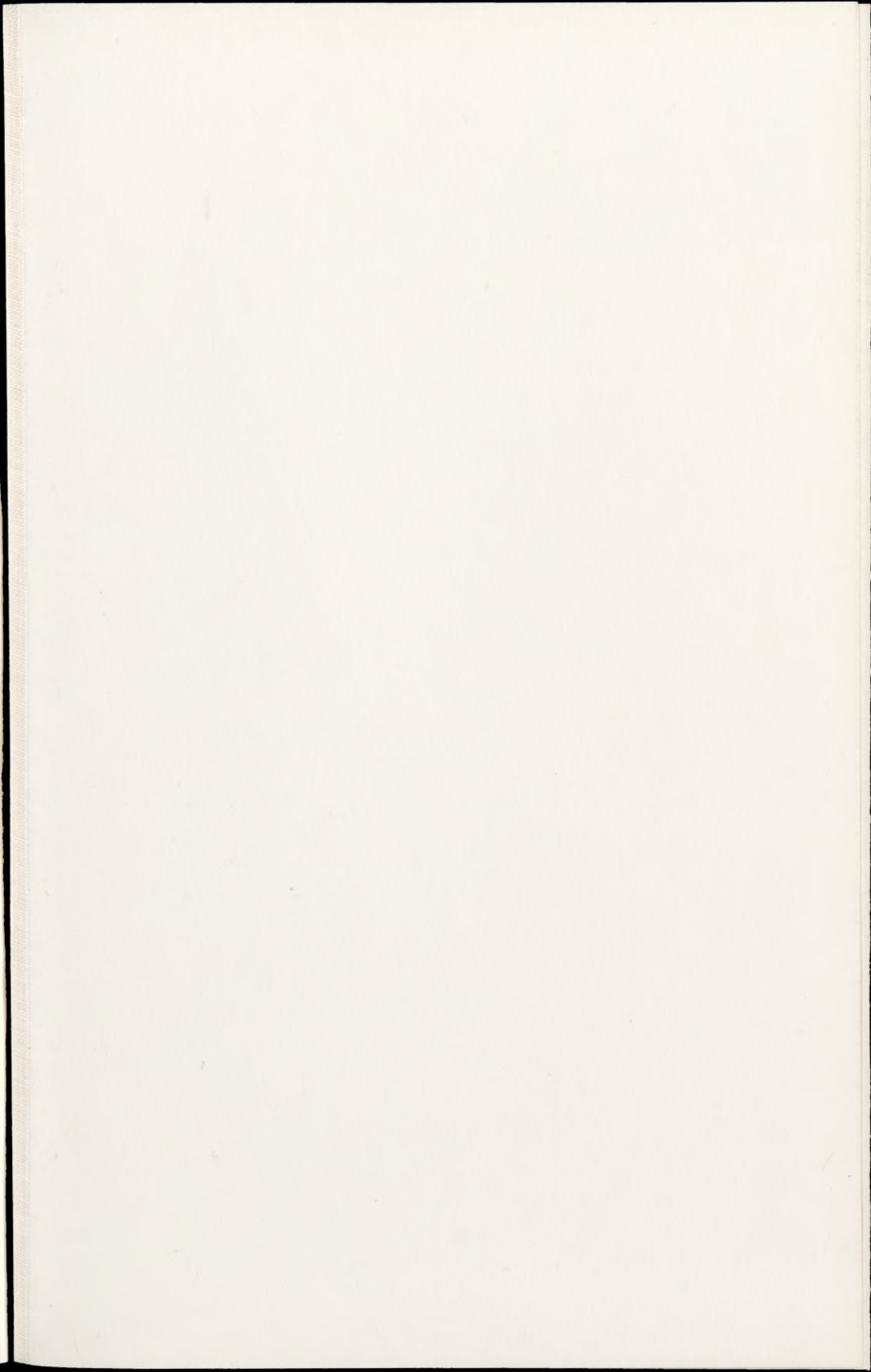
2. "As amended." 28 U. S. C. § 2245d. *Justice of Peace Municipal Court v. Lopez*, p. 284.

3. "Medical proceedings." 28 U. S. C. § 1778. *McDonald v. West Branch*, p. 284.

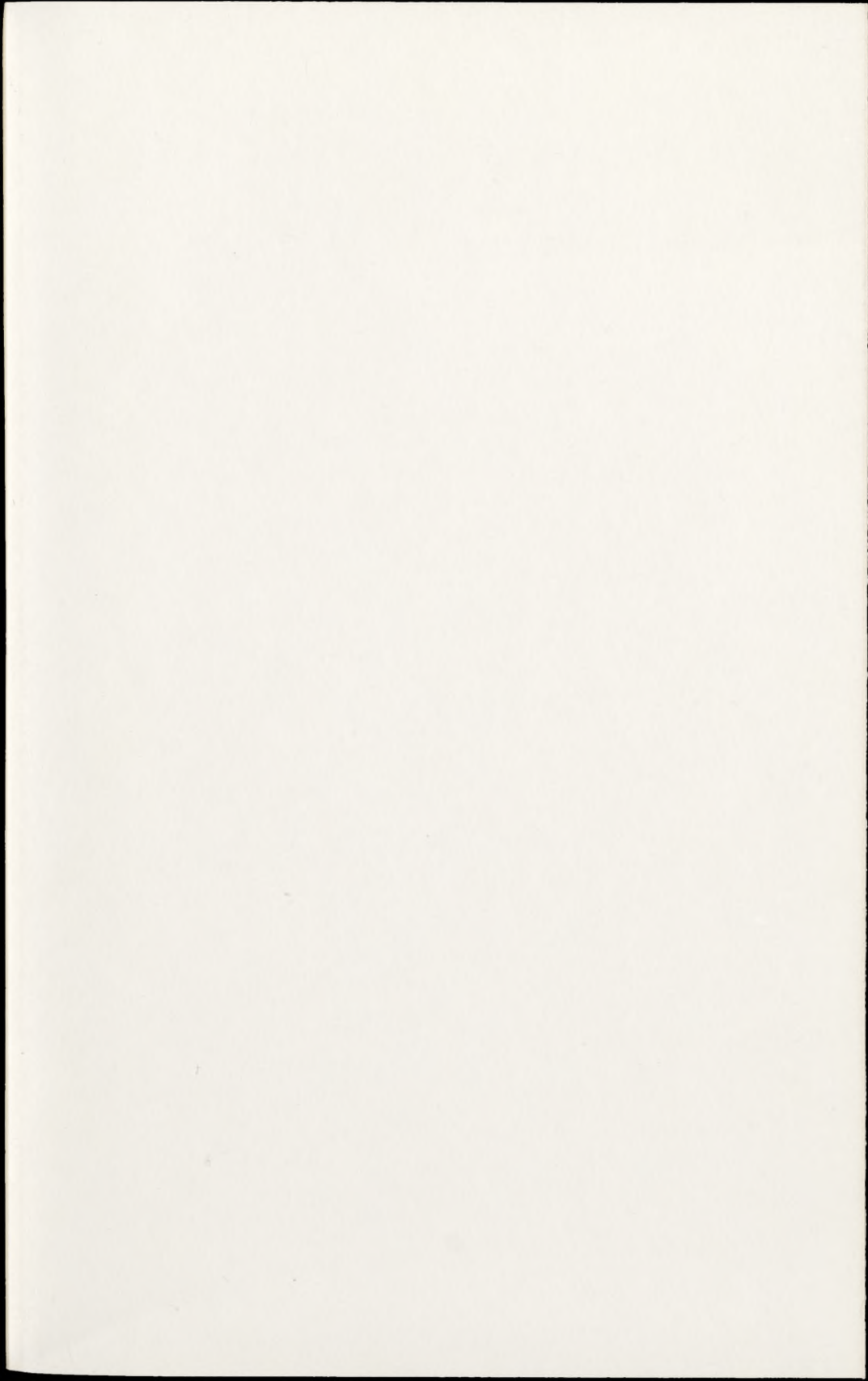
4. "Mastery of an agency." Government in the Sunshine Act, 5 U. S. C. § 552(c). *FCC v. ITT World Communications, Inc.*, p. 407.

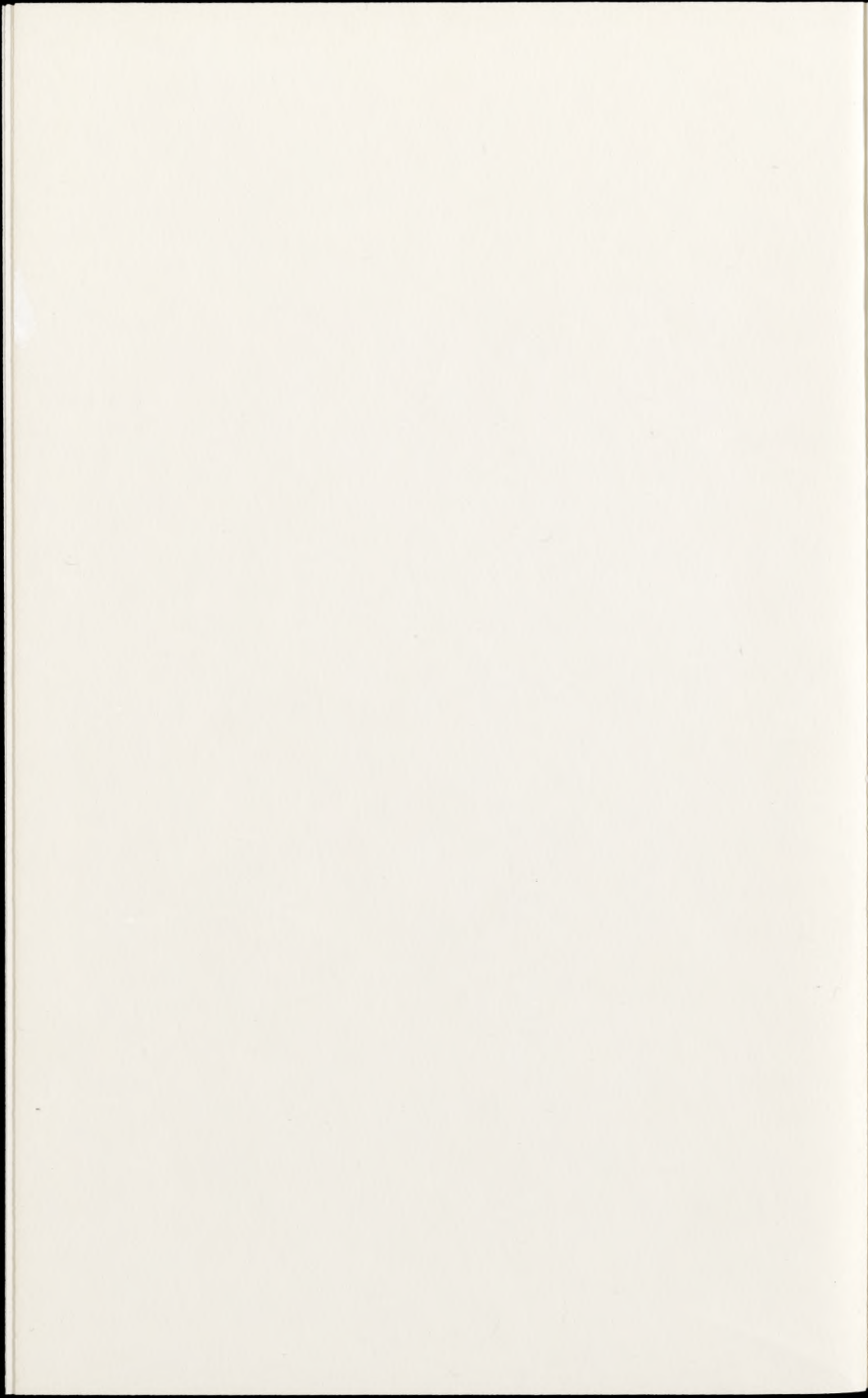
WORK FORCE BRANCHES FOR ILLEGAL ALIENS. See Constitutional Law, VII, 2.

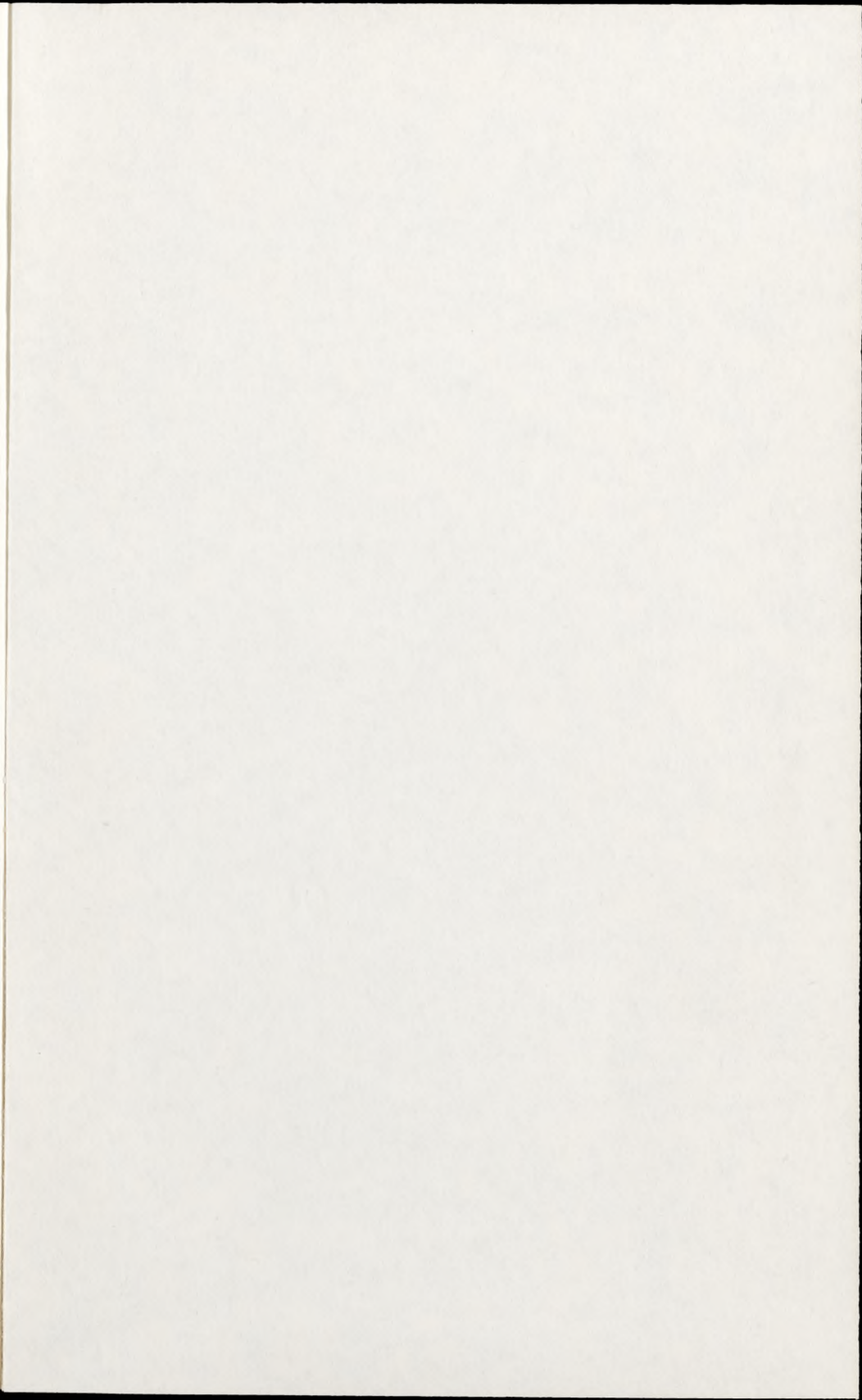
WRONGFUL-DEATH ACTIONS. See Constitutional Law, VII.



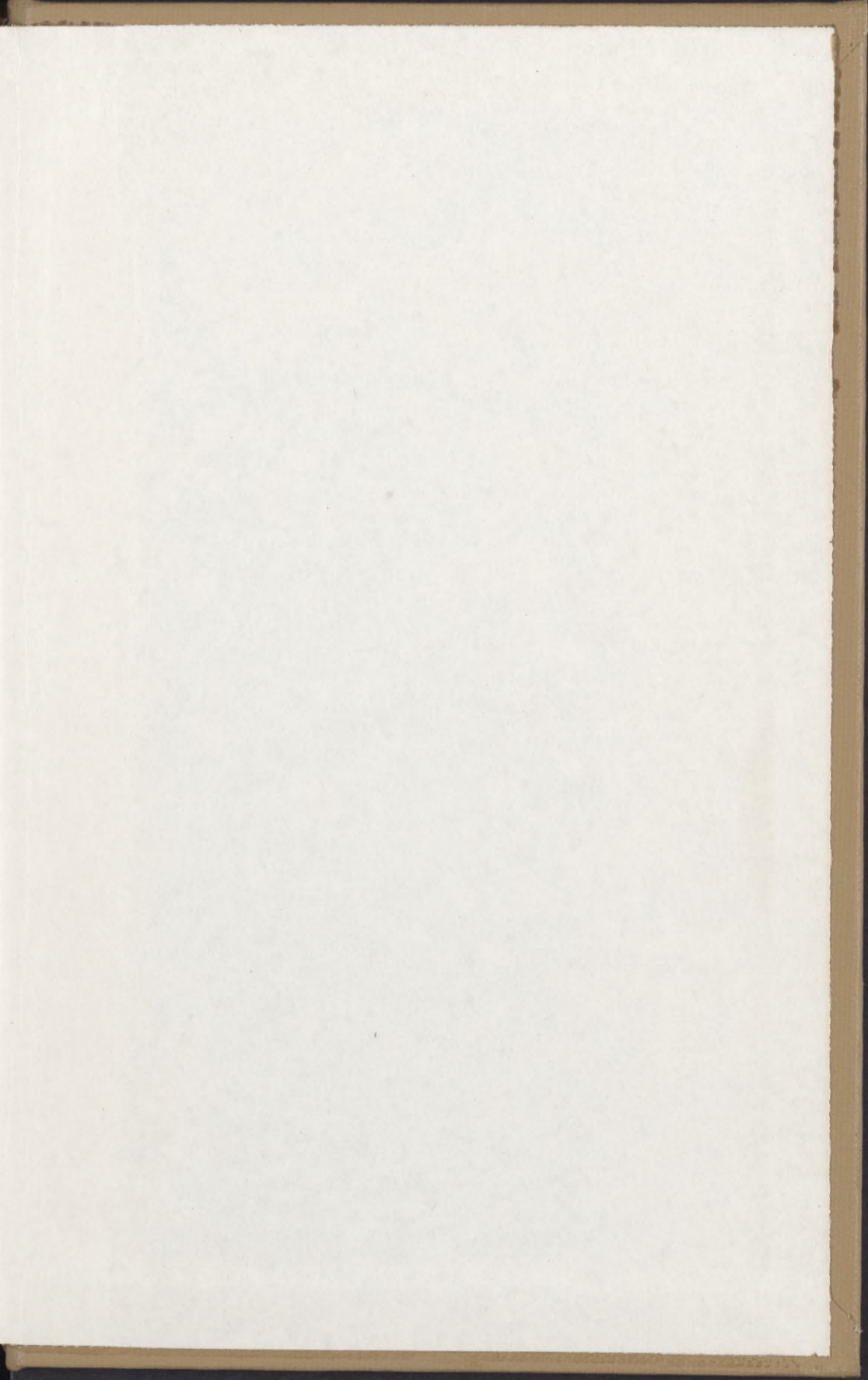













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