

INDEX

ADMINISTRATIVE PROCEDURE ACT. See Aliens.

ADULT BOOKSTORES. See Constitutional Law, V, 3; VII, 1.

ADVICE AS TO INVESTMENTS. See Investment Advisers Act of 1940.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

1. *Mandatory retirement—Airline pilots and flight engineers.*—Where (1) petitioner airline required that its flight engineers retire at age 60, (2) respondent flight engineers forced to retire at age 60 and pilots who, upon reaching 60 (prohibited by a federal regulation from continuing to serve as a pilot), were denied reassignment as flight engineers brought suit against petitioner, contending that retirement requirement for flight engineers violated Act, and (3) petitioner asserted defense under Act that requirement was a “bona fide occupational qualification,” reasonably necessary to airline’s safe operation, jury instructions as to petitioner’s burden of proving such defense were proper as to elements of defense under applicable standard and were sufficiently protective of public safety. *Western Air Lines, Inc. v. Criswell*, p. 400.

2. *Mandatory retirement—Firefighters.*—A federal civil service statute requiring most federal firefighters to retire at age 55 does not, as a matter of law, establish that age 55 is a “bona fide occupational qualification” for nonfederal firefighters within Act’s meaning. *Johnson v. Mayor & City Council of Baltimore*, p. 353.

AIRLINE PILOTS. See Age Discrimination in Employment Act of 1967, 1.

ALABAMA. See Constitutional Law, I, 2; IV, 1.

ALIENS.

Detention without parole—Change of INS policy—Discrimination.—Where (1) petitioner representatives of a certain class of aliens contended that Immigration and Naturalization Service’s change from its policy of general parole for undocumented aliens seeking admission to a new policy, not based on a statute or regulation, of detention without parole for aliens who could not present a *prima facie* case for admission, violated rulemaking procedures of Administrative Procedure Act and Fifth Amendment equal protection guarantee by discriminating against petitioners on basis of race

ALIENS—Continued.

and national origin, (2) District Court rejected Fifth Amendment claim but held for petitioners on APA claim, staying injunctive relief to permit INS to comply with APA, and (3) INS then promulgated a new rule prohibiting consideration of race or national origin, Court of Appeals erred in addressing constitutional issue, since current law provided petitioners with non-discriminatory parole consideration, but properly remanded case to permit review of officials' exercise of discretion under new nondiscriminatory rule. *Jean v. Nelson*, p. 846.

ANTITRUST ACTS.

1. *Monopolization—Skiing facilities*.—Where (1) petitioner, current owner of all but one of downhill skiing facilities at Aspen, Colo., had participated in earlier years with competitors (including respondent) in plan whereby each competitor sold both tickets for use of its own facilities and interchangeable all-Aspen tickets, (2) after acquiring all of Aspen facilities but respondent's, petitioner ultimately refused to participate in sale of all-Aspen tickets and made it extremely difficult for respondent to market its own multiarea package, and (3) respondent filed a treble-damages action, alleging that petitioner had monopolized market in violation of § 2 of Sherman Act, record was adequate to support jury's verdict for respondent. *Aspen Skiing Co. v. Aspen Highlands Skiing Corp.*, p. 585.

2. *Wholesale purchasing cooperative—Expulsion of member—Group boycott*.—Respondent's expulsion from membership in petitioner, a wholesale purchasing cooperative consisting of office supply retailers, without any explanation, notice, or hearing, did not fall within category of activity that is conclusively presumed to be anticompetitive so as to mandate *per se* invalidation under § 1 of Sherman Act as a group boycott or concerted refusal to deal. *Northwest Wholesale Stationers, Inc. v. Pacific Stationery & Printing Co.*, p. 284.

ARBITRATION. See *Civil Service Reform Act of 1978*.**ARKANSAS.** See *Internal Revenue Code*.**ARMED FORCES OPEN HOUSE FOR PUBLIC.** See *Constitutional Law*, V, 2.**ARRESTS.** See *Constitutional Law*, VII, 1.**ATTORNEY GENERAL'S IMMUNITY FROM SUIT FOR ILLEGAL WIRETAPS.** See *Constitutional Law*, VII, 2; *Jurisdiction*, 1.**ATTORNEYS.**

Suspension from practice—Respect for court.—Where (1) petitioner, an attorney appointed to represent a defendant under Criminal Justice Act, received an award from District Court for services and expenses, (2) pur-

ATTORNEYS—Continued.

suant to Act, Chief Judge of Court of Appeals reviewed claim and sought additional documentation from petitioner, who could not provide information in requested form but filed a supplemental application, which was returned as being unacceptable, (3) after discussing matter with District Judge's secretary, petitioner wrote a letter to her in which (in "harsh" tones) he refused to submit further documentation or accept further assignments under Act and criticized administration of Act, (4) after discussing manner of processing fees with petitioner, District Judge forwarded letter to Chief Judge, and (5) Court of Appeals ultimately imposed a 6-month suspension of petitioner's right to practice in federal courts in Circuit for "refusal to show continuing respect for the court" after he refused to apologize for his letter, petitioner's conduct did not warrant his suspension. *In re Snyder*, p. 634.

ATTORNEY'S DISQUALIFICATION. See **Jurisdiction**, 2.

ATTORNEY'S FEES. See **Attorneys**.

AUDITS OF EMPLOYER RECORDS. See **Employee Retirement Income Security Act of 1974**.

AUTOMOBILE USE TAXES. See **Constitutional Law**, III, 1.

BANK ACCOUNTS AS SUBJECT TO TAX LEVY. See **Internal Revenue Code**.

BANK HOLDING COMPANY ACT OF 1956.

Acquisition of out-of-state bank—Validity of state statutes.—Under § 3(d) of Act, which prohibits Federal Reserve Board from approving an application of a bank holding company located in one State to acquire a bank located in another State unless acquisition is specifically authorized by statute of latter State, Connecticut and Massachusetts statutes—providing that an out-of-state bank holding company with its principal place of business in another New England State may acquire an in-state bank if other State accords reciprocal privileges to enacting State's banking organizations—are of type contemplated to lift Act's ban on interstate acquisitions, and do not violate Commerce Clause, Compact Clause, or Equal Protection Clause. *Northeast Bancorp, Inc. v. Board of Governors*, FRS, p. 159.

BOYCOTTS. See **Antitrust Acts**, 2.

BROKERS. See **Securities Regulation**, 1.

CABINET OFFICERS' IMMUNITY FROM SUIT. See **Constitutional Law**, VII, 2; **Jurisdiction**, 1.

CAPITAL PUNISHMENT. See **Constitutional Law**, I.

CIVIL SERVICE REFORM ACT OF 1978.

Government employee—Disciplinary action by agency—Arbitration.—Under Act's provision stating that a federal agency's disciplinary action against an employee may not be sustained by Merit Systems Protection Board if employee shows "harmful error" in agency's application of its disciplinary procedures, which provision is made applicable to an arbitrator if employee chooses alternative of challenging disciplinary action under grievance and arbitration provisions of a collective-bargaining agreement between agency and employee's union, an employee challenging disciplinary action by means of collective-bargaining arbitration must show error causing substantial prejudice to his individual rights, not just a violation of bargaining agreement that is harmful only to union. *Cornelius v. Nutt*, p. 648.

CLASS ACTIONS. See **Constitutional Law, II, 2; Standing.**

COLLATERAL ORDERS. See **Jurisdiction.**

COLLECTIVE-BARGAINING AGREEMENTS. See **Civil Service Reform Act of 1978.**

COMMERCE CLAUSE. See **Bank Holding Company Act of 1956.**

COMPACT CLAUSE. See **Bank Holding Company Act of 1956.**

CONNECTICUT. See **Constitutional Law, IV, 2; Bank Holding Company Act of 1956.**

CONSTITUTIONAL LAW. See also **Aliens; Bank Holding Company Act of 1956; Investment Advisers Act of 1940.**

I. Cruel and Unusual Punishment.

1. *Death penalty—Appellate review of jury's determination—Prosecutor's improper argument.*—It is impermissible under Eighth Amendment to rest a death sentence on a determination by a sentencer who has been led to believe that responsibility for determining appropriateness of defendant's death rests elsewhere, such as when prosecutor, during argument to jury at sentencing stage of petitioner's state-court murder trial, urged jury not to view itself as finally determining whether petitioner should die, because death sentence would be reviewed for correctness by Mississippi Supreme Court; this Court did not lack jurisdiction to decide issue, since there was no indication that decision below rested on adequate and independent state grounds. *Caldwell v. Mississippi*, p. 320.

2. *Death penalty—Validity of state statute.*—Where petitioner was convicted of a capital offense and sentenced to death under an Alabama statute—which required jury that convicted a defendant of any specified aggravated crime to fix punishment at death, but which further provided that notwithstanding jury's "sentence," trial court, after weighing aggra-

CONSTITUTIONAL LAW—Continued.

vating and mitigating circumstances presented at required sentencing hearing, could refuse to accept death penalty and, instead, could impose a life sentence—requirement that jury return a death “sentence” along with its guilty verdict did not render unconstitutional petitioner’s death sentence, which trial court imposed after independently considering his background and character and circumstances of crime. *Baldwin v. Alabama*, p. 372.

II. Due Process.

1. *Food-stamp benefits—Change in law—Validity of state notice to recipients.*—Where, after Congress amended Food Stamp Act to reduce earned-income disregard used in computing eligibility for food stamps, Massachusetts Department of Public Welfare’s notice to all food-stamp recipients in State with earned income—advising them that reduction in earned-income disregard might result in either a reduction or termination of their benefits, that they had a right to request a hearing, and that their benefits would be reinstated if a hearing was requested within 10 days of notice—complied with statute and regulations, and did not violate Due Process Clause. *Atkins v. Parker*, p. 115.

2. *Nationwide class action—State court’s jurisdiction—Applicable state law.*—Where (1) respondents, royalty owners possessing rights to leases from which petitioner produced gas, brought class action against petitioner in a Kansas state court, seeking to recover interest on petitioner’s delayed royalty payments, (2) court certified nationwide class, members of which received notification of action and of right to “opt out” of class, (3) final class consisted of about 28,000 royalty owners, some 97% of which had no connection to Kansas except for lawsuit, and over 99% of gas leases similarly had no other Kansas connection, and (4) court applied Kansas law to every claim and found petitioner liable to all class members, court did not violate Due Process Clause (which does not require that absent class members “opt in” to class rather than “opt out”) in asserting personal jurisdiction over absent class members and their claims, but application of Kansas law to claims that were unrelated to Kansas was so arbitrary and unfair as to exceed constitutional limits. *Phillips Petroleum Co. v. Shutts*, p. 797.

3. *Prisoners’ good time credits—Revocation—Evidence.*—Assuming that a prisoner’s good time credits constitute a protected liberty interest, revocation of such credits by prison administration must be supported by some evidence in order to satisfy minimum due process requirements; requirements were met where a prison disciplinary board, in proceedings resulting in revocation of respondent prisoners’ good time credits, heard a prison guard’s testimony, and received his written report, stating that he heard a commotion in a prison walkway, discovered an inmate who evidently had just been assaulted, and saw three other inmates, including respondents,

CONSTITUTIONAL LAW—Continued.

fleeing down walkway. Superintendent, Mass. Correctional Institution at Walpole v. Hill, p. 445.

III. Equal Protection of the Laws.

1. *Automobile use tax—Validity of state statute.*—On its face, a Vermont statute that imposed a use tax when cars were registered with Vermont, but not if car was purchased in Vermont and a sales tax was paid, and that also provided for reduction of use tax by amount of any sales or use tax paid to another State if that State afforded a credit for taxes paid to Vermont in similar circumstances, but only if registrant was a Vermont resident at time he paid other State's taxes, violated Equal Protection Clause. Williams v. Vermont, p. 14.

2. *Tax exemption for Vietnam War veterans—State residence requirement.*—Equal Protection Clause was violated by residence requirement of a New Mexico statute exempting from State's property tax \$2,000 of taxable value of property of honorably discharged veterans who served on active duty during Vietnam War for at least 90 continuous days and who were New Mexico residents before May 8, 1976. Hooper v. Bernalillo County Assessor, p. 612.

IV. Freedom of Religion.

1. *Public schools—Minute of silence—Validity of state statute.*—An Alabama statute that authorized a 1-minute period of silence in all public schools "for meditation or voluntary prayer" was a law respecting establishment of religion and thus violated First Amendment. Wallace v. Jaffree, p. 38.

2. *Working on Sabbath—Validity of state statute.*—A Connecticut statute providing that no person who states that a particular day of week is his Sabbath may be required by his employer to work on such day, and that employee's refusal to work on his Sabbath shall not constitute grounds for his dismissal, violated Establishment Clause by providing Sabbath observers with an absolute and unqualified right not to work on their chosen Sabbath. Estate of Thornton v. Caldor, Inc., p. 703.

V. Freedom of Speech.

1. *Defamation by credit reporting agency—Showing of "actual malice."*—A State Supreme Court's judgment was affirmed where (1) respondent brought a defamation action against petitioner credit reporting agency for false statements in petitioner's report to certain of its subscribers as to respondent's financial condition, (2) jury returned a verdict in respondent's favor, (3) trial court granted a new trial on ground that it had improperly instructed jury so as to permit a damages award on a lesser showing than "actual malice," court believing that "actual malice" showing was necessary under First Amendment principles, and (4) State Supreme Court

CONSTITUTIONAL LAW—Continued.

reversed on ground that such principles applied only to news media defendants. *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, p. 749.

2. *Military bases—Open houses for public.*—Where (1) in 1972, respondent received from a commanding officer a letter forbidding him to reenter a military base without written permission, such letter having been issued after respondent had entered base and destroyed Government property, and (2) in 1981, respondent entered base during its Armed Forces Day open house for public, 18 U. S. C. § 1382, which prohibits a person from reentering a military base after having been ordered not to reenter by commanding officer, applied to respondent's conduct, and First Amendment did not bar his conviction for violating § 1382. *United States v. Albertini*, p. 675.

3. *Obscenity—Validity of state statute.*—In an action challenging validity, on First Amendment grounds, of a Montana statute which declared to be a moral nuisance any place where lewd films or publications were publicly exhibited or sold, Court of Appeals erred in facially invalidating statute in its entirety on ground that statute's definition of "prurient" as including "lust" was unconstitutionally overbroad in that it reached constitutionally protected material that merely stimulated normal sexual responses; absent countervailing considerations, statute should have been invalidated only insofar as word "lust" was to be understood as reaching protected materials. *Brockett v. Spokane Arcades, Inc.*, p. 491.

VI. Right to Petition Government.

Libel—Petitions to Government officials.—Petition Clause of First Amendment does not provide absolute immunity to defendants charged with expressing libelous and damaging falsehoods in petitions to Government officials; lower courts in respondent's libel action against petitioner properly held that Clause did not grant absolute immunity to petitioner, who allegedly wrote letters to President (and sent copies to other Government officials) knowing that statements concerning respondent were false, and maliciously intending to undermine respondent's prospect of being appointed as a United States Attorney. *McDonald v. Smith*, p. 479.

VII. Searches and Seizures.

1. *Adult bookstore—Undercover officer's purchase of obscene magazines.*—Where (1) an undercover officer purchased magazines from respondent salesclerk at an adult bookstore, using a marked bill, (2) officer showed magazines to fellow officers waiting nearby, and, upon concluding that magazines were obscene, officers returned to store, arrested respondent, and retrieved bill (neglecting to return change received at time of purchase), and (3) magazines were admitted in evidence at trial that resulted in respondent's conviction for violating state obscenity statute, officers did not obtain possession of magazines by means of an unreasonable search or

CONSTITUTIONAL LAW—Continued.

seizure, and magazines were not fruit of an arrest, lawful or otherwise. *Maryland v. Macon*, p. 463.

2. *Illegal wiretaps*—*Attorney General's immunity from suit*.—Where (1) petitioner, as Attorney General, authorized a warrantless wiretap to gather intelligence regarding a group that was planning actions threatening national security, (2) Government intercepted conversations between a member of group and respondent, (3) this Court, in another case, held that Fourth Amendment does not permit warrantless wiretaps in cases involving domestic threats to national security, and (4) respondent then filed a damages action against petitioner, alleging that surveillance here violated Fourth Amendment and Omnibus Crime Control and Safe Streets Act, petitioner was not absolutely immune from suit but was entitled to qualified immunity notwithstanding his actions violated Fourth Amendment. *Mitchell v. Forsyth*, p. 511.

COOPERATIVES. See **Antitrust Acts**, 2.

CORPORATE INSIDERS. See **Securities Regulation**, 1.

COURTS OF APPEALS. See **Jurisdiction**.

CREDIT REPORTING AGENCY'S LIABILITY FOR DEFAMATION.

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

CRIMINAL JUSTICE ACT. See **Attorneys**.

CRIMINAL LAW. See **Constitutional Law**, I; II, 3; V, 2; VII, 1.

CRUEL AND UNUSUAL PUNISHMENT. See **Constitutional Law**, I.

DEATH PENALTY. See **Constitutional Law**, I.

DEFAMATION. See **Constitutional Law**, V, 1; VI.

DISCIPLINARY PROCEEDINGS AGAINST PRISONERS. See **Constitutional Law**, II, 3.

DISCIPLINING ATTORNEYS. See **Attorneys**.

DISCRIMINATION BASED ON AGE. See **Age Discrimination in Employment Act of 1967**.

DISCRIMINATION BASED ON NATIONAL ORIGIN. See **Aliens**.

DISCRIMINATION BASED ON RACE. See **Aliens**.

DISCRIMINATION BASED ON RESIDENCY. See **Constitutional Law**, III.

DISQUALIFICATION OF ATTORNEYS. See **Jurisdiction**, 2.

DUE PROCESS. See **Constitutional Law**, II.

EARNED-INCOME DISREGARD FOR FOOD-STAMP ELIGIBILITY. See Constitutional Law, II, 1.

EASEMENTS. See Pueblo Lands Act of 1924.

EIGHTH AMENDMENT. See Constitutional Law, I.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Multiemployer benefit plans for employees—Employer liability—Audits of employer records.—Where (1) petitioners, multiemployer benefit plans governed by Act, operated under trust agreements for purpose of providing health, welfare, and pension benefits to employees performing work covered by collective-bargaining agreements that required respondent employers, who agreed to be bound by trust agreements, to make contributions to petitioners for each such employee, (2) petitioners relied on employers' self-reporting to determine their liability for contributions and policed employers by random audits of their records, and (3) when respondents refused to allow a requested audit, petitioners filed suit in District Court for an order permitting audit, respondents were required to allow audit since it was supported by trust agreements' provisions and was reasonable in light of Act's standards and policies. Central States, Southeast & Southwest Areas Pension Fund v. Central Transport, Inc., p. 559.

EMPLOYER AND EMPLOYEES. See Age Discrimination in Employment Act of 1967; Civil Service Reform Act of 1978; Constitutional Law, IV, 2; Employee Retirement Income Security Act of 1974.

EQUAL PROTECTION OF THE LAWS. See Aliens; Bank Holding Company Act of 1956; Constitutional Law, III.

ESTABLISHMENT OF RELIGION. See Constitutional Law, IV.

EVIDENCE. See Constitutional Law, II, 3.

FEDERAL INCOME TAXES. See Internal Revenue Code.

FEDERAL RULES OF APPELLATE PROCEDURE. See Attorneys.

FEDERAL-STATE RELATIONS. See Bank Holding Company Act of 1956; Internal Revenue Code; Pueblo Lands Act of 1924.

FIFTH AMENDMENT. See Aliens.

FINAL JUDGMENTS. See Jurisdiction.

FIREFIGHTERS. See Age Discrimination in Employment Act of 1967, 2.

FIRST AMENDMENT. See Constitutional Law, IV-VI; VII, 1; Investment Advisers Act of 1940.

FLIGHT ENGINEERS. See *Age Discrimination in Employment Act of 1967*, 1.

FOOD STAMP ACT. See *Constitutional Law*, II, 1.

FOURTEENTH AMENDMENT. See *Constitutional Law*, II; III; IV, 1.

FOURTH AMENDMENT. See *Constitutional Law*, VII; *Jurisdiction*, 1.

FRAUD. See *Securities Regulation*.

FREEDOM OF RELIGION. See *Constitutional Law*, IV.

FREEDOM OF SPEECH. See *Constitutional Law*, V; VII, 1.

FULL FAITH AND CREDIT CLAUSE. See *Constitutional Law*, II, 2.

GAS LEASES. See *Constitutional Law*, II, 2; *Standing*.

GOOD TIME CREDITS OF PRISONERS. See *Constitutional Law*, II, 3.

GOVERNMENT EMPLOYEES. See *Age Discrimination in Employment Act of 1967*, 2; *Civil Service Reform Act of 1978*.

GROUP BOYCOTTS. See *Antitrust Acts*, 2.

HEALTH BENEFITS FOR EMPLOYEES. See *Employee Retirement Income Security Act of 1974*.

HOLDING COMPANY'S ACQUISITION OF BANK. See *Bank Holding Company Act of 1956*.

IMMIGRATION AND NATURALIZATION SERVICE RULES. See *Aliens*.

IMMUNITY FROM LIABILITY FOR LIBEL IN PETITION TO GOVERNMENT OFFICIAL. See *Constitutional Law*, VI.

IMMUNITY OF CABINET OFFICERS FROM SUIT. See *Constitutional Law*, VII, 2; *Jurisdiction*, 1.

INCOME TAXES. See *Internal Revenue Code*.

INDIANS. See *Pueblo Lands Act of 1924*.

INSIDE INFORMATION. See *Securities Regulation*, 1.

INSTRUCTIONS TO JURY. See *Age Discrimination in Employment Act of 1967*, 1.

INTERNAL REVENUE CODE.

Delinquent income taxes—Levy on joint bank accounts.—Under §§ 6331(a) and 6332(a) of Code, Internal Revenue Service had a right to levy on joint bank accounts in respondent bank in Arkansas for delin-

INTERNAL REVENUE CODE—Continued.

quent income taxes owed by only one of codepositors, notwithstanding under Arkansas garnishment law a bank depositor's creditor was not subrogated to depositor's power to withdraw account and, in a garnishment proceeding, creditor would have to join codepositors. *United States v. National Bank of Commerce*, p. 713.

INTERSTATE ACQUISITIONS OF BANKS BY HOLDING COMPANIES. See **Bank Holding Company Act of 1956.****INVESTMENT ADVISERS ACT OF 1940.**

Revocation of adviser's registration—Publication of newsletters.—Where a corporation's registration as an investment adviser under Act was revoked because of its president's convictions of various offenses involving investments, and corporation and its president (with other unregistered corporations) thereafter published on a regular basis, for paid subscribers, newsletters containing impersonal investment advice and commentary, such publications fell within statutory exclusion of bona fide publications, and neither corporation nor its president was an "investment adviser" as defined in Act so as to justify restraining future publications. *Lowe v. SEC*, p. 181.

JOINT BANK ACCOUNTS AS SUBJECT TO TAX LEVY. See **Internal Revenue Code.****JURISDICTION.** See also **Constitutional Law, I, 1; II, 2; Standing.**

1. *Court of Appeals—"Final decision"—Attorney General's liability for wiretap.*—Where (1) respondent filed a damages action against petitioner, who, as Attorney General, authorized a warrantless wiretap to gather intelligence regarding a group that was planning actions threatening national security, resulting in interception of conversations between a group member and respondent, and (2) respondent alleged that surveillance violated Fourth Amendment and Omnibus Crime Control and Safe Streets Act, District Court's order granting summary judgment for respondent on liability issue and holding that petitioner was not entitled to either absolute or qualified immunity from suit, to extent that such order turned on a question of law, was a "final decision" appealable to Court of Appeals within meaning of 28 U. S. C. § 1291 notwithstanding absence of a final judgment. *Mitchell v. Forsyth*, p. 511.

2. *Court of Appeals—"Final" judgments—Order disqualifying counsel.*—An order disqualifying counsel in a civil case is not a collateral order subject to immediate appeal as a "final" judgment within meaning of 28 U. S. C. § 1291, and hence Court of Appeals lacked jurisdiction of appeal by a child, who was born with physical defects allegedly caused by drugs manufactured by petitioner and taken by mother during pregnancy, from

JURISDICTION—Continued.

District Court's pretrial order, in child's civil action against petitioner, disqualifying law firm that represented child and revoking appearances of two of its attorneys because of misconduct. *Richardson-Merrell Inc. v. Koller*, p. 424.

JURY INSTRUCTIONS. See *Age Discrimination in Employment Act of 1967*, 1.

LIBEL BY CREDIT REPORTING AGENCY. See *Constitutional Law*, V, 1.

LIBEL IN PETITION TO GOVERNMENT OFFICIAL. See *Constitutional Law*, VI.

MANDATORY DEATH SENTENCES. See *Constitutional Law*, I, 2.

MANDATORY RETIREMENT. See *Age Discrimination in Employment Act of 1967*.

“MANIPULATIVE” ACTS CONCERNING TENDER OFFERS. See *Securities Regulation*, 2.

MASSACHUSETTS. See *Bank Holding Company Act of 1956*.

MILITARY BASE OPEN HOUSE FOR PUBLIC. See *Constitutional Law*, V, 2.

MINUTE OF SILENCE IN PUBLIC SCHOOLS. See *Constitutional Law*, IV, 1.

MISCONDUCT OF ATTORNEYS. See *Attorneys; Jurisdiction*, 2.

MISREPRESENTATIONS CONCERNING TENDER OFFERS. See *Securities Regulation*, 2.

MONOPOLIZATION OF SKIING FACILITIES. See *Antitrust Acts*, 1.

MONTANA. See *Constitutional Law*, V, 3.

MULTIEMPLOYER BENEFIT PLANS FOR EMPLOYEES. See *Employee Retirement Income Security Act of 1974*.

NATIONAL SECURITY WIRETAPS. See *Constitutional Law*, VII, 2; *Jurisdiction*, 1.

NATIONWIDE CLASS ACTIONS. See *Constitutional Law*, II, 2; *Standing*.

NEW MEXICO. See *Constitutional Law*, III, 2; *Pueblo Lands Act of 1924*.

NEWSLETTERS CONTAINING INVESTMENT ADVICE. See *Investment Advisers Act of 1940*.

NONDISCLOSURE CONCERNING TENDER OFFERS. See **Securities Regulation**, 2.

NONINTERCOURSE ACT. See **Pueblo Lands Act of 1924**.

OBSCENITY. See **Constitutional Law**, V, 3; VII, 1.

OFFICE SUPPLY RETAILERS. See **Antitrust Acts**, 2.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT. See **Constitutional Law**, VII, 2; **Jurisdiction**, 1.

OPEN HOUSE FOR PUBLIC AT MILITARY BASE. See **Constitutional Law**, V, 2.

PAROLE FROM DETENTION OF ALIENS SEEKING ADMISSION. See **Aliens**.

PILOTS. See **Age Discrimination in Employment Act of 1967**, 1.

POLICE OFFICER'S PURCHASE OF OBSCENE MAGAZINES. See **Constitutional Law**, VII, 1.

PRAYER IN PUBLIC SCHOOLS. See **Constitutional Law**, IV, 1.

PRISONERS' GOOD TIME CREDITS. See **Constitutional Law**, II, 3.

PROPERTY TAXES. See **Constitutional Law**, III, 2.

PROSECUTOR'S IMPROPER ARGUMENT AS TO DEATH PENALTY. See **Constitutional Law**, I, 1.

PUBLIC EMPLOYEES. See **Age Discrimination in Employment Act of 1967**, 2; **Civil Service Reform Act of 1978**.

PUBLIC SCHOOL PRAYER. See **Constitutional Law**, IV, 1.

PUEBLO LANDS ACT OF 1924.

Pueblo's grant of easement—Validity.—A 1928 agreement, approved by Secretary of Interior, between petitioner company and respondent pueblo whereby petitioner was granted a telephone-line easement on pueblo's land in New Mexico was valid under § 17 of Act even though Congress had not enacted legislation approving conveyance. *Mountain States Telephone & Telegraph Co. v. Santa Ana Pueblo*, p. 237.

RACIAL DISCRIMINATION. See **Aliens**.

RELIGIOUS FREEDOM. See **Constitutional Law**, IV.

RESIDENCE REQUIREMENTS FOR TAX EXEMPTIONS. See **Constitutional Law**, III, 2.

RETIREMENT PLANS. See **Age Discrimination in Employment Act of 1967**; **Employee Retirement Income Security Act of 1974**.

REVOCATION OF PRISONERS' GOOD TIME CREDITS. See **Constitutional Law**, II, 3.

RIGHT TO PETITION GOVERNMENT. See **Constitutional Law**, VI.

ROBINSON-PATMAN ACT. See **Antitrust Acts**, 2.

ROYALTY PAYMENTS UNDER GAS LEASES. See **Constitutional Law**, II, 2; **Standing**.

SABBATH AS WORKDAY. See **Constitutional Law**, IV, 2.

SCHOOL PRAYER. See **Constitutional Law**, IV, 1.

SEARCHES AND SEIZURES. See **Constitutional Law**, VII; **Jurisdiction**, 1.

SECURITIES EXCHANGE ACT OF 1934. See **Securities Regulation**.

SECURITIES REGULATION. See also **Investment Advisers Act of 1940**.

1. *Fraud*—*Inside information*—*Tippee as in pari delicto*.—Where (1) respondent investors filed a federal-court damages action alleging that they incurred trading losses after a securities broker (employed by petitioner) and a corporation's officer fraudulently induced them to purchase corporation's stock by divulging false information about corporation on pretext that it was accurate inside information, and that such alleged scheme violated antifraud provisions of Securities Exchange Act of 1934 and implementing regulation, and (2) District Court dismissed complaint on ground that respondents were *in pari delicto* with broker and corporate insider and thus were barred from recovery, there was no basis at such stage of litigation for applying *in pari delicto* defense to bar respondents' action. Bateman Eichler, Hill Richards, Inc. v. Berner, p. 299.

2. *Tender offers*—“*Manipulative*” *acts*.—“*Manipulative*” acts under § 14(e) of Securities Exchange Act of 1934 require misrepresentation or nondisclosure, and thus statute was not violated where (1) a corporation made a hostile tender offer for another company to which a majority of latter's shareholders subscribed, (2) offering corporation, after negotiations with target company, rescinded original tender offer and substituted a new offer, causing diminished payments to those shareholders who had tendered their shares during first offer and then retendered under second offer, and (3) in class action against both companies and members of target's board of directors, it was alleged that their acts constituted a “*manipulative*” distortion of market for target's stock. Schreiber v. Burlington Northern, Inc., p. 1.

SHERMAN ACT. See **Antitrust Acts**.

SILENT PRAYER IN PUBLIC SCHOOLS. See **Constitutional Law**, IV, 1.

SKIING FACILITIES. See **Antitrust Acts**, 1.

STANDING.

Nationwide class action—State-court jurisdiction over nonresidents.—In a class action in a Kansas state court brought against petitioner by respondents, royalty owners who possessed rights to leases from which petitioner produced gas and who sought to recover interest on petitioner's delayed royalty payments, wherein court certified a nationwide class of royalty owners, petitioner had standing to assert claim that Kansas did not have jurisdiction over class members who were not Kansas residents and had no connection to Kansas. *Phillips Petroleum Co. v. Shutts*, p. 797.

STATE PROPERTY TAXES. See **Constitutional Law**, III, 2.

STATE USE TAXES ON AUTOMOBILES. See **Constitutional Law**, III, 1.

STOCKBROKERS. See **Securities Regulation**, 1.

SUPREME COURT. See also **Constitutional Law**, I, 1.

1. Appointment of Joseph F. Spaniol, Jr., as Clerk, p. 1013.
2. Appointment of Stephen G. Margeton as Librarian, p. 1013.

SUSPENSION OF ATTORNEY FROM PRACTICE. See **Attorneys**.

TAXES. See **Constitutional Law**, III; **Internal Revenue Code**.

TELEPHONE-LINE EASEMENTS. See **Pueblo Lands Act of 1924**.

TENDER OFFERS. See **Securities Regulation**, 2.

USE TAXES ON AUTOMOBILES. See **Constitutional Law**, III, 1.

VERMONT. See **Constitutional Law**, III, 1.

VIETNAM WAR VETERANS' TAX EXEMPTION. See **Constitutional Law**, III, 2.

WELFARE BENEFITS. See **Constitutional Law**, II, 1; **Employee Retirement Income Security Act of 1974**.

WHOLESALE PURCHASING COOPERATIVES. See **Antitrust Acts**, 2.

WILLIAMS ACT. See **Securities Regulation**, 2.

WIRETAPS. See **Constitutional Law**, VII, 2; **Jurisdiction**, 1.

WORDS AND PHRASES.

1. "*Bona fide occupational qualification.*" § 4(f)(1), Age Discrimination in Employment Act of 1967, 29 U. S. C. § 623(f)(1). *Johnson v. Mayor & City Council of Baltimore*, p. 353; *Western Air Lines, Inc. v. Criswell*, p. 400.

WORDS AND PHRASES—Continued.

2. "*Final decisions.*" 28 U. S. C. § 1291. Richardson-Merrell Inc. v. Koller, p. 424; Mitchell v. Forsyth, p. 511.
3. "*Harmful error.*" Civil Service Reform Act of 1978, 5 U. S. C. § 7701(c)(2)(A). Cornelius v. Nutt, p. 648.
4. "*Investment adviser.*" § 202(a)(11)(D), Investment Advisers Act of 1940, 15 U. S. C. § 80b-2(a)(11)(D). Lowe v. SEC, p. 181.
5. "*Manipulative*" *acts.* § 14(e), Securities Exchange Act of 1934, 15 U. S. C. § 78n(e). Schreiber v. Burlington Northern, Inc., p. 1.















