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**CONSTITUTIONAL LAW—Continued.**

ing for a more exacting standard of judicial review than is normally accorded economic and social legislation; requiring a permit for operation of a proposed group home under ordinance challenged in this case violated equal protection principles because ordinance allowed operation of facilities such as boarding houses and hospitals without a permit and record did not reveal a rational basis for believing that proposed group home would pose any special threat to city's legitimate interests. *Cleburne v. Cleburne Living Center, Inc.*, p. 432.

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**V. Searches and Seizures.**

*Detention by customs officials—"Alimentary canal" narcotics smuggler.*—Where (1) customs officials detained respondent passenger at airport when they suspected that she was a "balloon swallower" attempting to smuggle into country narcotics hidden in her alimentary canal, (2) after *incommunicado* detention for almost 16 hours, officials sought a court order



**CONSTITUTIONAL LAW—Continued.**

authorizing a rectal examination, (3) during such detention, she accepted option of returning to Colombia, but officials could not place her on next available flight and she refused to use monitored toilet facilities, and (4) pursuant to a court order, a rectal examination at a hospital resulted in obtaining cocaine-filled balloons that had been smuggled in her alimentary canal, detention did not violate Fourth Amendment since, under facts surrounding respondent and her trip, officials reasonably suspected that she was an "alimentary canal" smuggler. *United States v. Montoya de Hernandez*, p. 531.

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**DETAINERS.** See Interstate Agreement on Detainers.

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

**DISCRIMINATION AGAINST HANDICAPPED.** See Constitutional Law, VI.

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**DUE PROCESS.** See Constitutional Law, I; Jurisdiction; Justiciability.

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**EMINENT DOMAIN.** See Justiciability.

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**EMPLOYER AND EMPLOYEES.** See Constitutional Law, VI; Employee Retirement Income Security Act of 1974; Stays, 5.

**EMPLOYMENT DISCRIMINATION.** See Constitutional Law, VI.

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

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

**EVIDENCE.** See Constitutional Law, I, 1.

**FEDERAL ARBITRATION ACT.**

*Automobile distributor agreement—Arbitrability of antitrust claims.*—Where (1) petitioner, a Japanese corporation that manufactures automobiles, entered into a sales agreement with respondent Puerto Rico corporation for distribution of petitioner's automobiles outside continental United States, (2) agreement contained clause providing for arbitration by a Japanese association of disputes arising under agreement, (3) petitioner filed suit in Federal District Court seeking to compel arbitration of disputes that

**FEDERAL ARBITRATION ACT—Continued.**

had arisen, and (4) respondent's counterclaims asserted antitrust causes of action, antitrust claims were arbitrable pursuant to Act, even though arbitration clause did not mention federal antitrust statutes specified in respondent's counterclaims. *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.*, p. 614.

**FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.**

*First registrant's research data—Compensation for use by second registrant—Arbitration.*—Act's provisions (1) authorizing Environmental Protection Agency to use research data submitted by first registrant of a product in connection with second registrant's submission for registration of a similar product only if latter offered to compensate first registrant, and (2) requiring arbitration if registrants failed to agree on compensation, with arbitrator's decision being subject to judicial review only for fraud, misrepresentation, or other misconduct, do not violate Article III of Constitution as improperly allocating judicial officers' functions to arbitrators and improperly limiting review by an Article III court; Article III claims of appellees, firms whose research data were considered in support of other registration applications, were sufficiently ripe to establish a case or controversy. *Thomas v. Union Carbide Agricultural Products Co.*, p. 568.

**FEDERAL RULES OF CIVIL PROCEDURE.** See **Attorney's Fees.**

**FEDERAL-STATE RELATIONS.** See **Civil Rights Attorney's Fees Awards Act of 1976; Constitutional Law, VI.**

**FEDERAL TORT CLAIMS ACT.**

*Murder of serviceman by another serviceman—Feres doctrine.*—Where (1) respondent sued under Act to recover for death of her son, a serviceman who was kidnaped and murdered by another serviceman (convicted in a state court) while son was off duty and away from base, (2) murderer had also been previously convicted by a German court of manslaughter while assigned to a base in Germany, (3) respondent alleged that son's death was caused by Army's negligence in not controlling murderer, not warning others about him, and not removing him from active duty, recovery under Act was barred by doctrine of *Feres v. United States*, 340 U. S. 135, which held that a soldier may not recover under Act for injuries arising out of activity incident to service. *United States v. Shearer*, p. 52.

**FIFTH AMENDMENT.** See **Constitutional Law, I, 2; Jurisdiction; Justiciability.**

**FINES IMPOSED BY UNIONS AGAINST MEMBERS.** See **National Labor Relations Act, 2.**

**FIRST AMENDMENT.** See **Constitutional Law, I, 2; III; IV; Jurisdiction; Stays, 1.**



- FISHING RIGHTS.** See Indians.
- FOURTEENTH AMENDMENT.** See Constitutional Law, II; Justiciability.
- FOURTH AMENDMENT.** See Constitutional Law, V.
- FRAUD.** See Criminal Law.
- FREEDOM OF RELIGION.** See Constitutional Law, III.
- FREEDOM OF SPEECH.** See Constitutional Law, IV.
- FUNGICIDE REGISTRATION.** See Federal Insecticide, Fungicide, and Rodenticide Act.
- GOVERNMENT EMPLOYEES.** See Stays, 5.
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- HANDICAPPED PERSONS.** See Constitutional Law, VI.
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- HOSPITALS' MEDICARE REIMBURSEMENTS.** See Stays, 3.
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- IMMUNITY OF STATES FROM SUIT.** See Civil Rights Attorney's Fees Awards Act of 1976; Constitutional Law, VI.
- IMPEACHMENT OF WITNESSES.** See Constitutional Law, I, 1.
- IMPLIED CAUSES OF ACTION.** See Employee Retirement Income Security Act of 1974.
- INDIANS.**  
*Hunting and fishing rights—Regulation by State.*—In light of terms of a 1901 Agreement between Federal Government and respondent Tribe, an 1864 Treaty, and certain other events in Tribe's history, Tribe's exclusive right to hunt and fish on lands in Oregon reserved to Tribe by 1864 Treaty did not survive as a special right to be free of state regulation in lands ceded to Federal Government that were outside Tribe's reservation after 1901 Agreement. *Oregon Dept. of Fish and Wildlife v. Klamath Indian Tribe*, p. 753.
- INJUNCTIONS.** See Jurisdiction.
- INSECTICIDE REGISTRATION.** See Federal Insecticide, Fungicide, and Rodenticide Act.
- INTERNATIONAL RELATIONS.** See Federal Arbitration Act.

**INTERSTATE AGREEMENT ON DETAINERS.**

*Detainer based on probation violation—Applicability of Agreement.*—Article III of Agreement, establishing a procedure by which a prisoner incarcerated in one State may demand speedy disposition of “any untried indictment, information or complaint” that is basis of a detainer lodged against him by another State, does not apply to detainers based on probation-violation charges in latter State. *Carchman v. Nash*, p. 716.

**INTERSTATE TRANSPORTATION OF STOLEN GOODS.** See **Criminal Law.**

**JURISDICTION.**

*Supreme Court—Constitutionality of federal statute—Preliminary injunction.*—This Court has jurisdiction under 28 U. S. C. § 1252 of an appeal from Federal District Court’s nationwide preliminary injunction against enforcement of another federal statute’s \$10 limitation of fee that may be paid an attorney or agent who represents a veteran seeking benefits from Veterans’ Administration for service-connected disability or death, in appellees’ action alleging that fee limitation violated First Amendment and Due Process Clause of Fifth Amendment. *Walters v. National Assn. of Radiation Survivors*, p. 305.

**JUSTICIABILITY.** See also **Federal Insecticide, Fungicide, and Rodenticide Act.**

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**LABOR UNIONS.** See **National Labor Relations Act.**

**LEGAL DEFENSE ORGANIZATIONS.** See **Constitutional Law, IV.**

**LONGSHOREMEN’S HANDLING OF CARGO CONTAINERS.** See **National Labor Relations Act, 1.**

**MARINE CARGO CONTAINERS.** See **National Labor Relations Act, 1.**

**MEDICARE.** See **Stays, 3.**



**MENTALLY RETARDED.** See Constitutional Law, II.

**MILITARY FORCES.** See Constitutional Law, I, 2; Federal Tort Claims Act; Jurisdiction.

**MURDER OF SERVICEMAN BY ANOTHER SERVICEMAN.** See Federal Tort Claims Act.

**NATIONAL FORESTS.** See Stays, 4.

**NATIONAL LABOR RELATIONS ACT.**

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2. *Strikes—Resignation from union—Fines.*—National Labor Relations Board did not err in concluding that petitioner unions committed an unfair labor practice under § 8(b)(1)(A) of Act by fining members who, contrary to petitioner national union’s constitution, resigned from union during a strike and returned to work. *Pattern Makers v. NLRB*, p. 95.

**NATIONAL LABOR RELATIONS BOARD.** See National Labor Relations Act.

**OFFICE OF PERSONNEL MANAGEMENT.** See Stays, 5.

**OREGON.** See Indians.

**PAROCHIAL SCHOOLS’ RECEIPT OF PUBLIC AID.** See Constitutional Law, III.

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**POLITICAL ADVOCACY ORGANIZATIONS.** See Constitutional Law, IV.

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**PREMATURITY OF ACTIONS.** See Federal Insecticide, Fungicide, and Rodenticide Act; Justiciability.

**PRIVATE CIVIL ACTION BY VICTIM OF CRIME.** See Racketeer Influenced and Corrupt Organizations Act.

**PROBATION VIOLATIONS.** See Interstate Agreement on Detainers.

**PRODUCT SAFETY.** See Federal Insecticide, Fungicide, and Rodenticide Act.

**PROSECUTOR'S FAILURE TO DISCLOSE EVIDENCE TO DEFENDANT.** See Constitutional Law, I, 1.

**PUBLIC EMPLOYEES.** See Stays, 5.

**RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT.**

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2. *Victim's private civil action—Prior conviction of defendant—Racketeering injury.*—Under Act's provisions that define "racketeering activity" as including acts "indictable" under other specific federal criminal provisions, and that authorize a private civil action by a person injured by another's violation of Act's prohibition against participating in an enterprise "through a pattern of racketeering activity," there is no requirement (1) that a private action can proceed only against a defendant who has already been convicted of a predicate act or of a violation of Act, or (2) that in order to maintain a private action plaintiff must establish a "racketeering injury" rather than only an injury resulting from predicate acts themselves. *Sedima, S. P. R. L. v. Imrex Co.*, p. 479.

**REGISTRATION OF INSECTICIDES, FUNGICIDES, AND RODENTICIDES.** See Federal Insecticide, Fungicide, and Rodenticide Act.

**REHABILITATION ACT OF 1973.** See Constitutional Law, VI.

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

**RESIGNATION FROM UNION.** See National Labor Relations Act, 2.

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

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**SCHOOL DISTRICTS' PROGRAMS FOR NONPUBLIC SCHOOL STUDENTS.** See Constitutional Law, III, 2.

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

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**SHERMAN ACT.** See Federal Arbitration Act.

**SMUGGLING NARCOTICS IN ALIMENTARY CANAL.** See Constitutional Law, V.

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**STATES' LIABILITY FOR ATTORNEY'S FEES IN ACTIONS AGAINST STATE OFFICIALS.** See Civil Rights Attorney's Fees Awards Act of 1976.

## STAYS.

1. *Adult bookstores.*—Application to stay county trial court's permanent injunction prohibiting operation of applicants' adult bookstores in certain areas of county is denied. *Renaissance Arcade and Bookstore v. Cook County* (STEVENS, J., in chambers), p. 1322.

2. *Attorney's fees.*—Application to stay, pending certiorari, Court of Appeals' mandate requiring applicants, a city and certain of its current or former police officers, to pay, pursuant to 42 U. S. C. § 1988, \$245,456.25 in attorney's fees to respondents—who had recovered only \$33,350 in damages in their civil rights action based on police misconduct in breaking up, and making arrests at, a private celebration—is granted. *Riverside v. Rivera* (REHNQUIST, J., in chambers), p. 1315.

3. *Medicare regulations.*—Application to stay, pending appeal to Court of Appeals, District Court's preliminary injunction is granted insofar as injunction required Secretary of Health and Human Services to promulgate nationwide regulations providing hospitals with rights to immediate review of their individual Medicare reimbursement rates and with enhanced reimbursement for inpatient services; but stay application is denied with respect to portion of District Court's order granting preliminary relief to respondent hospital operator, which had filed suit only to challenge administrative determination of its own Medicare reimbursement rate and to obtain additional reimbursement. *Heckler v. Redbud Hospital Dist.* (REHNQUIST, J., in chambers), p. 1308.



**STAYS**—Continued.

4. *Vacation of stay—Harvesting timber in national forests.*—Secretary of Agriculture's application to vacate Court of Appeals' stay of issuance of its own mandate for 30 days to allow respondents to petition this Court for certiorari—Court of Appeals having vacated District Court's preliminary injunction against Secretary's enforcing his contracts with respondent lumber company for latter's harvesting of timber in national forests—is denied. *Block v. North Side Lumber Co.* (REHNQUIST, J., in chambers), p. 1307.

5. *Vacation of stay—OPM regulations.*—Application to vacate Court of Appeals' order directing a stay of effective date of Office of Personnel Management's new regulations—which allow federal agencies to give more weight to merit and less weight to seniority in personnel decisions—is granted. *Office of Personnel Management v. Government Employees* (BURGER, C. J., in chambers), p. 1301.

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2. Retirement of Alexander L. Stevas as Clerk, p. v.

3. Term statistics, p. 1324.

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**VICTIM OF CRIME'S PRIVATE CIVIL ACTION.** See **Racketeer Influenced and Corrupt Organizations Act**.

**VIOLATIONS OF PROBATION.** See **Interstate Agreement on Detainers**.

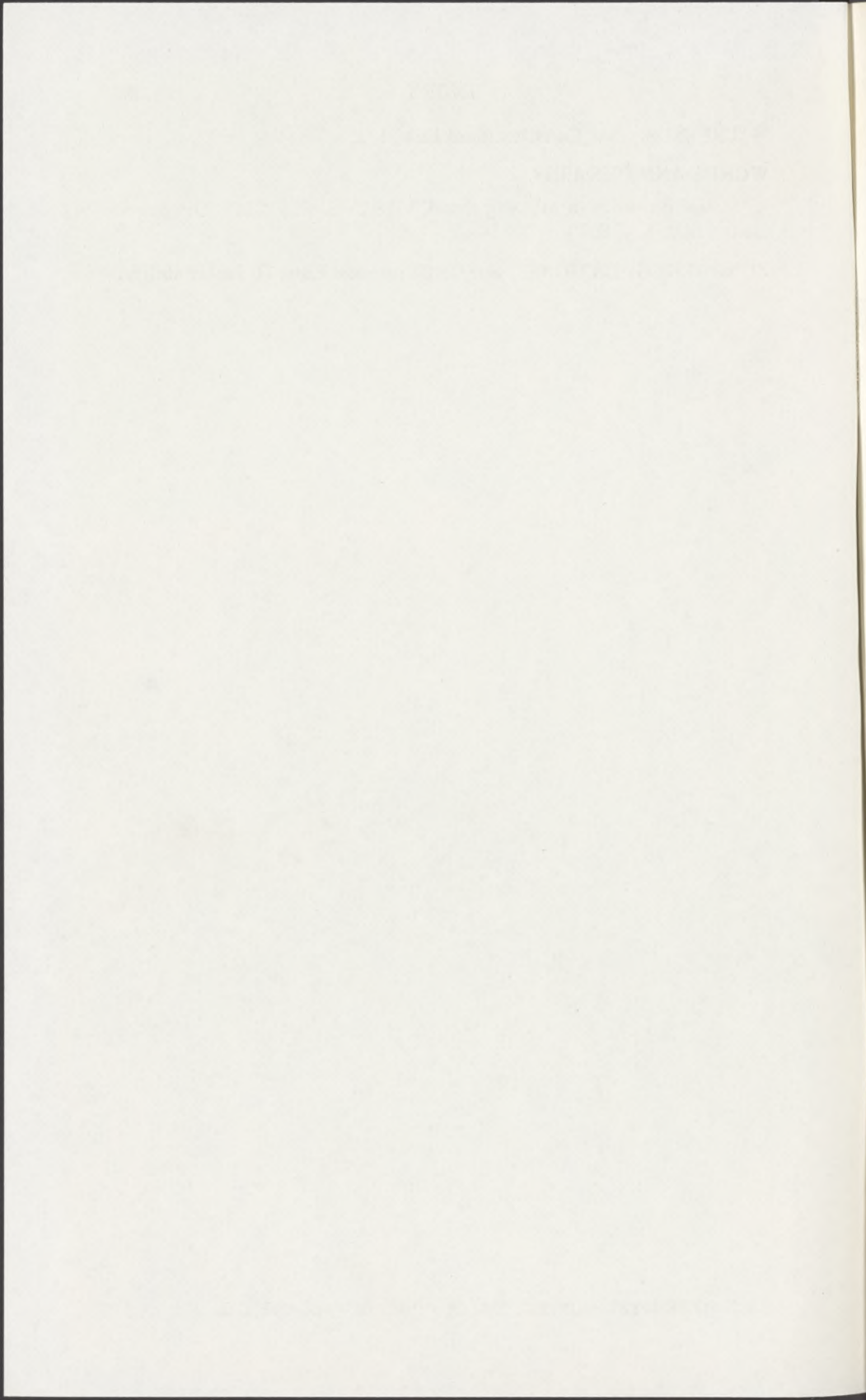
**WAIVER OF STATES' IMMUNITY FROM SUIT.** See **Constitutional Law, VI**.

**WITNESSES.** See **Constitutional Law, I, 1.**

**WORDS AND PHRASES.**

*"Stolen, converted or taken by fraud."* 18 U. S. C. § 2314. Dowling v. United States, p. 207.

**ZONING REGULATIONS.** See **Constitutional Law, II; Justiciability.**



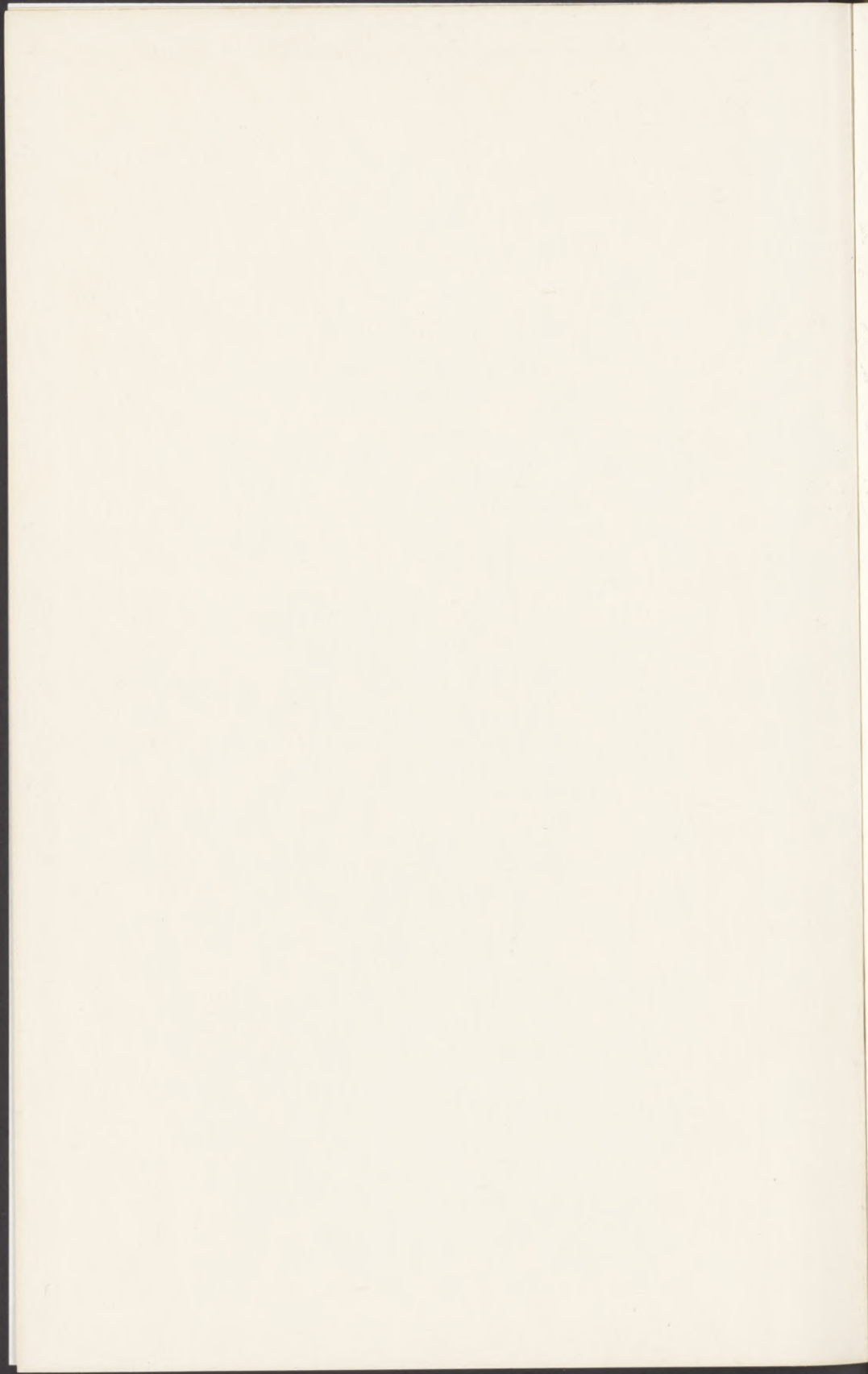








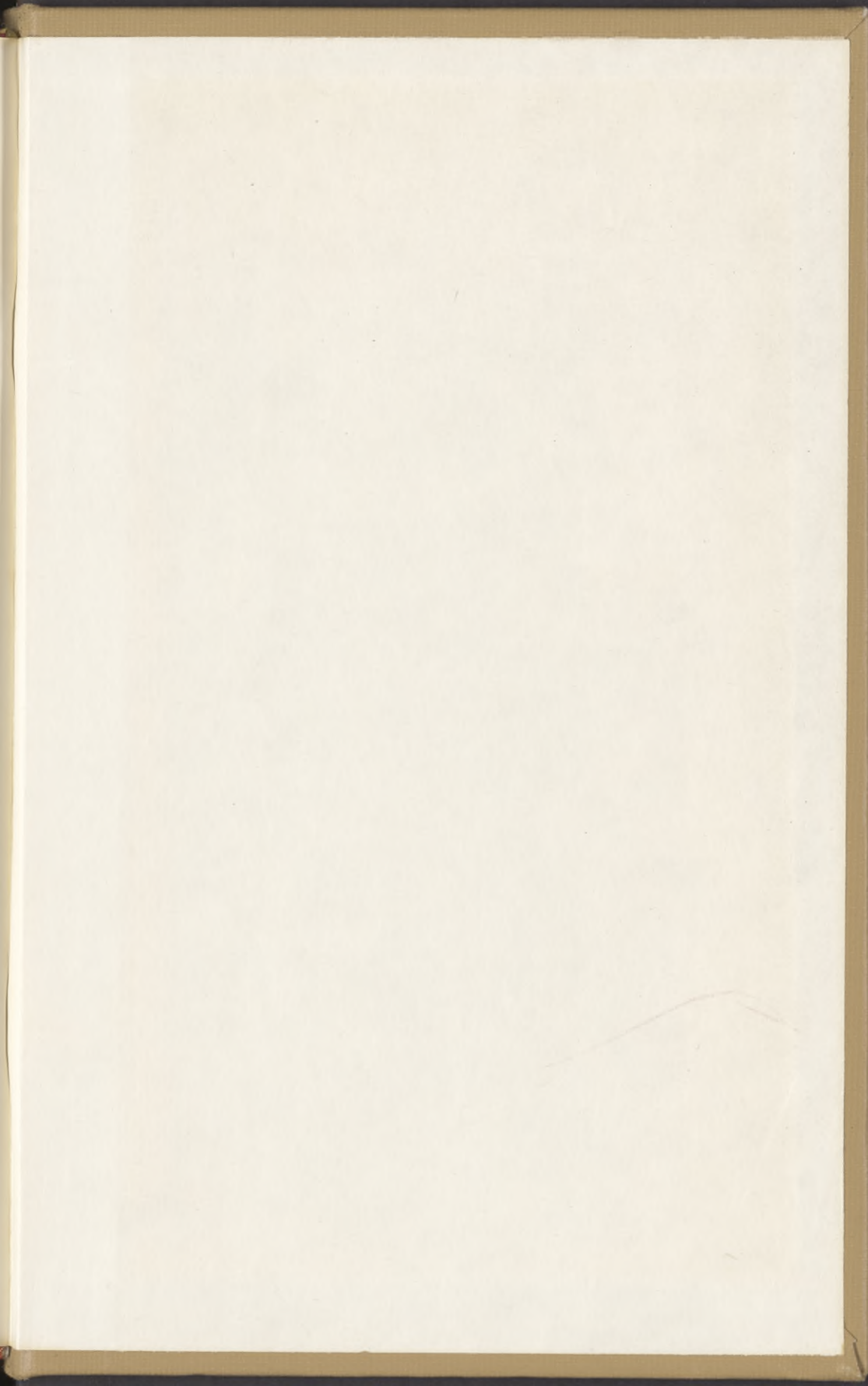














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