

## INDEX

---

**ADULT MOTION PICTURE THEATERS.** See Constitutional Law, VII, 1.

**ADVERTISEMENTS IN MEDICAL JOURNAL.** See Internal Revenue Code, 2.

**AFFILIATION OF LOCAL UNION WITH INTERNATIONAL UNION.** See National Labor Relations Act, 1.

**AID TO FAMILIES WITH DEPENDENT CHILDREN.** See Internal Revenue Code, 1.

**"ANCIENT TITLE" DOCTRINE.** See Federal-State Relations.

### ANTITRUST ACTS.

1. *Price-fixing conspiracy—Japanese television set manufacturers.*—Where (1) respondent American corporations that manufacture and sell television sets filed an antitrust action alleging that petitioner Japanese corporations or Japanese-controlled American corporations conspired to drive American firms from American market by fixing artificially high prices for television sets manufactured and sold by petitioners in Japan and, at same time, fixing low prices for sets exported to and sold in United States, and (2) Federal District Court, after directing parties to file lists of proposed documentary evidence, entered summary judgment for petitioners, Court of Appeals did not apply proper standards in evaluating District Court's decision, and erred in reversing its judgment. *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, p. 574.

2. *Rent ceilings—City ordinance—Pre-emption by Sherman Act.*—A city ordinance unilaterally imposing on landlords of residential real property rent ceilings that are controlled and maintained by a Rent Stabilization Board is not unconstitutional as being pre-empted by Sherman Act. *Fisher v. Berkeley*, p. 260.

### ARBITRATION.

*Collective-bargaining agreement—Dispute as to layoffs.*—Where (1) collective-bargaining agreement provided for arbitration of contract-interpretation disagreements, (2) a dispute arose concerning whether petitioner employer's discharge of employees at a certain location was proper under contract clause governing layoffs for "lack of work," and (3) respondent Union filed suit to compel arbitration, issue whether dispute was subject to arbitration clause should have been decided by District Court

**ARBITRATION**—Continued.

and reviewed by Court of Appeals, and should not have been referred to an arbitrator. *AT&T Technologies, Inc. v. Communications Workers*, p. 643.

**ARMED FORCES.** See *Constitutional Law*, VI.

**ARRESTS.** See *Civil Rights Act of 1871*, 2.

**ARREST WARRANTS.** See *Civil Rights Act of 1871*, 3.

**ASSISTANCE OF COUNSEL.** See *Constitutional Law*, VIII.

**ATTORNEY'S FEES.** See *Civil Rights Attorney's Fees Awards Act of 1976*.

**AUTOMOBILE SEARCHES.** See *Constitutional Law*, X.

**BARGE EMPLOYEES.** See *Fair Labor Standards Act*.

**BIAS OF JUDGES.** See *Constitutional Law*, IV, 2.

**BIAS OF WITNESSES.** See *Constitutional Law*, I, 2.

**BILLING ENVELOPE'S ENCLOSURE OF PUBLIC UTILITY'S NEWSLETTER.** See *Constitutional Law*, VII, 4.

**BOUNDARIES OF STATES.** See *Federal-State Relations*.

**BURDEN OF PROOF IN DEFAMATION ACTIONS.** See *Constitutional Law*, VII, 2.

**CAPITAL PUNISHMENT.** See *Stays*.

**CHILD SUPPORT.** See *Internal Revenue Code*, 1; *Statutes of Limitations*.

**CITY'S LIABILITY FOR UNLAWFUL ARRESTS.** See *Civil Rights Act of 1871*, 2.

**CITY'S PURCHASES OF FEDERAL HYDROELECTRIC POWER.** See *Flood Control Act of 1944*.

**CITY'S RENEWAL OF TAXICAB FRANCHISE.** See *National Labor Relations Act*, 2.

**CIVIL RIGHTS ACT OF 1871.** See also *Constitutional Law*, II.

1. *Acts of Deputy Sheriffs—County's liability.*—Where (1) petitioner physician refused to let County Deputy Sheriffs enter part of his clinic to serve capias for detention of two of his employees who had failed to appear after being subpoenaed by a grand jury, (2) Deputies called their superior, who told them to call County Prosecutor's Office for instructions, (3) they were instructed to "go in and get" employees, (4) a clinic door was then chopped down, but Deputies could not locate employees, and (5) petitioner filed a damages action under 42 U. S. C. § 1983, alleging that county

**CIVIL RIGHTS ACT OF 1871—Continued.**

had violated his rights under Fourth and Fourteenth Amendments, claim against county was improperly dismissed since county policymaker ordered, as a matter of "official policy," action that was taken by Deputies. *Pembaur v. Cincinnati*, p. 469.

2. *Arrest—Personal injuries—Liability of city and police officials.*—Where (1) respondent filed a damages action under 42 U. S. C. § 1983 for personal injuries allegedly resulting from his arrest without probable cause and from a police officer's use of excessive force in making arrest, (2) at bifurcated trial, a verdict for officer was returned by jury, which was not instructed on any affirmative defense that officer might have had, such as good-faith reliance on Police Department regulations, (3) District Court dismissed action against city and its Police Commissioners (petitioners), and (4) Court of Appeals reversed as to petitioners, but did not disturb verdict for officer, Court of Appeals erred in apparently basing its reversal on ground that jury could have believed that officer was entitled to a good-faith defense; jury's finding of no constitutional injury to respondent was conclusive not only as to officer, but also as to petitioners. *Los Angeles v. Heller*, p. 796.

3. *Arrest warrants—Police officer's immunity from damages liability.*—Where (1) on basis of monitoring calls pursuant to a court-authorized wiretap, petitioner state police officer presented criminal complaints against respondents, and supporting affidavits, to a state judge, who issued arrest warrants, (2) respondents were arrested, but charges were later dropped, and (3) respondents brought a damages action under 42 U. S. C. § 1983, alleging that petitioner had violated Fourth and Fourteenth Amendments in applying for arrest warrants, petitioner was not entitled to absolute immunity but only to qualified immunity from damages liability. *Malley v. Briggs*, p. 335.

**CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976.**

*Settlement of class action—Court approval—Waiver of attorney's fees.*—Where (1) respondents brought a class action against Governor and other Idaho officials responsible for education and treatment of mentally handicapped children, alleging that state programs for such children violated various federal and state laws, (2) respondents sought injunctive relief and an award of attorney's fees under Act, and (3) District Court approved a settlement granting injunctive relief conditioned on respondents' waiver of claim for attorney's fees, court had power, in its discretion, to approve waiver of attorney's fees, and there was no abuse of discretion. *Evans v. Jeff D.*, p. 717.

**CLASS-ACTION SETTLEMENT.** See *Civil Rights Attorney's Fees Awards Act of 1976.*

"CLEARLY ERRONEOUS" STANDARD OF REVIEW. See Fair Labor Standards Act; Patents.

COASTLINE. See Federal-State Relations.

CO-CONSPIRATOR'S STATEMENTS' ADMISSIBILITY AGAINST DEFENDANT. See Constitutional Law, I, 1.

COLLECTIVE-BARGAINING AGREEMENTS. See Arbitration.

COMMERCE CLAUSE. See National Labor Relations Act, 3.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.

*Hazardous substance releases—Cleanup costs—Damage to third parties—Pre-emption of state law.*—Section 114(c) of Act—which provides that no person may be required to contribute to any fund to compensate for claims for any costs or damages or claims which may be compensated under Act—pre-empted New Jersey Act that imposed excise tax upon petroleum and chemical facilities in State to create fund to pay, *inter alia*, for State's or third parties' cleaning up hazardous substance releases; however, state Act was not pre-empted as to use of state fund to compensate third parties for damage resulting from hazardous substance discharges, to pay personnel and equipment costs, to administer fund, and to conduct research. *Exxon Corp. v. Hunt*, p. 355.

CONFESSIONS. See Constitutional Law, VIII, 1.

CONFRONTATION CLAUSE. See Constitutional Law, I.

CONSPIRACY BY JAPANESE FIRMS TO FIX TELEVISION SET PRICES. See Antitrust Acts, 1.

CONSTITUTIONAL LAW. See also Antitrust Acts, 2; Civil Rights Act of 1871; Jurisdiction; National Labor Relations Act, 3; Statutes of Limitations.

#### I. Confrontation of Witnesses.

1. *Co-conspirator's statements—Admissibility.*—Confrontation Clause does not require a showing of co-conspirator's unavailability as a condition to admission in evidence against defendant of co-conspirator's out-of-court statements. *United States v. Inadi*, p. 387.

2. *Cross-examination of prosecution witness—Harmless error.*—Where trial court at respondent's murder trial refused to allow cross-examination of a prosecution witness about an agreement that he had made to speak with prosecutor concerning murder in question in exchange for dismissal of an unrelated criminal charge against him, court's denial of opportunity to impeach witness for bias violated respondent's rights under Confrontation Clause; however, such ruling was subject to harmless-error analysis. *Delaware v. Van Arsdall*, p. 673.

**CONSTITUTIONAL LAW—Continued.****II. Cruel and Unusual Punishment.**

*Prison riot—Officer's wounding of inmate.*—Where (1) during a riot in a state prison, respondent inmate was shot in knee by a prison officer pursuant to instructions of prison security manager when respondent sought to follow manager up stairs that manager was using in an attempt to free a hostage, and (2) respondent brought suit against prison officials under 42 U. S. C. § 1983, shooting of respondent did not violate Cruel and Unusual Punishments Clause of Eighth Amendment; Due Process Clause could not serve as an alternative basis for recovery, independently of Eighth Amendment. *Whitley v. Albers*, p. 312.

**III. Double Jeopardy.**

*Improper conviction for aggravated murder—Reduction to conviction for murder.*—Where (1) after respondent and another man robbed a bank, they were chased by police and ultimately surrounded in a farmhouse, (2) police heard shots in house, respondent emerged and surrendered, and accomplice was found dead inside, (3) after death was ruled to be a suicide, respondent pleaded guilty in state court to aggravated robbery and later admitted having shot accomplice, (4) over respondent's double jeopardy objection, he was then tried for and convicted of aggravated murder based on bank robbery, but (5) state appellate court held that Double Jeopardy Clause barred conviction for aggravated murder and modified conviction to lesser included offense of murder, reducing respondent's concededly jeopardy-barred conviction for aggravated murder to conviction for murder that concededly was not jeopardy barred was an adequate remedy for double jeopardy violation. *Morris v. Mathews*, p. 237.

**IV. Due Process.**

1. *Criminal sentence—Judge's imposition after retrial.*—Where (1) after respondent was convicted of murder, he elected, under state law, to be sentenced by jury, which imposed a 20-year sentence, (2) trial judge, because of prosecutorial misconduct, granted a new trial, which resulted in respondent's being convicted again, (3) he then elected to be sentenced by trial judge, who imposed a 50-year sentence, and (4) to justify longer sentence, judge entered findings of fact as to additional evidence received at second trial, Due Process Clause was not violated by judge's imposition of greater sentence on retrial. *Texas v. McCullough*, p. 134.

2. *Insurer's liability for failure to pay claims—Disqualification of judges.*—Where (1) in a state-court action, appellant insurer was found liable for punitive damages for its alleged bad-faith refusal to pay a valid claim, (2) Alabama Supreme Court affirmed in a *per curiam* opinion written by a justice who, while appeal was pending (as appellant discovered while its application for rehearing was pending), had filed two state-court

**CONSTITUTIONAL LAW—Continued.**

actions against insurance companies alleging bad-faith failure to pay claims and seeking punitive damages, (3) one of such actions was a class action representing a class that included all justices of Alabama Supreme Court, (4) appellant filed motions challenging opinion writer's participation in *per curiam* decision and his continued participation in considering rehearing application, and also alleging that all justices on court should recuse themselves because of their potential class membership, and (5) motions and rehearing application were denied, opinion writer's participation in instant action violated appellant's due process rights, but other justices were not disqualified under Due Process Clause. *Aetna Life Ins. Co. v. Lavoie*, p. 813.

**V. Freedom of Association.**

*Union dues—Nonmembers' fees.*—First Amendment freedom of association and expression rights of nonunion employees, who were required to pay only portion of union dues attributable to union's collective-bargaining and contract-administration costs and not to union's ideological activities, were violated by union's procedures for considering nonmembers' objections as to union's determination of proper "proportionate share payments." *Teachers v. Hudson*, p. 292.

**VI. Freedom of Religion.**

*Air Force headgear regulation—Yarmulkes.*—First Amendment did not prohibit application of Air Force headgear regulation to prevent an ordained rabbi from wearing a yarmulke while on duty and in uniform as a commissioned officer, even though effect was to restrict wearing of headgear required by his religious beliefs. *Goldman v. Weinberger*, p. 503.

**VII. Freedom of Speech.**

1. *Adult theaters' location—Validity of ordinance.*—First Amendment was not violated by a city ordinance prohibiting adult motion picture theaters from locating within 1,000 feet of any residential zone, single- or multiple-family dwelling, church, park, or school. *Renton v. Playtime Theatres, Inc.*, p. 41.

2. *Defamation action—Burden of proof.*—In view of constitutional protection of true speech, in a defamation action where a newspaper publishes speech of public concern about a private figure, private-figure plaintiff cannot recover damages without showing that challenged statements are false; thus, in their state-court defamation action arising from newspaper articles stating that appellees, a franchisor and its franchisees, had links to organized crime and used them to influence governmental processes, appellees had to prove falsity. *Philadelphia Newspapers, Inc. v. Hepps*, p. 767.

3. *Obscene movies—Probable-cause standard for search warrant.*—Where (1) an investigator viewed videocassette movies rented from

**CONSTITUTIONAL LAW—Continued.**

respondent's store, (2) investigator's affidavits summarizing each movie were attached to an application for a warrant to search store and seize such movies, and (3) a state-court judge issued warrant and movies were seized, movies were improperly suppressed at respondent's trial for violating State's obscenity statute since First Amendment does not require a "higher" probable-cause standard for warrants to seize allegedly obscene matters than for warrants to seize such things as weapons or drugs. *New York v. P. J. Video, Inc.*, p. 868.

4. *Public utility—Billing envelope—Enclosure of newsletter.*—Where (1) appellant public utility distributed in its monthly billing envelopes a newsletter that included political editorials, stories on matters of public interest, energy conservation tips, and information about utility services and bills, and (2) appellee California Public Utilities Commission, in rate-making proceedings, concluded that "extra space" in envelopes was ratepayers' property and that appellee private organization could use "extra space" four times a year to raise funds and communicate with ratepayers, Commission's decision is vacated as violative of First Amendment. *Pacific Gas & Electric Co. v. Public Utilities Comm'n of Cal.*, p. 1.

**VIII. Right to Counsel.**

1. *Assertion of right at arraignment—Subsequent police interrogation.*—Where (1) respondents requested appointment of counsel at their separate arraignments on unrelated murder charges, (2) before they could consult with counsel, police advised them of their *Miranda* rights, questioned them, and obtained their confessions, and (3) they were convicted at their separate trials after their confessions were admitted over their objections, confessions should have been suppressed as violative of Sixth Amendment right to counsel. *Michigan v. Jackson*, p. 625.

2. *Perjury—Counsel's refusal to cooperate.*—A criminal defendant's Sixth Amendment right to effective assistance of counsel is not violated when an attorney refuses to cooperate with defendant in presenting perjured testimony at his criminal trial, such as respondent's counsel's threatening to withdraw from representation and to inform court if respondent insisted on committing perjury in his testimony at his murder trial as to defense of self-defense. *Nix v. Whiteside*, p. 157.

3. *Police interrogation—Questioning about murder after arrest for breaking and entering.*—Where (1) after respondent was arrested by Cranston, R. I., police for breaking and entering, police notified Providence police, who went to Cranston on same evening to question respondent about a murder, (2) on same evening, unknown to respondent, his sister, who was unaware that he was suspected of murder, contacted Public Defender's Office, (3) an Assistant Public Defender telephoned Cranston police and informed them that she would represent respondent, and was

**CONSTITUTIONAL LAW—Continued.**

told that he would not be questioned until next day, (4) on same evening, however, Providence police obtained written confessions to murder from respondent, who waived his *Miranda* rights and who was still unaware of his sister's actions or of attorney's call, and (5) defendant was convicted of murder after trial at which his confessions were admitted, *Miranda's* Fifth Amendment principles as to right to attorney's presence and right to remain silent were not violated in view of respondent's waivers; nor did police violate Sixth Amendment right to counsel or due process guarantee of fundamental fairness. *Moran v. Burbine*, p. 412.

**IX. Right to Fair Trial.**

*Uniformed troopers' presence in courtroom.*—Uniformed troopers' presence, to supplement usual courtroom security force, at state trial of respondent and others for armed robbery was not so inherently prejudicial that respondent was thereby denied his constitutional right to a fair trial. *Holbrook v. Flynn*, p. 560.

**X. Searches and Seizures.**

*Automobile search—Vehicle Identification Number.*—Fourth Amendment was not violated where, after respondent was stopped for committing traffic violations, (1) a city police officer opened car's door to move papers obscuring dashboard area where Vehicle Identification Number was located, and observed a gun's handle protruding from underneath driver's seat, (2) gun was then seized and respondent was arrested, and (3) respondent was later convicted of criminal possession of a weapon; New York Court of Appeals' decision to contrary did not rest on an adequate and independent state ground so as to deprive this Court of jurisdiction. *New York v. Class*, p. 106.

**XI. Taking of Property.**

*Multiemployer pension plan—Employer's liability on withdrawal.*—Provisions of multiemployer Pension Plan Amendments Act of 1980 requiring an employer withdrawing from a multiemployer pension plan to pay a fixed and certain debt to plan amounting to employer's proportionate share of plan's "unfunded vested benefits" do not violate Taking Clause of Fifth Amendment. *Connolly v. Pension Benefit Guaranty Corp.*, p. 211.

**CONVENTION ON THE TERRITORIAL SEA AND CONTIGUOUS ZONE.** See **Federal-State Relations.**

**COUNTIES' LIABILITY FOR ACTS OF DEPUTY SHERIFFS.** See **Civil Rights Act of 1871, 1.**

**COURTS OF APPEALS.** See **Jurisdiction.**

**CRIMINAL LAW.** See also **Civil Rights Act of 1871, 2, 3; Constitutional Law, I-III; IV, 1; VII, 3; VIII-X; Stays.**

**CRIMINAL LAW—Continued.**

*Indictments—Grand jury proceedings—Presence of witnesses.*—Where (1) a federal grand jury returned an indictment charging defendants with criminal offenses but later returned a superseding indictment expanding one charge, (2) two law enforcement agents testified in tandem before grand jury in support of superseding indictment, (3) defendants did not learn about this until after their jury trial began, and (4) defendants were convicted, petit jury's guilty verdict rendered harmless any error in grand jury's decision that might have flowed from alleged violation of Federal Rule of Criminal Procedure 6(d) in allowing two agents' simultaneous presence before grand jury. *United States v. Mechanik*, p. 66.

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

**CUSTODIAL INTERROGATION.** See *Constitutional Law*, VIII, 1, 3.

**DEATH PENALTY.** See *Stays*.

**DEFAMATION ACTIONS.** See *Constitutional Law*, VII, 2.

**DISQUALIFICATION OF JUDGES.** See *Constitutional Law*, IV, 2.

**DOUBLE JEOPARDY.** See *Constitutional Law*, III.

**DUE PROCESS.** See *Constitutional Law*, II; IV; VIII, 3.

**DUES OF LABOR UNIONS.** See *Constitutional Law*, V.

**EARNED-INCOME CREDITS.** See *Internal Revenue Code*, 1.

**EIGHTH AMENDMENT.** See *Constitutional Law*, II; *Stays*.

**ELECTION FOR AFFILIATION OF LOCAL UNION WITH INTERNATIONAL UNION.** See *National Labor Relations Act*, 1.

**EMPLOYEE RETIREMENT INCOME SECURITY ACT.** See *Constitutional Law*, XI.

**EMPLOYER AND EMPLOYEES.** See *Arbitration*; *Constitutional Law*, XI; *Fair Labor Standards Act*; *National Labor Relations Act*.

**EQUAL PROTECTION OF THE LAWS.** See *Statutes of Limitations*.

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

**EXCISE TAXES.** See *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*.

**FAIR LABOR STANDARDS ACT.**

*Overtime benefits—Exclusion of seamen—Employees on fish-processing barge.*—Where (1) respondent employees, members of engineering department on petitioner's fish-processing barge, filed suit to recover overtime benefits under Act, (2) District Court held that respondents were excluded

**FAIR LABOR STANDARDS ACT—Continued.**

from such benefits under Act's exclusion of seamen, and (3) Court of Appeals reversed on basis of its finding, under a *de novo* standard of review, that respondents were not seamen, Court of Appeals erred in engaging in such factfinding and should have instead applied "clearly erroneous" standard under Federal Rule of Civil Procedure 52(a). *Icicle Seafoods, Inc. v. Worthington*, p. 709.

**FEDERAL INCOME TAXES.** See **Internal Revenue Code.**

**FEDERAL RULES OF APPELLATE PROCEDURE.**

Amendments to Rules, p. 1153.

**FEDERAL RULES OF CIVIL PROCEDURE.** See **Fair Labor Standards Act; Patents.**

**FEDERAL RULES OF CRIMINAL PROCEDURE.** See **Criminal Law.**

**FEDERAL-STATE RELATIONS.** See also **National Labor Relations Act, 3.**

*Title to seabed—Nantucket Sound.*—In proceedings to determine whether title to seabed along Atlantic coast belongs to certain States or United States, Special Master properly concluded that Nantucket Sound was not a part of Massachusetts's inland waters under "ancient title" doctrine so as to constitute a "historic bay" belonging to Massachusetts. *United States v. Maine*, p. 89.

**FIFTH AMENDMENT.** See **Constitutional Law, III; VIII, 1, 3; XI.**

**FIRST AMENDMENT.** See **Constitutional Law, V-VII; Jurisdiction.**

**FISH-PROCESSING BARGE EMPLOYEES.** See **Fair Labor Standards Act.**

**FLOOD CONTROL ACT OF 1944.**

*Hydroelectric power—Government's sales to cities—Interim rates.*—Neither Act's provisions authorizing Secretary of Energy to fix rates for sale of hydroelectric power generated at federal dams, nor power purchase contracts between Government and respondent cities, precluded Secretary from making hydroelectric power rates effective on an interim basis, even though further administrative review of rates was still pending. *United States v. Fulton*, p. 657.

**FOURTEENTH AMENDMENT.** See **Civil Rights Act of 1871, 1, 3; Constitutional Law, II; IV; VIII, 3; IX; Statutes of Limitations.**

**FOURTH AMENDMENT.** See **Civil Rights Act of 1871, 1, 3; Constitutional Law, X.**

**FREEDOM OF ASSOCIATION.** See **Constitutional Law, V.**

- FREEDOM OF RELIGION.** See Constitutional Law, VI; Jurisdiction.
- FREEDOM OF SPEECH.** See Constitutional Law, V; VII.
- GRAND JURY PROCEEDINGS.** See Criminal Law.
- GUILTY VERDICTS.** See Criminal Law.
- HANDICAPPED CHILDREN.** See Civil Rights Attorney's Fees Awards Act of 1976.
- HARMLESS-ERROR DOCTRINE.** See Constitutional Law, I, 2.
- HAZARDOUS SUBSTANCES.** See Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
- HEADGEAR OF MILITARY PERSONNEL.** See Constitutional Law, VI.
- HEARSAY.** See Constitutional Law, I, 1.
- "HISTORIC BAY."** See Federal-State Relations.
- HYDROELECTRIC POWER.** See Flood Control Act of 1944.
- ILLEGITIMATE CHILDREN.** See Statutes of Limitations.
- IMMUNITY OF POLICE OFFICER FROM DAMAGES LIABILITY.** See Civil Rights Act of 1871, 3.
- IMPEACHMENT OF WITNESSES.** See Constitutional Law, I, 2.
- INCOME TAXES.** See Internal Revenue Code.
- INDICTMENTS.** See Criminal Law.
- INSTRUCTIONS TO JURY.** See Stays.
- INSURER'S LIABILITY FOR FAILURE TO PAY CLAIMS.** See Constitutional Law, IV, 2.
- INTERIM RATES FOR SALES OF FEDERAL HYDROELECTRIC POWER.** See Flood Control Act of 1944.
- INTERNAL REVENUE CODE.**
1. *Excess earned-income credit—Interception of refund by Secretary of Treasury.*—Under provisions of Code and of Social Security Act directing Secretary of Treasury to intercept certain income tax refunds payable to persons who have failed to meet child-support obligations, and authorizing Secretary to pay such refunds to State to which unpaid support payments were assigned under Aid to Families with Dependent Children program, an excess earned-income credit can properly be intercepted by Secretary. *Sorenson v. Secretary of Treasury*, p. 851.
  2. *Medical journal—Advertisements—Income tax.*—Respondent tax-exempt organization that published a monthly medical journal containing

**INTERNAL REVENUE CODE**—Continued.

articles relevant to practice of internal medicine was liable—under § 511(a)(1) of Code, which imposes a tax on “unrelated business taxable income” of tax-exempt organizations—for tax on profits it earned from paid advertisements in journal for pharmaceuticals and for medical supplies and equipment useful in practice of internal medicine. *United States v. American College of Physicians*, p. 834.

**INTERROGATION BY POLICE.** See *Constitutional Law*, VIII, 1, 3.

**JAPANESE FIRMS' PRICE-FIXING CONSPIRACY FOR TELEVISION SETS.** See *Antitrust Acts*, 1.

**JUDGE'S DISQUALIFICATION FOR BIAS.** See *Constitutional Law*, IV, 2.

**JUDGE'S IMPOSITION OF SENTENCE AFTER RETRIAL.** See *Constitutional Law*, IV, 1.

**JURISDICTION.** See also *Constitutional Law*, X.

*Student religious club—Suit against School District and School Board members—Board member's standing to appeal.*—Where (1) high school students' religious club was denied permission to hold meetings on school premises during student activity periods, (2) students filed suit against School District, members of School Board, and other school officials, alleging a violation of students' First Amendment religious rights, (3) Federal District Court ruled in students' favor but entered no injunction and granted no relief against any defendant in his individual capacity, and (4) School District did not appeal but respondent Board member did, Court of Appeals had no jurisdiction since respondent had no standing to appeal in either his individual capacity, his official capacity, or his capacity as a parent of a student attending high school. *Bender v. Williamsport Area School Dist.*, p. 534.

**JURY INSTRUCTIONS.** See *Stays*.

**LABOR UNIONS.** See *Arbitration*; *Constitutional Law*, V; *National Labor Relations Act*, 1.

**LANDLORD AND TENANT.** See *Antitrust Acts*, 2.

**LESSER INCLUDED OFFENSES.** See *Constitutional Law*, III.

**LIBEL AND SLANDER.** See *Constitutional Law*, VII, 2.

**LIMITATION OF ACTIONS.** See *Statutes of Limitations*.

**LOCAL UNION'S AFFILIATION WITH INTERNATIONAL UNION.** See *National Labor Relations Act*, 1.

**LOCATION OF ADULT MOTION PICTURE THEATERS.** See *Constitutional Law*, VII, 1.

**MASSACHUSETTS.** See **Federal-State Relations.**

**MEDICAL JOURNALS.** See **Internal Revenue Code, 2.**

**MENTALLY HANDICAPPED CHILDREN.** See **Civil Rights Attorney's Fees Awards Act of 1976.**

**MILITARY UNIFORMS.** See **Constitutional Law, VI.**

**MIRANDA WARNINGS.** See **Constitutional Law, VIII, 1, 3.**

**MOTION PICTURE THEATERS.** See **Constitutional Law, VII, 1.**

**MOTOR VEHICLE SEARCHES.** See **Constitutional Law, X.**

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

**MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT OF 1980.**  
See **Constitutional Law, XI.**

**NATIONAL LABOR RELATIONS ACT.**

1. *Local union's affiliation with international union—Election—Participation of nonunion employees.*—National Labor Relations Board exceeded its authority under Act in requiring that nonunion employees in a bargaining unit represented by a local union be allowed to vote in union's election for affiliation with an international union before it would order employer to bargain with affiliated union. *NLRB v. Financial Institution Employees*, p. 192.

2. *Taxicab franchise renewal—City's conditioning on settlement of labor dispute—Pre-emption.*—Respondent city's conditioning renewal of petitioner's taxicab franchise on settlement of a labor dispute between petitioner and its striking drivers by a certain date was pre-empted by Act. *Golden State Transit Corp. v. Los Angeles*, p. 608.

3. *Violations of Act—Debarment from doing business with State.*—Act pre-empts a Wisconsin statute that debarred, for three years, persons or firms who had violated federal Act three times within a 5-year period from doing business with State. *Wisconsin Dept. of Industry v. Gould Inc.*, p. 282.

**NATIONAL LABOR RELATIONS BOARD.** See **National Labor Relations Act, 1.**

**NEW JERSEY.** See **Comprehensive Environmental Response, Compensation, and Liability Act of 1980.**

**NEWSLETTERS OF PUBLIC UTILITIES.** See **Constitutional Law, VII, 4.**

**OBSCENE MOVIES.** See **Constitutional Law, VII, 3.**

**OBVIOUSNESS OF PATENTS.** See **Patents.**

**OVERTIME BENEFITS.** See **Fair Labor Standards Act.**

**PARENT AND CHILD.** See **Internal Revenue Code, 1; Statutes of Limitations.**

**PATENTS.**

*Infringement—Obviousness of patents—Review of District Court findings.*—Where (1) respondent sued petitioner for infringement of respondent's patents for plastic cable ties, (2) District Court held that patents were invalid for obviousness, and (3) Court of Appeals reversed, District Court's subsidiary determinations, at least, were subject to Federal Rule of Civil Procedure 52(a)'s "clearly erroneous" review standard, regardless of whether ultimate question of obviousness was one of fact; Court of Appeals' judgment was reversed, and case was remanded for further consideration in light of Rule, which was not mentioned by Court of Appeals in reversing District Court's judgment. *Dennison Mfg. Co. v. Panduit Corp.*, p. 809.

**PATERNITY ACTIONS.** See **Statutes of Limitations.**

**PENNSYLVANIA.** See **Statutes of Limitations.**

**PENSION PLANS.** See **Constitutional Law, XI.**

**PERJURY.** See **Constitutional Law, VIII, 2.**

**PLASTIC CABLE TIES.** See **Patents.**

**POLICE INTERROGATION.** See **Constitutional Law, VIII, 1, 3.**

**POLICE OFFICER'S IMMUNITY FROM DAMAGES LIABILITY.**  
See **Civil Rights Act of 1871, 3.**

**POLICE OFFICIALS' LIABILITY FOR UNLAWFUL ARRESTS.**  
See **Civil Rights Act of 1871, 2.**

**POLLUTION.** See **Comprehensive Environmental Response, Compensation, and Liability Act of 1980.**

**PRE-EMPTION OF STATE OR LOCAL LAW BY FEDERAL LAW.**  
See **Antitrust Acts, 2; Comprehensive Environmental Response, Compensation, and Liability Act of 1980; National Labor Relations Act, 2, 3.**

**PRESENCE OF WITNESSES BEFORE GRAND JURY.** See **Criminal Law.**

**PRICE-FIXING CONSPIRACY BY JAPANESE TELEVISION SET MANUFACTURERS.** See **Antitrust Acts, 1.**

**PRISONS AND PRISONERS.** See **Constitutional Law, II.**

**PRIVILEGE AGAINST SELF-INCRIMINATION.** See **Constitutional Law, VIII, 3.**

- PROBABLE CAUSE FOR SEARCH WARRANTS.** See Constitutional Law, VII, 3.
- PROFESSIONAL JOURNALS.** See Internal Revenue Code, 2.
- PUBLIC UTILITY'S ENCLOSURE OF NEWSLETTER IN BILLING ENVELOPES.** See Constitutional Law, VII, 4.
- RATES FOR SALES OF FEDERAL HYDROELECTRIC POWER.** See Flood Control Act of 1944.
- RECUSAL OF JUDGES.** See Constitutional Law, IV, 2.
- RELIGIOUS FREEDOM.** See Constitutional Law, VI; Jurisdiction.
- REMEDY FOR DOUBLE JEOPARDY VIOLATION.** See Constitutional Law, III.
- RENEWAL OF TAXICAB FRANCHISES.** See National Labor Relations Act, 2.
- RENT CEILINGS.** See Antitrust Acts, 2.
- RETIREMENT PENSION PLANS.** See Constitutional Law, XI.
- RIGHT TO COUNSEL.** See Constitutional Law, VIII.
- RIGHT TO FAIR TRIAL.** See Constitutional Law, IX.
- RIGHT TO REMAIN SILENT.** See Constitutional Law, VIII, 3.
- RIOTS IN PRISONS.** See Constitutional Law, II.
- ROBINSON-PATMAN ACT.** See Antitrust Acts, 1.
- SCHOOL'S DENIAL OF MEETING PLACE FOR STUDENT RELIGIOUS CLUB.** See Jurisdiction.
- SEABED.** See Federal-State Relations.
- SEAMEN.** See Fair Labor Standards Act.
- SEARCHES AND SEIZURES.** See Civil Rights Act of 1871, 1, 3; Constitutional Law, VII, 3; X.
- SELF-INCRIMINATION.** See Constitutional Law, VIII, 3.
- SENTENCING AFTER RETRIAL.** See Constitutional Law, IV, 1.
- SETTLEMENT OF CLASS ACTIONS.** See Civil Rights Attorney's Fees Awards Act of 1976.
- SHERMAN ACT.** See Antitrust Acts.
- SIXTH AMENDMENT.** See Constitutional Law, I; VIII; IX.
- SOCIAL SECURITY ACT.** See Internal Revenue Code, 1.
- STANDING TO APPEAL.** See Jurisdiction.

**STATE EXCISE TAXES.** See *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*.

**STATUTES OF LIMITATIONS.**

*Paternity action—Validity of statute—Enactment of new statute.*—Where (1) appellant filed a paternity and child support action in a Pennsylvania court in 1980 on behalf of her 7-year-old daughter, born out of wedlock, alleging that appellee was father, (2) court held that action was barred by state statute of limitations requiring that such actions be brought within six years of child's birth or within two years of putative father's last voluntary support payment, (3) appellant's claim that statute violated Equal Protection Clause was rejected, and (4) Superior Court affirmed, judgment was vacated, and case was remanded for further consideration in light of State's intervening enactment of a new statute providing that a paternity action could be commenced within 18 years of child's birth. *Paulussen v. Herion*, p. 557.

**STAYS.**

*Judgment invalidating death penalty.*—California's application to stay enforcement of State Supreme Court's judgment invalidating respondent's death sentence for first-degree murder on ground that Eighth Amendment was violated by an instruction given at sentencing phase of trial that told jury not to be swayed by "mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling," is granted. *California v. Brown* (REHNQUIST, J., in chambers), p. 1301.

**STUDENT RELIGIOUS CLUBS.** See *Jurisdiction*.

**SUPREME COURT.** See also *Constitutional Law, X*.

Amendments to Federal Rules of Appellate Procedure, p. 1153.

**"TAKING" OF PRIVATE PROPERTY.** See *Constitutional Law, XI*.

**TAXES.** See *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*; *Internal Revenue Code*.

**TAXICAB FRANCHISES.** See *National Labor Relations Act, 2*.

**TELEVISION SET MANUFACTURERS' PRICE FIXING.** See *Anti-trust Acts, 1*.

**UNIFORMED TROOPERS' PRESENCE IN COURTROOM.** See *Constitutional Law, IX*.

**UNIFORMS OF MILITARY PERSONNEL.** See *Constitutional Law, VI*.

**UNIONS.** See *Arbitration*; *Constitutional Law, V*; *National Labor Relations Act, 1*.

- UNITED STATES' SALES OF HYDROELECTRIC POWER TO CITIES. See Flood Control Act of 1944.
- VEHICLE IDENTIFICATION NUMBER. See Constitutional Law, X.
- VEHICLE SEARCHES. See Constitutional Law, X.
- VIDEOCASSETTE RENTALS. See Constitutional Law, VII, 3.
- VINDICTIVENESS OF JUDGE IN IMPOSING SENTENCE AFTER RETRIAL. See Constitutional Law, IV, 1.
- WAGES AND HOURS. See Fair Labor Standards Act.
- WAIVER OF ATTORNEY'S FEES. See Civil Rights Attorney's Fees Awards Act of 1976.
- WAIVER OF CONSTITUTIONAL RIGHTS. See Constitutional Law, VIII, 1, 3.
- WARRANTS TO SEIZE OBSCENE MOVIES. See Constitutional Law, VII, 3.
- WATERS. See Federal-State Relations.
- WILSON TARIFF ACT. See Antitrust Acts, 1.
- WISCONSIN. See National Labor Relations Act, 3.
- WITHDRAWAL BY EMPLOYER FROM MULTIEMPLOYER PENSION PLAN. See Constitutional Law, XI.
- WITNESSES. See Constitutional Law, I; Criminal Law.
- WITNESSES' PRESENCE BEFORE GRAND JURY. See Criminal Law.
- WORDS AND PHRASES.
1. "*Any employee employed as a seaman.*" Fair Labor Standards Act, 29 U. S. C. § 213(b)(6). *Icicle Seafoods, Inc. v. Worthington*, p. 709.
  2. "*Unrelated business taxable income.*" Internal Revenue Code, 26 U. S. C. § 511(a)(1). *United States v. American College of Physicians*, p. 834.
- ZONING. See Constitutional Law, VII, 1.





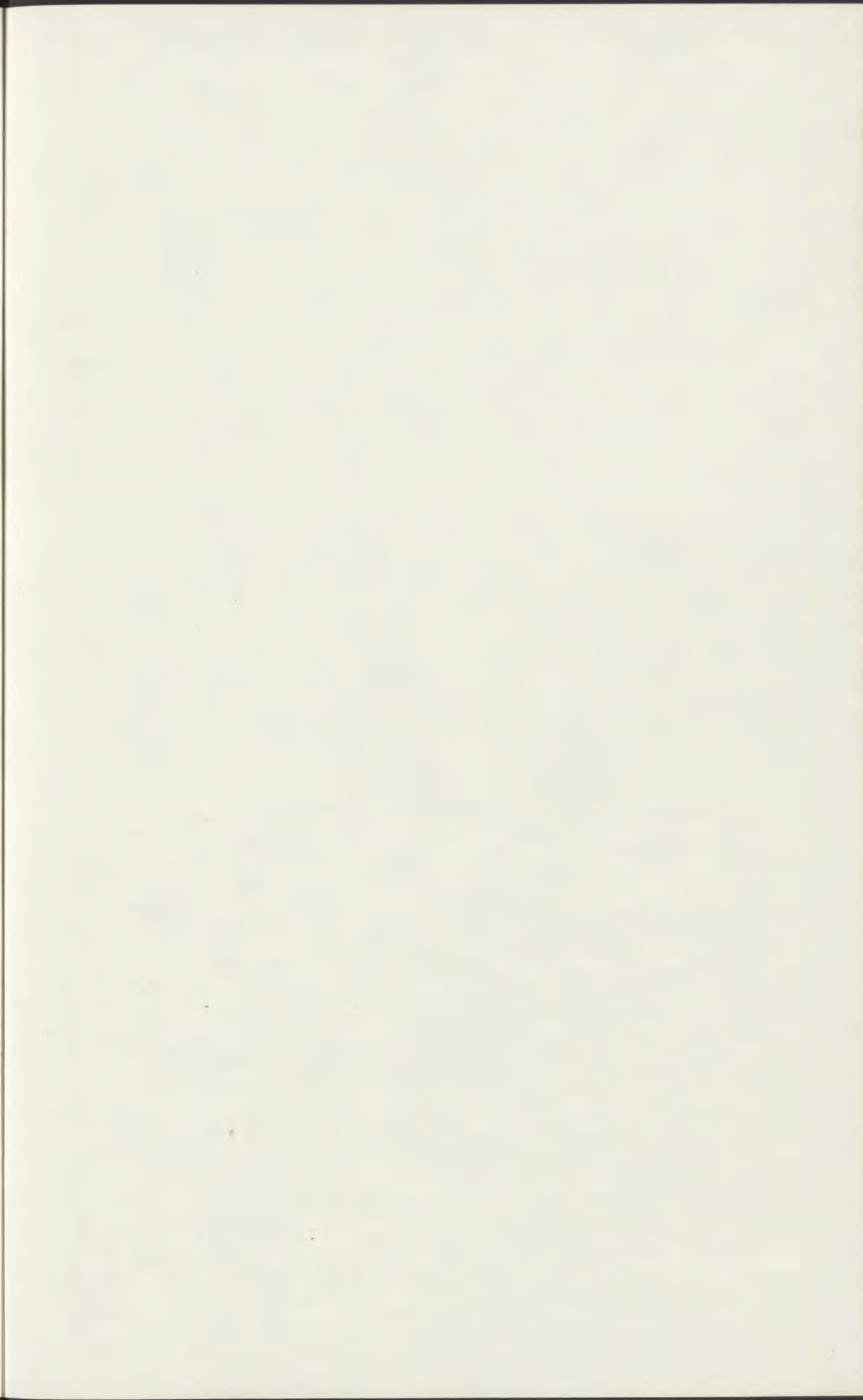


















A00007875