INDEX

ACCESS OF PRESS AND PUBLIC TO CRIMINAL PROCEEDINGS. See **Constitutional Law**, IV.

ADMINISTRATIVE RULING'S PRECLUSIVE EFFECT IN COURT PROCEEDINGS. See **Civil Rights Act of 1964**, 4.

ADULT BOOKSTORES. See **Constitutional Law**, II, 1.

ADVERTISING CASINO GAMBLING. See **Constitutional Law**, II, 2.

AFFIRMATIVE-ACTION PLANS. See **Civil Rights Act of 1964**, 3, 5.

AIR POLLUTION. See **Clean Air Act.**

APPRENTICESHIP PROGRAM OF UNION. See **Civil Rights Act of 1964**, 5.

ATTORNEY'S FEES. See **Civil Rights Act of 1964**, 1; **Clean Air Act; Jurisdiction**, 1.

BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985. See **Constitutional Law**, V.

BIRTH DEFORMITIES FROM DRUGS. See **Jurisdiction**, 2.

BUDGET DEFICIT REDUCTIONS. See **Constitutional Law**, V.

CALIFORNIA. See **Constitutional Law**, IV.

CASINO GAMBLING. See **Constitutional Law**, II, 2.

CIVIL CONTEMPT. See **Civil Rights Act of 1964**, 5.

CIVIL RIGHTS ACT OF 1866. See **Civil Rights Act of 1964**, 4.

CIVIL RIGHTS ACT OF 1871. See **Civil Rights Act of 1964**, 4.

CIVIL RIGHTS ACT OF 1964.

1. *Racial discrimination—Employer—Public employee—Attorney's fees.*—Section 706(k) of Act, which authorizes award of "reasonable" attorney's fees as part of costs and provides that "United States shall be liable for costs the same as a private person," does not waive Government's immunity from an award of interest; where Government employee's counsel successfully litigated racial discrimination suit under Act, award of attorney's fees could not be increased to compensate counsel for "delay" in receiving payment for his services. Library of Congress v. Shaw, p. 310.

INDEX

ACCESS OF PRESS AND PUBLIC TO CRIMINAL PROCEEDINGS. See **Constitutional Law**, IV.

ADMINISTRATIVE RULING'S PRECLUSIVE EFFECT IN COURT PROCEEDINGS. See **Civil Rights Act of 1964**, 4.

ADULT BOOKSTORES. See **Constitutional Law**, II, 1.

ADVERTISING CASINO GAMBLING. See **Constitutional Law**, II, 2.

AFFIRMATIVE-ACTION PLANS. See **Civil Rights Act of 1964**, 3, 5.

AIR POLLUTION. See **Clean Air Act.**

APPRENTICESHIP PROGRAM OF UNION. See **Civil Rights Act of 1964**, 5.

ATTORNEY'S FEES. See **Civil Rights Act of 1964**, 1; **Clean Air Act**; **Jurisdiction**, 1.

BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985. See **Constitutional Law**, V.

BIRTH DEFORMITIES FROM DRUGS. See **Jurisdiction**, 2.

BUDGET DEFICIT REDUCTIONS. See **Constitutional Law**, V.

CALIFORNIA. See **Constitutional Law**, IV.

CASINO GAMBLING. See **Constitutional Law**, II, 2.

CIVIL CONTEMPT. See **Civil Rights Act of 1964**, 5.

CIVIL RIGHTS ACT OF 1866. See **Civil Rights Act of 1964**, 4.

CIVIL RIGHTS ACT OF 1871. See **Civil Rights Act of 1964**, 4.

CIVIL RIGHTS ACT OF 1964.

1. *Racial discrimination—Employer—Public employee—Attorney's fees.*—Section 706(k) of Act, which authorizes award of "reasonable" attorney's fees as part of costs and provides that "United States shall be liable for costs the same as a private person," does not waive Government's immunity from an award of interest; where Government employee's counsel successfully litigated racial discrimination suit under Act, award of attorney's fees could not be increased to compensate counsel for "delay" in receiving payment for his services. Library of Congress v. Shaw, p. 310.

CIVIL RIGHTS ACT OF 1964—Continued.

2. *Racial discrimination—Employer—Public employees.*—Where District Court entered judgment for respondent state and local officials in a suit by petitioners—employees of North Carolina Agricultural Extension Service, recipients of its services, members of its Homemaker Clubs, and parents of members of its 4–H Clubs—alleging racial discrimination by Service in violation of Title VII of Act and Constitution, Court of Appeals, in affirming District Court's judgment, erred (1) in holding that under Title VII Service had no duty to eradicate racial salary disparities originating before Title VII was made applicable to public employees, (2) in ignoring certain evidence related to salary disparities and discrimination presented by petitioners, and (3) in refusing to certify a class of black employees of Service; neither Constitution nor applicable federal regulations required more than what District Court and Court of Appeals found Service had done to disestablish segregation in its 4–H and Homemaker Clubs. Bazemore v. Friday, p. 385.

3. *Racial discrimination—Employer—Public employees—Consent decree.*—In an action by a nonwhite firefighters' organization under Title VII of Act alleging respondent city's discrimination based on race and national origin in its employment practices, § 706(g) of Act did not preclude District Court's entry of a consent decree—over objection of petitioner labor union, which represented majority of firefighters, and which was permitted to intervene as a party-plaintiff—providing for use of race-conscious relief and other affirmative action that might benefit individuals who were not actual victims of city's discriminatory practices. Firefighters v. Cleveland, p. 501.

4. *Racial discrimination—Federal-court action—Earlier state administrative proceeding—Preclusive effect.*—Where (1) respondent, a black employee of petitioner University, requested an administrative hearing upon being informed that he would be discharged for inadequate work performance and misconduct on job, (2) before commencement of hearing, respondent filed a federal-court action against University and others, alleging that his proposed discharge was racially motivated and seeking relief under Title VII of Act, (3) District Court allowed state administrative proceeding to continue, resulting in a ruling that proposed discharge was not racially motivated, and (4) court granted summary judgment against respondent on ground that administrative ruling was entitled to preclusive effect, but Court of Appeals reversed, full faith and credit provisions of 28 U. S. C. § 1738 were not applicable, and Congress did not intend unreviewed state administrative proceedings to have preclusive effect on Title VII claims; however, federal courts in actions under Reconstruction civil rights statutes must give agency's factfinding same preclusive effect it would be entitled to in State's courts. University of Tennessee v. Elliott, p. 788.

CIVIL RIGHTS ACT OF 1964—Continued.

5. *Racial discrimination—Union and apprenticeship committee—Remedies.*—Where District Court in an action under Title VII of Act against a union and its apprenticeship committee (petitioners) (1) found that they had discriminated against nonwhites in union admission and training practices, (2) established a nonwhite membership goal to be achieved under a court-approved affirmative-action plan to be administered by a court-appointed administrator, (3) found petitioners in civil contempt for failure to comply with court orders, and (4) imposed fines to be placed in a special fund for increasing nonwhite membership, District Court did not err in using certain statistical evidence to evaluate petitioners' membership practices, in imposing remedies of fines and fund order, or in appointing administrator. Sheet Metal Workers v. EEOC, p. 421.

CLASS ACTIONS. See **Civil Rights Act of 1964**, 2.

CLEAN AIR ACT.

Vehicle emission control program—Enforcement of State's duty—Attorney's fees.—In extensive federal-court and state and federal administrative proceedings in which respondent organization participated to compel Pennsylvania to implement a vehicle emission inspection and maintenance program required by Act, § 304(d) authorized District Court's award to respondent of attorney's fees for certain phases of proceedings, but it was error to increase lodestar amount on basis of "superior quality" of counsel's performance during one phase. Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, p. 546.

COMMERCIAL SPEECH. See **Constitutional Law**, II, 2.

COMMODITY EXCHANGE ACT.

Reparation proceedings against broker—Counterclaims.—Act empowered Commodity Futures Trading Commission—in respondents' reparation proceedings against their commodity futures broker alleging that debit balances in their accounts resulted from broker's violations of Act—to entertain broker's state-law counterclaims to recover debit balances, and Commission's assumption of jurisdiction over common-law counterclaims did not violate Article III of Constitution. Commodity Futures Trading Comm'n v. Schor, p. 833.

COMMODITY FUTURES TRADING COMMISSION. See **Commodity Exchange Act.**

COMPTROLLER GENERAL. See **Constitutional Law**, V.

CONFESSIONS MADE TO PSYCHIATRISTS. See **Constitutional Law**, III.

CONSENT DECREES. See **Civil Rights Act of 1964**, 3; **Clean Air Act.**

CONSTITUTIONAL LAW. See also **Civil Rights Act of 1964, 2, 5; Commodity Exchange Act; Habeas Corpus; Injunctions; Jurisdiction; Sodomy; Stays.**

I. Equal Protection of the Laws.

1. *Exclusion of black veniremen—Prosecutor's peremptory challenges—Retroactivity of decision.*—Rule of *Batson* v. *Kentucky*, 476 U. S. 79, that violation of Equal Protection Clause by prosecutor's use of peremptory challenges to strike black veniremen because of race may be established solely on proof of prosecutor's conduct at defendant's trial, does not apply retroactively on collateral review of convictions that became final before *Batson* was announced. Allen v. Hardy, p. 255.

2. *Reapportionment of state legislature—Political gerrymandering.*—Political gerrymandering was properly justiciable under Equal Protection Clause in Indiana Democrats' federal-court action against state officials challenging reapportionment plan for Republican-controlled Indiana Legislature; District Court's judgment, which invalidated reapportionment plan, was reversed. Davis v. Bandemer, p. 109.

II. Freedom of Speech.

1. *Adult bookstore—Solicitation of prostitution—Public health nuisance.*—First Amendment did not bar enforcement of a New York statute—authorizing closure of a building found to be a public health nuisance because it was being used as a place for prostitution and lewdness—against respondents' adult bookstore at which illicit sexual activities, including solicitation of prostitution, occurred. Arcara v. Cloud Books, Inc., p. 697.

2. *Casino gambling—Advertising.*—Where (1) a Puerto Rico statute and regulations legalized certain forms of casino gambling but prohibited advertising casinos to Puerto Rico public, (2) appellant sought a declaratory judgment that advertising restrictions violated Federal Constitution, and (3) Puerto Rico Superior Court interpreted advertising restrictions to apply to local advertising addressed to Puerto Rico residents, but not to certain local advertising addressed to tourists, this Court had jurisdiction to review Puerto Rico Supreme Court's decision dismissing appeal for lack of a substantial constitutional question; statute and regulations did not facially violate First Amendment principles protecting commercial speech, or due process and equal protection guarantees of Constitution. Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico, p. 328.

3. *High school assembly—Student's lewd speech.*—Where (1) a public high school student, in his nominating speech for a student elective office given at a school assembly, admittedly referred to his candidate in terms of an explicit sexual metaphor, (2) before delivering speech, student was advised by teachers that it should not be given, (3) after speech was given, he was notified that speech violated school's "disruptive-conduct" rule, (4) he

CONSTITUTIONAL LAW—Continued.

was given copies of teachers' reports of his conduct and a chance to explain, (5) he was informed of sanctions that would be imposed, including suspension, and (6) disciplinary action was affirmed under School District's grievance procedures, First Amendment did not prevent School District from disciplining student for giving offensively lewd and indecent speech, and circumstances of suspension did not violate due process. Bethel School Dist. No. 403 v. Fraser, p. 675.

III. Privilege Against Self-Incrimination.

State proceedings to declare a person sexually dangerous—Applicability of privilege.—Where (1) after petitioner was charged with committing crimes of unlawful restraint and deviate sexual assault, Illinois filed a petition to have him declared a sexually dangerous person within meaning of a state Act authorizing commitment of such persons, (2) pursuant to Act, court ordered petitioner to submit to psychiatric examinations, (3) at trial on State's petition, psychiatrists' testimony was presented over petitioner's objection that they had elicited statements from him in violation of his privilege against self-incrimination, and (4) based on such testimony and victim's testimony, court found petitioner to be a sexually dangerous person, proceedings under Act were not "criminal," and Fifth Amendment privilege did not apply. Allen v. Illinois, p. 364.

IV. Right of Access to Criminal Proceedings.

Preliminary hearings—Defendant's right to closure.—Qualified First Amendment right of public and press to access to criminal proceedings applies to preliminary hearings as conducted before magistrates in California; preliminary hearings cannot be closed to protect defendant's right to a fair trial unless defendant shows a "substantial probability" that such right will be prejudiced by publicity that closure would prevent and that reasonable alternatives to closure cannot adequately protect right. Press-Enterprise Co. v. Superior Court of Cal., Riverside County, p. 1.

V. Separation of Powers.

Gramm-Rudman-Hollings Act—Comptroller General's powers.—Constitutional principle of separation of powers was violated by § 251 of Gramm-Rudman-Hollings Act under which Comptroller General (an officer subject to removal by Congress and considered to be an officer of Legislative Branch) was given executive powers in determining what cuts were to be made in federal budget to meet deficit reductions commanded by Act; a member of a federal employees union, who would sustain injury because Act would suspend scheduled cost-of-living benefit increases to union members, had sufficient standing under a provision of Act and Article III to challenge Act's constitutionality. Bowsher v. Synar, p. 714.

CONSTITUTIONAL LAW—Continued.

VI. States' Immunity from Suit.

School funds—Suit against state officials.—Where petitioner local school officials and schoolchildren in certain Mississippi counties located in former Indian lands filed a federal-court action against state officials alleging that petitioners were being unlawfully denied economic benefits of public school lands that had been granted by United States to Mississippi in 19th century, Eleventh Amendment barred petitioners' claims alleging that sale of certain former Indian lands and unwise investment of proceeds abrogated State's trust obligation to hold such lands for benefit of local schoolchildren in perpetuity; Eleventh Amendment did not bar claim that disparity of school funds available to petitioners' schools as compared to other schools in State denied equal protection of the laws. Papasan v. Allain, p. 265.

CONTEMPT. See **Civil Rights Act of 1964, 5; Stays.**

COUNTERCLAIMS. See **Commodity Exchange Act.**

COURTS OF APPEALS. See **Jurisdiction, 1.**

CRIMINAL LAW. See **Constitutional Law, I, 1; III; IV; Habeas Corpus; Sodomy.**

DENATURALIZATION PROCEEDINGS. See **Stays, 2.**

DEPOSITIONS. See **Stays, 2.**

DISCRIMINATION BASED ON NATIONAL ORIGIN. See **Civil Rights Act of 1964, 3.**

DISCRIMINATION BASED ON POLITICAL AFFILIATION. See **Constitutional Law, I, 2.**

DISCRIMINATION BASED ON RACE. See **Civil Rights Act of 1964; Constitutional Law, I, 1; Voting Rights Act of 1965.**

DISCRIMINATION IN EMPLOYMENT. See **Civil Rights Act of 1964, 1–4.**

DISCRIMINATION IN VOTING. See **Constitutional Law, I, 2; Voting Rights Act of 1965.**

DISTRICT COURTS. See **Jurisdiction, 2.**

DRUG-CAUSED BIRTH DEFORMITIES. See **Jurisdiction, 2.**

DUE PROCESS. See **Civil Rights Act of 1964, 5; Constitutional Law, II, 2, 3; Sodomy.**

ELECTIONS. See **Constitutional Law, I, 2; Voting Rights Act of 1965.**

ELEVENTH AMENDMENT. See **Constitutional Law, VI.**

EMPLOYER AND EMPLOYEES. See **Civil Rights Act of 1964**, 1–4; **Pre-emption of State Law by Federal Law.**

EMPLOYMENT DISCRIMINATION. See **Civil Rights Act of 1964**, 1–4.

ENVIRONMENTAL PROTECTION. See **Clean Air Act.**

EQUAL PROTECTION OF THE LAWS. See **Civil Rights Act of 1964**, 5. **Constitutional Law**, I, 1; II, 2; VI.

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

EXCLUDING PRESS AND PUBLIC FROM CRIMINAL PROCEEDINGS. See **Constitutional Law**, IV.

FEDERAL BUDGET DEFICIT REDUCTIONS. See **Constitutional Law**, V.

FEDERAL FOOD, DRUG, AND COSMETIC ACT. See **Jurisdiction**, 2.

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

FEDERAL RULES OF APPELLATE PROCEDURE. See **Jurisdiction**, 1.

FEDERAL RULES OF CIVIL PROCEDURE. See **Jurisdiction**, 1; **Voting Rights Act of 1965.**

FEDERAL-STATE RELATIONS. See **Commodity Exchange Act**; **Constitutional Law**, VI; **Jurisdiction**, 2; **Pre-emption of State Law by Federal Law.**

FIFTH AMENDMENT. See **Civil Rights Act of 1964**, 5; **Constitutional Law**, II, 2; III; **Sodomy**; **Stays.**

FIREFIGHTERS. See **Civil Rights Act of 1964**, 3.

FIRST AMENDMENT. See **Constitutional Law**, II; IV.

FISHERMEN'S PROTECTIVE ACT OF 1967. See **International Convention for Regulation of Whaling.**

FISHERY CONSERVATION PROGRAMS. See **International Convention for Regulation of Whaling.**

FLOOD CONTROL ACT.

Federal reservoirs—Recreational users' injuries or deaths—Government's immunity from liability.—Act's provision granting United States immunity from liability for any damage from floods or floodwaters barred recovery against Government in actions to recover for injuries or deaths resulting when recreational users were swept through reservoir retaining structures of federal flood control projects that were opened without warning to control flooding. United States v. James, p. 597.

4–H CLUBS. See **Civil Rights Act of 1964**, 2.

FOURTEENTH AMENDMENT. See **Constitutional Law**, I, 1; II, 2, 3; **Sodomy.**

FRAUD. See **Securities Regulation.**

FREEDOM OF SPEECH. See **Constitutional Law**, II.

FULL FAITH AND CREDIT AS TO ADMINISTRATIVE RULINGS. See **Civil Rights Act of 1964**, 4.

GAMBLING. See **Constitutional Law**, II, 2.

GEORGIA. See **Sodomy.**

GERRYMANDERING OF LEGISLATIVE DISTRICTS. See **Constitutional Law**, I, 2.

GOVERNMENT EMPLOYEES. See **Civil Rights Act of 1964**, 1–4; **Constitutional Law**, V.

GOVERNMENT'S IMMUNITY FROM LIABILITY. See **Flood Control Act.**

GRAMM-RUDMAN-HOLLINGS ACT. See **Constitutional Law**, V.

GRAND JURY TESTIMONY. See **Stays**, 1.

HABEAS CORPUS.

State-court convictions—Unconstitutional jury instruction—Harmless error.—In a federal habeas corpus proceeding arising from respondent's state-court murder convictions, harmless-error standard applied as to state-court's jury instruction that unconstitutionally shifted burden of proof as to malice to respondent, and case was remanded to Court of Appeals to determine whether such error was harmless beyond a reasonable doubt. Rose v. Clark, p. 570.

HARMLESS-ERROR STANDARD OF REVIEW. See **Habeas Corpus.**

HEALTH NUISANCES. See **Constitutional Law**, II, 1.

HOMEMAKER CLUBS. See **Civil Rights Act of 1964**, 2.

HOMOSEXUALS. See **Sodomy.**

ILLINOIS. See **Constitutional Law**, III.

IMMUNITY FROM SELF-INCRIMINATION. See **Stays**, 2.

IMMUNITY OF UNITED STATES FROM LIABILITY. See **Flood Control Act.**

INCOME TAXES. See **Securities Regulation.**

INCRIMINATORY STATEMENTS MADE TO PSYCHIATRISTS. See **Constitutional Law**, III.

INDIANA. See **Constitutional Law**, I, 2.

INDIANS. See **Constitutional Law**, VI.

INJUNCTIONS.

Application—Pending appeal.—Application for an injunction pending appeal is denied where constitutional issues raised were not presented to Montana Supreme Court until applicants filed for a rehearing, which was denied without comment, consistent with that court's practice of refusing to consider issues not pressed at every stage of litigation. Prudential Federal Savings & Loan Assn. v. Flanigan (REHNQUIST, J., in chambers), p. 1311.

INTERNATIONAL CONVENTION FOR REGULATION OF WHALING.

Whaling quotas—Japan's refusal to comply—Sanctions.—Where (1) pursuant to Convention's terms, zero harvest quotas were set for member nations as to certain whale species, and a moratorium on commercial whaling was established, (2) as authorized by Convention, Japan refused to comply, (3) Secretary of Commerce failed to exercise his authority under federal statutes to certify Japan to President, who could then impose sanctions on certified nation, and (4) instead, Japan and United States concluded an executive agreement settling matter, political question doctrine did not bar judicial resolution of conservation groups' federal-court mandamus action to compel Secretary to certify Japan; Secretary was not required by statutes to certify Japan. Japan Whaling Assn. v. American Cetacean Society, p. 221.

INTERNATIONAL LAW. See **International Convention for Regulation of Whaling.**

JURISDICTION. See also **Constitutional Law**, II, 2.

1. *Court of Appeals—Notice of appeal.*—Court of Appeals properly concluded that, under Federal Rule of Appellate Procedure 4(a)(4), it had no jurisdiction of appeal from District Court's order denying petitioner's motion, under Federal Rule of Civil Procedure 59(e), to alter or amend District Court's judgment awarding attorney's fees to respondents, where petitioner filed notice of appeal on same day that District Court announced its decision on Rule 59(e) motion, but petitioner did not file a new notice of appeal after actual order denying Rule 59(e) motion was entered on District Court's docket two days later. Acosta v. Louisiana Dept. of Health and Human Resources, p. 251.

2. *State-court action—Removal to Federal District Court—Federal-question jurisdiction.*—Where (1) respondent residents of foreign countries filed Ohio state-court proceedings against petitioner Ohio drug manufacturer, alleging that children were born with deformities as a result of mothers' use of drug during pregnancy and seeking damages on various

JURISDICTION—Continued.
common-law grounds and also on ground that alleged misbranding of drug in violation of Federal Food, Drug, and Cosmetic Act (FDCA) raised a presumption of negligence and proximate cause of injuries, (2) petitioner removed proceedings to Federal District Court, alleging that they were based in part on a "federal question" for purposes of 28 U. S. C. § 1331, (3) District Court denied respondents' motion to remand to state court and granted petitioner's motion to dismiss, and (4) Court of Appeals reversed, proceedings were improperly removed since, assuming (as Court of Appeals held) that FDCA did not create a private right of action, there was no federal-question jurisdiction under § 1331. Merrell Dow Pharmaceuticals Inc. v. Thompson, p. 804.

JURY INSTRUCTIONS. See **Habeas Corpus.**

JURY TRIALS. See **Constitutional Law,** I, 1.

LABOR UNIONS. See **Civil Rights Act of 1964,** 3, 5; **Constitutional Law,** V; **Pre-emption of State Law by Federal Law.**

LEGISLATIVE DISTRICTS. See **Constitutional Law,** I, 2; **Voting Rights Act of 1965.**

LEWD SPEECH BY STUDENT AT HIGH SCHOOL ASSEMBLY. See **Constitutional Law,** II, 3.

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT. See **International Convention for Regulation of Whaling.**

MALICE. See **Habeas Corpus.**

MICHIGAN. See **Pre-emption of State Law by Federal Law.**

MISSISSIPPI. See **Constitutional Law,** VI.

MULTIMEMBER LEGISLATIVE DISTRICTS. See **Voting Rights Act of 1965.**

NATIONAL LABOR RELATIONS ACT. See **Pre-emption of State Law by Federal Law.**

NEWS MEDIA'S RIGHT TO ATTEND CRIMINAL PROCEEDINGS. See **Constitutional Law,** IV.

NEW YORK. See **Constitutional Law,** II, 1.

NORTH CAROLINA. See **Voting Rights Act of 1965.**

NOTICE OF APPEAL. See **Jurisdiction,** 1.

NUISANCES. See **Constitutional Law,** II, 1.

PENNSYLVANIA. See **Clean Air Act.**

PEREMPTORY CHALLENGE BASED ON JUROR'S RACE. See **Constitutional Law, I, 1.**

POLITICAL GERRYMANDERING OF LEGISLATIVE DISTRICTS. See **Constitutional Law, I, 2.**

POLITICAL QUESTION DOCTRINE. See **Constitutional Law, I, 2; International Convention for Regulation of Whaling.**

POLLUTION. See **Clean Air Act.**

PRE-EMPTION OF STATE LAW BY FEDERAL LAW.

Unemployment compensation—Eligibility as affected by strikes.—A Michigan statute making an employee ineligible for unemployment compensation if he provided "financing" for a strike that caused his unemployment—such as appellant employees who were required to pay "emergency dues" to augment their union's strike insurance fund, and who were laid off by appellee employer as a result of strikes by other employees at other plants of employer—was not pre-empted by federal law. Baker v. General Motors Corp., p. 621.

PRESS' RIGHT TO ATTEND CRIMINAL PROCEEDINGS. See **Constitutional Law, IV.**

PRIVATE RIGHTS OF ACTION. See **Jurisdiction, 2.**

PRIVILEGE AGAINST SELF-INCRIMINATION. See **Constitutional Law, III; Stays.**

PROSTITUTION. See **Constitutional Law, II, 1.**

PSYCHIATRISTS. See **Constitutional Law, III.**

PUBLIC EMPLOYEES. See **Civil Rights Act of 1964, 1–4; Constitutional Law, V.**

PUBLIC HEALTH NUISANCES. See **Constitutional Law, II, 1.**

PUBLIC'S RIGHT TO ATTEND CRIMINAL PROCEEDINGS. See **Constitutional Law, IV.**

PUERTO RICO. See **Constitutional Law, II, 2.**

RACIAL DISCRIMINATION. See **Civil Rights Act of 1964; Constitutional Law, I, 1; Voting Rights Act of 1965.**

RECREATIONAL USERS OF FLOOD CONTROL RESERVOIRS. See **Flood Control Act.**

REDISTRICTING OF LEGISLATURE. See **Constitutional Law, I, 2; Voting Rights Act of 1965.**

REMEDIES FOR VIOLATIONS OF CIVIL RIGHTS ACT OF 1964. See **Civil Rights Act of 1964, 3, 5.**

REMOVAL OF STATE-COURT ACTION TO FEDERAL COURT. See **Jurisdiction**, 2.

REPARATION PROCEEDINGS AGAINST COMMODITY FUTURES BROKER. See **Commodity Exchange Act.**

RESCISSION. See **Securities Regulation.**

RETROACTIVITY OF DECISIONS. See **Constitutional Law**, I, 1.

RIGHT OF ACCESS TO CRIMINAL PROCEEDINGS. See **Constitutional Law**, IV.

RIGHT TO FAIR TRIAL. See **Constitutional Law**, IV.

SCHOOLS. See **Constitutional Law**, II, 3; VI.

SECURITIES ACT OF 1933. See **Securities Regulation.**

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

SECURITIES REGULATION. See also **Commodity Exchange Act.**

Fraud—"Tax shelter" investments—Rescission.—In petitioners' successful securities fraud suit against respondents under § 10(b) of Securities Exchange Act of 1934 and § 12(2) of Securities Act of 1933, where petitioners had tendered return of securities in respondents' limited partnership that petitioners had purchased as a "tax shelter" for deduction of losses against other income, § 28(a) of 1934 Act did not require that petitioners' rescissory recovery of consideration paid for securities, with prejudgment interest, be reduced by tax benefits received by petitioners as a result of their investments. Randall v. Loftsgaarden, p. 647.

SELECTION OF JURORS. See **Constitutional Law**, I, 1.

SELF-INCRIMINATION. See **Stays.**

SEPARATION OF POWERS. See **Commodity Exchange Act; Constitutional Law**, V.

"SEXUALLY DANGEROUS" PERSONS. See **Constitutional Law**, III.

SOCIAL SECURITY ACT. See **Pre-emption of State Law by Federal Law.**

SODOMY.

Georgia statute—Constitutionality.—Georgia's sodomy statute, under which respondent was charged on basis of committing sodomy with another adult male in bedroom of his home, is constitutional; Constitution does not confer a fundamental right upon homosexuals to engage in sodomy. Bowers v. Hardwick, p. 186.

SOLICITATION OF PROSTITUTION. See **Constitutional Law**, II, 1.

STANDING TO SUE. See **Constitutional Law**, V.

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

STAYS. See also **Injunctions.**

1. *Contempt order.*—Application by a daughter and son-in-law of former President Marcos of Philippines to stay, pending certiorari, District Court's contempt order, requiring their incarceration if they failed to testify before a federal grand jury investigating alleged corruption relating to arms contracts made with Philippine Government, is granted. Araneta v. United States (BURGER, C. J., in chambers), p. 1301.

2. *Contempt order.*—Application to stay District Court's order requiring applicant to report for custody pursuant to earlier order finding him in contempt for refusing to testify at a deposition hearing in connection with denaturalization proceedings in another court against a third person—applicant having refused to testify despite a grant of immunity and an order sealing his deposition—is granted. Mikutaitis v. United States (STEVENS, J., in chambers), p. 1306.

STRIKES. See **Pre-emption of State Law by Federal Law.**

STUDENT'S SPEECH AT HIGH SCHOOL ASSEMBLY. See **Constitutional Law**, II, 3.

SUPREME COURT. See also **Constitutional Law**, II, 2.

1. Retirement of CHIEF JUSTICE BURGER, p. VII.
2. Appointment of CHIEF JUSTICE REHNQUIST, p. VII.
3. Appointment of JUSTICE SCALIA, p. VII.
4. Term statistics, p. 1312.

"TAX SHELTERS." See **Securities Regulation.**

UNEMPLOYMENT COMPENSATION. See **Pre-emption of State Law by Federal Law.**

UNIONS. See **Civil Rights Act of 1964**, 3, 5; **Constitutional Law**, V; **Pre-emption of State Law by Federal Law.**

UNITED STATES' IMMUNITY FROM LIABILITY. See **Flood Control Act.**

UNITED STATES' IMMUNITY FROM LIABILITY FOR INTEREST. See **Civil Rights Act of 1964**, 1.

VEHICLE EMISSION CONTROL PROGRAMS. See **Clean Air Act.**

VOTING RIGHTS ACT OF 1965.

Redistricting of state legislature—Minority vote dilution—Multimember districts.—Minority voters who contend—as did appellees in their action challenging redistricting of North Carolina Legislature as diluting their

VOTING RIGHTS ACT OF 1965—Continued.
voting strength—that multimember form of districting violates § 2 of Act must prove that use of a multimember electoral structure operates to minimize or cancel out their ability to elect their preferred candidates; clearly-erroneous test of Federal Rule of Civil Procedure 52(a) is appropriate standard for appellate review of ultimate findings of vote dilution. Thornburg v. Gingles, p. 30.

WATERS. See **Flood Control Act.**

WHALING QUOTAS. See **International Convention for Regulation of Whaling.**

U.S. GOVERNMENT PRINTING OFFICE : 1989 O - 159-595 : QL3