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IV. Freedom of Speech.

Federal Election Campaign Act—Corporate expenditures.—Section 316 of Federal Election Campaign Act, which prohibits expenditures from a corporation's general funds in connection with any federal election, was violated by publication and distribution of a "Special Edition" of a newsletter by appellee, a nonprofit, nonstock corporation formed to foster respect for human life, where "Special Edition" exhorted readers to vote for identified "pro-life" candidates in upcoming state primary elections for state and federal offices, but § 316, as applied to appellee, was unconstitutional as infringing protected speech without a compelling justification. *FEC v. Massachusetts Citizens for Life, Inc.*, p. 238.

V. Privilege Against Self-Incrimination.

Murder confession—Voluntariness.—Where (1) after respondent's arrest by federal officers for interstate transportation of firearms, he was advised of, and waived, his *Miranda* rights, (2) during interrogation on firearms transactions, he admitted that he had "shot another guy once," but denied shooting a certain person, and (3) when later questioned by a state police officer, respondent again waived his *Miranda* rights and gave a written confession to murder of that other person, federal officers' failure to inform him that he would be questioned about killing could not have affected his decision to waive his Fifth Amendment right to remain silent and thus did not render murder confession inadmissible at state murder trial. *Colorado v. Spring*, p. 564.

VI. Right to Counsel.

Confessions—Voluntariness.—Where (1) while in custody on suspicion of sexual assault, respondent was given, and acknowledged in writing receipt of, *Miranda* warnings on three occasions, (2) he indicated willingness to make oral statements but said that he would not make written statement outside counsel's presence, (3) he then orally admitted involvement in sexual assault, and (4) an officer's written recollection of respondent's confession was introduced in evidence, trial court properly found that respondent's decision to speak to police constituted a voluntary waiver of his right to counsel, and Constitution did not require suppression of incriminating statement. *Connecticut v. Barrett*, p. 523.

VII. Searches and Seizures.

Vehicles—Impoundment searches.—Where (1) respondent was arrested for drunken driving, and (2) before a tow truck arrived to take his van to an impoundment lot, an officer, acting pursuant to police procedures, inventoried van's contents and opened a backpack in which he found containers holding drugs, drug paraphernalia, and cash, Fourth Amendment did not

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prohibit State's proving drug charges with such evidence. *Colorado v. Bertine*, p. 367.

VIII. States' Regulation of Liquor.

Licensed business—Prohibition of nude dancing.—A city ordinance prohibiting nude or nearly nude dancing in establishments licensed to sell liquor for consumption on premises is constitutional as being within States' regulatory authority under Twenty-first Amendment, and does not violate First Amendment, notwithstanding state-law requirement that a city secure approval by local election to ban alcohol sales. *Newport v. Iacobucci*, p. 92.

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Accused's constitutional rights—Retroactivity of decisions.—A new rule for conduct of criminal prosecutions—such as rule in *Batson v. Kentucky*, 476 U. S. 79, concerning a state criminal defendant's right to establish a prima facie case of unconstitutional racial discrimination based on prosecution's use of peremptory challenges to strike prospective jurors—applies retroactively to all cases, state or federal, pending on direct review or not yet final, with no exception for cases in which new rule constitutes a "clear break" with past. *Griffith v. Kentucky*, p. 314.

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

CUSTODIAL INTERROGATION. See *Constitutional Law*, II, V, VI.

CUSTOMS DUTIES. See *State Personal Property Taxes*.

DEATH BENEFITS. See *Public Safety Officers' Death Benefits Act*.

DEATH PENALTY. See *Constitutional Law*, I.

DEPORTATION. See *Immigration and Nationality Act*.

DISASTER RELIEF ACT OF 1970.

Temporary housing—Preparation of sites—State's liability for interest.—In an action against a State to recover United States' costs of preparing sites provided by State for temporary housing after floods were declared to be major disasters, federal law governed as to, and imposed liability on State for, prejudgment interest on State's obligation under Act to furnish such sites "without charge to the United States." *West Virginia v. United States*, p. 305.

DISCOUNT BROKERAGE SERVICES OF BANKS. See National Bank Act.

DISCRIMINATION BASED ON RACE. See Civil Rights Attorney's Fees Awards Act of 1976; Criminal Law; Voting Rights Act of 1965.

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DUE PROCESS. See Constitutional Law, II; State Personal Property Taxes; Stays, 2.

EIGHTH AMENDMENT. See Constitutional Law, I.

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FEDERAL ELECTION CAMPAIGN ACT. See Constitutional Law, IV.

FEDERAL INCOME TAXES. See also Internal Revenue Code.

Panama Canal Commission—Exemption of employees from taxes.—Provisions of Agreement in Implementation of Article III of Panama Canal Treaty, relating to exemption of Panama Canal Commission's United States citizen employees from payment of taxes, apply only to Panamanian taxes, and hence petitioners, such employees and their spouses, were not entitled to refunds of United States income taxes paid. *O'Connor v. United States*, p. 27.

FEDERAL-STATE RELATIONS. See Antitrust Acts, 1; Bankruptcy Act; Civil Rights Act of 1964, 2; Clean Water Act; Disaster Relief Act of 1970; Public Safety Officers' Death Benefits Act; Staggers Rail Act of 1980; State Personal Property Taxes; Unemployment Compensation; Voting Rights Act of 1965.

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IMMIGRATION AND NATIONALITY ACT.

Suspension of deportation—Hardship to nieces living with illegal alien.—Under § 244(a)(1) of Act, Board of Immigration Appeals, in rejecting respondent illegal alien's application for suspension of deportation on basis of hardship to her minor nieces, who were United States citizens living with her to attend school in United States, was not required to consider such hardship claim, since a niece is not included under Act's definition of "child" for § 244(a)(1) purposes. *INS v. Hector*, p. 85.

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INTERNAL REVENUE CODE. See also Federal Income Taxes; Unemployment Compensation.

Employees' withholding taxes—Employer's lender's liability.—Section 6303(a) of Code does not require Government to provide notice to, or to demand payment from, a lender to an employer before bringing a civil suit to collect sums for which lender is liable under § 3505, which imposes liability on persons such as lenders for an amount equal to Social Security and income taxes that are not withheld from wages lender pays directly or indirectly to employees of a third-party employer. *Jersey Shore State Bank v. United States*, p. 442.

INTERROGATION BY POLICE. See Constitutional Law, II, V; VI.

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MOOTNESS.

Case or controversy—"Pocket-veto" of bill.—For Article III case-or-controversy purposes, case was moot where (1) Court of Appeals had held that a bill—which conditioned continuance of military aid to El Salvador upon President's semiannual certification of that nation's progress in protecting human rights—had become law despite President's effort to "pocket-veto" it, but (2) bill expired by its own terms a few weeks later; any controversy over Acting Archivist's failure to publish bill in Statutes at Large or any dispute as to accounting obligations relating to expenditure of funds under bill was not sufficient to prevent mootness. *Burke v. Barnes*, p. 361.

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Bank branches—Discount brokerage services.—Where Comptroller of Currency approved a national bank's application to establish an affiliate discount brokerage service and to offer discount brokerage services not only at its branch offices but also at other locations inside and outside its home State, respondent trade association, representing securities brokers, underwriters, and investment bankers, had standing to maintain an action contending that bank discount brokerage offices were bank branches prohibited under Act's provisions; however, Comptroller did not exceed his authority in interpreting Act to contrary and in granting bank's application. *Clarke v. Securities Industry Assn.*, p. 388.

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sale; application of North Carolina's tobacco tax to appellant's imported tobacco, stored for aging in customs-bonded warehouses in State prior to blending with domestic tobacco for ultimate consumption in United States, did not violate either Import-Export Clause or Due Process Clause, and this Court had jurisdiction to review North Carolina Supreme Court's judgment granting appellees' motion to dismiss appellant's appeal from State Court of Appeals' judgment upholding tax statutes. *R. J. Reynolds Tobacco Co. v. Durham County*, p. 130.

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1. *Aid to Families with Dependent Children Program*.—Application to stay District Court's order—holding unconstitutional state regulations that implemented federal-law requirement that child support payments made to certain children living with family be considered in determining family's need for payments under Aid to Families with Dependent Children Program—is granted. *Ledbetter v. Baldwin* (POWELL, J., in chambers), p. 1309.

2. *Child support*.—Application to stay California Court of Appeal's judgment—holding that Due Process Clause was violated by a state statute which provided that proof of service on a parent of a valid child support order, together with proof of noncompliance, constituted prima facie evidence of contempt of court—is granted. *Hicks v. Feiock* (O'CONNOR, J., in chambers), p. 1305.

3. *Confrontation Clause*.—Application to stay Kentucky Supreme Court's judgment—holding that Confrontation Clause gives an accused child molester the right to be present at hearing inquiring into victim's competency to testify—is denied. *Kentucky v. Stincer* (SCALIA, J., in chambers), p. 1303.

4. *Nuclear power plant*.—Application to stay full-power operation of a nuclear power plant, pending Court of Appeals' final decision in applicant's suit against respondent, is denied. *Ohio Citizens for Responsible Energy, Inc. v. Nuclear Regulatory Comm'n* (SCALIA, J., in chambers), p. 1312.

5. *Runoff election*.—Application to stay Court of Appeals' mandate reversing District Court's judgment that ordered a second runoff election for a political party's gubernatorial candidate is denied. *Curry v. Baker* (POWELL, J., in chambers), p. 1301.

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City's annexation of land—Federal preclearance.—A covered city's annexation of inhabited land constitutes a change in voting practice or procedure subject to federal preclearance under § 5 of Act, and even annexation of vacant land on which residential development is anticipated must be precleared before those moving into area may vote in annexing jurisdiction; District Court did not err in concluding that appellant city had not carried its burden of showing that annexations in this case were untainted

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WORKERS' COMPENSATION. See *Public Safety Officers' Death Benefits Act*.

THEORY OF THE STATE. — The State is a political community, organized for the purpose of securing the rights and interests of its members. It is a legal entity, created by the consent of the governed, and its power is derived from the people. The State is responsible for the protection of its citizens and the maintenance of order and justice. It is the duty of the State to provide for the common good and the welfare of its people. The State is a sovereign entity, and its power is not subject to the control of any other authority. It is the duty of the State to protect its sovereignty and its independence. The State is a legal entity, and its actions are subject to the law. It is the duty of the State to uphold the law and to ensure that its citizens are treated fairly and justly. The State is a political entity, and its actions are subject to the will of the people. It is the duty of the State to represent the people and to act in their best interests. The State is a legal entity, and its actions are subject to the law. It is the duty of the State to uphold the law and to ensure that its citizens are treated fairly and justly. The State is a political entity, and its actions are subject to the will of the people. It is the duty of the State to represent the people and to act in their best interests.

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