

INDEX

ADMINISTRATIVE SEARCHES. See Constitutional Law, IV, 1.

AFFIRMATIVE-ACTION PLANS. See Civil Rights Act of 1964.

AIR CARRIER TAXES. See Airport and Airway Improvement Act of 1982.

AIRLINE DEREGULATION ACT OF 1978.

Dislocated employees—Airlines' duty to hire—Congress' veto of regulations—Severability of statute.—Act's legislative-veto provision—which was held to be unconstitutional by District Court, and which provides that either House of Congress may disapprove Secretary of Labor's regulations for administration of Employee Protection Program that requires covered airlines to hire protected employees dislocated by deregulation of commercial air carriers—is severable from remainder of Act. *Alaska Airlines, Inc. v. Brock*, p. 678.

AIRLINE MERGERS. See Stays.

AIRPORT AND AIRWAY IMPROVEMENT ACT OF 1982.

Taxes on air carriers—Validity of state tax.—For purposes of Act's provision exempting from Act's prohibition of discriminatory state or local property taxes on air carriers any "in lieu tax which is wholly utilized for airport and aeronautical purposes," a South Dakota tax imposed on air carriers on basis of value of their aircraft and providing for allocation of taxes to airports used by carriers and for use of taxes exclusively for airport purposes was an "in lieu tax" and thus did not violate Act's antidiscrimination provisions. *Western Air Lines, Inc. v. Board of Equalization of S. D.*, p. 123.

ALABAMA. See Appeals, 2.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT.

Oil and gas leases—Outer Continental Shelf—Preliminary injunction.—Section 810(a) of Act, which regulates Federal Government's allowing use, occupancy, or disposition of public lands that would restrict Alaskan Natives' use of such lands for subsistence, does not apply to Outer Continental Shelf; where District Court found that respondents had established likelihood of success on merits of claim that Government failed to comply with Act in granting certain offshore oil and gas leases, but held that preliminary injunction against exploratory drilling was inappropriate,

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT—
Continued.

Court of Appeals erred in directing issuance of a preliminary injunction. *Amoco Production Co. v. Gambell*, p. 531.

ALIENS. See *Immigration and Nationality Act*.

APARTMENT SEARCHES. See *Constitutional Law*, IV, 2, 5.

APPEALS.

1. *Intervention of parties—Appealability of order.*—A federal district court order granting permissive intervention but denying intervention as of right—such as an order allowing respondent nonprofit organization, whose members lived near a hazardous waste dumpsite, to become a permissive intervenor, subject to specified conditions, in an action by United States and a State against owners, operators, and users of dumpsite, but denying request to intervene as a matter of right—is not a final order under 28 U. S. C. § 1291 and thus is not immediately appealable. *Stringfellow v. Concerned Neighbors in Action*, p. 370.

2. *Penalty for unsuccessful appeal—Diversity actions—State statute.*—An Alabama statute—requiring an appellate court, upon affirming a money judgment without substantial modification, to impose a 10% penalty on any appellant who had obtained a stay of that judgment by executing a bond—has no application to judgments entered by federal courts sitting in diversity actions; such actions are governed instead by Federal Rule of Appellate Procedure 38, which affords federal courts of appeals plenary discretion to award damages to an appellee upon determining that appeal is frivolous. *Burlington Northern R. Co. v. Woods*, p. 1.

ARBITRATION OF LABOR DISPUTES. See *Federal Employers' Liability Act*; *Stays*.

ARRESTS. See *Civil Rights Act of 1871*.

ASYLUM FOR ALIENS. See *Immigration and Nationality Act*.

AUTOMOBILE WRECKING YARD SEARCHES. See *Constitutional Law*, IV, 1.

BANKRUPTCY.

Amendments to Bankruptcy Rules, p. 1077.

BARN SEARCHES. See *Constitutional Law*, IV, 3.

BINGO GAMES. See *Pre-emption of State or Local Law by Federal Law*, 1.

BONDS. See *Appeals*, 2.

BURDEN OF PROVING SELF-DEFENSE. See *Constitutional Law*, I, 3.

CABLE TELEVISION SYSTEM'S USE OF UTILITY POLES. See Constitutional Law, V, 1.

CALIFORNIA. See Pre-emption of State or Local Law by Federal Law.

CARRIERS. See Airline Deregulation Act of 1978; Airport and Airway Improvement Act of 1982; Stays.

CERTIORARI.

Dismissal—Improvident grant of writ.—Writ of certiorari, earlier granted to resolve question whether a municipality can be held liable under 42 U. S. C. § 1983 for inadequate training of its employees, was dismissed as improvidently granted, since case did not, as originally contemplated, present related question whether more than negligence in training is required to establish such liability. *Springfield v. Kibbe*, p. 257.

CHILD-ABUSE PROSECUTIONS. See Constitutional Law, I, 1.

CIVIL RIGHTS ACT OF 1871. See also Certiorari.

Agreement not to sue—Enforceability.—Where (1) respondent was accused of state-law felony of tampering with a witness (victim of an alleged sexual assault by defendant in another prosecution), (2) respondent signed an agreement whereby prosecutor dismissed charges against respondent, who released any claims he might have against town, its officials, or victim for any harm caused by his arrest, (3) respondent later filed this action under 42 U. S. C. § 1983, alleging that town and its officers had violated his constitutional rights by arresting, defaming, and imprisoning him falsely, and (4) District Court dismissed action on basis of release-dismissal agreement, question whether § 1983's policies render a waiver of right to sue thereunder unenforceable was one of federal law; mere possibility of harm to a criminal defendant's and society's interests did not call for a *per se* rule invalidating all such agreements; and District Court's decision to enforce agreement here was correct. *Newton v. Rumery*, p. 386.

CIVIL RIGHTS ACT OF 1964.

Employment discrimination—Affirmative action plan—Promotion of female employee.—Respondent Transportation Agency's affirmative action plan, which authorized consideration of sex as one factor in hiring and promoting women in job classifications where they were underrepresented, and which had long-term goal of attaining work force whose composition reflected proportion of women in area labor force, was consistent with Title VII of Act; Agency appropriately took into account a woman employee's sex in promoting her instead of petitioner, a male employee who was otherwise equally qualified for promotion. *Johnson v. Transportation Agency, Santa Clara County*, p. 616.

COAL MINING. See Constitutional Law, V, 2.

COASTAL ZONE MANAGEMENT ACT OF 1972. See **Pre-emption of State or Local Law by Federal Law**, 2.

COMMERCE CLAUSE. See **Constitutional Law**, V, 3.

COMPULSORY PROCESS CLAUSE. See **Constitutional Law**., I, 1.

CONFRONTATION CLAUSE. See **Constitutional Law**, I, 1.

CONGRESS' VETO OF ADMINISTRATIVE REGULATIONS. See **Airline Deregulation Act of 1978**.

CONSTITUTIONAL LAW. See also **Pre-emption of State or Local Law by Federal Law**, 2.

I. Due Process.

1. *Child-abuse prosecution—Discovery by accused—State agency's investigative reports.*—Where (1) during pretrial discovery, respondent, who was charged with sexual offenses against his minor daughter, subpoenaed a state agency's records of its investigation of immediate charges as well as certain earlier records relating to agency's investigation of another report that respondent's children were abused, (2) after agency refused to comply with subpoena, trial court refused to order disclosure, and (3) on appeal from conviction, Pennsylvania Supreme Court held that trial court violated both Confrontation and Compulsory Process Clauses of Sixth Amendment, and that trial court, on remand, must determine if a new trial was necessary, this Court did not lack jurisdiction on asserted ground that decision below was not final; under governing Fourteenth Amendment due process principles, respondent was entitled to have agency's files reviewed by trial court to determine whether they contained information that probably would have changed trial's outcome, but respondent's counsel was not entitled to personally examine agency's records. *Pennsylvania v. Ritchie*, p. 39.

2. *Product liability action—State court's jurisdiction over foreign manufacturer.*—Where (1) petitioner manufactured tire valve assemblies in Japan and sold and shipped them to another company in Taiwan, where they were incorporated in tires made by other company, (2) other company sold its tires in California, (3) petitioner was aware that such tires would end up in California but never contemplated that its sales to other company would subject it to California lawsuits, (4) a product liability suit was brought in California against other company, which then filed a cross-complaint for indemnification from petitioner, and (5) California Supreme Court ultimately held that petitioner's intentional act of placing its assemblies into stream of commerce by delivering them to other company, coupled with its awareness that some of them would eventually reach California, was sufficient to support state-court jurisdiction, state court's exercise of personal jurisdiction over petitioner would be unreasonable and unfair in

CONSTITUTIONAL LAW—Continued.

violation of Due Process Clause. *Asahi Metal Industry Co. v. Superior Court of Cal., Solano County*, p. 102.

3. *Self-defense—Burden of proof—Jury instructions.*—Due Process Clause was not violated either by Ohio law's placing burden of proving self-defense on a defendant charged with committing aggravated murder, or by jury instructions in this case on burden of proving elements of crime and self-defense. *Martin v. Ohio*, p. 228.

II. Equal Protection of the Laws.

Employment discrimination—Remedial orders.—Court of Appeals' judgment affirming an order of District Court—which, in prolonged proceedings arising from Alabama's systematic exclusion of blacks from employment as state troopers in violation of Fourteenth Amendment, had entered numerous remedial decrees and orders, culminating in an order imposing promotion quotas for blacks—is affirmed. *United States v. Paradise*, p. 149.

III. Freedom of Religion.

Discharge of employee for refusal to work on Sabbath—Unemployment compensation.—Where (1) appellant informed her employer that she was joining the Seventh-day Adventist Church and could no longer work at employer's store on her Sabbath, (2) she was discharged for refusing to work on Friday evenings and Saturdays, and (3) her unemployment compensation claim was denied for "misconduct connected with [her] work" under applicable Florida statute, State's refusal to award benefits violated Free Exercise Clause of First Amendment, and award of benefits to appellant would not violate Establishment Clause. *Hobbie v. Unemployment Appeals Comm'n of Fla.*, p. 136.

IV. Searches and Seizures.

1. *Administrative search—Exclusionary rule.*—Exclusionary rule does not apply to evidence obtained by police acting in objectively reasonable reliance upon a statute authorizing warrantless administrative searches, but which is subsequently found to violate Fourth Amendment; where an officer—acting under an Illinois statute that required licensed vehicular parts sellers to permit inspection of certain records—(1) entered respondents' wrecking yard, (2) received permission to look at cars in yard, (3) ascertained that some were stolen and one had its identification number removed, and (4) seized cars, and respondents were arrested and charged with various crimes, officer's reliance on statute, which was later held to violate Fourth Amendment, was objectively reasonable, and exclusionary rule was not applicable. *Illinois v. Krull*, p. 340.

2. *Apartment search—"Cursory inspection."*—Where (1) a bullet fired through respondent's apartment floor injured a man on floor below, (2) po-

CONSTITUTIONAL LAW—Continued.

lice entered respondent's apartment to search for shooter, any other victims, and weapons, and there seized weapons and discovered a stocking-cap mask, (3) an officer, upon seeing expensive stereo equipment parts, moved some to record their serial numbers, and (4) he phoned in numbers to headquarters and seized a turntable upon being informed that it had been taken in an armed robbery, for which respondent was later indicted, officer's actions came within Fourth Amendment's purview, since moving of equipment was a "search" separate from that which was lawful objective of entering apartment, and was not rendered valid under "plain view" doctrine; officer's action could not be upheld on ground that it was not a "full blown search" but was only a "cursory inspection" justifiable by reasonable suspicion instead of probable cause. *Arizona v. Hicks*, p. 321.

3. *Barn search—Curtilage of ranch house.*—Where (1) federal agents tracked truck transporting chemicals and equipment used for making controlled substances to respondent's barn, which was located outside fence around ranch house, (2) agents crossed other ranch-type fences, led by chemical odors and sound of motor from barn, stopped at locked fence near barn, and shined a flashlight into barn to observe a drug laboratory, and (3) agents ultimately executed a search warrant, arresting respondent and seizing items from barn and house, barn area was not within house's curtilage for Fourth Amendment purposes, and respondent did not, under "open fields" doctrine, otherwise possess an expectation of privacy as to barn sufficient to preclude search. *United States v. Dunn*, p. 294.

4. *Government employer—Search of employee's office.*—Where (1) respondent, a state hospital employee, was placed on administrative leave pending investigation of charges of misconduct and sexual harassment of female employee, (2) hospital officials, allegedly to inventory and secure state property, searched his office and seized personal items from his desk and file cabinets that were used in administrative proceedings resulting in his discharge, and (3) respondent filed a federal-court action, alleging that office search violated Fourth Amendment, procedural posture of case precluded summary judgment for respondent, but government employers' office searches and seizures of their employees' private property are covered by Fourth Amendment. *O'Connor v. Ortega*, p. 709.

5. *Warrant for apartment search—"Wrong" apartment.*—Where (1) police obtained a warrant to search person of one McWebb and "the premises known as 2036 Park Avenue third floor apartment" for controlled substances and related paraphernalia, (2) police reasonably believed that there was only one apartment on described premises, but in fact there were two third-floor apartments, one occupied by McWebb and one by respondent, and (3) before officers were aware that they were in respondent's apartment, they discovered contraband that provided basis for respondent's state-court conviction, warrant, even though authorizing a search that

CONSTITUTIONAL LAW—Continued.

turned out to be ambiguous in scope, was valid when issued, and warrant's execution did not violate respondent's Fourth Amendment rights. *Maryland v. Garrison*, p. 79.

V. Taking of Private Property.

1. *Cable television—Use of utility poles.*—Pole Attachments Act, which empowers Federal Communications Commission to determine reasonable rates that utility companies may charge cable television systems for using utility poles for stringing television cable, does not authorize a "taking" of utility property within meaning of Fifth Amendment. *FCC v. Florida Power Corp.*, p. 245.

2. *Coal mining—Mineral estate owners' rights—Validity of state statute.*—Provisions of a Pennsylvania Act and regulations (1) that prohibit coal mining that causes subsidence damage to pre-existing public buildings, dwellings, cemeteries, and water courses, (2) that require 50% of coal beneath such property to be kept in place to provide surface support, and (3) that authorize revocation of mining permits of mineral estate owners whose unlawful coal removal from such property causes damage to surface estate and who do not repair such damage or deposit specified security funds, do not constitute facially a "taking" of private property in violation of Fifth and Fourteenth Amendments, and permit-revocation provisions do not violate Contracts Clause rights of mineral owners who obtained from surface owners waivers of liability for surface damage. *Keystone Bituminous Coal Assn. v. DeBenedictis*, p. 470.

3. *Indian Tribe's riverbed interests—Government's navigational servitude.*—Federal Government's exercise of its Commerce Clause navigational servitude by construction of a navigational channel in a river, which damaged respondent Indian Tribe's riverbed mineral interests, was not a "taking" of private property under Fifth Amendment. *United States v. Cherokee Nation of Okla.*, p. 700.

CONTAGIOUS DISEASE AS HANDICAP. See *Rehabilitation Act of 1973*.

CONTRACTS CLAUSE. See *Constitutional Law*, V, 2.

CORPORATE MERGERS. See *Stays*.

CRIMINAL LAW. See also *Civil Rights Act of 1871*; *Constitutional Law*, I, 1, 3; IV, 1-3, 5; *Pre-emption of State or Local Law by Federal Law*, 1.

Sentencing—Probation—Federal statutes.—Title 18 U. S. C. §3147, which provides that a person, such as petitioner, who commits a felony while on release pending judicial proceedings must be sentenced to at least two years' imprisonment in addition to sentence imposed for underlying

CRIMINAL LAW—Continued.

felony, does not divest a sentencing judge of authority under 18 U. S. C. § 3651 to suspend execution of a § 3147 sentence and instead impose a 2-year probation term as more appropriate under circumstances. *Rodriguez v. United States*, p. 522.

"CURSORY INSPECTION" AS CONSTITUTING SEARCH. See Constitutional Law, IV, 2.

"CURTILAGE" SEARCHES. See Constitutional Law, IV, 3.

DEFAMATION. See Civil Rights Act of 1871.

DEPORTATION OF ALIENS. See Immigration and Nationality Act.

DISCOVERY BY ACCUSED. See Constitutional Law, I, 1.

DISCRIMINATION AGAINST HANDICAPPED PERSONS. See Rehabilitation Act of 1973.

DISCRIMINATION BASED ON RACE. See Constitutional Law, II.

DISCRIMINATION BASED ON RELIGION. See Constitutional Law, III.

DISCRIMINATION BASED ON SEX. See Civil Rights Act of 1964.

DISCRIMINATION IN EMPLOYMENT. See Civil Rights Act of 1964; Constitutional Law, II; III.

DISEASE AS HANDICAP. See Rehabilitation Act of 1973.

DISMISSAL OF CRIMINAL CHARGES. See Civil Rights Act of 1871.

DISTRICT COURTS. See Jurisdiction.

DIVERSITY ACTIONS. See Appeals, 2.

DIVERSITY JURISDICTION. See Jurisdiction.

DUE PROCESS. See Constitutional Law, I.

DUMPSITES. See Appeals, 1.

EMINENT DOMAIN. See Constitutional Law, V, 2, 3.

EMOTIONAL-INJURY CLAIMS. See Federal Employers' Liability Act.

EMPLOYER AND EMPLOYEES. See Airline Deregulation Act of 1978; *Certiorari*; Civil Rights Act of 1964; Constitutional Law, II; III; IV, 4; Federal Employers' Liability Act; Rehabilitation Act of 1973; *Stays*.

EMPLOYMENT DISCRIMINATION. See Civil Rights Act of 1964; Constitutional Law, II; III; Rehabilitation Act of 1973.

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

ESTABLISHMENT OF RELIGION. See Constitutional Law, III.

EVIDENCE. See Constitutional Law, I, 1; IV, 1; Immigration and Nationality Act.

EXCLUSIONARY RULE. See Constitutional Law, IV, 1.

FALSE ARREST. See Civil Rights Act of 1871.

FALSE IMPRISONMENT. See Civil Rights Act of 1871.

FEDERAL EMPLOYERS' LIABILITY ACT.

Railroad employee—Emotional-injury claim—Arbitration.—Fact that an injury to a railroad employee was caused by railroad's conduct that may have been subject to Railway Labor Act's provision for arbitration of minor labor disputes—such as respondent employee's alleged emotional injury caused by petitioner employer's condoning harassment by fellow employees—did not deprive employee of his right to bring an FELA action for damages. *Atchison, T. & S. F. R. Co. v. Buell*, p. 557.

FEDERAL INCOME TAXES. See Internal Revenue Code.

FEDERAL LAND POLICY AND MANAGEMENT ACT. See Pre-emption of State or Local Law by Federal Law, 2.

FEDERAL RULES OF APPELLATE PROCEDURE. See Appeals, 2.

FEDERAL RULES OF CIVIL PROCEDURE.

Amendments to Rules, p. 953.

FEDERAL RULES OF CRIMINAL PROCEDURE.

Amendments to Rules, p. 1041.

FEDERAL RULES OF EVIDENCE.

Amendments to Rules, p. 1023.

FEDERAL-STATE RELATIONS. See Airport and Airway Improvement Act of 1982; Pre-emption of State or Local Law by Federal Law.

FIFTH AMENDMENT. See Constitutional Law, V.

"FINAL" ORDERS. See Appeals, 1.

FIRST AMENDMENT. See Constitutional Law, III.

FLORIDA. See Constitutional Law, III.

FOREST LANDS. See Pre-emption of State or Local Law by Federal Law, 2.

FOURTEENTH AMENDMENT. See Constitutional Law, I; II; V, 2.

FOURTH AMENDMENT. See Constitutional Law, IV.

FREEDOM OF RELIGION. See Constitutional Law, III.

GAMBLING. See Internal Revenue Code; Pre-emption of State or Local Law by Federal Law, 1.

GAS LEASES. See Alaska National Interest Lands Conservation Act.

GOVERNMENT EMPLOYEES. See Civil Rights Act of 1964; Certiorari; Constitutional Law, II; IV, 4; Rehabilitation Act of 1973.

HANDICAPPED PERSONS. See Rehabilitation Act of 1973.

HAZARDOUS WASTE DUMPSITES. See Appeals, 1.

ILLINOIS. See Constitutional Law, IV, 1.

IMMIGRATION AND NATIONALITY ACT.

Deportation proceedings—Asylum application—Standard of proof.—“Clear probability” standard of proof imposed on an alien seeking relief under § 243(h) of Act—which requires that Attorney General withhold deportation of an alien who demonstrates that his life or freedom would be threatened thereby on account of specified factors—does not govern an alien’s asylum application under § 208(a), which authorizes Attorney General, in his discretion, to grant asylum to a refugee who is unable or unwilling to return to his home country because of persecution or a well-founded fear thereof on account of particular factors. *INS v. Cardoza-Fonseca*, p. 421.

IMPAIRMENT OF CONTRACTS. See Constitutional Law, V, 2.

IMPROVIDENT GRANT OF CERTIORARI. See Certiorari.

INCOME TAXES. See Internal Revenue Code.

INDIANS. See Alaska National Interest Lands Conservation Act; Constitutional Law, V, 3; Jurisdiction; Pre-emption of State or Local Law by Federal Law, 1.

INDIAN TRIBAL COURTS. See Jurisdiction.

INJUNCTIONS. See Alaska National Interest Lands Conservation Act.

INSTRUCTIONS TO JURY. See Constitutional Law, I, 3.

INTERLOCUTORY APPEALS. See Appeals, 1.

INTERNAL REVENUE CODE.

Income taxes—Gambling as “trade or business.”—A full-time gambler who made wagers solely for his own account was engaged in a “trade or business” within meaning of Code §§ 162(a) and 62(1), and thus no part of his gambling losses was an item of tax preference subjecting him to a minimum tax. *Commissioner v. Groetzinger*, p. 23.

INTERVENTION OF PARTIES. See Appeals, 1.

JURISDICTION. See also **Constitutional Law**, I, 1, 2.

Indian tribal courts—Federal district court—Diversity jurisdiction.—A federal district court may not exercise diversity jurisdiction before an appropriate Indian tribal court system has first had an opportunity to determine its own jurisdiction over a dispute; where non-Indian petitioner, which was insurer of a ranch located on an Indian reservation and owned by Indians, was held by Tribal Court to be subject to its jurisdiction in an action to recover from ranch for injuries sustained on reservation by respondent ranch employee, an Indian, during course of his employment, and to recover from petitioner for its alleged bad-faith refusal to settle personal injury claim, Federal District Court should not exercise diversity jurisdiction to determine whether Tribal Court had subject-matter jurisdiction over claim against petitioner until tribal court system ultimately decided case. *Iowa Mutual Ins. Co. v. LaPlante*, p. 9.

JURY INSTRUCTIONS. See **Constitutional Law**, I, 3.

LABOR DISPUTES. See **Federal Employers' Liability Act**; **Stays**.

LEGISLATIVE VETO OF ADMINISTRATIVE REGULATIONS. See **Airline Deregulation Act of 1978**.

MERGERS OF AIRLINES. See **Stays**.

MINING. See **Constitutional Law**, V, 2; **Pre-emption of State or Local Law by Federal Law**, 2.

MINING ACT OF 1872. See **Pre-emption of State or Local Law by Federal Law**, 2.

MOOTNESS. See **Pre-emption of State or Local Law by Federal Law**, 2.

MUNICIPALITY'S LIABILITY FOR INADEQUATELY TRAINING EMPLOYEES. See **Certiorari**.

NATIONAL FOREST MANAGEMENT ACT. See **Pre-emption of State or Local Law by Federal Law**, 2.

NAVIGATIONAL SERVITUDE OF FEDERAL GOVERNMENT. See **Constitutional Law**, V, 3.

OFFICE SEARCHES BY GOVERNMENT EMPLOYERS. See **Constitutional Law**, IV, 4.

OFFSHORE OIL AND GAS LEASES. See **Alaska National Interest Lands Conservation Act**.

OHIO. See **Constitutional Law**, I, 3.

OIL LEASES. See **Alaska National Interest Lands Conservation Act**.

"OPEN FIELDS" DOCTRINE. See **Constitutional Law**, IV, 3.

ORGANIZED CRIME CONTROL ACT OF 1970. See Pre-emption of State or Local Law by Federal Law, 1.

OUTER CONTINENTAL SHELF LANDS ACT. See Alaska National Interest Lands Conservation Act.

PARENT AND CHILD. See Constitutional Law, I, 1.

PARTIES. See Appeals, 1.

PENNSYLVANIA. See Constitutional Law, V, 2.

"PLAIN VIEW" DOCTRINE. See Constitutional Law, IV, 2.

POLE ATTACHMENTS ACT. See Constitutional Law, V, 1.

POLICE. See Constitutional Law, II.

PRE-EMPTION OF STATE OR LOCAL LAW BY FEDERAL LAW.

1. *Gambling on Indian reservations—Application of state or local laws.*—California state and local laws regulating or prohibiting various forms of gambling were pre-empted by federal laws and policies promoting and overseeing bingo and other gambling games conducted by Indian Tribes on reservations in California; Congress did not consent to application of California law either by Pub. L. 280, which relates to application of state "criminal" laws to conduct in Indian country, or by Organized Crime Control Act of 1970. *California v. Cabazon Band of Mission Indians*, p. 202.

2. *National forest—Mining on federal lands—State permit.*—Neither Forest Service regulations nor federal land use statutes pre-empted appellant California Coastal Commission's requiring appellee to obtain, pursuant to state law, a permit for mining limestone on unpatented federally owned lands in a national forest located in California; case was not moot even though appellee's federally approved 5-year plan for mining on such lands expired during course of litigation. *California Coastal Comm'n v. Granite Rock Co.*, p. 572.

PRELIMINARY INJUNCTIONS. See Alaska National Interest Lands Conservation Act.

PRETRIAL DISCOVERY BY ACCUSED. See Constitutional Law, I, 1.

PROBATION. See Criminal Law.

PRODUCTS LIABILITY ACTIONS. See Constitutional Law, I, 2.

PROPERTY TAXES. See Airport and Airway Improvement Act of 1982.

PUBLIC EMPLOYEES. See Certiorari; Civil Rights Act of 1964; Constitutional Law, II; IV, 4; Rehabilitation Act of 1973.

PUBLIC LANDS. See Alaska National Interest Lands Conservation Act; Pre-emption of State or Local Law by Federal Law, 2.

QUOTAS TO REMEDY EMPLOYMENT DISCRIMINATION. See Civil Rights Act of 1964; Constitutional Law, II.

RACIAL DISCRIMINATION. See Constitutional Law, II.

RAILWAY LABOR ACT. See Federal Employers' Liability Act; Stays.

REFUGEES. See Immigration and Nationality Act.

REHABILITATION ACT OF 1973.

"Handicapped individual"—*Persons with contagious diseases.*—For purposes of § 504 of Act, prohibiting exclusion from participation in any federally assisted program of any "otherwise qualified handicapped individual," a person afflicted with contagious disease of tuberculosis—such as respondent schoolteacher, who was discharged from employment by petitioners—may be a "handicapped individual," but determination whether such a person is "otherwise qualified" requires an individualized inquiry by court and appropriate findings of fact. *School Bd. of Nassau County v. Arline*, p. 273.

RELEASE OF CIVIL RIGHTS CLAIM. See Civil Rights Act of 1871.

RELIGIOUS FREEDOM. See Constitutional Law, III.

RIPARIAN RIGHTS. See Constitutional Law, V, 3.

RULE ENABLING ACT. See Appeals, 2.

SCHOOLTEACHERS. See Rehabilitation Act of 1973.

SEARCHES AND SEIZURES. See Constitutional Law, IV.

SELF-DEFENSE. See Constitutional Law, I, 3.

SENTENCES. See Criminal Law.

SEVERABILITY OF STATUTE. See Airline Deregulation Act of 1978.

SEX DISCRIMINATION. See Civil Rights Act of 1964.

SIXTH AMENDMENT. See Constitutional Law, I, 1.

SOUTH DAKOTA. See Airport and Airway Improvement Act of 1982.

STANDARD OF PROOF IN DEPORTATION PROCEEDINGS. See Immigration and Nationality Act.

STATE COURTS' JURISDICTION OVER FOREIGN MANUFACTURERS. See Constitutional Law, I, 2.

STATE PROPERTY TAXES. See **Airport and Airway Improvement Act of 1982.**

STAYS. See also **Appeals, 2.**

Airline merger.—Application to stay Court of Appeals' order—which, *inter alia*, enjoined applicant airlines' merger—is granted pending filing and disposition of a certiorari petition. *Western Airlines, Inc. v. Teamsters (O'CONNOR, J., in chambers)*, p. 1301.

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

1. Amendments to Bankruptcy Rules, p. 1077.
2. Amendments to Federal Rules of Civil Procedure, p. 953.
3. Amendments to Federal Rules of Criminal Procedure, p. 1041.
4. Amendments to Federal Rules of Evidence, p. 1023.

SUSPENSION OF SENTENCES. See **Criminal Law.**

TAKING OF PRIVATE PROPERTY. See **Constitutional Law, V.**

TAMPERING WITH WITNESSES. See **Civil Rights Act of 1871.**

TAXES. See **Airport and Airway Improvement Act of 1982; Internal Revenue Code.**

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

TRIBAL COURTS. See **Jurisdiction.**

TUBERCULOSIS AS HANDICAP. See **Rehabilitation Act of 1973.**

UNEMPLOYMENT COMPENSATION. See **Constitutional Law, III.**

UNITED STATES' NAVIGATIONAL SERVITUDE. See **Constitutional Law, V, 3.**

UTILITY POLES USED BY CABLE TELEVISION SYSTEM. See **Constitutional Law, V, 1.**

VETO BY CONGRESS OF ADMINISTRATIVE REGULATIONS. See **Airline Deregulation Act of 1978.**

WAIVER OF CIVIL RIGHTS CLAIM. See **Civil Rights Act of 1871.**

WARRANT FOR APARTMENT SEARCH. See **Constitutional Law, IV, 5.**

WASTE DUMPSITES. See **Appeals, 1.**

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

WELFARE BENEFITS. See **Constitutional Law, III.**

WITNESSES. See **Civil Rights Act of 1871; Constitutional Law, I, 1.**

WORDS AND PHRASES.

1. "*Otherwise qualified handicapped individual.*" § 504, Rehabilitation Act of 1973, 29 U. S. C. § 794. School Bd. of Nassau County v. Arline, p. 273.

2. "*Trade or business.*" Internal Revenue Code of 1954, 26 U. S. C. §§ 62(1), 162(a). Commissioner v. Groetzinger, p. 23.

WRECKING YARD SEARCHES. See **Constitutional Law**, IV, 1.















