

INDEX

ABSTENTION.

Ordinance criminalizing interruption of police—Constitutional challenge.—Supreme Court would not abstain from deciding merits of appellee's First Amendment facial challenge to constitutionality of municipal ordinance that made it unlawful to interrupt any police officer in execution of his or her duties and under which appellee was charged and acquitted. *Houston v. Hill*, p. 451.

ADMINISTRATIVE SEARCHES AND SEIZURES. See *Constitutional Law, IX.*

ADMISSION TO FEDERAL DISTRICT COURT BAR. See *Attorneys.*

AIRPORT BANS OF "FIRST AMENDMENT ACTIVITIES." See *Constitutional Law, V, 1.*

APPEALS. See *Standing to Sue.*

ARBITRATION. See *Constitutional Law, X; Standing to Sue.*

ARBITRATION ACT. See *Constitutional Law, X; Federal Arbitration Act.*

ASYLUM STATES. See *Extradition Act.*

ATTORNEYS. See also *Civil Rights Attorney's Fees Awards Act of 1976.*

Admission to bar—Federal District Court—Rules.—Federal District Court in Louisiana was not empowered to adopt a Rule requiring members of Louisiana Bar who applied for admission to court's bar to live or maintain an office in Louisiana; Rule's residence requirement is unnecessary and arbitrarily discriminates against out-of-state members of Louisiana Bar, such as petitioner, who neither lived in nor had an office in Louisiana, and in-state office requirement is similarly unnecessary and irrational. *Frazier v. Hebbe*, p. 641.

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

AUTOMOBILE JUNKYARDS. See *Constitutional Law, IX.*

CALIFORNIA. See *Constitutional Law, X; Extradition Act; Standing to Sue.*

CAPITAL MURDER. See *Constitutional Law, II.*

CHILD CUSTODY DISPUTES. See **Extradition Act.**

CHILD WITNESSES. See **Constitutional Law, I, 1; VII.**

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

Racial discrimination suit against employer and unions—Limitations period—Retroactivity.—In petitioner employees' suit against employer and unions, asserting racial discrimination claims under 42 U. S. C. § 1981, *inter alia*, Court of Appeals was correct in selecting Pennsylvania 2-year limitations period governing personal injury actions as most analogous state statute of limitations to govern § 1981 suits, and in concluding that statute should be applied retroactively to petitioners. *Goodman v. Lukens Steel Co.*, p. 656.

CIVIL RIGHTS ACT OF 1871. See **Civil Rights Attorney's Fees Awards Act of 1976.**

CIVIL RIGHTS ACT OF 1964.

Racial discrimination—Violation by unions.—In petitioner employees' suit against employer and unions, asserting racial discrimination claims under Title VII of Act and 42 U. S. C. § 1981, courts below properly held that unions violated both Title VII and § 1981 in failing to challenge employer's discriminatory discharges of probationary employees, in failing and refusing to assert instances of racial discrimination as grievances, and in tolerating and tacitly encouraging racial harassment. *Goodman v. Lukens Steel Co.*, p. 656.

CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976.

Prevailing party.—Where, after he was found guilty of misconduct in connection with prison riot and sentenced to disciplinary confinement solely on basis of undisclosed informant's statements, respondent brought suit against petitioner prison officials for damages and injunctive relief under 42 U. S. C. § 1983, and ultimately summary judgment for petitioners was entered on basis of qualified immunity and Court of Appeals affirmed, respondent was not a "prevailing party" eligible for attorney's fees under 42 U. S. C. § 1988 on basis of Court of Appeals' statement that its holding that respondent's constitutional rights had been violated was "a form of judicial relief." *Hewitt v. Helms*, p. 755.

CLOSING OF PLANT AS REQUIRING SEVERANCE PAY. See **Pre-emption of State Law by Federal Law.**

COLLECTIVE BARGAINING. See **Labor.**

COLLECTIVE-BARGAINING AGREEMENTS. See **Removal of Actions.**

COMPACTS BETWEEN STATES.

Pecos River Compact—Remedy for past breaches.—Supreme Court is not limited to ordering prospective relief but may provide a remedy for past breaches of Pecos River Compact between New Mexico and Texas, since, although such a Compact, when approved by Congress, becomes law of United States, it is still a contract, subject to construction and application in accordance with its terms; case is returned to Special Master for his recommendations as to whether New Mexico should be allowed to elect to pay money damages for past shortages in amount of water it was required to deliver to Texas under Compact, and a decree is entered with respect to New Mexico's current and future obligation to deliver water pursuant to Compact. *Texas v. New Mexico*, p. 124.

COMPETENCY OF MINOR WITNESSES TO TESTIFY. See **Constitutional Law**, I, 1; VII.

CONSTITUTIONAL LAW. See also **Abstention**; **Civil Rights Attorney's Fees Awards Act of 1976**; **Extradition Act**; **Judicial Review**, 2, 3; **Judgments**; **Property Taxes**; **Standing to Sue**.

I. Due Process.

1. *Minor witnesses—Competency hearing—Exclusion of defendant.*—In prosecution of respondent for committing sodomy with two minor girls, his rights under Due Process Clause of Fourteenth Amendment were not violated by excluding him from hearing to determine competency of girls to testify; his due process right to be present at critical stages of a criminal proceeding if his presence would contribute to fairness of procedure was not implicated. *Kentucky v. Stincer*, p. 730.

2. *State parole-release statute.*—With respect to respondent prisoners who were denied parole, a Montana statute—which provided that a prisoner eligible for parole “shall” be released when there is a reasonable probability that no detriment will result to him or community and specified that parole shall be ordered for best interests of society and when State Board of Pardons believes that prisoner is able and willing to assume obligations of a law-abiding citizen—clearly created a liberty interest in parole release that is protected by Due Process Clause of Fourteenth Amendment. *Board of Pardons v. Allen*, p. 369.

II. Eighth Amendment.

Death sentence—Consideration of victim impact statement.—Introduction of a victim impact statement at sentencing phase of petitioner's capital murder trial violated Eighth Amendment, and therefore Maryland statute was invalid to extent it required consideration of this information, which is irrelevant to a capital sentencing decision and admission of which creates a

CONSTITUTIONAL LAW—Continued.

constitutionally unacceptable risk that jury may impose death penalty in an arbitrary and capricious manner. *Booth v. Maryland*, p. 496.

III. Ex Post Facto Laws.

Sentencing guidelines.—Application of Florida's revised sentencing guidelines law to petitioner, where crimes occurred before law's effective date, violated *Ex Post Facto* Clause of Article I of Constitution. *Miller v. Florida*, p. 423.

IV. Freedom of Religion.

Teaching of theory of evolution—State prohibition.—Louisiana's "Creationism Act," which forbids teaching of theory of evolution in public schools unless accompanied by instruction in theory of "creation science," is facially invalid as violative of Establishment Clause of First Amendment, because it lacks a clear secular purpose. *Edwards v. Aguillard*, p. 578.

V. Freedom of Speech.

1. *Airport ban of "First Amendment activities"—Overbreadth.*—Resolution of Los Angeles Board of Airport Commissioners banning all "First Amendment activities" within central terminal area at Los Angeles International Airport, challenged by a nonprofit religious corporation and a minister for that organization who stopped distributing religious literature in airport's central terminal area when warned against doing so by an airport officer, is facially unconstitutional under First Amendment overbreadth doctrine regardless of whether forum involved is public or nonpublic. *Board of Airport Comm'rs v. Jews for Jesus, Inc.*, p. 569.

2. *Ordinance criminalizing interruption of police—Overbreadth.*—A municipal ordinance making it unlawful to interrupt a police officer in performance of his or her duties is unconstitutionally overbroad under First Amendment; ordinance criminalizes a substantial amount of, and is susceptible of regular application to, constitutionally protected speech and accords police unconstitutional enforcement discretion. *Houston v. Hill*, p. 451.

3. *Regulation of inmate-to-inmate correspondence.*—Missouri prison regulation permitting correspondence between immediate family members who are inmates at different institutions and between inmates "concerning legal matters," but allowing other inmate correspondence only if each inmate's classification/treatment team deems it in parties' best interests, is reasonable and facially valid; it is logically related to prison officials' legitimate security concerns and does not deprive prisoners of all means of expression but simply bars communication with a limited class of people—other inmates—with whom authorities have particular cause to be concerned. *Turner v. Safley*, p. 78.

CONSTITUTIONAL LAW—Continued.

VI. Free Exercise of Religion.

Prison regulations.—New Jersey prison regulations (1) requiring prisoners to work outside buildings where respondent Muslim prisoners were housed and weekly Muslim services were held on Friday afternoons and (2) prohibiting prisoners assigned to outside work from returning to buildings during day are reasonably related to legitimate penological interests and therefore do not offend Free Exercise Clause of First Amendment. *O'Lone v. Estate of Shabazz*, p. 342.

VII. Right to Confront Witnesses.

Minor witnesses—Competency hearing—Exclusion of defendant.—In prosecution of respondent for committing sodomy with two minor girls, his rights under Confrontation Clause of Sixth Amendment were not violated by excluding him from hearing to determine girls' competency to testify; such exclusion did not interfere with respondent's opportunity for cross-examination because girls were cross-examined in open court and any questions asked during hearing could have been repeated during direct and cross-examination. *Kentucky v. Stincer*, p. 730.

VIII. Right to Marry.

Prisoners.—Constitutional right of prisoners to marry is impermissibly burdened by Missouri regulation permitting an inmate to marry only with prison superintendent's permission, which can be given only when there are "compelling reasons" to do so; regulation is facially invalid as not being reasonably related to legitimate penological objectives. *Turner v. Safley*, p. 78.

IX. Searches and Seizures.

Warrantless inspection of "closely regulated" business—Automobile junkyard.—Warrantless search of respondent's automobile junkyard pursuant to New York statute authorizing such search fell within exception to Fourth Amendment's warrant requirement for administrative inspections of "closely regulated" businesses; statute does not violate Fourth Amendment on ground that it was designed simply to give police an expedient means of enforcing penal sanctions for possession of stolen property. *New York v. Burger*, p. 691.

X. Supremacy Clause.

Federal Arbitration Act—Pre-emption of state law.—Under Supremacy Clause, § 2 of Federal Arbitration Act, which mandates enforcement of arbitration agreements, pre-empted provision of California Labor Code, which permits wage collection actions to be maintained without regard to any private agreement to arbitrate and which appellee claimed authorized his breach-of-contract suit against appellants, his former employer and two

CONSTITUTIONAL LAW—Continued.

of its employees, regarding dispute over securities sales commission, despite provision in a form appellee executed in connection with employment application whereby he agreed to arbitrate any dispute with employer. *Perry v. Thomas*, p. 483.

XI. Taking of Property.

“Temporary” regulatory taking—Inverse condemnation—Compensation.—Appellant church’s claim that California Supreme Court in *Agins v. Tiburon*, 24 Cal. 3d 266, 598 P. 2d 25, improperly held that Fifth Amendment, as made applicable to States through Fourteenth Amendment, does not require compensation as a remedy for “temporary” regulatory takings, was properly presented to United States Supreme Court; appellant—who claimed that county ordinance, which prohibited construction or reconstruction of any building or structure in interim flood protection area that included land on which stood appellant’s campground buildings that had been destroyed by flood, denied appellant all use of campground—was entitled to recover in inverse condemnation compensation for time before a final determination that ordinance constituted a “taking” of property. *First English Evangelical Lutheran Church v. Los Angeles County*, p. 304.

CORRESPONDENCE BETWEEN PRISONERS. See **Constitutional Law**, V, 3; VIII; **Judicial Review**, 3.

COSTS IN COURT PROCEEDINGS. See **Procedure**.

COURTS OF APPEALS. See **Jurisdiction**.

“CREATIONISM ACT.” See **Constitutional Law**, IV; **Judgments**.

CREWING PROCEDURES OF RAILROADS. See **Judicial Review**, 1.

CRIMINAL LAW. See **Abstention**; **Constitutional Law**, I, 1; II; III, V, 2; VII; IX; **Extradition Act**.

CROSS-EXAMINATIONS. See **Constitutional Law**, I, 1; VII.

CUSTODY OF CHILDREN. See **Extradition Act**.

DEATH SENTENCES. See **Constitutional Law**, II.

DISABILITY BENEFITS UNDER SOCIAL SECURITY ACT. See **Social Security Act**.

DISCOVERY. See **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters**.

DISTRICT COURTS. See **Attorneys**; **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters**; **Judgments**; **Removal of Actions**.

DUE PROCESS. See **Constitutional Law**, I; VII.

- EIGHTH AMENDMENT.** See Constitutional Law, II.
- ELIGIBILITY FOR PAROLE.** See Constitutional Law, I, 2.
- EMINENT DOMAIN.** See Constitutional Law, XI.
- EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA).** See Pre-emption of State Law by Federal Law.
- EMPLOYER AND EMPLOYEES.** See Civil Rights Act of 1866; Civil Rights Act of 1964; Constitutional Law, X; Labor; Pre-emption of State Law by Federal Law; Removal of Actions; Standing to Sue.
- EMPLOYMENT CONTRACTS.** See Removal of Actions.
- EQUAL-FOOTING DOCTRINE.** See Federal-State Relations.
- ESTABLISHMENT OF RELIGION.** See Constitutional Law, IV.
- EXCLUSION OF ACCUSED FROM WITNESS COMPETENCY HEARING.** See Constitutional Law, I, 1; VII.
- EXEMPTIONS FROM STATE TAXATION.** See Property Taxes.
- EXPERT WITNESS FEES.** See Procedure.
- EX POST FACTO LAWS.** See Constitutional Law, III.
- EXTRADITION ACT.**

Child custody dispute—Extradition of parent.—Extradition Act, which implements Extradition Clause of Article IV of Constitution and requires an asylum State to give up to a demanding State a fugitive against whom a properly certified indictment has been lodged, prohibited California Supreme Court from refusing to permit extradition to Louisiana of father and grandfather who, after having picked up father's minor children in Louisiana where they were living with their mother to whom custody had originally been awarded in California divorce proceeding, were charged, in Louisiana, based on mother's affidavit, with violating Louisiana parental kidnaping statute; it was for Louisiana courts to determine whether mother's affidavit was fraudulent, whether modified California decrees awarding custody to father established him as children's lawful custodian under full faith and credit provision of federal Parental Kidnaping Prevention Act, and whether father and grandfather were, accordingly, not guilty of violating Louisiana statute. *California v. Superior Court of California*, p. 400.

- FACIAL OVERBREADTH.** See Constitutional Law, V, 1.
- FEDERAL ARBITRATION ACT.** See also Constitutional Law, X.

Securities Exchange Act claims—RICO claims.—Claims of respondent customers of petitioner brokerage firm under agreements providing for arbitration of any controversy relating to their accounts that petitioner had violated antifraud provisions of § 10(b) of Securities Exchange Act of 1934

FEDERAL ARBITRATION ACT—Continued.

and Racketeer Influenced and Corrupt Organizations Act were arbitrable under Arbitration Act. *Shearson/American Express Inc. v. McMahon*, p. 220.

FEDERAL DISTRICT COURTS. See **Attorneys; Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Judgments; Removal of Actions.**

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

FEDERAL PARENTAL KIDNAPING ACT. See **Extradition Act.**

FEDERAL RULES OF CIVIL PROCEDURE. See **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.**

FEDERAL-STATE RELATIONS. See also **Constitutional Law, X; Pre-emption of State Law by Federal Law; Removal of Actions; Standing to Sue.**

Title to lakebed—Equal-footing doctrine.—Title to Utah Lake's bed passed to Utah under equal-footing doctrine upon Utah's admission to Union; even assuming that a federal reservation of lakebed could defeat Utah's claim to title under that doctrine, such defeat was not accomplished on facts. *Utah Division of State Lands v. United States*, p. 193.

FEDERAL TORT CLAIMS ACT. See **Jurisdiction.**

FIFTH AMENDMENT. See **Constitutional Law, XI.**

FIRST AMENDMENT. See **Abstention; Constitutional Law, IV; V; VI; Judicial Review, 2.**

FLORIDA. See **Constitutional Law, III.**

FOREIGN LITIGANTS AS SUBJECT TO DISCOVERY. See **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.**

FOURTEENTH AMENDMENT. See **Constitutional Law, I; VII; XI.**

FOURTH AMENDMENT. See **Constitutional Law, IX.**

FREEDOM OF RELIGION. See **Constitutional Law, IV; VI; Judicial Review, 2.**

FREEDOM OF SPEECH. See **Abstention; Constitutional Law, V.**

“GINNIE MAES.” See **Property Taxes.**

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION. See **Property Taxes.**

GUIDELINES FOR SENTENCING. See **Constitutional Law, III.**

**HAGUE CONVENTION ON THE TAKING OF EVIDENCE ABROAD
IN CIVIL OR COMMERCIAL MATTERS.**

Discovery from foreign litigant.—In suit for injuries resulting from crash of aircraft built and sold by corporation owned by France, Federal District Court was not required to employ procedures set forth in Convention for obtaining documents and information from defendants over whom court has personal jurisdiction; Convention does not provide exclusive or mandatory procedures but was intended to establish optional procedures for obtaining evidence abroad, and international comity does not require in all instances that American litigants first resort to Convention procedures before initiating discovery under Federal Rules of Civil Procedure. *Société Nationale Industrielle Aérospatiale v. United States District Court*, p. 522.

ILLINOIS. See **Property Taxes.**

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

INMATE MARRIAGES. See **Constitutional Law, V, 3; VIII; Judicial Review, 3.**

INMATE-TO-INMATE CORRESPONDENCE. See **Constitutional Law, V, 3; VIII; Judicial Review, 3.**

INTERGOVERNMENTAL TAX IMMUNITY. See **Property Taxes.**

INTERNAL REVENUE CODE.

Income tax—Underpayment—Negligence penalty.—Section 6653(a)(1) of Code providing that if “any part of any underpayment” is due to negligence a penalty of “5 percent of the underpayment” shall be added to tax clearly establishes that penalty is imposed on entire amount of underpayment, not just on part of underpayment attributable to negligence; thus, where respondent asphalt manufacturer was found to have negligently deducted on its tax return expense of transporting two trucks from their place of purchase to respondent’s place of business because they had de-toured to pick up equipment bought by respondent’s shareholders in their individual capacities, resulting in a tax deficiency, negligence penalty on full amount of respondent’s deficiency was proper. *Commissioner v. Asphalt Products Co.*, p. 117.

INTERNATIONAL COMITY. See **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.**

INTERNMENT CAMPS FOR JAPANESE-AMERICANS. See **Jurisdiction.**

INTERRUPTION OF POLICE IN PERFORMANCE OF DUTIES.
See **Abstention; Constitutional Law, V, 2.**

INTERSTATE COMMERCE COMMISSION. See **Judicial Review, 1.**

INTERSTATE COMPACTS. See **Compacts Between States.**

INVERSE CONDEMNATION. See **Constitutional Law, XI.**

JAPANESE-AMERICANS. See **Jurisdiction.**

JUDGMENTS.

Summary judgments—No genuine issue of material fact.—In action by appellee parent, teachers, and religious leaders challenging constitutionality of Louisiana's "Creationism Act," which forbids teaching of theory of evolution in public schools unless accompanied by instruction in theory of "creation science," Federal District Court did not err in granting summary judgment upon finding that appellant Louisiana officials had failed to raise a genuine issue of material fact. *Edwards v. Aguillard*, p. 578.

JUDICIAL REVIEW.

1. *ICC orders—Railroad trackage rights—Crewing procedures.*—Although respondent unions' petitions for Court of Appeals review of Interstate Commerce Commission's order were timely filed, they should have been dismissed since order itself—whereby ICC refused to reconsider earlier order refusing to clarify, with respect to railroads' crewing procedures, its prior order granting petitioner railroad and another railroad right to use tracks of third railroad—was unreviewable; similarly, although unions' petition for Court of Appeals review of order refusing to clarify its prior trackage rights approval order was timely filed, it too should have been dismissed since refusal order itself was not appealable. *ICC v. Locomotive Engineers*, p. 270.

2. *Review of prison regulations—Standard of scrutiny.*—In respondent Muslim prisoners' action contending that New Jersey prison regulations (1) requiring prisoners to work outside buildings where respondents were housed and weekly Muslim services were held on Friday afternoons and (2) prohibiting prisoners assigned to outside work from returning to buildings during day violated respondents' rights under Free Exercise Clause of First Amendment, Court of Appeals, in appeal from District Court's holding that no constitutional violation occurred, erred in placing burden on prison officials to disprove availability of alternative methods of accommodating prisoners' religious rights; that approach fails to reflect respect and deference Constitution allows for prison administrators' judgment. *O'Lone v. Estate of Shabazz*, p. 342.

3. *Review of prison rules—Standard of scrutiny.*—In reviewing constitutionality of Missouri prison regulations relating to inmate marriages and inmate-to-inmate correspondence, it was not appropriate to apply a strict standard of scrutiny, but rather a lesser standard whereby inquiry is made whether regulations were "reasonably related" to legitimate penological interests should be applied. *Turner v. Safley*, p. 78.

JUNKYARDS. See **Constitutional Law, IX.**

JURISDICTION. See also **Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Removal of Actions.**

Little Tucker Act and FTCA claims—Federal Circuit.—United States Court of Appeals for Federal Circuit rather than appropriate regional Court of Appeals had jurisdiction over an appeal from District Court's decision in respondent Japanese-American organization's and individuals' suit raising both a nontax claim under Little Tucker Act and a claim under Federal Tort Claims Act and seeking damages and declaratory relief for injuries suffered when Government during World War II placed Japanese-Americans in internment camps. *United States v. Hohri*, p. 64.

JUST COMPENSATION. See **Constitutional Law, XI.**

KIDNAPING. See **Extradition Act.**

LABOR.

"Successor" employer—Duty to bargain with union.—A "successor" employer's duty to bargain with union representing predecessor employer's employees is not limited to situation where union was only recently certified before transition in employers, but where, as here, union was certified for more than a year before change in employers, it was entitled to presumption of majority support; evidence supported National Labor Relations Board's conclusion that petitioner, who acquired textile plant after it had gone out of business, was "successor" employer based upon determination of "substantial continuity" between petitioner and predecessor plant owner despite a 7-month hiatus between predecessor's going out of business and petitioner's start-up; NLRB's "substantial and representative complement" rule—which fixes date when a successor's duty to bargain with predecessor's employees' union arises—is reasonable and was properly applied in this case, as was NLRB's "continuing demand" rule whereby a union's premature demand for bargaining continues in effect until successor acquires "substantial and representative complement" of employees that triggers its obligation to bargain. *Fall River Dyeing & Finishing Corp. v. NLRB*, p. 27.

LABOR MANAGEMENT RELATIONS ACT, 1947. See **Removal of Actions.**

LABOR UNIONS. See **Civil Rights Act of 1866; Civil Rights Act of 1964; Judicial Review, 1; Labor.**

LAKEBED RIGHTS. See **Federal-State Relations.**

LAND-USE REGULATIONS. See **Constitutional Law, XI.**

LAWYERS. See **Attorneys; Civil Rights Attorney's Fees Awards Act of 1976.**

LIBERTY INTERESTS IN PAROLE. See **Constitutional Law, I, 2.**

- LIMITATION OF ACTIONS.** See Civil Rights Act of 1866.
- LITTLE TUCKER ACT.** See Jurisdiction.
- LOS ANGELES.** See Constitutional Law, V, 1.
- LOSING PARTY'S LIABILITY FOR PREVAILING PARTY'S EXPERT WITNESS FEES.** See Procedure.
- LOUISIANA.** See Constitutional Law, IV; Extradition Act; Judgments.
- MAINE.** See Pre-emption of State Law by Federal Law.
- MARRIAGE BY PRISONERS.** See Constitutional Law, V, 3; VIII. Judicial Review, 3.
- MARYLAND.** See Constitutional Law, II.
- MINOR WITNESSES.** See Constitutional Law, I, 1; VII.
- MONTANA.** See Constitutional Law, I, 2.
- MORTGAGES.** See Property Taxes.
- NATIONAL LABOR RELATIONS ACT.** See Labor; Pre-emption of State Law by Federal Law.
- NATIONAL LABOR RELATIONS BOARD.** See Labor.
- NEGLIGENCE PENALTIES FOR UNDERPAYMENT OF INCOME TAXES.** See Internal Revenue Code.
- NEW JERSEY.** See Constitutional Law, VI; Judicial Review, 2.
- NEW MEXICO.** See Compacts Between States.
- NEW YORK.** See Constitutional Law, IX.
- OVERBREADTH.** See Constitutional Law, V, 1.
- PARENTAL KIDNAPING ACT.** See Extradition Act.
- PARENTS AND CHILDREN.** See Extradition Act.
- PAROLE.** See Constitutional Law, I, 2.
- PECOS RIVER COMPACT.** See Compacts Between States.
- PENALTIES FOR UNDERPAYMENT OF INCOME TAXES.** See Internal Revenue Code.
- PLANT CLOSING AS REQUIRING SEVERANCE PAY.** See Pre-emption of State Law by Federal Law.
- PRE-EMPTION OF STATE LAW BY FEDERAL LAW.** See also Constitutional Law, X; Removal of Actions.

State severance pay statute—ERISA—NLRA.—Maine statute requiring employers, in event of a plant closing, to provide one-time severance pay-

PRE-EMPTION OF STATE LAW BY FEDERAL LAW—Continued.

ment to employees not covered by an express contract providing for severance pay is not pre-empted by Employee Retirement Income Security Act of 1974, since it does not "relate to any employee benefit plan" under that statute's pre-emption provision; nor is Maine statute pre-empted by National Labor Relations Act, since it does not intrude on collective bargaining but is a valid and unexceptional exercise of State's police power compatible with NLRA. *Fort Halifax Packing Co. v. Coyne*, p. 1.

PRESENTENCE REPORTS. See *Constitutional Law*, II.

PREVAILING PARTIES. See *Civil Rights Attorney's Fees Awards Act of 1976; Procedure*.

PREVAILING PARTY'S ENTITLEMENT TO COST OF EXPERT WITNESS FEES. See *Procedure*.

PRISONER MARRIAGES. See *Constitutional Law*, V, 3; VIII; *Judicial Review*, 3.

PRISONERS. See *Civil Rights Attorney's Fees Awards Act of 1976; Constitutional Law*, I, 2; VI; *Judicial Review*, 2.

PRISONER-TO-PRISONER CORRESPONDENCE. See *Constitutional Law*, V, 3; VIII; *Judicial Review*, 3.

PRISON RULES AND REGULATIONS. See *Constitutional Law*, V, 3; VI; VIII; *Judicial Review*, 2, 3.

PRISONS. See *Civil Rights Attorney's Fees Awards Act of 1976; Constitutional Law*, VI; *Judicial Review*, 2.

PROCEDURE. See *Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Judgments*.

Costs—Expert witness fees.—Absent explicit statutory or contractual authorization for taxation of expenses of a litigant's witness as costs, federal courts are bound by limitations of 28 U. S. C. §§ 1821(b)—which states that a witness "shall be paid" a fee of \$30 per day for court attendance—and 1920—which provides that a federal court "may tax" specified items, including witness fees, as costs against losing party; thus, it was not proper for District Court to award, as part of costs of defendant prevailing parties in antitrust action, an amount for expert witness fees in excess of § 1821's \$30-per-day limit, but District Court properly refused to order plaintiff losing party in civil rights action to reimburse defendant for its expert witness fees to extent they exceeded \$30-per-day limit. *Crawford Fitting Co. v. J. T. Gibbons, Inc.*, p. 437.

PROPERTY TAXES.

"Ginnie Maes"—*Exemption from state property tax.*—Appellant's "Ginnie Maes"—instruments under which issuing private financial institu-

PROPERTY TAXES—Continued.

tion is obliged to make timely payments of principal and interest and Government National Mortgage Association guarantees that such payments will be made as scheduled—were not exempt from Illinois state property taxes either under Revised Statutes § 3701, which exempts from state taxation “all stocks, bonds, Treasury notes, and other obligations of the United States,” or under constitutional principle of intergovernmental tax immunity. *Rockford Life Ins. Co. v. Illinois Dept. of Revenue*, p. 182.

RACIAL DISCRIMINATION. See *Civil Rights Act of 1866*; *Civil Rights Act of 1964*.

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT. See *Federal Arbitration Act*.

RAILROADS. See *Judicial Review*, 1.

RELEASE FROM PRISON. See *Constitutional Law*, I, 2.

REMOVAL OF ACTIONS.

Breach of employment contract—State-law complaint.—Where, after being hired in positions covered by employer’s collective-bargaining agreement with a union, eventually assuming positions outside bargaining unit, subsequently being downgraded to unionized positions, allegedly assured to be temporary, and then being notified that they would be laid off when plant was closed, respondents brought action in California state court based solely on state law, alleging that employer had breached their individual employment contracts, action was not removable to Federal District Court; respondents’ state-law contract claims were not “completely preempted” by claims under § 301 of Labor Management Relations Act, 1947, which confers federal jurisdiction as to suits for violations of collective-bargaining agreements and governs claims founded directly on rights created by such agreements and claims substantially dependent on analysis of such agreements but says nothing about content or validity of individual employment contracts such as those respondents alleged were breached. *Caterpillar Inc. v. Williams*, p. 386.

RETROACTIVITY OF STATUTES OF LIMITATIONS. See *Civil Rights Act of 1866*.

RIGHT TO CONFRONT WITNESSES. See *Constitutional Law*, I, 1; VII.

RIGHT TO CROSS-EXAMINE. See *Constitutional Law*, I, 1; VII.

RIPARIAN RIGHTS. See *Compacts Between States*.

RULES GOVERNING ADMISSION TO FEDERAL DISTRICT COURT BAR. See *Attorneys*.

RULES OF CIVIL PROCEDURE. See *Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.*

SCHOOLS. See *Constitutional Law, IV; Judgments.*

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

SECURITIES EXCHANGE ACT OF 1934. See *Federal Arbitration Act.*

SENTENCING GUIDELINES. See *Constitutional Law, III.*

SENTENCING PROCEEDINGS. See *Constitutional Law, II.*

SEVERANCE PAY ON PLANT CLOSING. See *Pre-emption of State Law by Federal Law.*

"SEVERITY REGULATION" AS TO DISABILITY UNDER SOCIAL SECURITY ACT. See *Social Security Act.*

SIXTH AMENDMENT. See *Constitutional Law, I, 1; VII.*

SOCIAL SECURITY ACT.

Disability benefits—"Severity regulation."—Regulation providing that if claimant for disability benefits under Act does not have impairment that significantly limits his ability to do basic work activities, it will be found that he does not have a severe impairment and is therefore not disabled, and that his age, education, and work experience will not be considered, is valid on its face under Act's language and legislative history; regulation increases efficiency and reliability of disability evaluation process by identifying at an early stage those claimants whose medical impairments are so slight that it is unlikely they would be found to be disabled even if their age, education, and experience were taken into account. *Bowen v. Yuckert*, p. 137.

SODOMY. See *Constitutional Law, I, 1; VII.*

STANDARD OF REVIEW IN DETERMINING CONSTITUTIONALITY OF PRISON REGULATIONS. See *Judicial Review, 2, 3.*

STANDING TO SUE.

Arbitration agreement—Enforcement—Appeal.—Resolution of whether appellants, appellee's former employer and its employees, lacked "standing" to enforce agreement to arbitrate any dispute with employer was not prerequisite to their having standing under Article III of Constitution to maintain appeal to Supreme Court from lower court's refusal to compel arbitration in appellee's breach-of-contract suit against appellants. *Perry v. Thomas*, p. 483.

STATE PROPERTY TAXES. See *Property Taxes.*

STATUTES OF LIMITATIONS. See *Civil Rights Act of 1866.*

- STOLEN PROPERTY.** See Constitutional Law, IX.
- STRICT SCRUTINY ANALYSIS OF PRISON RULES.** See Judicial Review, 3.
- "SUCCESSOR" EMPLOYER'S DUTY TO BARGAIN WITH UNION.**
See Labor.
- SUMMARY JUDGMENTS.** See Judgments.
- SUPREMACY CLAUSE.** See Constitutional Law, X.
- SUPREME COURT.** See Abstention; Constitutional Law, XI; Standing to Sue.
- TAKING OF REAL PROPERTY.** See Constitutional Law, XI.
- TAXATION.** See Internal Revenue Code; Property Taxes.
- TEACHING OF THEORY OF EVOLUTION.** See Constitutional Law, IV; Judgments.
- "TEMPORARY" REGULATORY TAKING OF REAL PROPERTY.**
See Constitutional Law, XI.
- TEXAS.** See Compacts Between States.
- THEORY OF "CREATION SCIENCE."** See Constitutional Law, IV; Judgments.
- THEORY OF EVOLUTION.** See Constitutional Law, IV; Judgments.
- TRACKAGE RIGHTS OF RAILROADS.** See Judicial Review, 1.
- TUCKER ACT.** See Jurisdiction.
- UNDERPAYMENT OF INCOME TAXES.** See Internal Revenue Code.
- UNFAIR LABOR PRACTICES.** See Labor.
- UNIONS.** See Civil Rights Act of 1866; Civil Rights Act of 1964; Judicial Review, 1; Labor.
- UNITED STATES COURTS OF APPEALS.** See Jurisdiction.
- UNITED STATES DISTRICT COURTS.** See Attorneys; Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Judgments; Removal of Actions.
- UTAH.** See Federal-State Relations.
- VICTIM IMPACT STATEMENTS.** See Constitutional Law, II.
- WARRANTLESS SEARCHES AND SEIZURES.** See Constitutional Law, IX.

- WATER RIGHTS.** See **Compacts Between States; Federal-State Relations.**
- WITNESSES.** See **Constitutional Law, I, 1; VII.**
- WITNESS FEES.** See **Procedure.**















