

INDEX

ABORTION. See Constitutional Law, IX.

ADMINISTRATIVE PROCEDURE ACT. See Case or Controversy.

ADMIRALTY.

Maritime jurisdiction—Limitation of liability suit—Vessel fire.—Where a fire erupted on petitioner's pleasure yacht while it was docked, causing extensive property damage to surrounding boats and a marina, District Court had jurisdiction, pursuant to 28 U. S. C. § 1333(1), over his claim that Limited Liability Act provision—which limits a vessel owner's liability for damage done without his privity or knowledge to value of vessel and its freight—limited his liability to his yacht's salvage. *Sisson v. Ruby*, p. 358.

ADMISSION OF EVIDENCE. See Constitutional Law, II.

AFFIDAVITS. See Case or Controversy.

AGGRAVATING CIRCUMSTANCES. See Constitutional Law, III; Habeas Corpus, 2.

ALLOCATION METHOD FOR DETERMINING TAXABLE INCOME.
See Taxes.

ANTITRUST LAWS.

Clayton Act—Cause of action—Overcharge of public utility.—Where suppliers violated antitrust laws by overcharging a public utility for natural gas, and utility passed on overcharge to its customers, only utility had a cause of action under § 4 of Clayton Act because it alone suffered antitrust injury. *Kansas v. Utilicorp United Inc.*, p. 199.

ARIZONA. See Constitutional Law, III; X; Habeas Corpus, 2.

BOUNDARIES.

Savannah River and lateral seaward boundary between States.—In a dispute between Georgia and South Carolina over their boundary along Savannah River and their lateral seaward boundary, Georgia's exception to Special Master's use of right-angle principle was sustained, and Special Master's other recommendations were adopted. *Georgia v. South Carolina*, p. 376.

BROADCAST DIVERSITY. See Constitutional Law, V, 1.

CAPITAL MURDER. See Constitutional Law, III; X; Habeas Corpus.

CARRIERS OF GOODS IN INTERSTATE COMMERCE. See Interstate Commerce Act.

CASE OR CONTROVERSY.

Standing—Challenge to public land management policies—Adequacy of affidavits.—Respondent federation had no standing in its own right, nor did its members' affidavits give it standing, to challenge certain of federal parties' land use management decisions, which it alleged violated Federal Land Policy and Management Act of 1976 and National Environment Policy Act of 1969 and should be set aside as arbitrary, capricious, and an abuse of discretion under Administrative Procedure Act. *Lujan v. National Wildlife Federation*, p. 871.

CHILD ABUSE. See Constitutional Law, II.

CHILD WITNESSES. See Constitutional Law, II.

CLAYTON ACT. See Antitrust Laws.

CLEAR AND CONVINCING EVIDENCE STANDARD OF PROOF.
See Constitutional Law, IV.

CLOSED CIRCUIT TELEVISION USE FOR CHILD WITNESSES' TESTIMONY. See Constitutional Law, II, 2.

COMMERCE. See Constitutional Law, I; Interstate Commerce Act.

COMMON CARRIER RATES. See Interstate Commerce Act.

COMMUNICATIONS ACT OF 1934. See Constitutional Law, V, 1.

CONFRONTATION OF WITNESSES. See Constitutional Law, II.

CONSENT OF THIRD PARTY TO WARRANTLESS ENTRY. See Constitutional Law, XI.

CONSTITUTIONAL LAW.

I. Commerce Clause.

1. *State wholesale gross receipts tax—Retroactivity of Supreme Court's decision.*—Decision in *Armco Inc. v. Hardesty*, 467 U. S. 638, which invalidated West Virginia's wholesale gross receipts tax as discriminatory against interstate commerce, applied retroactively to taxes assessed against petitioner, under rule advocated by either dissent or plurality in *American Trucking Assns., Inc. v. Smith*, 496 U. S. 167. *Ashland Oil, Inc. v. Caryl*, p. 916.

2. *State wholesale gross receipts tax—Retroactivity of Supreme Court's decision.*—For reasons stated in *Ashland Oil, Inc. v. Caryl*, p. 916, *Armco Inc. v. Hardesty*, 467 U. S. 638, applied retroactively to taxes assessed against petitioner. *National Mines Corp. v. Caryl*, p. 922.

CONSTITUTIONAL LAW—Continued.**II. Confrontation of Witnesses.**

1. *Admission of child's hearsay statements.*—Admission, under State's residual hearsay exception, of a child's statements about sexual abuse violated alleged molester's Confrontation Clause rights, since statements lacked particularized guarantees of trustworthiness. *Idaho v. Wright*, p. 805.

2. *Child witness' testimony via closed circuit television.*—Confrontation Clause does not guarantee criminal defendants an *absolute* right to a face-to-face meeting with witnesses against them; State's interest in protecting child witnesses from trauma of testifying in a child abuse case is sufficiently important to justify its procedure of allowing them to testify by one-way closed circuit television, provided State makes an adequate showing of necessity in an individual case; lower court is not required to observe child's behavior in defendant's presence or explore less restrictive alternatives to procedure. *Maryland v. Craig*, p. 836.

III. Cruel and Unusual Punishment.

1. *Death penalty—Aggravating circumstances.*—Arizona's especially heinous or depraved aggravating circumstance, which State Supreme Court narrowed to include consideration of infliction of gratuitous violence on victim, is constitutional. *Lewis v. Jeffers*, p. 764.

2. *Death penalty—Proportionality review.*—As construed by State Supreme Court, Arizona's especially heinous, cruel, or depraved aggravating circumstance furnishes sufficient guidance to sentencer to satisfy Eighth and Fourteenth Amendments. *Walton v. Arizona*, p. 639.

IV. Due Process.

Withdrawal of life-sustaining treatment—Proof of incompetent's wishes.—Federal Constitution does not forbid Missouri to require that evidence of an incompetent's wishes as to withdrawal of life-sustaining treatment be proved by clear and convincing evidence; State Supreme Court did not commit constitutional error in concluding that evidence presented did not amount to clear and convincing proof of Nancy Cruzan's desire to have hydration and nutrition withdrawn; Due Process Clause does not require a State to accept "substantial judgment" of close family members with regard to withdrawal of life-sustaining treatment in absence of substantial proof that their views reflect patient's. *Cruzan v. Director, Missouri Department of Health*, p. 261.

V. Equal Protection of the Laws.

1. *Broadcast diversity—Minority preference policies.*—FCC policies that award an enhancement for minority ownership and participation in management and that allow distress sales to minority enterprises under preferred conditions do not violate equal protection, since they have im-

CONSTITUTIONAL LAW—Continued.

primatur of longstanding, congressional support and direction and since they are substantially related to achievement of important governmental objective of broadcast diversity. *Metro Broadcasting, Inc. v. Federal Communications Commission*, p. 547.

2. *Exclusion of jurors solely because of race—Prosecutor's use of peremptory challenges.*—Case is remanded for Court of Appeals to pass on adequacy of Government's reasons for exercising peremptory challenges to exclude black jurors in petitioner's criminal trial, where court had improperly held that, since jury finally chosen represented a fair cross section of community, no inquiry was required into merits of claim that challenges had been used to remove black jurors solely because of their race, contrary to *Batson v. Kentucky*, 476 U. S. 79. *Alvarado v. United States*, p. 543.

VI. Ex Post Facto Laws.

Reformation of improper verdict.—Retroactive application of a Texas law that allows reformation of an improper verdict assessing a punishment not authorized by law to verdict in respondent's case does not violate *Ex Post Facto* Clause. *Collins v. Youngblood*, p. 37.

VII. Freedom of Speech.

1. *Application of state libel laws to alleged defamation in newspaper article.*—A newspaper article that implied that petitioner lied under oath in a judicial proceeding was not opinion protected by First Amendment from application of Ohio libel laws. *Milkovich v. Lorain Journal Co.*, p. 1.

2. *Solicitation on Postal Service property.*—Court of Appeals' decision that a sidewalk near a United States Post Office is a public forum, that Government's regulation banning solicitation on postal premises should be analyzed as a time, place, and manner restriction, that Government had no significant interest in banning solicitation, and that regulation was not narrowly tailored to accomplish asserted interest, is reversed. *United States v. Kokinda*, p. 720.

VIII. Freedom of Speech and Association.

Political patronage practices.—Rule of *Elrod v. Burns*, 427 U. S. 347, and *Branti v. Finkel*, 445 U. S. 507—that patronage practice of discharging public employees on basis of their political affiliation violates First Amendment—extends to promotion, transfer, recall, and hiring decisions based on party affiliation and support; thus, petitioners and cross-petitioners stated claims upon which relief may be granted when they alleged that Illinois Governor was operating a political patronage system by means of a "freeze" requiring that employment decisions be made only with his approval. *Rutan v. Republican Party of Illinois*, p. 62.

CONSTITUTIONAL LAW—Continued.**IX. Right to Abortion.**

1. *Minors—Parental notification—Judicial bypass.*—Ohio law making it a crime to perform an abortion on an unmarried, unemancipated minor woman, unless a physician gives timely notice to a parent or a juvenile court authorizes minor to consent, does not impose an undue, or otherwise unconstitutional, burden on a minor seeking an abortion. *Ohio v. Akron Center for Reproductive Health*, p. 502.

2. *Minors—Two-parent notification—Judicial bypass—48-hour waiting period.*—State law providing that no abortion shall be performed on a woman under 18 until both of her parents have been notified serves no legitimate state interest and thus violates Constitution; Court of Appeals' decision that a two-parent notification requirement with judicial bypass and a 48-hour waiting period are constitutional is affirmed. *Hodgson v. Minnesota*, p. 417.

X. Right to Jury Trial.

Capital sentencing scheme—Hearing before a judge.—State scheme requiring that a capital sentence be determined by judge alone does not violate Sixth Amendment, which does not require that every finding of fact underlying a sentencing decision be made by a jury rather than a judge. *Walton v. Arizona*, p. 639.

XI. Searches and Seizures.

Warrantless entry—Consent of party reasonably believed to have authority over premises.—A warrantless entry is valid when based upon consent of a third party whom police, at time of entry, reasonably believe has common authority over premises, but who in fact does not. *Illinois v. Rodriguez*, p. 177.

CRIMINAL LAW. See Constitutional Law, II; III; V, 2; VI; X; XI; Habeas Corpus; Jurisdiction.

CRUEL AND UNUSUAL PUNISHMENT. See Constitutional Law, III.

DEATH PENALTY. See Constitutional Law, III; X; Habeas Corpus.

DEFAMATION. See Constitutional Law, VII, 1.

DEPRAVED AGGRAVATING CIRCUMSTANCE. See Constitutional Law, III, 1.

DISCHARGING PUBLIC EMPLOYEES. See Constitutional Law, VIII.

DISCRIMINATION AGAINST INTERSTATE COMMERCE. See Constitutional Law, I.

- DISCRIMINATION IN EMPLOYMENT.** See Constitutional Law, VIII.
- DISCRIMINATION ON BASIS OF POLITICAL PARTY AFFILIATION.** See Constitutional Law, VIII.
- DISCRIMINATION ON BASIS OF RACE.** See Constitutional Law, V, 2.
- DISTRICT COURTS.** See Admiralty.
- DIVERSITY IN BROADCASTING.** See Constitutional Law, V, 1.
- DUE PROCESS.** See Constitutional Law, IV.
- EIGHTH AMENDMENT.** See Constitutional Law, III.
- EMPLOYER AND EMPLOYEES.** See Constitutional Law, VIII.
- EMPLOYMENT DISCRIMINATION.** See Constitutional Law, VIII.
- ENVIRONMENTAL POLICIES.** See Case or Controversy.
- EQUAL PROTECTION OF THE LAWS.** See Constitutional Law, V.
- EVIDENCE.** See Constitutional Law, II; IV.
- EXCLUSION OF JURORS BECAUSE OF RACE.** See Constitutional Law, V, 2.
- EX POST FACTO CLAUSE.** See Constitutional Law, VI.
- FEDERAL DISTRICT COURTS.** See Admiralty.
- FEDERAL HABEAS CORPUS.** See Habeas Corpus; Jurisdiction.
- FEDERAL INCOME TAXES.** See Taxes.
- FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.** See Case or Controversy.
- FEDERAL-STATE RELATIONS.** See Jurisdiction.
- FIFTH AMENDMENT.** See Constitutional Law, V, 1.
- FIRST AMENDMENT.** See Constitutional Law, VII; VIII.
- FIRST-DEGREE MURDER.** See Constitutional Law, III; X; Habeas Corpus.
- FORTY-EIGHT HOUR WAITING PERIOD BEFORE ABORTION.** See Constitutional Law, IX, 2.
- FOURTEENTH AMENDMENT.** See Constitutional Law, III, 2; IV; IX.
- FOURTH AMENDMENT.** See Constitutional Law, XI.
- FREEDOM OF ASSOCIATION.** See Constitutional Law, VIII.

FREEDOM OF SPEECH. See **Constitutional Law**, VII; VIII.

GEORGIA. See **Boundaries**.

GOVERNMENT PROPERTY. See **Constitutional Law**, VII, 2.

GRATUITOUS VIOLENCE INFLICTED ON VICTIM. See **Constitutional Law**, III, 1.

GROSS RECEIPTS TAXES. See **Constitutional Law**, I.

HABEAS CORPUS. See also **Jurisdiction**.

1. *New rule—Capital sentencing decisions.*—Petitioner was not entitled to federal habeas relief on basis of argument that prosecutor's closing argument during trial's penalty phase diminished jury's sense of responsibility for capital sentencing decision, in violation of *Caldwell v. Mississippi*, 472 U. S. 320, because *Caldwell* announced a new rule as defined by *Teague v. Lane*, 489 U. S. 288, that does not come within either of *Teague's* exceptions. *Sawyer v. Smith*, p. 227.

2. *Standard of review—Rational factfinder.*—In determining whether a state court misapplied its own aggravating circumstance to facts of case, appropriate standard of review requires federal court to determine whether any rational trier of fact could have found elements of crime beyond a reasonable doubt. *Lewis v. Jeffers*, p. 764.

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

HEINOUS, CRUEL, OR DEPRAVED AGGRAVATING CIRCUMSTANCE. See **Constitutional Law**, III.

HIRING PUBLIC EMPLOYEES. See **Constitutional Law**, VIII.

HYDRATION AND NUTRITION WITHDRAWAL. See **Constitutional Law**, IV.

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

ILLINOIS. See **Constitutional Law**, VIII; XI.

IMPROPER VERDICTS. See **Constitutional Law**, VI.

INCOME TAXES. See **Taxes**.

INTERSTATE COMMERCE. See **Constitutional Law**, I; **Interstate Commerce Act**.

INTERSTATE COMMERCE ACT.

Interstate Commerce Commission's Negotiated Rates policy.—Where Act requires that motor common carriers file their rates with ICC and that both carriers and shippers adhere to those rates, ICC's *Negotiated Rates* policy—which relieves a shipper of obligation to pay filed rate when shipper and carrier have privately negotiated a lower rate—is inconsistent with Act. *Maislin Industries, U. S., Inc. v. Primary Steel, Inc.*, p. 116.

INVESTMENT INCOME. See **Taxes.**

JUDICIAL BYPASS OF ABORTION LAW'S PARENTAL NOTIFICATION REQUIREMENT. See **Constitutional Law, IX.**

JURISDICTION. See also **Admiralty.**

Supreme Court—New rules—Sua sponte consideration of issue.—Although rule of *Teague v. Lane*, 489 U. S. 288—which prohibits retroactive application of new rules to cases on collateral review—is grounded in important considerations of federal-state relations, it is not jurisdictional in sense that Supreme Court, despite a limited grant of certiorari, must raise and decide issue *sua sponte*. *Collins v. Youngblood*, p. 37.

JURY SELECTION. See **Constitutional Law, V, 2.**

JURY TRIALS. See **Constitutional Law, X.**

KANSAS. See **Antitrust Laws.**

LAND USE MANAGEMENT DECISIONS. See **Case or Controversy.**

LIBEL. See **Constitutional Law, VII, 1.**

LIFE-SUSTAINING TREATMENT. See **Constitutional Law, IV.**

LIMITED LIABILITY ACT. See **Admiralty.**

MARITIME JURISDICTION. See **Admiralty.**

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

MINNESOTA. See **Constitutional Law, IX, 2.**

MINORITY PREFERENCES IN BROADCASTING INDUSTRY. See **Constitutional Law, V, 1.**

MINORS. See **Constitutional Law, IX.**

MISSOURI. See **Constitutional Law, IV.**

MITIGATING CIRCUMSTANCES. See **Constitutional Law, III, 2.**

MOTOR COMMON CARRIER RATES. See **Interstate Commerce Act.**

MURDER. See **Constitutional Law, III; X; Habeas Corpus.**

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969. See **Case or Controversy.**

NATIONAL ORIGIN PREFERENCES IN BROADCASTING INDUSTRY. See **Constitutional Law, V, 1.**

NATURAL GAS. See **Antitrust Laws.**

NEGOTIATED RATES POLICY. See **Interstate Commerce Act.**

NEW RULES. See **Habeas Corpus, 1; Jurisdiction.**

- NEWSPAPERS.** See Constitutional Law, VII, 1.
- NONPUBLIC FORA.** See Constitutional Law, VII, 2.
- NOTIFICATION OF PARENTS BEFORE ABORTION.** See Constitutional Law, IX.
- NUTRITION AND HYDRATION WITHDRAWAL.** See Constitutional Law, IV.
- OFFSETTING LOSSES AGAINST INCOME.** See Taxes.
- OHIO.** See Constitutional Law, VII, 1; IX, 1.
- OVERCHARGE OF PUBLIC UTILITIES.** See Antitrust Laws.
- PARENTAL NOTIFICATION BEFORE ABORTION.** See Constitutional Law, IX.
- PARENTS AND CHILDREN.** See Constitutional Law, IX.
- PARTICULARIZED GUARANTEES OF HEARSAY STATEMENTS' TRUSTWORTHINESS.** See Constitutional Law, II, 1.
- PATRONAGE PRACTICES.** See Constitutional Law, VIII.
- PEREMPTORY CHALLENGES.** See Constitutional Law, V, 2.
- PERSISTENT VEGETATIVE STATE.** See Constitutional Law, IV.
- POLITICAL PATRONAGE PRACTICES.** See Constitutional Law, VIII.
- POSTAL SERVICE PROPERTY.** See Constitutional Law, VII, 2.
- PREFERENCES BASED ON RACE OR NATIONAL ORIGIN.** See Constitutional Law, V, 1.
- PREGNANCY.** See Constitutional Law, IX.
- PROFIT AND LOSS.** See Taxes.
- PROMOTING PUBLIC EMPLOYEES.** See Constitutional Law, VIII.
- PROMOTION OF MINORITY PREFERENCES IN BROADCASTING INDUSTRY.** See Constitutional Law, V, 1.
- PROPORTIONALITY REVIEW OF DEATH SENTENCE.** See Constitutional Law, III, 2.
- PUBLIC EMPLOYER AND EMPLOYEES.** See Constitutional Law, VIII.
- PUBLIC FORA.** See Constitutional Law, VII, 2.
- PUBLIC LANDS.** See Case or Controversy.
- PUBLIC UTILITIES.** See Antitrust Laws.

- RACIAL DISCRIMINATION.** See Constitutional Law, V, 2.
- RACIAL PREFERENCES IN BROADCASTING INDUSTRY.** See Constitutional Law, V, 1.
- RATES FOR SHIPPING BY MOTOR COMMON CARRIERS.** See Interstate Commerce Act.
- RATIONAL FACTFINDER STANDARD OF REVIEW.** See Habeas Corpus, 2.
- RECALLING PUBLIC EMPLOYEES.** See Constitutional Law, VIII.
- REFORMATION OF IMPROPER VERDICTS.** See Constitutional Law, VI.
- REGULATION OF INTERSTATE COMMERCE.** See Interstate Commerce Act.
- RETROACTIVE APPLICATION OF NEW RULES TO CASES ON COLLATERAL REVIEW.** See Jurisdiction.
- RETROACTIVITY OF SUPREME COURT DECISIONS.** See Constitutional Law, I.
- RIGHT-ANGLE PRINCIPLE.** See Boundaries.
- RIGHT TO ABORTION.** See Constitutional Law, IX.
- RIGHT TO DIE.** See Constitutional Law, IV.
- RIGHT TO JURY TRIAL.** See Constitutional Law, X.
- SALES LOSSES.** See Taxes.
- SAVANNAH RIVER.** See Boundaries.
- SEARCHES AND SEIZURES.** See Constitutional Law, XI.
- SEAWARD BOUNDARIES.** See Boundaries.
- SELECTION OF JURIES.** See Constitutional Law, V, 2.
- SENTENCING.** See Constitutional Law, VI; X; Habeas Corpus.
- SEXUAL ABUSE.** See Constitutional Law, II, 1.
- SHIPPERS OF GOODS IN INTERSTATE COMMERCE.** See Interstate Commerce Act.
- SIXTH AMENDMENT.** See Constitutional Law, II; X.
- SOCIAL CLUBS' TAXES.** See Taxes.
- SOLICITATION ON GOVERNMENT PROPERTY.** See Constitutional Law, VII, 2.
- SOUTH CAROLINA.** See Boundaries.
- STANDARDS OF REVIEW.** See Habeas Corpus, 2.

STANDING. See *Case or Controversy*.

STATE EMPLOYMENT PRACTICES. See *Constitutional Law*, VIII.

STATE GROSS RECEIPTS TAXES. See *Constitutional Law*, I.

SUA SPONTE CONSIDERATION OF TEAGUE ISSUE. See *Jurisdiction*.

"SUBSTITUTED JUDGMENT" AS PROOF OF INTENT TO HAVE LIFE-SUSTAINING TREATMENT WITHDRAWN. See *Constitutional Law*, IV.

SUPREME COURT. See also *Constitutional Law*, I; *Jurisdiction*.

1. Retirement of JUSTICE BRENNAN, p. III.

2. Term statistics, p. 1059.

TAXABLE INCOME. See *Taxes*.

TAXES. See also *Constitutional Law*, I.

Federal income taxes—Taxation of social clubs—Offset of losses against nonexempt income.—A social club may use losses incurred in sales to nonmembers to offset taxable investment income only if those sales were motivated by an intent to profit, which is to be determined by using same allocation method as club used to calculate its actual profit or loss. *Portland Golf Club v. Commissioner*, p. 154.

TELEVISION AS A MEANS BY WHICH CHILD WITNESSES TESTIFY. See *Constitutional Law*, II, 2.

TESTIMONY VIA ONE-WAY CLOSED CIRCUIT TELEVISION. See *Constitutional Law*, II, 2.

TEXAS. See *Constitutional Law*, VI.

TIME, PLACE, AND MANNER RESTRICTIONS ON SPEECH. See *Constitutional Law*, VII, 2.

TRANSFERRING PUBLIC EMPLOYEES. See *Constitutional Law*, VIII.

TRUSTWORTHINESS OF HEARSAY STATEMENTS. See *Constitutional Law*, II, 1.

TWO-PARENT NOTIFICATION ABORTION REQUIREMENT. See *Constitutional Law*, IX.

UNDUE BURDEN ON RIGHT TO ABORTION. See *Constitutional Law*, IX.

UTILITIES. See *Antitrust Laws*.

VEGETATIVE STATE. See *Constitutional Law*, IV.

VESSELS. See *Admiralty*.

VIOLENCE INFLICTED ON VICTIM. See Constitutional Law, III, 1.

WAITING PERIOD BEFORE ABORTION. See Constitutional Law, IX, 2.

WARRANTLESS ENTRIES. See Constitutional Law, XI.

WEST VIRGINIA. See Constitutional Law, I.

WHOLESALE GROSS RECEIPTS TAXES. See Constitutional Law, I.

WITHDRAWAL OF LIFE-SUSTAINING TREATMENT. See Constitutional Law, IV.

WITNESSES. See Constitutional Law, II.

YACHTS. See Admiralty.

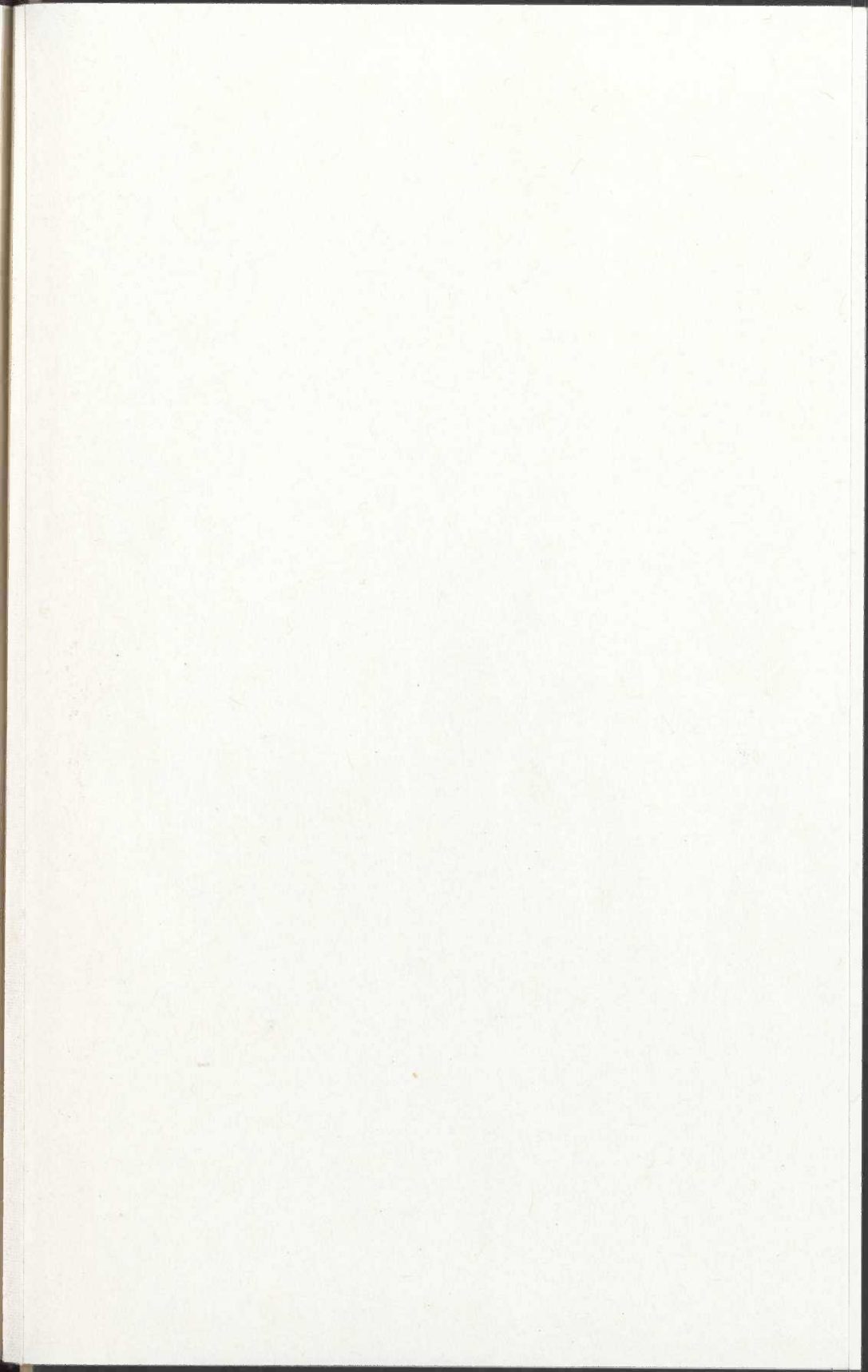
ISBN 0-16-045235-X

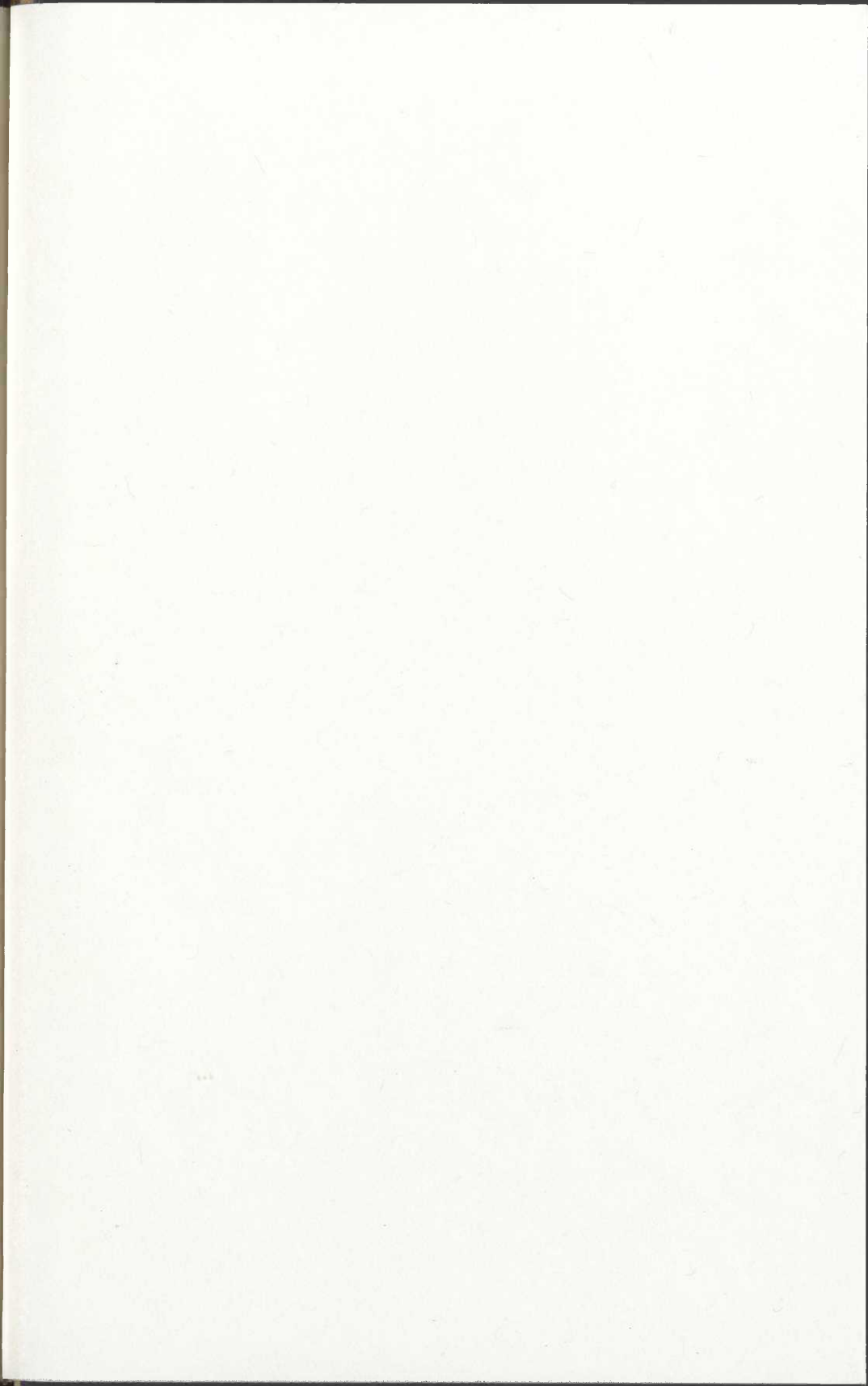


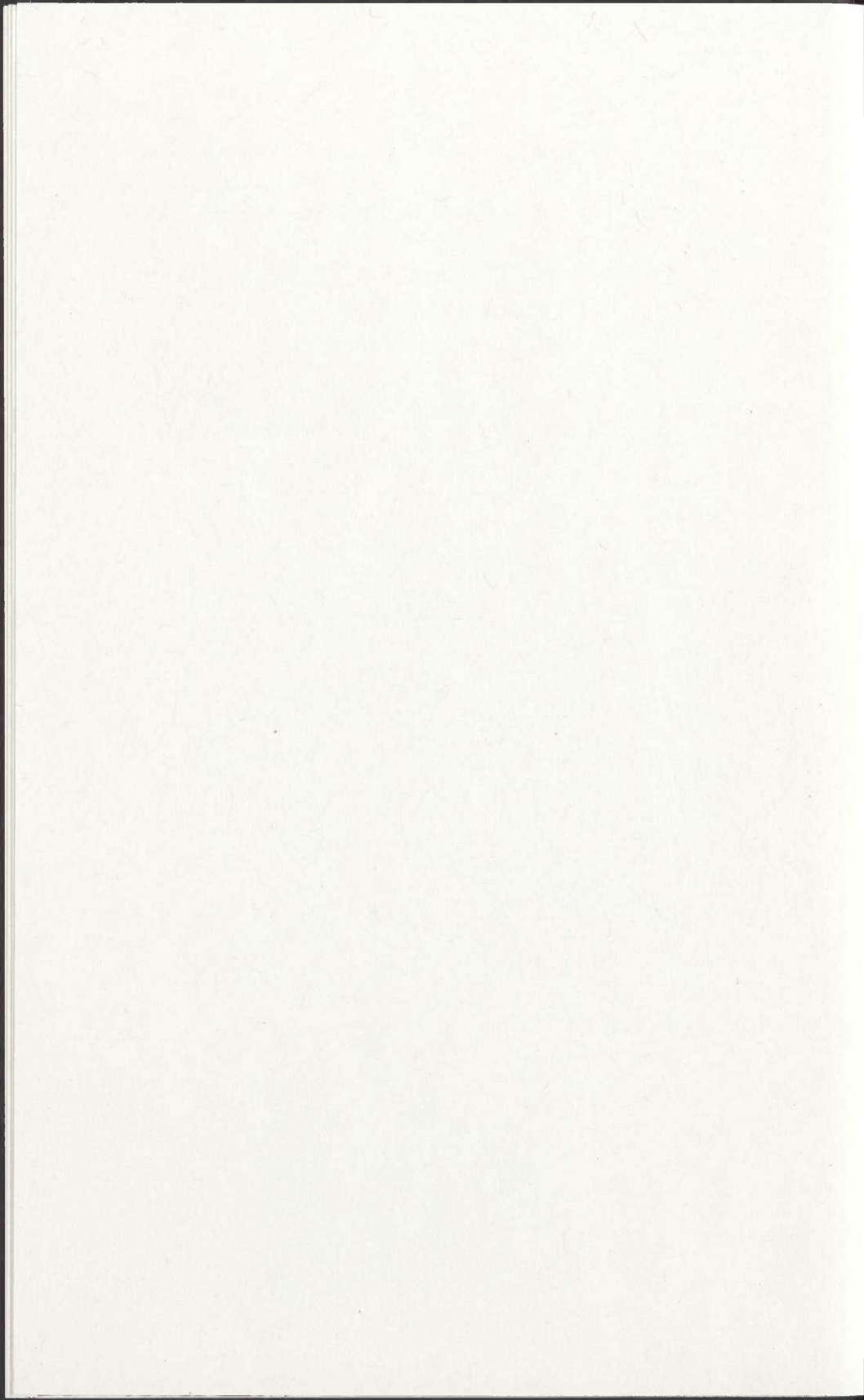
9 780160 452352

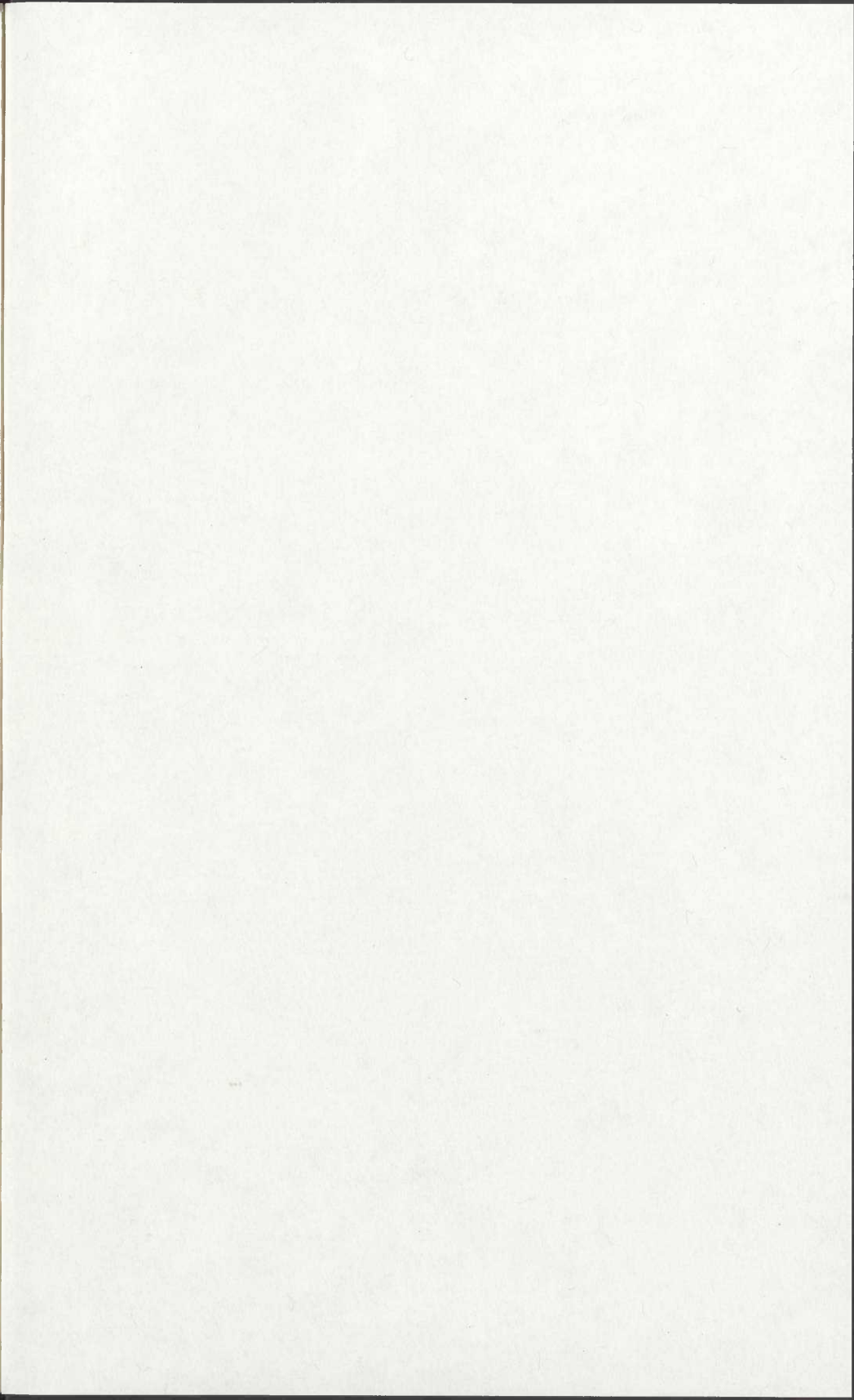
90000



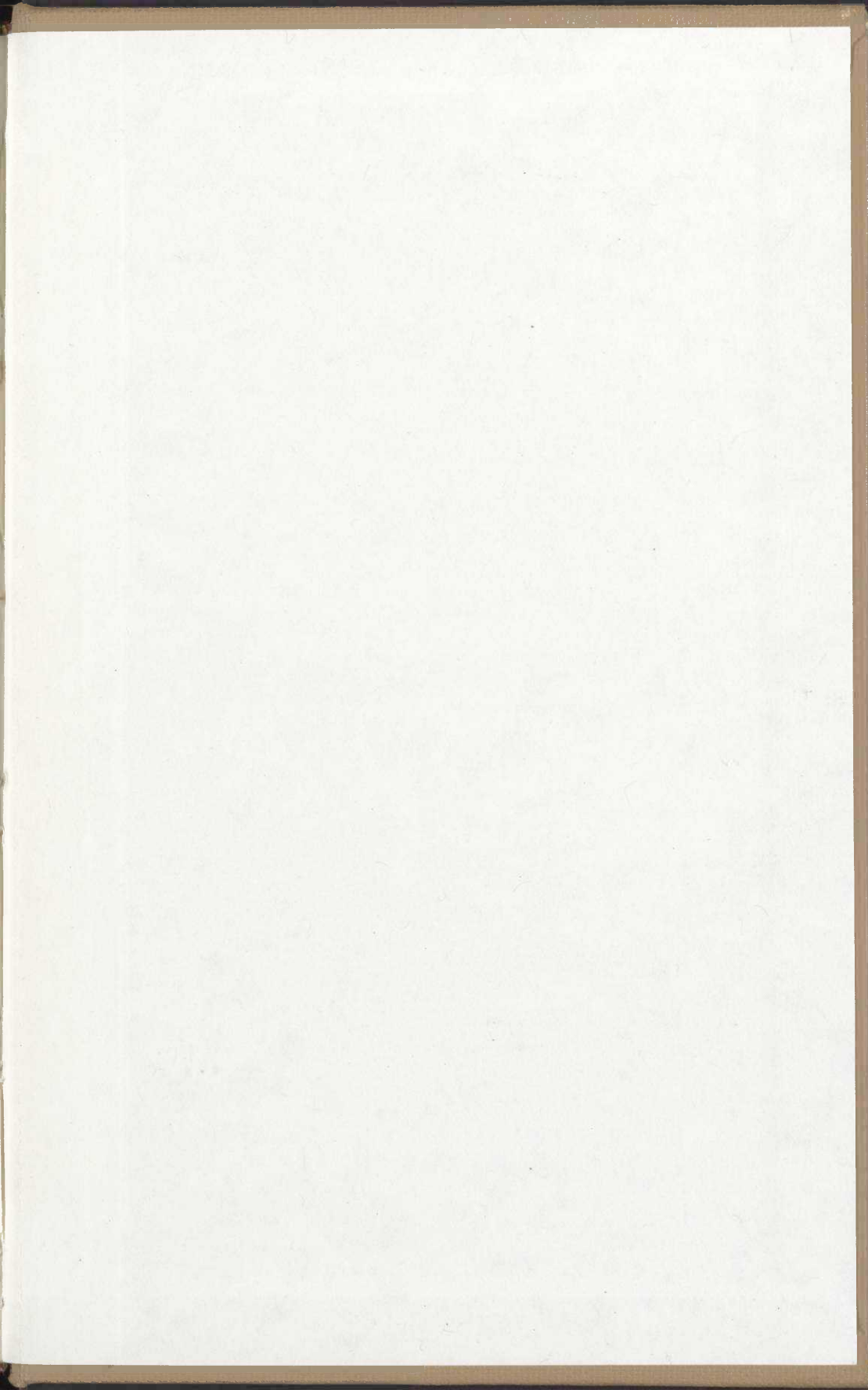














A00007900