

INDEX

ABROGATION OF SOVEREIGN IMMUNITY. See **Constitutional Law, X.**

ADDRESSES OF ARRESTEES. See **Constitutional Law, VI, 1.**

ADMISSION TO STATE UNIVERSITY. See **Civil Rights Act of 1871.**

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967. See **Constitutional Law, X.**

APPEALS OF CRIMINAL CONVICTIONS. See **Constitutional Law, IV, 1.**

ARKANSAS. See **Federal-State Relations.**

ARRESTEE ADDRESSES. See **Constitutional Law, VI, 1.**

ASSISTANCE OF COUNSEL. See **Constitutional Law, VII, 1.**

CALIFORNIA. See **Constitutional Law, II; VI, 1; VII, 2.**

CAMPAIGN CONTRIBUTIONS. See **Constitutional Law, V, 2; VI, 2.**

CAPITAL MURDER. See **Constitutional Law, III.**

CASE OR CONTROVERSY. See **Constitutional Law, I.**

CERTIFIED QUESTIONS. See **Supreme Court, 2.**

CITIZEN SUITS. See **Constitutional Law, I, 2.**

CIVIL RIGHTS ACT OF 1871.

Section 1983—Admission to state university—Discrimination based on race.—Fifth Circuit's decision—that petitioners were not entitled to summary judgment on Lesage's 42 U. S. C. § 1983 claim for damages relating to a state university's rejection of his admission application even if petitioners conclusively established that he would have been denied admission under a race-neutral policy—contradicts *Mt. Healthy City Bd. of Ed. v. Doyle*, 429 U. S. 274. *Texas v. Lesage*, p. 18.

“CLASS OF ONE.” See **Constitutional Law, V, 1.**

CLEAN WATER ACT. See **Constitutional Law, I, 2.**

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

COMMERCE CLAUSE. See **Constitutional Law, II.**

CONSTITUTIONAL LAW.

I. Case or Controversy.

1. *Mootness—Certification of Government contractors.*—Tenth Circuit erred in concluding that petitioner’s suit—which alleged that United States Department of Transportation’s procedure for certifying contractors as disadvantaged business enterprises violated equal protection because a race-based presumption forms its foundation—should be dismissed as moot after petitioner was so certified by Colorado’s Department of Transportation. *Adarand Constructors, Inc. v. Slater*, p. 216.

2. *Mootness—Clean Water Act citizen suits.*—Fourth Circuit erred in concluding that a citizen suitor’s Clean Water Act civil penalties claim must be dismissed as moot when a defendant, after suit commences, comes into compliance with its National Pollutant Discharge Elimination System permit. *Friends of Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, p. 167.

II. Commerce Clause.

Discrimination against out-of-state businesses—State income taxes.—California’s rules for taxing its share of a multistate corporation’s income violate Commerce Clause. *Hunt-Wesson, Inc. v. Franchise Tax Bd. of Cal.*, p. 458.

III. Cruel and Unusual Punishment.

Death penalty—Jury instructions on mitigation.—Constitution is not violated when a trial judge directs a capital jury’s attention to a specific paragraph of a constitutionally sufficient instruction in response to a question regarding proper consideration of mitigating evidence. *Weeks v. Angelone*, p. 225.

IV. Due Process.

1. *Right to self-representation on appeal.*—*Faretta v. California*, 422 U. S. 806, does not require a State to recognize a due process right to self-representation on direct appeal from a criminal conviction. *Martinez v. Court of Appeal of Cal., Fourth Appellate Dist.*, p. 152.

2. *State income taxes—Multistate corporations.*—California’s rules for taxing its share of a multistate corporation’s income violate Due Process Clause. *Hunt-Wesson, Inc. v. Franchise Tax Bd. of Cal.*, p. 458.

V. Equal Protection of the Laws.

1. *“Class of one.”*—Equal Protection Clause gives rise to a cause of action on behalf of a “class of one,” where a plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for such treatment. *Village of Willowbrook v. Olech*, p. 562.

CONSTITUTIONAL LAW—Continued.

2. *State limits on campaign contributions.*—*Buckley v. Valeo*, 424 U. S. 1, is authority for comparable state limits on contributions to state political candidates; such limits need not be pegged to federal limits approved in *Buckley*. *Nixon v. Shrink Missouri Government PAC*, p. 377.

VI. Freedom of Speech and Association.

1. *Law restricting public access to arrestee addresses—Facial attack.*—Respondent publisher could not prevail on a “facial attack” on a California law restricting public access to arrestee addresses in possession of state and local enforcement agencies. *Los Angeles Police Dept. v. United Reporting Publishing Corp.*, p. 32.

2. *State limits on campaign contributions.*—*Buckley v. Valeo*, 424 U. S. 1, is authority for comparable state limits on contributions to state political candidates; such limits need not be pegged to federal limits approved in *Buckley*. *Nixon v. Shrink Missouri Government PAC*, p. 377.

VII. Right to Counsel.

1. *Assistance of counsel—Filing of notice of appeal.*—Proper framework for evaluating an ineffective-assistance-of-counsel claim, based on counsel’s failure to file a notice of appeal without defendant’s consent, is set out in *Strickland v. Washington*, 466 U. S. 668. *Roe v. Flores-Ortega*, p. 470.

2. *Indigent’s appeal—Frivolousness determination.*—*Anders v. California*, 386 U. S. 738, sets out one procedure for determining whether an indigent’s direct appeal is frivolous, but States are free to adopt other procedures so long as they adequately safeguard a defendant’s Fourteenth Amendment right to appellate counsel; California’s procedure is adequate. *Smith v. Robbins*, p. 259.

VIII. Right to Vote.

Statewide election—Race-based voting qualification.—Hawaii electoral qualification that permits only “Hawaiians”—descendants of persons inhabiting Hawaii in 1778—to vote for trustees of a state agency that administers programs benefiting “native Hawaiians” and “Hawaiians” violates Fifteenth Amendment. *Rice v. Cayetano*, p. 495.

IX. Searches and Seizures.

1. *Homicide crime scene—Warrantless search.*—Trial court’s ruling that police were entitled to make a warrantless search of a homicide crime scene and objects found there conflicts with rule that there is no “murder scene exception” to Fourth Amendment’s Warrant Clause. *Flippo v. West Virginia*, p. 11.

CONSTITUTIONAL LAW—Continued.

2. *Stop and frisk—Narcotics trafficking area.*—Officers did not violate Fourth Amendment when they stopped and frisked respondent after seeing him flee an area known for heavy narcotics trafficking. *Illinois v. Wardlow*, p. 119.

X. States' Immunity from Suit.

Abrogation by Age Discrimination in Employment Act of 1967.—Although ADEA contains a clear statement of Congress' intent to abrogate States' Eleventh Amendment immunity, that abrogation exceeded Congress' authority under §5 of Fourteenth Amendment. *Kimel v. Florida Bd. of Regents*, p. 62.

XI. States' Powers.

Driver's Privacy Protection Act of 1994—Information in state motor vehicle records.—Congress did not run afoul of federalism principles enunciated in *New York v. United States*, 505 U. S. 144, and *Printz v. United States*, 521 U. S. 898, when it enacted DPPA, which restricts dissemination and sale of information contained in state motor vehicle records. *Reno v. Condon*, p. 141.

CORPORATE TAXES. See **Constitutional Law**, II; IV, 2.

COURTS OF APPEALS. See **Jurisdiction**.

CRIME SCENES. See **Constitutional Law**, IX, 1.

CRIMINAL LAW. See also **Constitutional Law**, III, IV, 1; VII; IX; **Federal Rules of Criminal Procedure**.

Interstate Agreement on Detainers—Trial date outside IAD's time period.—Defense counsel's agreement to a trial date outside time period set by IAD—an interjurisdictional compact establishing procedures for resolution of one State's outstanding charges against another State's prisoner—bars defendant from seeking dismissal on ground that trial did not occur within that period. *New York v. Hill*, p. 110.

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

DEATH PENALTY. See **Constitutional Law**, III.

DEPARTMENT OF TRANSPORTATION. See **Constitutional Law**, I, 1.

DETAINERS. See **Criminal Law**.

DISCRIMINATION AGAINST MULTISTATE BUSINESSES. See **Constitutional Law**, II.

DISCRIMINATION BASED ON AGE. See **Constitutional Law**, X.

DISCRIMINATION BASED ON RACE. See **Civil Rights Act of 1871; Constitutional Law, I, 1; VIII.**

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

DRIVER'S PRIVACY PROTECTION ACT OF 1994. See **Constitutional Law, XI.**

DUE PROCESS. See **Constitutional Law, IV.**

EIGHTH AMENDMENT. See **Constitutional Law, III.**

ELECTIONS. See **Constitutional Law, VIII; Organic Act of Guam.**

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

EQUAL PROTECTION OF THE LAWS. See **Constitutional Law, V.**

ESTATES. See **Federal-State Relations.**

ESTIMATED INCOME TAXES. See **Taxes.**

FACIAL ATTACK ON STATE LAW. See **Constitutional Law, VI, 1.**

FEDERAL COURTS. See **Jurisdiction.**

FEDERAL RULES OF CIVIL PROCEDURE. See **Jurisdiction.**

FEDERAL RULES OF CRIMINAL PROCEDURE.

Jury selection—Peremptory challenges.—A defendant's exercise of peremptory challenges pursuant to Rule 24 is not denied or impaired when defendant chooses to use such a challenge to remove a juror who should have been excused for cause. *United States v. Martinez-Salazar*, p. 304.

FEDERAL-STATE RELATIONS. See also **Constitutional Law, X; XI; Supreme Court, 2.**

State-law right to disclaim interest in estate—Federal tax lien.—Petitioner's interest as heir to his mother's estate constituted "property" or a "right to property" to which federal tax liens attached under 26 U. S. C. § 6321, despite petitioner's exercise of prerogative accorded by Arkansas law to disclaim interest retroactively. *Drye v. United States*, p. 49.

FEDERAL TAXES. See **Federal-State Relations; Taxes.**

FIFTEENTH AMENDMENT. See **Constitutional Law, VIII.**

FILING NOTICES OF APPEAL. See **Constitutional Law, VII, 1.**

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

FLORIDA. See **Constitutional Law, X.**

FOR-CAUSE CHALLENGES OF JURORS. See **Federal Rules of Criminal Procedure.**

FOURTEENTH AMENDMENT. See **Constitutional Law**, IV; V; VII, 2; X.

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

FREEDOM OF ASSOCIATION. See **Constitutional Law**, VI, 2.

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

FRIVOLOUS APPEALS. See **Constitutional Law**, VII, 2.

GOVERNMENT CONTRACTORS. See **Constitutional Law**, I, 1.

GUAM. See **Organic Act of Guam.**

HAWAII. See **Constitutional Law**, VIII.

HAZARDOUS WASTE FACILITIES. See **Supreme Court**, 2.

HOMICIDE CRIME SCENES. See **Constitutional Law**, IX, 1.

IMMUNITY FROM SUIT. See **Constitutional Law**, X.

INCOME TAXES. See **Constitutional Law**, II; IV, 2; **Taxes.**

INDIGENTS' APPEALS. See **Constitutional Law**, VII, 2.

INEFFECTIVE ASSISTANCE OF COUNSEL. See **Constitutional Law**, VII, 1.

IN FORMA PAUPERIS. See **Supreme Court**, 3.

"INJURY AND PATTERN DISCOVERY" RULE. See **Racketeer Influenced and Corrupt Organizations Act.**

INTEREST IN ESTATES. See **Federal-State Relations.**

INTERNAL REVENUE CODE. See **Taxes.**

INTERSTATE AGREEMENT ON DETAINERS. See **Criminal Law.**

JUDGMENT AS A MATTER OF LAW. See **Jurisdiction.**

JURISDICTION.

Federal Court of Appeals—Direction of judgment.—Federal Rule of Civil Procedure 50 permits an appellate court to direct entry of judgment as a matter of law when it determines that evidence was erroneously admitted at trial and that remaining, properly admitted, evidence is insufficient to constitute a submissible case. *Weisgram v. Marley Co.*, p. 440.

JURY INSTRUCTIONS. See **Constitutional Law**, III.

JURY SELECTION. See **Federal Rules of Criminal Procedure.**

LIMITATIONS ON CAMPAIGN CONTRIBUTIONS. See **Constitutional Law**, V, 2; VI, 2.

LIMITATIONS PERIODS. See **Racketeer Influenced and Corrupt Organizations Act.**

MISSOURI. See **Constitutional Law**, V, 2; VI, 2.

MITIGATING FACTORS. See **Constitutional Law**, III.

MOOTNESS. See **Constitutional Law**, I.

MOTOR VEHICLE RECORDS. See **Constitutional Law**, XI.

MULTISTATE BUSINESSES. See **Constitutional Law**, IV, 2.

MURDER CRIME SCENES. See **Constitutional Law**, IX, 1.

NOTICES OF APPEAL. See **Constitutional Law**, VII, 1.

ORGANIC ACT OF GUAM.

Election of Governor and Lieutenant Governor—Runoff election.—Act does not require a runoff election when a candidate slate has received a majority of votes cast for Governor and Lieutenant Governor of Territory, but not a majority of number of ballots cast in simultaneous general election. *Gutierrez v. Ada*, p. 250.

PENNSYLVANIA. See **Supreme Court**, 2.

PEREMPTORY CHALLENGES OF JURORS. See **Federal Rules of Criminal Procedure.**

PRECLEARANCE OF REDISTRICTING PLANS. See **Voting Rights Act of 1965.**

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

RACE-BASED VOTING QUALIFICATIONS. See **Constitutional Law**, VIII.

RACE DISCRIMINATION. See **Civil Rights Act of 1871; Constitutional Law**, I, 1; VIII.

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT.

Civil actions—Limitations period.—Four-year limitations period for a civil RICO claim is not governed by an injury and pattern discovery rule that starts only when claimant discovers, or should discover, both an injury and pattern of RICO activity. *Rotella v. Wood*, p. 549.

REDISTRICTING PLANS. See **Voting Rights Act of 1965.**

- REMITTANCES OF TAXES.** See **Taxes.**
- REMOVAL OF JURORS.** See **Federal Rules of Criminal Procedure.**
- REPETITIOUS FILINGS.** See **Supreme Court, 3.**
- RETROGRESSION.** See **Voting Rights Act of 1965.**
- RIGHT TO APPELLATE COUNSEL.** See **Constitutional Law, VII, 2.**
- RUNOFF ELECTIONS.** See **Organic Act of Guam.**
- SALE OF DRIVER'S LICENSE INFORMATION.** See **Constitutional Law, XI.**
- SEARCHES AND SEIZURES.** See **Constitutional Law, IX.**
- SELF-REPRESENTATION ON APPEAL.** See **Constitutional Law, IV, 1.**
- SIXTH AMENDMENT.** See **Constitutional Law, IV, 1; VII, 1.**
- SOUTH CAROLINA.** See **Constitutional Law, XI.**
- SOVEREIGN IMMUNITY.** See **Constitutional Law, X.**
- STATE LIMITATIONS ON CAMPAIGN CONTRIBUTIONS.** See **Constitutional Law, V, 2; VI, 2.**
- STATE MOTOR VEHICLE RECORDS.** See **Constitutional Law, XI.**
- STATE TAXES.** See **Constitutional Law, II; IV, 2.**
- STATES' IMMUNITY FROM SUIT.** See **Constitutional Law, X.**
- STATES' POWERS.** See **Constitutional Law, XI.**
- STATUTES OF LIMITATIONS.** See **Racketeer Influenced and Corrupt Organizations Act.**
- STOP AND FRISK.** See **Constitutional Law, IX, 2.**
- SUPREME COURT.**
1. Proceedings in memory of Justice Blackmun, p. v.
 2. *Certified question—Pennsylvania law—Operation of hazardous waste facility without a permit.*—Where Fiore and his codefendant Scarpone were convicted of violating a Pennsylvania law that forbade operating a hazardous waste facility without a permit, and where Pennsylvania Supreme Court denied review of Fiore's case, but ruled in Scarpone's case that statute did not apply to persons like Fiore and Scarpone, this Court certifies question whether Pennsylvania Supreme Court's interpretation of such statute in Scarpone's case was correct interpretation of Pennsylvania law on date Fiore's conviction became final. *Fiore v. White*, p. 23.

SUPREME COURT—Continued.

3. *In forma pauperis*—*Repetitious filings*.—Abusive filers are denied *in forma pauperis* status in noncriminal cases. Antonelli v. Caridine, p. 3; Brancato v. Gunn, p. 1; Dempsey v. Martin, p. 7; In re Bauer, p. 16; Judd v. United States Dist. Court for Western Dist. of Tex., p. 5; Prunty v. Brooks, p. 9.

TAXES. See also **Constitutional Law**, II; IV, 2; **Federal-State Relations**.

Federal income taxes—*Remittance date*.—Remittances of estimated income tax and withholding tax are “paid” on due date of a calendar year taxpayer’s income tax return for purposes of Internal Revenue Code § 6511(b)(A)(2). Baral v. United States, p. 431.

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

TEXAS. See **Civil Rights Act of 1871**.

TRANSPORTATION CONTRACTS. See **Constitutional Law**, I, 1.

TRIAL DATES. See **Criminal Law**.

VOTING DISCRIMINATION. See **Constitutional Law**, VIII; **Voting Rights Act of 1965**.

VOTING RIGHTS ACT OF 1965.

Redistricting plan—*Preclearance*.—In light of § 5’s language and Court’s holding in *Beer v. United States*, 425 U. S. 130, § 5 does not prohibit preclearance of a redistricting plan enacted with a discriminatory but non-retrogressive purpose. Reno v. Bossier Parish School Bd., p. 320.

WARRANTLESS SEARCHES. See **Constitutional Law**, IX, 1.

WEST VIRGINIA. See **Constitutional Law**, IX, 1.

WITHHOLDING TAXES. See **Taxes**.

WORDS AND PHRASES.

1. “*Paid*.” Internal Revenue Code, 26 U. S. C. § 6511(b)(A)(2). Baral v. United States, p. 431.

2. “*Property and rights to property*.” Internal Revenue Code, 26 U. S. C. § 6321. Drye v. United States, p. 49.

3. “*Purpose . . . of denying or abridging the right to vote on account of race or color*.” § 5, Voting Rights Act of 1965, 42 U. S. C. § 1973c. Reno v. Bossier Parish School Bd., p. 320.