

INDEX

ABORTION. See **Constitutional Law**, IV; VI.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

Judgment as a matter of law—Prima facie case.—An employer is not entitled to judgment as a matter of law when its employee's ADEA case consists of a prima facie case of discrimination and sufficient evidence for trier of fact to disbelieve employer's legitimate, nondiscriminatory explanation for its action. *Reeves v. Sanderson Plumbing Products, Inc.*, p. 133.

AGGRAVATED CRIMES. See **Criminal Law**, 2.

BANK ROBBERY. See **Criminal Law**, 1.

BANKRUPTCY.

1. *Chapter 11—Administrative claimant—Secured property.*—Title 11 U. S. C. §506(c) does not provide an administrative claimant of a bankruptcy estate an independent right to seek payment of its claim from property encumbered by a secured creditor's lien. *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.*, p. 1.

2. *Chapter 7—Tax obligation—Burden of proof.*—When substantive law creating a tax obligation puts burden of proof on a taxpayer, bankruptcy does not alter that burden. *Raleigh v. Illinois Dept. of Revenue*, p. 15.

BEST INTEREST STANDARD. See **Constitutional Law**, I, 3.

BLANKET PRIMARIES. See **Constitutional Law**, III, 1.

BOUNDARIES. See **Water Rights**.

BOY SCOUTS. See **Constitutional Law**, III, 2.

BURDEN OF PROOF. See **Bankruptcy**, 2.

BURMA. See **Constitutional Law**, VIII.

CALIFORNIA. See **Constitutional Law**, III, 1.

CAPITAL MURDER. See **Constitutional Law**, I, 1.

CHILDREN AND PARENTS. See **Constitutional Law**, I, 3.

COLORADO. See **Constitutional Law**, IV.

COMPULSORY SELF-INCRIMINATION. See **Constitutional Law**, V.

CONSTITUTIONAL LAW.

I. Due Process.

1. *Jury instructions—Capital sentencing—Parole ineligibility.*—Fourth Circuit's judgment—that petitioner was not entitled to a jury instruction on parole ineligibility at his capital sentencing trial because one conviction did not count for purposes of Virginia's three-strikes law—is affirmed. *Ramdass v. Angelone*, p. 156.

2. *Penalty for crime—Increasing maximum prison term.*—Fourteenth Amendment's Due Process Clause requires that any fact that increases penalty for a crime beyond prescribed statutory maximum, other than fact of a prior conviction, must be submitted to a jury and proved beyond a reasonable doubt. *Apprendi v. New Jersey*, p. 466.

3. *Right to rear children—Nonparent visitation.*—Washington Supreme Court's judgment that State's nonparental visitation statute violated respondent's due process right to rear her children is affirmed. *Troxel v. Granville*, p. 57.

II. Establishment of Religion.

1. *Education Consolidation and Improvement Act of 1981.*—Fifth Circuit judgment invalidating Chapter 2 of Act, a school aid program, as a law respecting an establishment of religion is reversed. *Mitchell v. Helms*, p. 793.

2. *Student-led prayer—High school football games.*—A Texas school district's policy permitting student-led, student-initiated prayer at high school football games violates Establishment Clause. *Santa Fe Independent School Dist. v. Doe*, p. 90.

III. Freedom of Association.

1. *Political party—Blanket primary.*—California's blanket primary violates a political party's First Amendment right of association. *California Democratic Party v. Jones*, p. 567.

2. *Public accommodations law—Boy Scouts.*—New Jersey Supreme Court's application of that State's public accommodations law to require Boy Scouts to readmit an excluded homosexual Scout leader violates Scouts' First Amendment right of expressive association. *Boy Scouts of America v. Dale*, p. 640.

IV. Freedom of Speech.

Regulating speech near health care facilities.—A Colorado law regulating speech-related conduct within 100 feet of entrance to any health care facility does not violate First Amendment. *Hill v. Colorado*, p. 703.

CONSTITUTIONAL LAW—Continued.**V. Privilege Against Self-Incrimination.**

1. *Miranda warnings*.—*Miranda v. Arizona*, 384 U. S. 436, and its progeny continue to govern admissibility in state and federal courts of statements made during custodial interrogation. *Dickerson v. United States*, p. 428.

2. *Subpoenaed documents—Use in subsequent investigation*.—Respondent's indictment must be dismissed because Government cannot prove that evidence it used in obtaining indictment and proposed to use at trial was derived from legitimate sources wholly independent of testimonial aspect of respondent's immunized conduct in producing subpoenaed documents. *United States v. Hubbell*, p. 7.

VI. Right to Abortion.

Partial birth abortion ban.—Nebraska's statute criminalizing performance of partial birth abortions violates Federal Constitution. *Stenberg v. Carhart*, p. 914.

VII. Separation of Powers.

Prison Litigation Reform Act of 1995—Automatic stays.—Congress intended Act's automatic stay provision to preclude courts from exercising their equitable powers to enjoin such stay, and provision does not violate separation of powers principles. *Miller v. French*, p. 327.

VIII. Supremacy Clause.

Massachusetts' Burma sanctions—Pre-emption.—Where a Massachusetts law barring state entities from buying goods and services from companies doing business with Burma conflicts with a federal law imposing sanctions on Burma, state law is pre-empted, and its application unconstitutional, under Supremacy Clause. *Crosby v. National Foreign Trade Council*, p. 363.

CONTRACTS.

Oil leases—Restitution.—Petitioner oil companies are entitled to restitution of \$156 million they paid to Federal Government in return for leases to explore for and develop offshore oil, where a change in federal law required Government to impose a delay that violated their contracts. *Mobil Oil Exploration & Producing Southeast, Inc. v. United States*, p. 604.

CREDITORS AND DEBTORS. See **Bankruptcy**.**CRIMINAL LAW.** See also **Constitutional Law**, I, 1, 2; V; VI.

1. *Jury instructions—Lesser included offense*.—Because 18 U. S. C. §2113(b) requires three elements not required by §2113(a), it is not a lesser included offense of §2113(a), and petitioner is prohibited as a matter

CRIMINAL LAW—Continued.

of law from obtaining a lesser included offense instruction on a §2113(b) offense in his bank robbery trial. *Carter v. United States*, p. 55.

2. *Offense elements*—“*Machinegun*.”—Title 18 U. S. C. §924(c)(1) uses “machinegun” (and similar words) to state an element of a separate, aggravated crime, not a sentencing factor. *Castillo v. United States*, p. 120.

CUSTODIAL INTERROGATION. See **Constitutional Law**, V, 1.

DEBTORS AND CREDITORS. See **Bankruptcy**.

DERIVATIVE USE IMMUNITY. See **Constitutional Law**, V, 2.

DISCRIMINATION BASED ON AGE. See **Age Discrimination in Employment Act of 1967**.

DISCRIMINATION IN EMPLOYMENT. See **Age Discrimination in Employment Act of 1967**.

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

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981.
See **Constitutional Law**, II, 1.

ELECTIONS. See **Constitutional Law**, III, 1.

ELIGIBILITY DECISIONS. See **Employee Retirement Income Security Act of 1974**, 2.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

1. *Civil action against nonfiduciary party in interest*.—ERISA §502(a)(3)’s authorization to a benefit plan “participant, beneficiary, or fiduciary” to bring a civil action for “appropriate equitable relief” extends to a suit against a nonfiduciary “party in interest” to a prohibited transaction barred by §406(a). *Harris Trust and Sav. Bank v. Salomon Smith Barney Inc.*, p. 38.

2. *Health maintenance organizations—Physician decisions as fiduciary decisions*.—Mixed treatment and eligibility decisions by HMO physicians are not fiduciary decisions within meaning of ERISA. *Pegram v. Herdrich*, p. 11.

EMPLOYER AND EMPLOYEES. See **Age Discrimination in Employment Act of 1967**.

EMPLOYMENT DISCRIMINATION. See **Age Discrimination in Employment Act of 1967**.

ENHANCED SENTENCES. See **Constitutional Law**, I, 2.

ESTABLISHMENT OF RELIGION. See **Constitutional Law**, II.

- EXHAUSTION OF ADMINISTRATIVE REMEDIES.** See **Social Security Act.**
- FEDERAL-STATE RELATIONS.** See **Constitutional Law, VIII.**
- FIDUCIARY DECISIONS.** See **Employee Retirement Income Security Act of 1974, 2.**
- FIFTH AMENDMENT.** See **Constitutional Law, V.**
- FIRST AMENDMENT.** See **Constitutional Law, II; III; IV.**
- FOURTEENTH AMENDMENT.** See **Constitutional Law, I.**
- FREEDOM OF ASSOCIATION.** See **Constitutional Law, III.**
- FREEDOM OF SPEECH.** See **Constitutional Law, IV.**
- GRANDPARENT VISITATION.** See **Constitutional Law, I, 3.**
- HEALTH CARE FACILITIES.** See **Constitutional Law, IV.**
- HEALTH MAINTENANCE ORGANIZATIONS.** See **Employee Retirement Income Security Act of 1974, 2.**
- IMMUNITY FROM PROSECUTION.** See **Constitutional Law, V, 2.**
- INDIANS.** See **Water Rights.**
- ISSUE EXHAUSTION.** See **Social Security Act.**
- JURY INSTRUCTIONS.** See **Constitutional Law, I, 1; Criminal Law, 1.**
- LESSER INCLUDED OFFENSE.** See **Criminal Law, 1.**
- MACHINEGUN.** See **Criminal Law, 2.**
- MASSACHUSETTS.** See **Constitutional Law, VIII.**
- MEDICAL TREATMENT DECISIONS.** See **Employee Retirement Income Security Act of 1974, 2.**
- MIRANDA WARNINGS.** See **Constitutional Law, V, 1.**
- MURDER.** See **Constitutional Law, I, 1.**
- NEBRASKA.** See **Constitutional Law, VI.**
- NEW JERSEY.** See **Constitutional Law, III, 2.**
- NONFIDUCIARY PARTY IN INTEREST.** See **Employee Retirement Income Security Act of 1974, 1.**
- OIL LEASES.** See **Contracts.**

- PARENTS AND CHILDREN.** See **Constitutional Law**, I, 3.
- PARTIAL BIRTH ABORTIONS.** See **Constitutional Law**, VI.
- PHYSICIAN AND PATIENTS.** See **Employee Retirement Income Security Act of 1974**, 2.
- PRAYER IN SCHOOLS.** See **Constitutional Law**, II, 2.
- PRE-EMPTION OF STATE LAW.** See **Constitutional Law**, VIII.
- PRIMARIES.** See **Constitutional Law**, III, 1.
- PRISON LITIGATION REFORM ACT OF 1995.** See **Constitutional Law**, VII.
- PRIVILEGE AGAINST SELF-INCRIMINATION.** See **Constitutional Law**, V.
- PUBLIC ACCOMMODATIONS LAW.** See **Constitutional Law**, III, 2.
- RESTITUTION.** See **Contracts**.
- RIGHT TO REAR CHILDREN.** See **Constitutional Law**, I, 3.
- SCHOOL AID.** See **Constitutional Law**, II, 1.
- SCHOOL PRAYER.** See **Constitutional Law**, II, 2.
- SELF-INCRIMINATION.** See **Constitutional Law**, V.
- SENTENCE ENHANCEMENTS.** See **Constitutional Law**, I, 2.
- SENTENCING FACTORS.** See **Criminal Law**, 2.
- SEPARATION OF POWERS.** See **Constitutional Law**, VII.
- SOCIAL SECURITY ACT.**
Exhaustion of administrative remedies—Issue exhaustion.—Social Security claimants who exhaust administrative remedies need not also exhaust issues in request for review by Appeals Council in order to preserve judicial review of those issues. *Sims v. Apfel*, p. 103.
- STUDENT-LED PRAYER.** See **Constitutional Law**, II, 2.
- SUBPOENAS.** See **Constitutional Law**, V, 2.
- SUPREMACY CLAUSE.** See **Constitutional Law**, VIII.
- SUPREME COURT.**
Term statistics, p. 1308.
- TAXES.** See **Bankruptcy**, 2.
- TEXAS.** See **Constitutional Law**, II, 2.

THREE-STRIKES LAWS. See **Constitutional Law**, I, 1.

USE IMMUNITY. See **Constitutional Law**, V, 2.

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

VISITATION BY NONPARENTS. See **Constitutional Law**, I, 3.

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

WATER RIGHTS.

Preclusion of claims.—Claims of United States and Quechan Tribe to increased water rights for disputed boundary lands of Fort Yuma Indian Reservation are not foreclosed by *Arizona v. California*, 373 U. S. 546, or by a 1983 consent judgment. *Arizona v. California*, p. 392.

WORDS AND PHRASES.

1. “*Machinegun.*” 18 U. S. C. § 924(c)(1). *Castillo v. United States*, p. 120.

2. “*Other person.*” § 502(l), Employee Retirement Income Security Act of 1974, 29 U. S. C. § 1132(l). *Harris Trust and Sav. Bank v. Salomon Smith Barney Inc.*, p. 38.