

INDEX

ADULT BUSINESS LICENSING. See **Supreme Court.**

AIR QUALITY STANDARDS. See **Clean Air Act; Constitutional Law, VII.**

ALABAMA. See **Constitutional Law, X; Voting Rights.**

AMERICANS WITH DISABILITIES ACT OF 1990. See **Constitutional Law, X.**

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996. See **Habeas Corpus.**

APPEALS. See **Arbitration, 1.**

ARBITRATION.

1. *Federal Arbitration Act—Appealable final decision—Enforcement.*—Where, as here, a district court has ordered parties to proceed to arbitration and dismissed all claims before it, its decision is “final” and thus appealable under Act; respondent’s agreement to arbitrate is not unenforceable simply because it says nothing about costs. *Green Tree Financial Corp.-Ala. v. Randolph*, p. 79.

2. *Worker reinstatement—Enforcement.*—Public policy considerations do not require courts to refuse to enforce an arbitration award ordering an employer to reinstate a truck driver who twice tested positive for marijuana. *Eastern Associated Coal Corp. v. Mine Workers*, p. 57.

ASSISTANCE OF COUNSEL. See **Constitutional Law, VIII.**

ATHLETIC ASSOCIATIONS. See **Civil Rights Act of 1871.**

AUTOMOBILE CHECKPOINTS. See **Constitutional Law, IX, 1.**

BALLOT SPECIFICATIONS. See **Constitutional Law, III; XI.**

BANKS. See **Taxes, 2.**

BIRD HABITATS. See **Clean Water Act.**

BONE SCREWS. See **Food, Drug, and Cosmetic Act.**

BUREAU OF PRISONS. See **Imprisonment.**

CALIFORNIA. See **Jurisdiction, 1.**

CERTIORARI. See **Supreme Court.**

CHECKPOINT PROGRAMS. See **Constitutional Law**, IX, 1.

CIVIL COMMITMENT. See **Constitutional Law**, I; V.

CIVIL RIGHTS ACT OF 1871.

Section 1983—Statewide athletic association’s regulation of high school interscholastic activities—State action.—When a statewide athletic association incorporated to regulate interscholastic competition among public and private high schools enforced a rule against a member school, it engaged in state action under 42 U.S.C. §1983. *Brentwood Academy v. Tennessee Secondary School Athletic Assn.*, p. 288.

CLAIM PRECLUSION. See **Jurisdiction**, 1.

CLEAN AIR ACT. See also **Constitutional Law**, VII.

Air quality standards—Revised ozone standards.—Environmental Protection Agency may not consider implementation costs in setting ambient air quality standards; its implementation policy for revised ozone standards is unlawful. *Whitman v. American Trucking Assns., Inc.*, p. 457.

CLEAN WATER ACT.

Intrastate waters—Migratory bird habitat—Solid waste disposal site.—Title 33 CFR §328.3(a)(3), as clarified and applied to petitioner’s solid waste disposal site pursuant to a rule protecting migratory bird habitat in intrastate waters not adjacent to navigable waters, exceeds authority granted to respondents under CWA. *Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers*, p. 159.

CONGRESSIONAL TERM LIMITS. See **Constitutional Law**, III; XI.

CONSTITUTIONAL LAW. See also **Voting Rights.**

I. Double Jeopardy.

Civil commitment—Sexually violent predator.—Where Washington Supreme Court previously found State’s sexually violent predator commitment statute to be civil, respondent inmate could not obtain release through an “as applied” challenge on double jeopardy grounds. *Seling v. Young*, p. 250.

II. Due Process.

Element of crime—Operating hazardous waste site without a permit.—Fiore’s conviction for operating a hazardous waste facility without a permit, when Pennsylvania concedes that he had a permit, violates due process because Commonwealth failed to prove a necessary element of crime. *Fiore v. White*, p. 225.

CONSTITUTIONAL LAW—Continued.**III. Elections Clause.**

Congressional term limits—Ballot specifications.—Article VIII of Missouri Constitution—which instructs State’s Congress Members to support a “Congressional Term Limits Amendment” to Federal Constitution and prescribes statements be printed on ballots by names of Members and candidates failing to take or support specified legislative acts in support of such an amendment—is not a permissible regulation of “manner” of electing federal legislators within States’ authority under Elections Clause. *Cook v. Gralike*, p. 510.

IV. Equal Protection of the Laws.

Presidential election—Vote recount.—Because it is evident that any recount seeking to meet 3 U.S.C. § 5’s December 12 safe-harbor date for selecting a State’s Presidential electors will be unconstitutional under Equal Protection Clause, Florida Supreme Court’s judgment ordering manual recounts to proceed in 2000 Presidential election is reversed. *Bush v. Gore*, p. 98.

V. Ex Post Facto Laws.

Civil commitment—Sexually violent predator.—Where Washington Supreme Court had previously found State’s sexually violent predator commitment statute to be civil, respondent inmate could not obtain release through an “as applied” challenge on *ex post facto* grounds. *Seling v. Young*, p. 250.

VI. Freedom of Speech.

Legal Services Corporation Act—Funding restrictions.—A restriction prohibiting LSC Act funding of organizations representing clients seeking to challenge existing welfare law violates First Amendment. *Legal Services Corporation v. Velazquez*, p. 533.

VII. Legislative Powers.

Clean Air Act—Delegation to Environmental Protection Agency.—Section of Clean Air Act—which instructs EPA to set ambient air quality standards—did not delegate legislative power in contravention of Article I, § 1. *Whitman v. American Trucking Assns., Inc.*, p. 457.

VIII. Right to Counsel.

Assistance of counsel—Prejudice standard.—Seventh Circuit erred in ruling that, even if performance of petitioner’s counsel were ineffective, resulting additional 6-to-21-month sentence increase would not constitute prejudice under *Strickland v. Washington*, 466 U.S. 668. *Glover v. United States*, p. 198.

CONSTITUTIONAL LAW—Continued.**IX. Searches and Seizures.**

1. *Highway checkpoints—Drug interdiction.*—Because Indianapolis' highway checkpoint program's primary purpose to interdict unlawful drugs is indistinguishable from general crime control, its checkpoints violate Fourth Amendment. *Indianapolis v. Edmond*, p. 32.

2. *Suspect's detention while search warrant obtained.*—Where officers with probable cause to believe that respondent had hidden marijuana in his home prevented him from entering home for two hours while they obtained a search warrant, seizure of premises was permissible under Fourth Amendment. *Illinois v. McArthur*, p. 326.

X. States' Immunity from Suit.

Americans with Disabilities Act of 1990—Money damages.—Eleventh Amendment bars federal-court suits by state employees to recover damages for a State's failure to comply with Title I of ADA. *Board of Trustees of Univ. of Ala. v. Garrett*, p. 356.

XI. States' Powers.

Congressional term limits—Ballot specifications.—Article VIII of Missouri Constitution—which instructs State's Congress Members to support a "Congressional Term Limits Amendment" to Federal Constitution and prescribes statements to be printed on ballots by names of Members and candidates failing to take or support specified legislative acts in support of such an amendment—is not a valid exercise of peoples' right to instruct their representatives reserved by Tenth Amendment. *Cook v. Gralike*, p. 510.

COOPERATIVE BANKS. See **Taxes**, 2.

CRIMINAL LAW. See also **Constitutional Law**, II; VIII; IX.

Mail fraud—State video poker license—False statements.—Title 18 U. S. C. § 1341—which proscribes mails' use in furtherance of "any scheme or artifice to defraud, or for obtaining . . . property by means of . . . fraudulent . . . representations"—does not reach false statements made in an application for a Louisiana video poker license because such a license does not rank as "property" in official licensor's hands. *Cleveland v. United States*, p. 12.

DETAINING SUSPECTS. See **Constitutional Law**, IX, 2.

DISCHARGE OF INDEBTEDNESS. See **Taxes**, 1.

DISCRIMINATION BASED ON RACE. See **Voting Rights**.

DISPOSAL OF SOLID WASTE. See **Clean Water Act**.

- DIVERSITY ACTIONS.** See **Jurisdiction**, 1.
- DOUBLE JEOPARDY.** See **Constitutional Law**, I.
- DRUGS.** See **Arbitration**, 2; **Constitutional Law**, IX.
- DUE PROCESS.** See **Constitutional Law**, II.
- EARLY RELEASE.** See **Imprisonment**.
- EFFECTIVE ASSISTANCE OF COUNSEL.** See **Constitutional Law**, VIII.
- ELECTIONS.** See **Constitutional Law**, III, IV, XI; **Jurisdiction**, 2.
- ELECTIONS CLAUSE.** See **Constitutional Law**, III.
- ELEMENT OF CRIME.** See **Constitutional Law**, II.
- ELEVENTH AMENDMENT.** See **Constitutional Law**, X.
- EMPLOYER AND EMPLOYEES.** See **Arbitration**, 2.
- ENVIRONMENTAL PROTECTION.** See **Clean Air Act**; **Constitutional Law**, VII.
- EQUAL PROTECTION OF THE LAWS.** See **Constitutional Law**, IV; **Voting Rights**.
- EX POST FACTO LAWS.** See **Constitutional Law**, V.
- FARM CREDIT ACT OF 1933.** See **Taxes**, 2.
- FEDERAL ARBITRATION ACT.** See **Arbitration**, 1.
- FEDERAL COMMON LAW.** See **Jurisdiction**, 1.
- FEDERAL COURTS.** See **Arbitration**.
- FEDERAL INCOME TAXES.** See **Taxes**, 1.
- FEDERALLY CHARTERED BANKS.** See **Taxes**, 2.
- FEDERAL-QUESTION JURISDICTION.** See **Jurisdiction**, 2.
- FEDERAL-STATE RELATIONS.** See **Constitutional Law**, III, X; XI; **Food, Drug, and Cosmetic Act**; **Jurisdiction**, 1; **Limitation Act**; **Taxes**, 2.
- FINAL DECISION.** See **Arbitration**, 1.
- FIRST AMENDMENT.** See **Constitutional Law**, VI.
- FLOOD CONTROL ACT OF 1928.**

Immunity from suit—Flood water damage.—In determining whether Act's immunity from damage caused by flood or flood waters attaches to

FLOOD CONTROL ACT OF 1928—Continued.

United States in a particular case, courts should consider character of waters that caused relevant damage and purposes behind their release rather than relation between that damage and a flood control project. *Central Green Co. v. United States*, p. 425.

FLORIDA. See **Constitutional Law**, IV; **Jurisdiction**, 2.

FOOD, DRUG, AND COSMETIC ACT.

State-law fraud on Food and Drug Administration—Pre-emption.—State-law fraud-on-FDA claims brought by persons allegedly injured by orthopedic bone screws conflict with, and are therefore impliedly preempted by, federal Act, as amended by Medical Devices Amendments of 1976. *Buckman Co. v. Plaintiffs' Legal Comm.*, p. 341.

FOURTEENTH AMENDMENT. See **Constitutional Law**, I; II; IV; **Voting Rights**.

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

FRAUD-ON-FOOD-AND-DRUG-ADMINISTRATION CLAIMS. See **Food, Drug, and Cosmetic Act**.

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

GAMBLING. See **Criminal Law**.

HABEAS CORPUS.

Antiterrorism and Effective Death Penalty Act of 1996—Limitations period—Procedurally barred claims.—State postconviction relief application's inclusion of procedurally barred claims does not render it improperly filed under a provision tolling AEDPA's limitations period during time that a "properly filed" application for such relief is pending. *Artuz v. Bennett*, p. 4.

HAZARDOUS WASTE FACILITY. See **Constitutional Law**, II.

HIGH SCHOOL ATHLETIC ASSOCIATIONS. See **Civil Rights Act of 1871**.

HIGHWAY CHECKPOINTS. See **Constitutional Law**, IX, 1.

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

IMMUNITY FROM SUIT. See **Constitutional Law**, X; **Flood Control Act of 1928**.

IMPRISONMENT.

Early release—Bureau of Prison regulation.—A BOP regulation denying early release to a prisoner whose offense is a felony attended by carry-

IMPRISONMENT—Continued.

ing, possession, or use of a firearm is a permissible exercise of BOP's discretion under 18 U. S. C. § 3621(e)(2)(B), which authorizes it to reduce prison term of an inmate convicted of a nonviolent felony who has successfully completed a substance abuse program. *Lopez v. Davis*, p. 230.

INCOME TAXES. See **Taxes**.

INDEBTEDNESS DISCHARGE. See **Taxes**, 1.

INDIANA. See **Constitutional Law**, IX, 1.

INTRASTATE WATERS. See **Clean Water Act**.

JUDICIAL REVIEW. See **Supreme Court**.

JURISDICTION.

1. *Claim preclusion—Federal common law.*—Because claim-preclusive effect of a federal court's dismissal "upon the merits" of a diversity action on state statute-of-limitations grounds is governed by a federal rule that in turn incorporates claim-preclusion law applied by state courts in State in which federal court sits, a Maryland state court erred in holding that such a dismissal by a California federal court necessarily precluded a Maryland state-court action. *Semtek Int'l Inc. v. Lockheed Martin Corp.*, p. 497.

2. *Federal questions—Presidential election—Vote recount.*—Because of considerable uncertainty as to precise grounds for Florida Supreme Court's decision extending State's deadline for recounts of Presidential votes and directing State's Secretary of State to accept manual recounts submitted prior to that deadline, this Court declines to review federal questions asserted. *Bush v. Palm Beach County Canvassing Bd.*, p. 70.

LEGAL SERVICES CORPORATION ACT. See **Constitutional Law**, VI.

LEGISLATIVE POWERS. See **Constitutional Law**, VII.

LIMITATION ACT.

State personal injury claim—Limitation of liability.—State courts may entertain a seaman's personal injury claims against a vessel owner so long as owner's right to seek limitation of liability in federal court is protected. *Lewis v. Lewis & Clark Marine, Inc.*, p. 438.

LIMITATIONS PERIODS. See **Habeas Corpus**.

LOUISIANA. See **Criminal Law**.

MAIL FRAUD. See **Criminal Law**.

- MARIJUANA.** See **Arbitration**, 2; **Constitutional Law**, IX, 2.
- MARITIME LAW.** See **Limitation Act**.
- MARYLAND.** See **Jurisdiction**, 1.
- MEDICAL DEVICES AMENDMENTS OF 1976.** See **Food, Drug, and Cosmetic Act**.
- MIGRATORY BIRD HABITATS.** See **Clean Water Act**.
- MISSOURI.** See **Constitutional Law**, III; XI; **Taxes**, 2.
- NAVIGABLE WATERS.** See **Clean Water Act**.
- ORTHOPEDIC BONE SCREWS.** See **Food, Drug, and Cosmetic Act**.
- OZONE STANDARDS.** See **Clean Air Act**; **Constitutional Law**, VII.
- PENNSYLVANIA.** See **Constitutional Law**, II.
- POSTCONVICTION RELIEF.** See **Habeas Corpus**.
- PRE-EMPTION.** See **Food, Drug, and Cosmetic Act**.
- PRESIDENTIAL ELECTIONS.** See **Constitutional Law**, IV; **Jurisdiction**, 2.
- PRISON TERMS.** See **Imprisonment**.
- PUBLIC POLICY EXCEPTION TO ARBITRATION AWARD ENFORCEMENT.** See **Arbitration**, 2.
- RACIAL GERRYMANDERING.** See **Voting Rights**.
- RECOUNTING VOTES.** See **Constitutional Law**, IV; **Jurisdiction**, 2.
- REDISTRICTING.** See **Voting Rights**.
- REINSTATEMENT OF WORKERS.** See **Arbitration**, 2.
- RIGHT TO COUNSEL.** See **Constitutional Law**, VIII.
- SCHOOL ATHLETIC ASSOCIATIONS.** See **Civil Rights Act of 1871**.
- S CORPORATION STOCK.** See **Taxes**, 1.
- SEAMEN.** See **Limitation Act**.
- SEARCHES AND SEIZURES.** See **Constitutional Law**, IX.
- SENTENCING.** See **Constitutional Law**, VIII.
- SEXUALLY VIOLENT PREDATORS.** See **Constitutional Law**, I; V.
- SIXTH AMENDMENT.** See **Constitutional Law**, VIII.

SOLID WASTE DISPOSAL. See **Clean Water Act.**

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

STANDING. See **Voting Rights.**

STATE ACTION. See **Civil Rights Act of 1871.**

STATE INCOME TAXES. See **Taxes, 2.**

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

STATUTES OF LIMITATIONS. See **Habeas Corpus.**

STOCK. See **Taxes, 1.**

SUBSTANCE ABUSE PROGRAMS. See **Imprisonment.**

SUPREME COURT.

Dismissal of writ of certiorari.—Because petitioner is not properly situated to raise question on which this Court granted review, petition is dismissed and state court's judgment is left undisturbed. *City News & Novelty, Inc. v. Waukesha*, p. 278.

SUSPECT DETENTION. See **Constitutional Law, IX, 2.**

TAXES.

1. *Federal income taxes—S corporation stock—Increasing bases.*—Internal Revenue Code permits taxpayers to increase bases in their S corporation stock by amount of corporation's discharge of indebtedness excluded from gross income; such an increase occurs before taxpayers are required to reduce corporation's tax attributes. *Gitlitz v. Commissioner*, p. 206.

2. *State income taxes—Federally chartered instrumentality of United States—National Bank for Cooperatives.*—Bank for farm cooperatives, which was designated a federally chartered instrumentality of United States under Farm Credit Act of 1933, is subject to state income taxation. *Director of Revenue of Mo. v. CoBank ACB*, p. 316.

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

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

TERM LIMITS. See **Constitutional Law, III; XI.**

TOLLING OF LIMITATIONS PERIODS. See **Habeas Corpus.**

VIDEO POKER LICENSES. See **Criminal Law.**

VIEWPOINT DISCRIMINATION. See **Constitutional Law, VI.**

VOTE RECOUNTS. See **Constitutional Law, IV; Jurisdiction, 2.**

VOTING RIGHTS.

Standing—Alabama state legislative districts—Appellees’ residence.—Appellees lack standing to challenge their own majority-white voting districts as products of unconstitutional racial gerrymandering that created bordering majority-minority districts because they cannot show that they were assigned to their districts as a direct result of a racial classification. *Sinkfield v. Kelley*, p. 28.

WASHINGTON. See **Constitutional Law**, I; V.

WASTE DISPOSAL. See **Clean Water Act**.

WELFARE. See **Constitutional Law**, VI.

WISCONSIN. See **Supreme Court**.

WORDS AND PHRASES.

1. “*Any scheme or artifice to defraud, or for obtaining . . . property by means of . . . fraudulent . . . representations.*” 18 U. S. C. § 1341. *Cleveland v. United States*, p. 12.

2. “*Flood or flood waters.*” Flood Control Act of 1928, 33 U. S. C. § 702c. *Central Green Co. v. United States*, p. 425.

3. “*Navigable waters.*” § 404(a), Clean Water Act, 33 U. S. C. § 1344(a). *Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers*, p. 159.

WORKER REINSTATEMENT. See **Arbitration**, 2.