

INDEX

ADMINISTRATIVE PROCEDURE ACT. See **Indian Reorganization Act of 1934.**

AGENCY-SHOP AGREEMENTS. See **Constitutional Law, V.**

ALIENS. See **Constitutional Law, VIII.**

ANTI-INJUNCTION ACT. See **Patient Protection and Affordable Care Act.**

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

APPORTIONMENT. See **Constitutional Law, I.**

APPROPRIATIONS. See **Indian Self-Determination and Education Assistance Act.**

ARIZONA. See **Constitutional Law, VIII.**

BURDEN OF PROOF. See **Habeas Corpus.**

CIVIL SERVICE REFORM ACT OF 1978.

Challenges of adverse employment actions—Statutory review scheme—Preclusion of district court jurisdiction.—Act precludes district court jurisdiction over petitioners' claims because it is fairly discernible that Congress intended statute's review scheme to provide exclusive avenue to judicial review for covered employees who challenge covered adverse employment actions, even when those employees argue that a federal statute is unconstitutional. *Elgin v. Department of Treasury*, p. 1.

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

CONGRESSIONAL REDISTRICTING. See **Constitutional Law, I.**

CONSTITUTIONAL LAW. See also **Patient Protection and Affordable Care Act.**

I. Apportionment.

Congressional redistricting.—West Virginia Legislature's redistricting plan adopted following 2010 United States census is justified by State's legitimate objectives; District Court misapplied *Karcher v. Daggett*, 462 U.S. 725, standard for evaluating such challenges, and failed to afford

CONSTITUTIONAL LAW—Continued.

appropriate deference to State's reasonable exercise of its political judgment. *Tennant v. Jefferson County Comm'n*, p. 758.

II. Confrontation of Witnesses.

Forensic specialist testimony—DNA profile matching.—In petitioner's bench trial for rape, testimony of a state police crime lab forensic specialist, who matched a DNA profile produced by an outside laboratory to a profile state lab produced using a sample of petitioner's blood, did not violate petitioner's confrontation rights. *Williams v. Illinois*, p. 50.

III. Cruel and Unusual Punishment.

Juvenile homicide offenders—Mandatory life sentence without parole.—Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile homicide offenders. *Miller v. Alabama*, p. 460.

IV. Due Process.

Federal Communications Commission standards on indecent broadcasts—Fair notice.—Because FCC failed to give Fox or ABC fair notice that fleeting expletives and momentary nudity could be found actionably indecent, Commission's standards as applied to broadcasts at issue were impermissibly vague under Due Process Clause. *FCC v. Fox Television Stations, Inc.*, p. 239.

V. Freedom of Association.

Public-sector union—Special assessment not disclosed with regular assessment—Fresh notice and nonmembers' consent requirements.—Under First Amendment, when a public-sector union imposes a special assessment or dues increase levied to meet expenses that were not disclosed when union's regular assessment was set, it must provide a fresh notice and may not exact any funds from nonmembers without their affirmative consent. *Knox v. Service Employees*, p. 298.

VI. Freedom of Speech.

1. *Political donations—Montana's corporate expenditure limitations.*—First Amendment holding in *Citizens United v. Federal Election Comm'n*, 558 U. S. 310, applies to Montana statute limiting corporate expenditures made in connection with a political candidate or party. *American Tradition Partnership, Inc. v. Bullock*, p. 516.

2. *Stolen Valor Act.*—Ninth Circuit's judgment—that Act, which makes it a crime to falsely claim receipt of military decorations or medals, violates First Amendment—is affirmed. *United States v. Alvarez*, p. 709.

VII. Right to Jury Trial.

Jury's determination of facts—Apprendi's application to criminal fines.—Rule of *Apprendi v. New Jersey*, 530 U. S. 466—that Sixth Amend-

CONSTITUTIONAL LAW—Continued.

ment reserves to juries determination of any fact, other than fact of a prior conviction that increases a criminal defendant's maximum potential sentence—applies to imposition of criminal fines. *Southern Union Co. v. United States*, p. 343.

VIII. Supremacy Clause.

Arizona statute on unlawful aliens—Pre-emption.—Three provisions of an Arizona statute addressing issues related to unlawful immigration are pre-empted, but a fourth—requiring officers to attempt to verify federal immigration status of any person stopped, detained or arrested—was improperly enjoined by District Court before state courts had an opportunity to construe it and without some showing that its enforcement in fact conflicts with federal immigration law. *Arizona v. United States*, p. 387.

CONTRACT SUPPORT COSTS. See **Indian Self-Determination and Education Assistance Act.**

CORPORATE EXPENDITURES ON POLITICAL SPEECH. See **Constitutional Law, VI, 1.**

CRACK-COCAINE SENTENCING GUIDELINES. See **Fair Sentencing Act of 2010.**

CRIMINAL FINES. See **Constitutional Law, VII.**

CRIMINAL LAW. See **Constitutional Law, III; Fair Sentencing Act of 2010; Habeas Corpus.**

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

DNA EVIDENCE. See **Supreme Court.**

DUE PROCESS. See **Constitutional Law, IV; Habeas Corpus.**

DUES PAYMENTS TO LABOR UNIONS. See **Constitutional Law, V.**

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

EMPLOYERS AND EMPLOYEES. See **Civil Service Reform Act of 1978; Fair Labor Standards Act of 1938.**

EXPERT WITNESSES. See **Constitutional Law, II.**

EXPLETIVES IN BROADCASTING. See **Constitutional Law, IV.**

FAIR LABOR STANDARDS ACT OF 1938.

Overtime pay—“Outside salesman” exemption—Pharmaceutical sales representatives.—Petitioner pharmaceutical sales representatives are

FAIR LABOR STANDARDS ACT OF 1938—Continued.

“outside salesmen” exempt from overtime pay requirements of Act. *Christopher v. SmithKline Beecham Corp.*, p. 142.

FAIR NOTICE. See **Constitutional Law, IV.**

FAIR SENTENCING ACT OF 2010.

Lower mandatory minimum sentences for crack cocaine offenses—Post-Act sentencing of pre-Act offenders.—Act’s lower mandatory minimum sentences for crack cocaine offenses apply to those who committed their offenses before Act’s August 3, 2010, effective date but were sentenced after that date. *Dorsey v. United States*, p. 260.

FEDERAL EMPLOYER AND EMPLOYEES. See **Civil Service Reform Act of 1978.**

FEDERAL SENTENCING GUIDELINES. See **Fair Sentencing Act of 2010.**

FEDERAL-STATE RELATIONS. See **Constitutional Law, VIII; Patient Protection and Affordable Care Act.**

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

FORENSIC TESTS. See **Constitutional Law, II.**

FOURTH AMENDMENT. See **Supreme Court.**

FREEDOM OF ASSOCIATION. See **Constitutional Law, V.**

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

HABEAS CORPUS.

Grounds for federal habeas relief—Burden of proving extreme emotional disturbance.—Neither of Sixth Circuit’s grounds for granting respondent habeas relief—(1) that Kentucky Supreme Court impermissibly shifted to him burden of proving extreme emotional disturbance and Commonwealth failed to prove absence of such disturbance beyond a reasonable doubt, and (2) that certain remarks during prosecutor’s closing argument constituted a denial of due process—is valid under Antiterrorism and Effective Death Penalty Act of 1996. *Parker v. Matthews*, p. 37.

HEALTH CARE LAW. See **Patient Protection and Affordable Care Act.**

HOMICIDE. See **Constitutional Law, III.**

IMMIGRATION STATUS. See **Constitutional Law, VIII.**

IMMUNITY FROM SUIT. See **Indian Reorganization Act of 1934.**

INDECENT BROADCASTS. See **Constitutional Law, IV.**

INDIAN REORGANIZATION ACT OF 1934.

Interior Secretary's authority to take land into trust for Indian Tribe—Administrative Procedure Act challenge—Sovereign immunity—Prudential standing.—Federal Government does not have sovereign immunity by virtue of Quiet Title Act from respondent's APA suit challenging Secretary's acquisition of property in trust for petitioner Tribe; respondent has prudential standing to challenge that acquisition because it presents a question of land use that falls within "zone of interests" regulated by IRA. *Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians v. Patchak*, p. 209.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

Self-determination contracts—Contract support costs—Insufficient congressional appropriations.—Consistent with well-established Government contracting law principles, Government must pay in full each respondent Tribe's contract support costs incurred in relation to contracts entered into by Secretary of Interior and Tribes pursuant to Act, even where congressional appropriations are insufficient to pay total amount due all tribal contractors collectively. *Salazar v. Ramah Navajo Chapter*, p. 182.

JURY DETERMINATIONS. See **Constitutional Law, VII.**

JUVENILE OFFENDERS. See **Constitutional Law, III.**

KENTUCKY. See **Habeas Corpus.**

LABOR LAW. See **Constitutional Law, V; Fair Labor Standards Act of 1938.**

LAND USE. See **Indian Reorganization Act of 1934.**

LIFE-IMPRISONMENT SENTENCES. See **Constitutional Law, III.**

MARYLAND. See **Supreme Court.**

MEDICAID ACT. See **Patient Protection and Affordable Care Act.**

MILITARY MEDALS AND DECORATIONS. See **Constitutional Law, VI, 2.**

MONTANA. See **Constitutional Law, VI, 1.**

NONUNION PUBLIC EMPLOYEES. See **Constitutional Law, V.**

NUDITY. See **Constitutional Law, IV.**

ONE-PERSON, ONE-VOTE PRINCIPLE. See **Constitutional Law, I.**

OVERTIME PAY. See **Fair Labor Standards Act of 1938.**

PATIENT PROTECTION AND AFFORDABLE CARE ACT.

Challenge to Act—Anti-Injunction Act—Individual mandate—Congress’ Taxing Clause power—Medicaid severability clause—Withholding of funds from States refusing to comply with expanded Medicaid program.—Challenge to provisions of Act is not barred by Anti-Injunction Act; Act’s individual mandate—requiring that persons pay a “penalty” to Federal Government for noncompliance—is within Congress’ power under Taxing Clause; Medicaid Act’s severability clause applies to a provision permitting Secretary to withhold all federal Medicaid funds from States that refuse to comply with expanded Medicaid program. *National Federation of Independent Business v. Sebelius*, p. 519.

POLITICAL SPEECH. See **Constitutional Law**, VI, 1.

PRE-EMPTION OF STATE LAW. See **Constitutional Law**, VIII.

PRUDENTIAL STANDING. See **Indian Reorganization Act of 1934**.

QUIET TITLE ACT. See **Indian Reorganization Act of 1934**.

REDISTRICTING. See **Constitutional Law**, I.

SALES REPRESENTATIVES. See **Fair Labor Standards Act of 1938**.

SEARCHES AND SEIZURES. See **Supreme Court**.

SENTENCES. See **Fair Sentencing Act of 2010**.

SIXTH AMENDMENT. See **Constitutional Law**, VII.

SOVEREIGN IMMUNITY. See **Indian Reorganization Act of 1934**.

STANDING. See **Indian Reorganization Act of 1934**.

STAYS. See **Supreme Court**.

STOLEN VALOR ACT. See **Constitutional Law**, VI, 2.

SUPREMACY CLAUSE. See **Constitutional Law**, VIII.

SUPREME COURT.

1. Term statistics, p. 1305.

2. *Stays—Pending certiorari petition.*—Maryland Court of Appeals’ judgment overturning respondent’s first-degree rape conviction on ground that collection of his DNA pursuant to Maryland’s DNA Collection Act violated Fourth Amendment is stayed pending a decision on State’s certiorari petition. *Maryland v. King*, (ROBERTS, C. J., in chambers), p. 1301.

TAXING CLAUSE. See **Patient Protection and Affordable Care Act**.

TELEVISION BROADCASTING. See **Constitutional Law**, IV.

UNITED STATES SENTENCING GUIDELINES. See **Fair Sentencing Act of 2010.**

VOID FOR VAGUENESS. See **Constitutional Law, IV.**

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

WORDS AND PHRASES.

“[O]utside salesman.” Fair Labor Standards Act of 1938, 29 U. S. C. § 213(a)(1). *Christopher v. SmithKline Beecham Corp.*, p. 142.

ZONE OF INTERESTS. See **Indian Reorganization Act of 1934.**