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Prepared by Ronald Mann
Includes only Court Opinions
- not dissents or concurring
opinions.

ALIST-RONM-POW
ALPHABETICAL

- Agins v. City of Tiburon, 447 U.S. 255 (1980) (single-family zoning ordinance not a taking on its face)
- ✓ Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983) (invalidating abortion regulations that made a blanket determination that all minors under the age of 15 are too immature to make an abortion decision, and attempting to influence the woman's informed choice)
- Alexander v. "Americans United" Inc., 416 U.S. 752 (1974) (federal tax procedure; applies your opinion in Bob Jones to constitutional claims)
- Alexander v. Gardner-Denver Co., 415 U.S. 36 (1974) (employee gets trial de novo under Title VII even after arbitration of claim under collective bargaining agreement)
- Ambach v. Norwick, 441 U.S. 68 (1979) (state does not violate equal protection by barring aliens from being school teachers)
- Arizona v. Mauro, 107 S.Ct. 1933 (1987) (allowing suspect in custody to speak with his wife did not, under the circumstances, constitute interrogation)
- Arkansas v. Sanders, 442 U.S. 753 (1979) (fourth amendment bars search of luggage taken from car unless exigent circumstances or warrant)
- Armco, Inc. v. Hardesty, 467 U.S. 638 (1984) (wholesale gross receipts tax from which local manufacturers are exempt discriminates against interstate commerce)
- Asarco v. Idaho State Tax Comm'n, 458 U.S. 307 (1982) (state may not include within the taxable income of a nondomiciliary corporation a portion of intangible income that the parent receives from subsidiary corporations having no other connection with the state)
- ✓ Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985) (Congressional abrogation of Eleventh Amendment immunity must be clearly stated in the statute itself)
- Bangor Punta Operations v. Bangor & Aroostook R.R., 417 U.S. 703 (1974) (purchaser of shares cannot sue seller under anti-trust or securities laws for mismanagement known to purchaser at time of sale)
- Barker v. Wingo, 407 U.S. 514 (1972) (your framework for claims under the Speedy Trial Clause)
- Barnes v. United States, 412 U.S. 837 (1973) (due process permits instruction allowing criminal jury to infer knowledge that property is stolen from proof of possession of recently stolen property)
- ✓ Batson v. Kentucky, 106 S.Ct. 1712 (1986) (prosecutor may not exercise peremptory challenges to exclude jurors on account of race)
- Beal v. Doe, 432 U.S. 438 (1977) (Title XIX of the Social Security Act does not require the funding of nontherapeutic abortions)
- Bell v. United States, 462 U.S. 356 (1983) (Federal Bank Robbery Act prohibits obtaining money under false pretenses)
- Bellotti v. Baird, 443 U.S. 622 (1979) (plurality opinion uphold-

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One of my exceptional able Clerks.

- ing parental consent requirement for abortion)
- Blum v. Stenson, 465 U.S. 886 (1984) (Under 42 U.S.C. §1988, fee awards to nonprofit legal service organizations must be based on prevailing market rates; an upward adjustment of the lodestar figure is permissible in exceptional cases)
- ✓ Board of Directors of Rotary International v. Rotary Club of Duarte, 107 S.Ct. 1940 (1987) (California statute requiring Rotary clubs to admit women is consistent with the First Amendment)
- Bob Jones University v. Simon, 416 U.S. 725 (1974) (federal tax procedure; petr cannot seek an injunction against enforcement of certain IRS policies)
- Boeing Co. v. Van Gemert, 444 U.S. 472 (1980) (attorney's fee award a proper application of common fund doctrine)
- Booth v. Maryland, 107 S.Ct. ____ (1987) (victim impact statement inadmissible in capital sentencing proceeding)
- Bowen v. City of New York, 106 S.Ct. 2022 (1986) (District Court properly included within class disability claimants who had received a final decision more than 60 days before the class action was filed, as well as those who had not exhausted their administrative remedies)
- Bowen v. Owens, 106 S.Ct. 1881 (1986) (Social Security survivor's benefits payable to a widowed spouse who remarried after age 60, but not to a similarly-situated divorced widowed spouse, consistent with equal protection principles)
- Bowen v. Public Agencies Opposed to Social Security Entrapment, 106 S.Ct. 2390 (1986) (provision of Social Security Act preventing states from withdrawing state and local government employees from the social security system does not effect a taking)
- Bowen v. United States, 422 U.S. 916 (1975) (Almeida-Sanchez v. United States, 413 U.S. 266 (1973), is not retroactive on direct appeal)
- Bowen v. United States Postal Service, 459 U.S. 212 (1983) (if the plaintiff's damages were caused initially by the employer's unlawful discharge, and then were increased by the union's breach of its duty of fair representation, the damages must be apportioned)
- Bowen v. Yuckert, 107 S.Ct. ____ (1987) (regulation that requires disability claimant to make a threshold showing of medical severity is valid on its face)
- Browder v. Director, 434 U.S. 257 (1978) (motion for stay of conditional habeas grant does not toll time for filing appeal)
- Brown v. Glines, 444 U.S. 348 (1980) (Air Force may require its members to obtain commander's approval before circulating petitions on bases)
- Brown v. Ohio, 432 U.S. 161 (1977) (double jeopardy bar to conviction, at separate trials, for both car theft and joyriding charges arising out of one incident)
- Brown v. Thompson, 462 U.S. 836 (1983) (state did not violate Equal Protection Clause by allocating one seat to a county with a population considerably lower than the average population per state representative)
- Buckley v. Valeo, 424 U.S. 1 (1976) (per curiam) (partially up-

holding the Federal Election Campaign Act)

Burns v. Alcala, 420 U.S. 575 (1975) ("child" under AFDC statute does not include unborn children)

- ✓ Caban v. Mohammed, 441 U.S. 380 (1979) (Equal Protection Clause invalidates state statute that discriminates against unmarried fathers in adoption proceedings)
- ✓ California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc., 445 U.S. 97 (1980) (California wine pricing system violated Sherman Act, and was not saved by state action doctrine of Parker v. Brown)
- Carey v. Piphus, 435 U.S. 247 (1978) (§1983 suits by schoolchildren for procedural due process violations can recover only nominal damages)
- Central Hardware Co. v. NLRB, 407 U.S. 539 (1972) (picketing on employer's premises is not protected by First Amendment; should be evaluated under traditional labor law standards)
- Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980) (regulation completely banning utility from advertising to promote use of electricity violates the First Amendment)
- Chaffin v. Stynchcombe, 412 U.S. 17 (1973) (imposition of higher sentence by jury after second trial does not violate double jeopardy or due process)
- Chambers v. Mississippi, 410 U.S. 284 (1973) (state court erred in barring cross-examination and excluding hearsay testimony offered by petr)
- ✓ Chiarella v. United States, 445 U.S. 222 (1980) (a duty to disclose under §10(b) of the Securities Exchange Act does not arise from the mere possession of nonpublic market information)
- Colorado v. Spring, 107 S.Ct. 851 (1987) (suspect need not be aware of all crimes about which he may be questioned to waive his Fifth Amendment privilege)
- Commissioner v. Fink, 107 S.Ct. ____ (1987) (non pro rata surrender of shares to the corporation must be treated as a contribution to the corporation's capital)
- Commissioner v. First Security Bank, 405 U.S. 394 (1972) (federal tax; commission income from other members of a controlled group could not be reallocated to resps who were prohibited by law from receiving such income)
- Commissioner v. Portland Cement Co. of Utah, 450 U.S. 156 (1981) (cement company's "first marketable product" for purposes of depletion deduction is cement)
- Committee for Public Education v. Nyquist, 413 U.S. 756 (1973) (tuition reimbursement grants for parents of students in religious schools violate Establishment Clause)
- Connell Construction Co. v. Plumbers & Steamfitters Local, 421 U.S. 616 (1975) (labor law does not bar antitrust suit challenging certain "hot cargo" agreements)
- Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980) (order prohibiting utility from including in monthly utility bills inserts discussing controversial issues of public policy violates the First Amendment)

- Consolidated Rail Corp. v. Darrone, 465 U.S. 624 (1984) (suit under §504 of the Rehabilitation Act of 1973 may be maintained even if the defendant receives no federal aid for the primary purpose of promoting employment)
- ✓ Continental TV, Inc. v. GTE Sylvania Inc., 433 U.S. 36 (1977) (rejecting per se rule invalidating certain vertical price restraints)
- Couch v. United States, 409 U.S. 322 (1973) (5th Am. does not prohibit compelled production of business records in the possession of petr's accountant)
- Crawford v. Los Angeles Board of Education, 458 U.S. 527 (1982) (amendment to state constitution forbidding state courts to order mandatory pupil assignment or transportation unless a federal court would do so to remedy an equal protection violation is constitutional)
- CTS Corp. v. Dynamics Corp. of America, 107 S.Ct. 1637 (1987) (Indiana statute regulating takeovers is not preempted by the Williams Act and does not violate the Commerce Clause)
- Cuyler v. Sullivan, 446 U.S. 335 (1980) (state prisoner may obtain a federal writ of habeas corpus only on a showing that an actual conflict of interest adversely affected his lawyer's performance)
- Darden v. Wainwright, 106 S.Ct. 2464 (1986) (rejects challenges based on exclusion of juror for cause, prosecutor's closing argument, and ineffective assistance of counsel in a capital case)
- Dalia v. United States, 441 U.S. 238 (1979) (fourth amendment permits covert entries to place wiretaps under the limits prescribed in Title III)
- Davis v. Scherer, 468 U.S. 183 (1984) (state official does not lose qualified immunity from liability under §1983 merely by violating the clear command of a state administrative regulation)
- Delaware State College v. Ricks, 449 U.S. 250 (1980) (statute of limitations on Title VII and §1981 claims began to run when only alleged discrimination occurred)
- Dillard v. Industrial Comm'n, 416 U.S. 783 (1974) (remanding to dc for reconsideration of procedural due process issue in light of changes in state law)
- Dirks v. SEC, 463 U.S. 646 (1983) (tippee's duty to disclose or abstain from trading on inside information is derivative from insider's duty, if tippee knows or should have known there was a breach)
- Douglas Oil Co. v. Petrol Stops Northwest, 441 U.S. 211 (1979) (standard for disclosure of grand jury materials)
- Doyle v. Ohio, 426 U.S. 610 (1976) (bars impeachment of defendants by reference to their silence after receiving Miranda warnings)
- Dunn & Bradstreet, Inc. v. Greenmoss Builders, Inc., 472 U.S. 749 (1985) (plurality opinion) ("actual malice" requirement does not apply to matters of purely private concern)
- Eastex, Inc. v. NLRB, 437 U.S. 556 (1978) (union members can circulate union newsletter on petr's property during nonworking hours)

- ✓ Eddings v. Oklahoma, 455 U.S. 104 (1982) (sentencer in a capital case may not be precluded as a matter of law from considering the defendant's turbulent family history and emotional disturbance as mitigating factors)
- Eisen v. Carlisle & Jacquelin, 417 U.S. 156 (1974) (allocation of burden of notice in class action is appealable final order; Rule 23 requires individual notice to each identifiable member of class)
- Ernst & Ernst v. Hochfelder, 425 U.S. 185 (1976) (10b-5 action requires "scienter")
- Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975) (ordinance barring films with nudity at drive-in theatres violates First Amendment)
- Farmer v. United Brotherhood of Carpenters, 430 U.S. 290 (1977) (federal labor law does not preempt certain state tort actions for intentional infliction of emotional distress)
- FCC v. ITT World Communications, Inc., 466 U.S. 463 (1984) (Sunshine Act does not apply to informal international conferences attended by members of the FCC; district court lacked jurisdiction over suit challenging agency conduct as ultra vires)
- FTC v. Standard Oil Co. of California, 449 U.S. 232 (1980) (issuance of a complaint by the FTC is not "final agency action" subject to judicial review before the administrative adjudication concludes)
- Fiallo v. Bell, 430 U.S. 787 (1977) (upholding immigration act that discounts hardship to parent of resident illegitimate child, although recognizing similar hardship to parent of legitimate child)
- ✓ First National Bank v. Bellotti, 435 U.S. 765 (1978) (state statute prohibiting political speech by corporations violates the First Amendment)
- Foremost-McKesson, Inc. v. Provident Securities Co., 423 U.S. 232 (1976) (no liability under §16(b) of the Securities Exchange Act unless insider had 10% both before purchase and before sale)
- Friedman v. Rogers, 440 U.S. 1 (1979) (upholding Texas statute regulating opticians' trade names; does not violate First Amendment commercial speech rules)
- Fusari v. Steinberg, 419 U.S. 379 (1975) (remanding to dc for reconsideration of procedural due process claim in light of changes in state law)
- Gagnon v. Scarpelli, 411 U.S. 778 (1973) (procedural due process requires hearing before revocation of probation; counsel required in complex cases only)
- Garner v. United States, 424 U.S. 648 (1976) (responses on tax return were admissible in criminal prosecution because they had not been compelled)
- Gateway Coal Co. v. United Mine Workers, 414 U.S. 368 (1974) (no-strike clause applies to safety disputes; union must arbitrate first)
- ✓ Gerstein v. Pugh, 420 U.S. 103 (1975) (fourth amendment requires demonstration of probable in judicial hearing before prolonged detention)

- ✓ Gertz v. Robert Welch, 418 U.S. 323 (1974) (no New York Times protection for statements about nonpublic figure even if the statements concern issues of public interest; but no punitive damages against press defendant unless statements made with malice or reckless disregard for truth)
- Gladstone v. Village of Bellwood, 441 U.S. 91 (1979) (village has standing under Title III to challenge discriminatory practices of real estate brokers)
- Gould v. Rufenacht, 471 U.S. 701 (1985) (sale of 50 percent of the stock of a company is a securities transaction subject to the antifraud provisions of the securities laws)
- Greer v. Miller, 107 S.Ct. ____ (1987) (prosecutor's question concerning defendant's postarrest silence did not violate Doyle v. Ohio)
- ✓ Gregg v. Georgia, 428 U.S. 153 (1976) (joint opinion) (upholding Georgia's post-Furman death penalty statute)
- Gulf Oil Corp. v. Copp Paving Co., 419 U.S. 186 (1974) (sale of materials for constructing interstate highways is an act "in commerce" under the Clayton Act but does not automatically "affect" commerce; government must prove "effect" by additional evidence)
- Gulf Offshore Co. v. Mobil Oil Corp., 453 U.S. 473 (1981) (federal courts do not have exclusive jurisdiction over personal injury and indemnity cases arising under the Outer Continental Shelf Lands Act)
- Gulf Oil Co. v. Bernard, 452 U.S. 89 (1981) (a district court may limit communications from named plaintiffs and their counsel to prospective plaintiffs in a class action only on the basis of specific findings reflecting a weighing of the need for a limitation and the potential interference with the parties' rights)
- ✓ Town of Hallie v. City of Eau Claire, 471 U.S. 34 (1985) (municipalities anticompetitive activities, authorized but not compelled by the state, are immune from federal antitrust challenge under the state action doctrine even though the state does not actively supervise the conduct)
- ✓ Harlow v. Fitzgerald, 457 U.S. 800 (1982) (executive officials generally are entitled to qualified immunity in actions for damages)
- Healy v. James, 408 U.S. 169 (1972) (allows school administrators to prohibit local chapter of Students for a Democratic Society on the ground that the national chapter supports violent and disruptive activities)
- Heckler v. Campbell, 461 U.S. 458 (1983) (medical-vocational guidelines for determining disability are valid)
- Heckler v. Day, 467 U.S. 104 (1984) (injunction requiring Secretary to adjudicate disputed disability claims according to judicially-established deadlines was invalid)
- Henderson v. United States, 106 S.Ct. 1871 (1986) (Speedy Trial Act exclusion for delays resulting from any pretrial motion is not limited to reasonably necessary delays, and applies to the filing of posthearing briefs on motions)

- Hensley v. Eckerhart, 461 U.S. 424 (1983) (Where plaintiff achieves only limited success, court should award attorney's fees that are reasonable in relation to the results obtained under 42 U.S.C. §1988)
- Hoover v. Ronwin, 466 U.S. 558 (1984) (grading of Arizona bar examinations is immune from Sherman Act under state action doctrine)
- Hudson v. Louisiana, 450 U.S. 40 (1981) (Double Jeopardy Clause prohibits retrial for first-degree murder after judge granted motion for new trial on the ground that the evidence was legally insufficient to support the jury's guilty verdict)
- Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976) (commerce clause sometimes does not prohibit state from acting in the marketplace to favor its own citizens)
- Hunt v. McNair, 413 U.S. 734 (1973) (Establishment Clause allows state to issue bonds to raise money and then loan it for construction of nonreligious buildings on religious campus)
- Iannelli v. United States, 420 U.S. 770 (1975) (permissible to convict persons for substantive offense of owning a large gambling operation as well as conspiracy to own such an operation)
- Imbler v. Pachtman, 424 U.S. 409 (1976) (prosecutors are immune from suit under §1983)
- ✓ In re Griffiths, 413 U.S. 717 (1973) (violates equal protection for states to bar aliens from being lawyers)
- In re Primus, 436 U.S. 412 (1978) (freedom of association prevents sanctioning NAACP lawyers for soliciting business)
- In re R. M. J., 455 U.S. 191 (1982) (state regulations of lawyer advertising were invalid because they were not narrowly focused on regulating misleading advertisements)
- ✓ Ingraham v. Wright, 430 U.S. 651 (1977) (eighth amendment does not prohibit corporal punishment of schoolchildren; minimal process is due before punishment)
- International Brotherhood of Teamsters v. Daniel, 439 U.S. 551 (1979) (noncontributory compulsory pension plan not covered by federal securities laws)
- International Longshoremen's Ass'n v. Allied International, Inc., 456 U.S. 212 (1982) (union's refusal to unload cargoes arriving from or destined for the Soviet Union is an illegal secondary boycott)
- International Paper Co. v. Ouellette, 107 S.Ct. 805 (1987) (Clean Water Act preempts common law nuisance suit to the extent the suit seeks to impose liability on a point source in another state)
- James v. Strange, 407 U.S. 128 (1972) (Kansas statute that allows the state to recover legal defense fees in subsequent proceedings against indigent defendants violates the Equal Protection Clause because it treats these defendants differently than other indigent debtors)
- Jefferson County Pharmaceutical Ass'n v. Abbott Laboratories, 460 U.S. 150 (1983) (sale of pharmaceutical products to state and local government hospitals for resale in competition with private pharmacies is not exempt from the Robinson-Patman Act)

- Jenkins v. Anderson, 447 U.S. 231 (1980) (use of prearrest silence to impeach credibility does not violate Fifth or Fourteenth Amendments)
- Jones v. United States, 463 U.S. 354 (1983) (period of commitment to a mental hospital upon acquittal by reason of insanity may exceed maximum prison term for the crime)
- Jurek v. Texas, 428 U.S. 262 (1976) (joint opinion) (upholding Texas' post-Furman death penalty statute)
- Kassel v. Consolidated Freightways Corp., 450 U.S. 662 (1981) (plurality opinion) (state statute prohibiting 65-foot double trailer trucks unconstitutionally burdens interstate commerce)
- Kastigar v. United States, 406 U.S. 441 (1972) (immunity from use of compelled testimony, although less generous than transactional immunity, is constitutionally acceptable)
- Kelly v. Robinson, 107 S.Ct. 353 (1986) (criminal restitution orders are not dischargeable in Chapter 7 bankruptcy proceedings)
- ✓ Kuhlmann v. Wilson, 106 S.Ct. 2616 (1986) (plurality opinion) (successive federal habeas petition should be entertained only if petitioner makes a colorable showing of factual innocence)
- Lalli v. Lalli, 439 U.S. 259 (1978) (plurality opinion upholding against equal protection challenge a statute that requires determination of paternity during lifetime of father)
- Landreth Timber Co. v. Landreth, 471 U.S. 681 (1985) (sale of all the stock of a company is a securities transaction subject to the antifraud provisions of the securities laws)
- Lee v. United States, 432 U.S. 23 (1977) (petr seeks dismissal of information for technical defect; retrial after dismissal does not violate double jeopardy)
- Lehman v. Lycoming County Children's Services Agency, 458 U.S. 502 (1982) (habeas corpus statute does not confer jurisdiction on federal courts to consider collateral challenges to state-court judgments involuntarily terminating parental rights)
- Lloyd Corp. v. Tanner, 407 U.S. 551 (1972) (First Amendment does not protect general-purpose handbills at certain shopping malls)
- Lockhart v. United States, 460 U.S. 125 (1983) (application of §5 of the Voting Rights Act)
- Lockheed Aircraft Corp. v. United States, 460 U.S. 190 (1983) (the Federal Employees' Compensation Act does not bar third parties from seeking indemnity for damages awarded to a government employee who suffers a work-related injury)
- Maher v. Roe, 432 U.S. 464 (1977) (states need not subsidize abortions)
- Marks v. United States, 430 U.S. 188 (1977) (Miller v. California, 413 U.S. 15 (1973), is not applied retroactively to the detriment of a criminal defendant)
- Martinez v. Bynum, 461 U.S. 321 (1983) (bona fide residency requirement for minors who wish to attend free public schools is constitutional)
- ✓ Mathews v. Eldridge, 424 U.S. 319 (1976) (your framework for pro-

- cedural due process cases; upholds termination of disability benefits without full evidentiary hearing)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp.**, 106 S.Ct. 1348 (1986) (to survive motion for summary judgment in predatory pricing case, plaintiff must show a rational motive to conspire, or persuasive evidence that tends to exclude the possibility of independent action)
- Mayor of Philadelphia v. Educational Equality League**, 415 U.S. 605 (1974) (reversing injunction against petr on the grounds that there was insufficient proof of racial discrimination)
- ✓ **McCleskey v. Kemp**, 107 S.Ct. 1756 (1987) (statistical study indicating that racial considerations enter into capital sentencing determinations does not prove that particular defendant's death sentence is unconstitutional)
- ✓ **McDonnell Douglas Corp. v. Green**, 411 U.S. 792 (1973) (Title VII burdens of proof)
- McGinnis v. Royster**, 410 U.S. 263 (1973) (equal protection satisfied by statute that grants good-time credit for time in state prison but not for time in county jails)
- McLucas v. DeChamplain**, 421 U.S. 21 (1975) (applying your opinion in Schlesinger to bar injunction against court-martial when plaintiff claims that statute authorizing prosecution is unconstitutional)
- Memphis Community School Dist. v. Stachura**, 106 S.Ct. 2537 (1986) (damages based on the factfinder's assessment of the value or importance of constitutional rights are not a permissible element of compensatory damages in a §1983 action)
- Memphis Light, Gas & Water Div. v. Craft**, 436 U.S. 1 (1978) (insufficient process provided before cutting off utilities)
- Metropolitan Edison Co. v. NLRB**, 460 U.S. 693 (1983) (absent an explicit contractual duty, an employer may not discipline union officials more severely than other union employees for participating in an unlawful work stoppage)
- Metropolitan Life Insurance Co. v. Ward**, 470 U.S. 869 (1985) (taxation of out-of-state insurance companies at a higher rate than domestic insurance companies violates the Equal Protection Clause)
- Michigan v. Clifford**, 464 U.S. 287 (1984) (plurality opinion) (administrative search of a fire-damaged residence requires a warrant absent consent or exigent circumstances)
- Michigan v. Payne**, 412 U.S. 47 (1973) (North Carolina v. Pearce, 395 U.S. 71 (1969), is not retroactive to proceedings occurring before decision of Pearce)
- Middlesex County Sewerage Auth. v. National Sea Clammers Ass'n**, 453 U.S. 1 (1981) (there is no implied private right of action under the Federal Water Pollution Control Act or the Marine Protection, Research, and Sanctuaries Act, and the former statute preempts federal nuisance law)
- Midlantic National Bank v. New Jersey Dept. of Environmental Protection**, 106 S.Ct. 755 (1986) (a trustee in bankruptcy may not abandon property in contravention of a state statute or regulation that protects public health or safety)

- Mills v. Rogers, 457 U.S. 291 (1982) (concerned whether involuntarily committed mental patients have a right to refuse treatment with antipsychotic drugs; remanded to determine whether the judgment rested on an alternative state ground)
- Monsanto Co. v. Spray-Rite Service Corp., 465 U.S. 752 (1984) (vertical price-fixing conspiracy must be proved by evidence that tends to exclude the possibility the manufacturer and distributors acted independently)
- Montana v. Blackfeet Tribe, 471 U.S. 759 (1985) (state may not tax Tribe's royalty interests under oil and gas leases issued to non-Indians)
- ✓ Moore v. City of East Cleveland, 431 U.S. 494 (1977) (due process prohibits zoning ordinance that prevents grandmother from living with her grandchild)
- Moore v. Illinois, 434 U.S. 220 (1977) (right to counsel violated by pretrial identification of unrepresented petr at preliminary hearing)
- Morris v. Gressette, 432 U.S. 491 (1977) (nunc pro tunc objection to new election plan invalid under Voting Rights Act)
- Mullaney v. Wilbur, 421 U.S. 684 (1975) (due process requires state to prove beyond reasonable doubt the absence of "heat of passion" in manslaughter prosecution)
- National Gerimedical Hospital v. Blue Cross, 452 U.S. 378 (1981) (refusal by Blue Cross to accept hospital as a participating member is not immune from antitrust scrutiny under the National Health Planning and Resources Development Act of 1974)
- NLRB v. Bell Aerospace Co., 416 U.S. 267 (1974) (remanding for reconsideration to the NLRB; certain "buyers" may be managerial employees not governed by the NLRA)
- NLRB v. Baptist Hospital, Inc., 442 U.S. 773 (1979) (resp can prohibit union solicitation in hallways, but not in cafeterias)
- NLRB v. Retail Store Employees, 447 U.S. 607 (1980) (secondary product picketing that reasonably can be expected to threaten neutral parties with ruin or substantial loss violates the NLRA)
- NLRB v. Yeshiva University, 444 U.S. 672 (1980) (full-time faculty members are managerial employees excluded from the coverage of the NLRA)
- Nader v. Allegheny Airlines, 426 U.S. 290 (1976) (Federal Aviation Act does not preempt common-law action for deception by air carrier)
- Navarro Savings Ass'n v. Lee, 446 U.S. 458 (1980) (individual trustees of a Massachusetts business trust may invoke diversity jurisdiction on the basis of their own citizenship)
- Neil v. Biggers, 409 U.S. 188 (1972) (pretrial identification in this case sufficiently reliable to comport with due process)
- New York State Dep't of Social Servs. v. Dublino, 413 U.S. 405 (1973) (AFDC program preempts state program requiring AFDC recipients to work)
- Town of Newton v. Rumery, 107 S.Ct. 1187 (1987) (an agreement not to file a §1983 action in return for the dismissal of pending criminal charges is enforceable in a proper case)

- ✓ **Nixon v. Fitzgerald**, 457 U.S. 731 (1982) (President is absolutely immune from liability for damages predicated on his official acts)
- Nixon v. Warner Communications, Inc.**, 435 U.S. 589 (1978) (dc need not release petr's private records used as evidence in criminal trial of petr's coconspirators)
- Ohralik v. Ohio State Bar Ass'n**, 436 U.S. 447 (1978) (freedom of association does not give all lawyers a right to solicit business)
- Oliver v. United States**, 466 U.S. 170 (1984) (open fields doctrine applicable even if officers would be trespassers at common law, and in spite of seclusion of property or erection of fences and "No Trespassing" signs)
- County of Oneida v. Oneida Indian Nation**, 470 U.S. 226 (1985) (tribes have a common law right of action for allegedly unlawful conveyance of tribal lands)
- Oppenheimer Fund, Inc. v. Sanders**, 437 U.S. 340 (1978) (class action plaintiffs must bear the cost of sending notice, but dc can require defendants to locate names of members at plaintiff's expense)
- Pacific Gas and Electric Co. v. Public Utilities Commission of California**, 106 S.Ct. 903 (1986) (plurality opinion) (utilities commission may not require privately-owned utility to include in its billing envelopes speech with which it disagrees)
- Pattern Makers v. NLRB**, 473 U.S. 95 (1985) (union may fine members who, in violation of the union's constitution, resign from the union and return to work during a strike)
- Patton v. Yount**, 467 U.S. 1025 (1984) (trial court's finding that pretrial publicity did not deny the defendant his Sixth Amendment right to an impartial jury was not manifest error)
- Pennhurst State School and Hospital v. Halderman**, 465 U.S. 89 (1984) (a federal court may not award injunctive relief against state officials on the basis of state law)
- Pennsylvania v. Ritchie**, 107 S.Ct. 989 (1987) (father charged with sexual abuse of his daughter is entitled to know whether investigative file contains information that could have changed the outcome of the trial, but is not entitled to personally inspect the file)
- Pennsylvania Bureau of Correction v. United States Marshals Service**, 106 S.Ct. 355 (1985) (District Court has no authority to compel Marshals Service to transport state prisoner to federal court to testify in a §1983 action brought against county officials)
- Pennzoil Co. v. Texaco**, 107 S.Ct. 1519 (1987) (under Younger v. Harris principles, federal court may not enjoin plaintiff who has prevailed in state court from executing the judgment pending appeal to the state court)
- P.C. Pfeiffer Co. v. Ford**, 444 U.S. 69 (1979) (workers who were engaged in intermediate steps of moving cargo between ship and land transportation were engaged in maritime employment within the meaning of the Longshoremen's and Harbor Workers' Compensation Act)

- Pillsbury Co. v. Conboy, 459 U.S. 248 (1983) (a deponent's civil testimony that repeats verbatim or closely tracks his immunized testimony may not be compelled over a valid assertion of Fifth Amendment privilege)
- Pittsburgh Press Co. v. Pittsburgh Comm'n on Human Relations, 413 U.S. 376 (1973) (freedom of speech prohibits restrictions on newspaper advertising)
- Planned Parenthood Ass'n of Kansas City, Missouri v. Ashcroft, 462 U.S. 476 (1983) (second-trimester hospitalization requirements infringes constitutional right to an abortion)
- Polk County v. Dodson, 454 U.S. 312 (1981) (a public defender does not act "under color of state law" when representing an indigent defendant in a state criminal proceeding)
- Procunier v. Martinez, 416 U.S. 396 (1974) (invalidating a complete ban on correspondence between press and prisoners)
- Proffitt v. Florida, 428 U.S. 242 (1976) (joint opinion) (upholding Florida's post-Furman death penalty statute)
- Raymond Motor Transportation, Inc. v. Rice, 434 U.S. 429 (1978) (truck length regulations violate commerce clause)
- ✓ Regents of the University of California v. Bakke, 438 U.S. 265 (1978) (your standards for affirmative action)
- Rhodes v. Chapman, 452 U.S. 337 (1981) (double-celling of prisoners is not cruel and unusual punishment)
- Ristaino v. Ross, 424 U.S. 589 (1976) (due process does not require states always to permit questioning of venirepersons about racial bias)
- Roadway Express, Inc. v. Piper, 447 U.S. 752 (1980) (federal courts have inherent power to tax attorney's fees against counsel who have conducted litigation in bad faith)
- Roberts v. Louisiana, 428 U.S. 325 (1976) (joint plurality opinion) (invalidating Louisiana's post-Furman death penalty statute)
- Roberts v. United States, 445 U.S. 552 (1980) (sentencing court properly considered defendant's refusal to cooperate with officials investigating a criminal conspiracy in which he was a confessed participant)
- Rose v. Clark, 106 S.Ct. 3101 (1986) (harmless error analysis applies to jury instructions that unconstitutionally shift the burden of proof to a criminal defendant)
- Rowan Cos. v. United States, 452 U.S. 247 (1981) (wages do not include the value of meals and lodging provided for the employers' convenience for purposes of the Federal Insurance Contributions Act and the Federal Unemployment Tax Act)
- St. Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531 (1978) (McCarran-Ferguson Act does not bar antitrust suit against insurance companies engaged in a boycott)
- San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973) (equal protection met by school financing system)
- San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 107 S.Ct. ____ (1987) (Amateur Sports Act of 1978 authorizes U.S. Olympic Committee to prohibit certain commercial and promotional uses of the word "olympic," and this authorization is constitutional)

- Schneider Moving & Storage Co. v. Robbins, 466 U.S. 364 (1984) (trustees of multiemployer trust funds may seek judicial enforcement of trust terms against an employer without first submitting to arbitration an underlying dispute about the meaning of a term in the collective bargaining agreement)
- Shadwick v. City of Tampa, 407 U.S. 345 (1972) (Fourth Amendment permits issuance of minor warrants by municipal court clerks who are not lawyers)
- Schlesinger v. Councilman, 420 U.S. 738 (1975) (dc should refrain from enjoining military prosecutions except in unusual cases; resp must exhaust military remedies before suing in dc)
- Schweiker v. Gray Panthers, 453 U.S. 34 (1981) (Medicaid regulations that "deem" a portion of the spouse's income to be available to the applicant are reasonable)
- Schweiker v. McClure, 456 U.S. 188 (1982) (Congress may provide, consistent with due process, that hearings on certain disputed insurance claims may be held by private insurance carriers without further right of appeal)
- Seattle Times Co. v. Rhinehart, 467 U.S. 20 (1984) (states may prohibit parties to civil litigation from disseminating, in advance of trial, information gained from pretrial discovery)
- Securities Industry Ass'n v. Board of Governors of the Federal Reserve System, 468 U.S. 137 (1984) (Federal Reserve may authorize bank holding company to acquire a nonbanking affiliate engaged principally in retail securities brokerage)
- Shea v. Vialpando, 416 U.S. 251 (1974) (deduction for "any" work expenses in calculating AFDC payments is violated by a Colorado regulation that sets a uniform allowance for transportation expenses)
- Simon v. Eastern Kentucky Welfare Rights Organization, 426 U.S. 26 (1976) (no standing by low-income individuals to challenge federal tax regulations governing operation of charity hospitals)
- Simopoulos v. Virginia, 462 U.S. 506 (1983) (requirement that second-trimester abortions be performed at licensed clinics is reasonable)
- Sloan v. Lemon, 413 U.S. 825 (1973) (applies your opinion in Committee v. Nyquist to invalidate Pa. tuition reimbursement program)
- ✓ Smith v. Goguen, 415 U.S. 566 (1974) (statute prohibiting contemptuous treatment of the flag is void for vagueness) *Pat Curran*
- ✓ Solem v. Helm, 463 U.S. 277 (1983) (Eighth Amendment prohibits) *wrote* disproportionate sentences)
- Southern Motor Carriers Rate Conference v. United States, 471 U.S. 48 (1985) (motor carriers' collective ratemaking activities immune from federal antitrust liability under the state action doctrine)
- Southeastern Community College v. Davis, 442 U.S. 397 (1979) (Rehabilitation Act does not proscribe reasonable physical qualifications for admission to graduate school)
- ✓ Stone v. Powell, 428 U.S. 465 (1976) (fourth amendment claims cannot be raised on federal habeas)

- Stringfellow v. Concerned Neighbors in Action, 107 S.Ct. 1177 (1987) (order granting permissive intervention but denying intervention of right is not immediately appealable)
- ✓ Supreme Court of New Hampshire v. Piper, 470 U.S. 274 (1985) (Privileges and Immunities Clause of Art. IV prohibits states from limited bar admission to state residents)
- Taylor v. Kentucky, 436 U.S. 478 (1978) (due process violated by refusal to give instruction on presumption of innocence)
- Texas Dept. of Community Affairs v. Burdine, 450 U.S. 248 (1981) (when a Title VII plaintiff has made out a prima facie case of discrimination, the burden shifts to the defendant to explain clearly the nondiscriminatory reasons for its actions)
- 324 Liquor Corp. v. Duffy, 107 S.Ct. 720 (1987) (state liquor pricing system that permits wholesalers to set retail prices is not valid under the state action exemption to the anti-trust laws or the Twenty-first Amendment)
- Trans World Airlines, Inc. v. Thurston, 469 U.S. 111 (1985) (airline that permits captains to transfer to flight engineer positions must provide this privilege of employment to captains disqualified by age under the Age Discrimination in Employment Act; ADEA violation is "willful" if employer knew or showed reckless disregard for whether the conduct was prohibited)
- Trimble v. Gordon, 430 U.S. 762 (1977) (invalidating statute under equal protection clause that bars illegitimate children from inheriting from their father by intestate succession)
- United Housing Foundation, Inc. v. Forman, 421 U.S. 837 (1975) (interest in public housing project was not a security because it was not purchased to make a profit)
- United States v. Basye, 410 U.S. 441 (1973) (income taxable to partnership when it receives it, even if allocation among partners depends on future events)
- United States v. Brignoni-Ponce, 422 U.S. 873 (1975) (fourth amendment requires reasonable suspicion for searches near, but not at, border or its functional equivalent)
- United States v. Byrum, 408 U.S. 125 (1972) (rejects Commissioner's contention that certain stock placed in inter vivos trust was portion of decedent's estate for federal tax purposes)
- United States v. Calandra, 414 U.S. 338 (1974) (fourth amendment does not justify witness's refusing to answer questions to grand jury merely because the questions rest on evidence obtained in unlawful search)
- United States v. Connecticut National Bank, 418 U.S. 656 (1974) (relevant market for this bank merger case is local commercial banks, not all Connecticut banks of any kind)
- United States v. Consumer Life Ins. Co., 430 U.S. 725 (1977) (certain reserves for insurance premiums under state law were not shams to be disregarded under federal tax laws)
- United States v. Doe, 465 U.S. 605 (1984) (contents of business records of a sole proprietorship are not subject to Fifth Amendment privilege, but act of producing them is)

- United States v. Donovan, 429 U.S. 413 (1977) (under Crime Control Act, government must name all criminals whose conversations it expects to intercept; must identify all whose conversations have been intercepted; no suppression for failure to follow these rules)
- United States v. Erika, Inc., 456 U.S. 202 (1982) (Court of Claims has no jurisdiction to review determinations by private insurance carriers of the amount of benefits payable under Part B of the Medicare statute)
- United States v. Hohri, 107 S.Ct. ____ (1987) (The Court of Appeals for the Federal Circuit has jurisdiction over "mixed" cases raising both a nontax Little Tucker Act claim and a claim under the Federal Tort Claims Act)
- United States v. Inadi, 106 S.Ct. 1121 (1985) (Confrontation Clause does not require a showing of unavailability as a condition to admission of out-of-court statements of a non-testifying co-conspirator)
- United States v. James, 106 S.Ct. 3116 (1986) (Flood Control Act's immunity provisions bar recovery from United States for flood damages even though government otherwise would be liable under Federal Tort Claims Act)
- United States v. Loud Hawk, 106 S.Ct. 648 (1986) (Speedy Trial Clause does not apply before defendants have been indicted; delay attributable to interlocutory appeals does not violate the Clause)
- United States v. Johnson, 107 S.Ct. ____ (1987) (Feres doctrine bars action under Federal Tort Claims Act on behalf of a member of the service killed during an activity incident to service due to the negligence of a civilian employee of the government)
- United States v. Marine Bancorporation, Inc., 418 U.S. 602 (1974) (relevant market in bank merger is local area; merger can go forward when state laws make it unlikely that merged bank will be able to expand to cause anticompetitive effects)
- United States v. Martinez-Fuerte, 428 U.S. 543 (1976) (fourth amendment permits routine stops at permanent checkpoints by border officials, even without probable cause)
- United States v. Miller, 425 U.S. 435 (1976) (fourth amendment does not bar subpoena against bank records)
- United States v. Moore, 423 U.S. 122 (1975) (approves prosecution of physician under Controlled Substances Act for acts beyond the scope of ordinary professional practice)
- United States v. Nat'l Ass'n of Securities Dealers, 422 U.S. 694 (1975) (mutual fund broker-dealers are not "dealers" protected from antitrust liability by §22(d) of the Investment Act, but are protected somewhat by price maintenance provision of §22(f) of the Act)
- United States v. Nobles, 422 U.S. 225 (1975) (approves compelled production of prior written statements by nonparty-witness at criminal trial)
- United States v. Ortiz, 422 U.S. 891 (1975) (fourth amendment prohibits nonconsensual searches without probable cause in areas near, but not at, the border)

United States v. Payner, 447 U.S. 727 (1980) (defendant lacks standing to exclude documents illegally seized from a third party if the defendant's legitimate expectations of privacy were not violated)

United States v. Ptasynski, 462 U.S. 74 (1983) (excluding geographically defined class of oil from Crude Oil Windfall Profit Tax Act does not violate Uniformity Clause)

✓ United States v. United States District Court, 407 U.S. 297 (1972) (fourth amendment requires warrant for searches even when national security is involved)

United States v. Yermian, 468 U.S. 63 (1984) (government need not prove that false statement was made with actual knowledge of federal agency jurisdiction to make out a violation of 18 U.S.C. §1001)

United States Dept. of Transportation v. Paralyzed Veterans of America, 106 S.Ct. 2705 (1986) (Section 504 of the Rehabilitation Act of 1973 does not apply to commercial airlines)

United States Steel Corp. v. Multistate Tax Commission, 434 U.S. 452 (1978) (compacts clause does not require congressional approval of agreements that do not enhance the political power of the states)

Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977) (must show actual intent to establish violation of equal protection on the basis of racial discrimination)

Waller v. Georgia, 467 U.S. 39 (1984) (suppression hearing may not be closed to the public unless no other or narrower measures would protect the party's interest)

Warth v. Seldin, 422 U.S. 490 (1975) (no standing to challenge exclusionary zoning by corporation that wants to build low-cost housing, by local taxpayers, or by local minority citizens)

Watt v. Alaska, 451 U.S. 259 (1981) (Mineral Leasing Act provides formula for distributing oil and gas leases on reserved public lands; Wildlife Refuge Revenue Sharing Act applies to acquired lands)

Wayte v. United States, 470 U.S. 598 (1985) (passive enforcement policy does not violate First or Fifth Amendments)

Weber v. Aetna Casualty & Surety Co., 406 U.S. 164 (1972) (discrimination against illegitimate children of injured persons in allocation of workers' compensation benefits violates equal protection)

Welch v. State Dept. of Highways and Public Transp., 107 S.Ct. (1987) (plurality opinion) (Congress did not abrogate Eleventh Amendment immunity under the Jones Act; Hans v. Louisiana defended)

White v. New Hampshire Dept. of Employment Security, 455 U.S. 445 (1982) (Fed. R. Civ. P. 59(e) is not applicable to postjudgment requests for attorney's fees under 42 U.S.C. §1988)

✓ Widmar v. Vincent, 454 U.S. 263 (1981) (a state university that makes its facilities generally available for the activities of registered student groups may not close its facilities to

- a registered religious group desiring to use the facilities for religious worship and discussion)
- Wood v. Georgia, 450 U.S. 261 (1981) (representation by employer's lawyer may have violated Sixth Amendment right to representation free from conflicts of interest)
- Woodson v. North Carolina, 428 U.S. 280 (1976) (joint plurality opinion) (invalidating North Carolina's post-Furman death penalty statute; fails to provide individualized consideration)
- F.W. Woolworth Co. v. Taxation and Revenue Dept. of New Mexico, 458 U.S. 354 (1982) (tax on dividends received from foreign subsidiaries that are not integrated, and may not tax the "gross up" figure that arises from taxation of foreign nations' taxation of the foreign subsidiaries)
- Youngberg v. Romeo, 457 U.S. 307 (1982) (persons involuntarily committed to a state institution to the mentally retarded have constitutionally protected liberty interests in safe conditions, freedom from restraint, and habilitation)
- Wygant v. Jackson Board of Education, 106 S.Ct. 1842 (1986) (plurality opinion) (school board's policy of extending preferential protection against layoffs to minority employees violated the Equal Protection Clause)
- Zicarelli v. New Jersey State Comm'n of Investigation, 406 U.S. 472 (1972) (companion to your opinion in Kastigar; applies to state statute)