



# SUPREME COURT REPORTER



**Volume 101**

**Pages 1-1424**

*Covering*

**VOLUMES 449-450 U. S. REPORTS**

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*Cases Argued and Determined*

*in the*

**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 1980**

ST. PAUL, MINN.

**WEST PUBLISHING CO.**

**1983**

*Cite:*

**101 S. Ct.**

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101 S.Ct.

1st Reprint—1986



# JUSTICES

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OCTOBER TERM, 1979

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## CHIEF JUSTICE

HON. WARREN E. BURGER

## ASSOCIATE JUSTICES

HON. WILLIAM J. BRENNAN, Jr.  
HON. POTTER STEWART  
HON. BYRON R. WHITE  
HON. THURGOOD MARSHALL  
HON. HARRY A. BLACKMUN  
HON. LEWIS F. POWELL, Jr.  
HON. WILLIAM H. REHNQUIST  
HON. JOHN PAUL STEVENS

## ATTORNEY GENERAL

HON. WILLIAM FRENCH SMITH

## SOLICITOR GENERAL

HON. WADE H. McCREE, Jr.

## CLERK

ALEXANDER L. STEVAS

## REPORTER OF DECISIONS

HENRY C. LIND

## MARSHAL

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# ALLOTMENT OF THE JUSTICES

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## DISTRICT OF COLUMBIA CIRCUIT.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;  
took office June 23, 1969.

## FIRST CIRCUIT.

*Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico.*

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;  
took office October 16, 1956.

## SECOND CIRCUIT.

*Connecticut, New York, and Vermont.*

JUSTICE THURGOOD MARSHALL, of New York.

Appointed by President Johnson August 30, 1967;  
took office October 2, 1967.

## THIRD CIRCUIT.

*Delaware, New Jersey, Pennsylvania, and Virgin Islands.*

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;  
took office October 16, 1956.

## FOURTH CIRCUIT.

*Maryland, North Carolina, South Carolina, Virginia, and West Virginia.*

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;  
took office June 23, 1969.

## FIFTH CIRCUIT.

*Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and Canal Zone.*

JUSTICE LEWIS F. POWELL, Jr., of Virginia.

Appointed by President Nixon December 9, 1971;  
took office January 7, 1972.

## ALLOTMENT OF THE JUSTICES

### SIXTH CIRCUIT.

*Kentucky, Michigan, Ohio, and Tennessee.*

JUSTICE POTTER STEWART, of Ohio.

Appointed by President Eisenhower October 14, 1958;  
took office October 14, 1958.

### SEVENTH CIRCUIT.

*Illinois, Indiana, and Wisconsin.*

JUSTICE JOHN PAUL STEVENS, of Illinois.

Appointed by President Ford, December 17, 1975;  
took office December 19, 1975.

### EIGHTH CIRCUIT.

*Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota,  
and South Dakota.*

JUSTICE HARRY A. BLACKMUN, of Minnesota.

Appointed by President Nixon May 14, 1970;  
took office June 9, 1970.

### NINTH CIRCUIT.

*Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada,  
Oregon, and Washington.*

JUSTICE WILLIAM H. REHNQUIST, of Arizona.

Appointed by President Nixon December 15, 1971;  
took office January 7, 1972.

### TENTH CIRCUIT.

*Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.*

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy April 12, 1962;  
took office April 16, 1962.

### TEMPORARY EMERGENCY COURT OF APPEALS.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;  
took office June 23, 1969.

**SUPREME COURT  
OF THE  
UNITED STATES**

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**ORDER CONTINUING CASES ON  
THE DOCKET**

**July 2, 1980**

The Chief Justice said:

“All cases submitted, and all other matters before the Court which were ready for disposition, have been acted on by the Court. Accordingly, it is ordered that all cases remaining on the docket, but not ready for consideration, are hereby continued to the session of the Court beginning the first Monday in October.

The Court is adjourned to the first Monday in October, 1980, at which time the October 1979 Term will end.

The October 1980 Term of the Court will begin as provided by statute, on the first Monday in October.

## ORDER AMENDING RULE 28.1

Effective November 21, 1980

### ORDER

It is ordered that Rule 28.1 of the Rules of the Supreme Court of the United States be amended to read as follows:

“28.1. Pleadings, motions, notices, briefs, or other documents or papers required or permitted to be presented to this Court or to a Justice shall be filed with the Clerk. Any document filed by or on behalf of counsel of record whose appearance has not previously been entered must be accompanied by an entry of appearance. Any document, except a joint appendix or a brief *amicus curiae*, filed by or on behalf of one or more corporations, shall include a listing naming all parent companies, subsidiaries (except wholly owned subsidiaries) and affiliates of each such corporation. This listing may be done in a footnote. If such listing has been included in a document filed earlier in the particular case, reference may be made to the earlier document and only amendments to the listing to make it currently accurate need be included in the document currently being filed.”

It is further ordered that Rules 9.3, 9.6, 15.1(b), 16.2, 21.1(b), 22.2, 25.4, 34.1(b), 34.2 and 43.2 be amended by adding at the end of each such Rule the following:

“See Rule 28.1.”

The foregoing amendments shall become effective on November 21, 1980.

RETIREMENT OF MR. MICHAEL RODAK  
APPOINTMENT OF ALEXANDER L. STEVAS  
APPOINTMENT OF FRANCIS J. LORSON

**January 19, 1981**

The Chief Justice said:

“On behalf of the Court, I announce the retirement of our able and trusted Clerk of the Supreme Court of the United States, Mr. Michael Rodak, as of January 16, 1981. Mr. Rodak has served the Court more than 24 years, and I speak for all of the members of the Court, and the staff of the Court, and for the Bar of the Court in wishing him much happiness and good health in the years ahead.

It is also my pleasure and I am authorized to announce that Mr. Alexander Stevas has been appointed Clerk of the Supreme Court effective January 16 to succeed Mr. Rodak. Mr. Francis Lorson will become Chief Deputy Clerk of the Court succeeding Mr. Stevas.

**ORDER**

It is ordered that Alexander L. Stevas be appointed Clerk of this Court to succeed Michael Rodak, Jr., effective at the commencement of business January 17, 1981, and that he take the oath of office as required by statute.

**ORDER**

It is ordered that Francis J. Lorson be appointed Chief Deputy Clerk of this Court to succeed Alexander L. Stevas effective at the commencement of business January 17, 1981, and that he take the oath of office as required by statute.



INTRODUCTION OF HONORABLE  
WILLIAM FRENCH SMITH

**January 26, 1981**

Mr. Solicitor General McCree presented the Honorable William French Smith, Attorney General of the United States.

The Chief Justice, in welcoming the Attorney General, said:

“Mr. Attorney General, the Court welcomes you as the chief law officer of the Government and as an officer of this Court, and we welcome you to the performance of the very important duties which will rest on you. Your commission as Attorney General of the United States will be placed in the records of the Court, and we appreciate your appearing here this morning.”