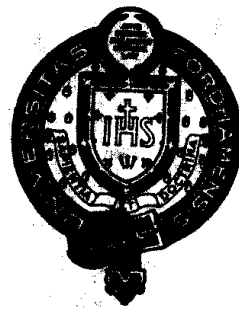
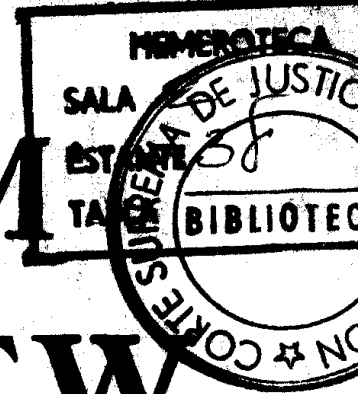


# FORDHAM LAW REVIEW



THE REVOCABILITY OF FEDERAL TAX  
ELECTIONS ..... *Edward Yorio*

WHO IS AN "OFFICER" FOR PURPOSES OF THE SECURITIES  
EXCHANGE ACT OF 1934—*Colby v. Klune*  
REVISITED ..... *William P. Hurley*

THE DWINDLING RIGHTS OF TEACHERS AND THE CLOSING  
COURTHOUSE DOOR

APPEALABILITY OF CLASS ACTION DETERMINATIONS

MAJOR FEDERAL ACTIONS UNDER THE NATIONAL ENVIRONMENTAL  
POLICY ACT

FEDERAL EQUITABLE RELIEF IN MATTERS COLLATERAL TO  
STATE CRIMINAL PROCEEDINGS

SEARCH AND SEIZURE RIGHTS OF PAROLEES AND PROBATIONERS  
IN THE NINTH CIRCUIT

# CONTENTS

## ARTICLES

- THE REVOCABILITY OF FEDERAL TAX ELECTIONS .....*Edward Yorio* 463
- WHO IS AN "OFFICER" FOR PURPOSES OF THE SECURITIES EXCHANGE ACT OF 1934—  
*Colby v. Klune* REVISITED .....*William P. Hurley* 489

## COMMENTS

- THE DWINDLING RIGHTS OF TEACHERS AND THE CLOSING COURTHOUSE DOOR ..... 511
- APPEALABILITY OF CLASS ACTION DETERMINATIONS ..... 548

## NOTES

- MAJOR FEDERAL ACTIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT ..... 580
- FEDERAL EQUITABLE RELIEF IN MATTERS COLLATERAL TO STATE CRIMINAL PROCEED-  
INGS ..... 597
- SEARCH AND SEIZURE RIGHTS OF PAROLEES AND PROBATIONERS IN THE NINTH CIRCUIT 617

## RECENT DEVELOPMENTS

- CONSTITUTIONAL LAW—CRUEL AND UNUSUAL PUNISHMENT—EIGHTH AMENDMENT  
PROHIBITS EXCESSIVELY LONG SENTENCES (*Downey v. Perini*, 518 F.2d 1288 (6th Cir.  
1975), *vacated and remanded*, 44 U.S.L.W. 3330 (U.S. Dec. 2, 1975)) ..... 637
- CONSTITUTIONAL LAW—STATUTE PERMITTING ADOPTION OF ILLEGITIMATE CHILD  
WITHOUT FATHER'S CONSENT IS NOT VIOLATIVE OF EQUAL PROTECTION (*In re Mal-  
pica-Orsini*, 36 N.Y.2d 568, 331 N.E.2d 486, 370 N.Y.S.2d 511 (1975)) ..... 646



CONSTITUTIONAL LAW—ZONING ORDINANCE WHICH CLASSIFIES AND REGULATES ADULT MOVIE THEATRES AND BOOKSTORES SOLELY ON THE BASIS OF THE MATERIALS WHICH THEY PURVEY HELD VIOLATIVE OF EQUAL PROTECTION CLAUSE (*American Mini Theatres, Inc. v. Gribbs*, 518 F.2d 1014 (6th Cir. 1975), cert. granted, 44 U.S.L.W. 3234 (U.S. Oct. 21, 1975)) ..... 657

FEDERAL COURTS—FEDERAL COMMON LAW CREATED TO ALLOW SURVIVAL OF SECTION 1983 ACTION TO DECEDENT'S EXECUTOR (*Shaw v. Garrison*, 391 F. Supp. 1353 (E.D. La. 1975))..... 666

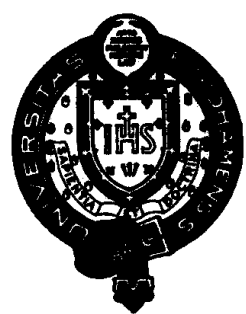
SECURITIES—SECOND CIRCUIT CLARIFIES THE EXTRATERRITORIAL APPLICATION OF AMERICAN SECURITIES LAWS (*IIT v. Vencap, Ltd.*, 519 F.2d 1001 (2d Cir. 1975); *Bersch v. Drexel Firestone, Inc.*, 519 F.2d 974 (2d Cir. 1975)) ..... 674

TAXATION—CORPORATE REORGANIZATION—WITHDRAWABLE SHARES OF SAVINGS AND LOAN ASSOCIATION HELD TO BE DEBT SECURITIES (*Home Savings & Loan Association v. United States*, 514 F.2d 1199 (9th Cir. 1975), petition for cert. filed, 44 U.S.L.W. 3150 (U.S. Sept. 23, 1975) (No. 75-396)) ..... 687

**BOOKS RECEIVED** ..... 700

# FORDHAM LAW REVIEW

Volume XLIV, Number 3



December 1975

EDITORIAL AND GENERAL OFFICES  
 Lincoln Center, 140 West 62nd Street, New York, N.Y. 10023

Published six times a year—October, November, December, March, April and May. Member, National Conference of Law Reviews. Printed by the Heffernan Press Inc., Worcester, Massachusetts. Second class postage paid at New York, N.Y. and at additional mailing offices.

SUBSCRIPTION PRICE \$12.00, SINGLE ISSUE (for issues of Volume XLIV) \$3.50. Make checks payable to FORDHAM LAW REVIEW. Subscription renewed automatically unless notified to contrary.

For price of volumes and single issues prior to Volume XLIV please inquire of William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.