

I N D E X

AFFIDAVITS. See **Constitutional Law**, VII.

ALIMONY. See **Constitutional Law**, V.

AMUSEMENT PARK. See **Constitutional Law**, II, 1.

ANTITRUST ACTS.

1. *Clayton Act—Interindustry competition—Relevant product market.*—Interindustry competition between glass and metal containers may provide a basis for defining a relevant product market within the meaning of § 7 of the Clayton Act, and this competition, based on the present record, warrants treating the combined glass and metal container industries and all end uses for which they compete as a relevant product market. *United States v. Continental Can Co.*, p. 441.

2. *Clayton Act—Joint ventures—Potential competition.*—The test of whether a joint venture, which comes within the scope of § 7 of the Clayton Act, might substantially lessen competition is not only whether both parent companies would probably have entered the market, or whether one would probably have entered alone, but also whether the joint venture eliminated the potential competition of the company that might have stayed at the edge of the market, threatening to enter. *United States v. Penn-Olin Co.*, p. 158.

3. *Clayton Act—Mergers—Lessening of competition.*—In determining whether a merger will have probable anticompetitive effect it must be looked at functionally in the context of the market, its structure, history and future; and where a merger is of such magnitude as to be inherently suspect, detailed market analysis and proof of likely lessening of competition are not required. *United States v. Continental Can Co.*, p. 441.

APPEAL. See **Procedure**, 2.

ATOMIC ENERGY ACT. See **Taxes**.

ATTORNEYS. See **Constitutional Law**, VI; **Right to Counsel**.

BOOKS. See **Constitutional Law**, IV.

BREACH OF PEACE. See **Criminal Law**, 1; **Jurisdiction**.

CLAYTON ACT. See **Antitrust Acts**, 1-3.

COERCION. See **Constitutional Law**, I, 2; **Procedure**, 3.

- COLLATERAL ATTACK.** See **Constitutional Law, V.**
- COMMERCE.** See **Antitrust Acts.**
- COMMUNISM.** See **Subversive Activities Control Act.**
- COMPELLED TESTIMONY.** See **Constitutional Law, VIII, 1-2.**
- COMPETITION.** See **Antitrust Acts.**
- CONFESSIONS.** See **Constitutional Law, I, 2; VI; Procedure, 3.**
- CONFLICT OF LAWS.** See **Constitutional Law, V.**
- CONSTITUTIONAL LAW.** See also **Criminal Law, 1; Jurisdiction; Procedure, 3; Right to Counsel; Subversive Activities Control Act.**

I. Due Process.

1. *New construction of criminal statute—Retroactive application.*—In giving retroactive effect to a new construction of a criminal statute, the state court deprived petitioners of their right to fair warning of a criminal prohibition, thus violating due process. *Bouie v. City of Columbia*, p. 347.

2. *State criminal procedure—Confessions.*—State procedure whereby the trial judge makes a preliminary determination of the voluntariness of a confession and excludes it if it could not be deemed voluntary but otherwise instructs the jury to determine voluntariness and truthfulness, does not adequately protect petitioner's right not to be convicted by use of a coerced confession and is violative of due process. *Jackson v. Denno*, p. 368.

II. Equal Protection.

1. *Racial segregation—State action.*—Action of an individual who, as a deputy sheriff having state authority, purports to act pursuant thereto, is state action; and when a State undertakes to enforce a private policy of racial segregation, it violates the Equal Protection Clause. *Griffin v. Maryland*, p. 130.

2. *Racially segregated restaurant—Conviction for refusal to leave.*—Regulations embodying a state policy which discouraged serving Negroes and whites together involved the State so significantly in causing restaurant segregation as to violate the Equal Protection Clause. *Robinson v. Florida*, p. 153.

III. Freedom of Expression.

Allegedly obscene motion picture.—Conviction of manager of motion picture theater for possessing and exhibiting an allegedly obscene film is reversed. *Jacobellis v. Ohio*, p. 184.

CONSTITUTIONAL LAW—Continued.**IV. Freedom of Speech and Press.**

Seizure of allegedly obscene books.—Seizure of allegedly obscene books under a state statute proscribing distribution of obscene materials and authorizing their seizure before, and their destruction after, an adversary determination of their obscenity, held invalid. *A Quantity of Books v. Kansas*, p. 205.

V. Full Faith and Credit.

Divorce decree—Award of alimony—Collateral attack.—Under Florida law an award of alimony binding husband's estate is not proper in the absence of an express prior agreement, but the husband's failure to appeal let the decree become final and no longer subject to collateral attack, and thus the West Virginia probate court must give full faith and credit to the Florida decree. *Aldrich v. Aldrich*, p. 540.

VI. Right to Counsel.

Police investigation—Statement in absence of counsel.—Where a police investigation has begun to focus on a suspect in custody who has been refused an opportunity to consult with his attorney and has not been warned of his constitutional right to remain silent, the accused has been denied assistance of counsel in violation of the Sixth and Fourteenth Amendments, and no statement made during the police interrogation may be used against him. *Escobedo v. Illinois*, p. 478.

VII. Search and Seizure.

Search warrant—Sufficiency of affidavit given to obtain warrant.—Affidavit to support warrant to search for narcotics must inform magistrate of some of the underlying circumstances relied on by the unidentified informant and some of the circumstances from which the affiant concluded that the informant was creditable or his information reliable. *Aguilar v. Texas*, p. 108.

VIII. Self-incrimination.

1. *Exercise of privilege by witness in state inquiry—Federal and state standards.*—The privilege against self-incrimination is available, under the Fourteenth Amendment, to a witness in a state proceeding, and the same standards determine whether the privilege is justified regardless of whether the proceeding is federal or state. *Malloy v. Hogan*, p. 1.

2. *Fifth Amendment—Federal-state relations.*—One jurisdiction in our federal system may not, absent an immunity provision, compel a witness to give testimony which might incriminate him under the laws of another jurisdiction. *Murphy v. Waterfront Comm'n*, p. 52.

- CONTAINERS.** See **Antitrust Acts**, 1, 3.
- CONTEMPT.** See **Constitutional Law**, VIII, 1-2.
- CORPORATIONS.** See **Antitrust Acts**, 1-3.
- COST-PLUS CONTRACT.** See **Taxes**.
- COUNSEL.** See **Constitutional Law**, VI; **Right to Counsel**.
- COURTS.** See **Constitutional Law**, I, 1-2; V; **Procedure**, 1-3.
- CRIMINAL LAW.** See also **Constitutional Law**, I, 1-2; II, 1-2; III; VI-VIII; **Jurisdiction**; **Procedure**, 1-3; **Right to Counsel**.
1. *Breach of the peace—Trespass—Remaining on premises—Lack of evidence.*—It will not be assumed that the State Supreme Court on the merits would have held petitioners guilty of trespass and breach of the peace based on their peacefully remaining after being asked to leave; and, in any event, the breach of peace convictions cannot stand, as there was no evidence to support them. *Barr v. City of Columbia*, p. 146.
2. *Supervening change in state law—Effect on conviction.*—Convictions of Negro "sit-in" demonstrators for refusing to leave restaurant when asked, reversed and remanded to state court so that it might reconsider in view of the change in state law which occurred by the adoption of public accommodation statutes. *Bell v. Maryland*, p. 226.
- DISCRIMINATION.** See **Constitutional Law**, I, 1; II, 1-2; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1.
- DIVORCE.** See **Constitutional Law**, V.
- DUE PROCESS.** See **Constitutional Law**, I; **Procedure**, 2-3; **Subversive Activities Control Act**.
- EQUAL PROTECTION OF THE LAWS.** See **Constitutional Law**, II.
- EVIDENCE.** See **Constitutional Law**, VI; VIII; **Criminal Law**, 1; **Jurisdiction**; **Right to Counsel**.
- FEDERAL RULES OF CRIMINAL PROCEDURE.** See **Procedure**, 2.
- FEDERAL-STATE RELATIONS.** See **Constitutional Law**, VIII, 2.
- FIFTH AMENDMENT.** See **Constitutional Law**, VIII, 1-2; **Subversive Activities Control Act**.
- FIRST AMENDMENT.** See **Constitutional Law**, III-IV.
- FLORIDA.** See **Constitutional Law**, II, 2; V.

- FOURTEENTH AMENDMENT.** See **Constitutional Law**, I, 1-2; II, 1-2; III-IV; VI-VIII; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1; **Right to Counsel**.
- FOURTH AMENDMENT.** See **Constitutional Law**, VII.
- FREEDOM OF EXPRESSION.** See **Constitutional Law**, III.
- FREEDOM OF SPEECH AND PRESS.** See **Constitutional Law**, IV.
- FREEDOM OF TRAVEL.** See **Subversive Activities Control Act**.
- FULL FAITH AND CREDIT.** See **Constitutional Law**, V.
- GLASS CONTAINERS.** See **Antitrust Acts**, 1, 3.
- GOVERNMENT CONTRACTOR.** See **Taxes**.
- HUSBAND AND WIFE.** See **Constitutional Law**, V.
- INTERINDUSTRY COMPETITION.** See **Antitrust Acts**, 1.
- INVESTIGATIONS.** See **Constitutional Law**, VI; **Right to Counsel**.
- JOINT VENTURES.** See **Antitrust Acts**, 2.
- JUDGMENTS.** See **Constitutional Law**, V.
- JURIES.** See **Constitutional Law**, I, 2; **Procedure**, 3.
- JURISDICTION.** See also **Criminal Law**, 1.
Supreme Court—Right to review—State procedural requirements.—State procedural requirements not strictly or regularly followed cannot deprive this Court of the right to review. *Barr v. City of Columbia*, p. 146.
- LUNCH COUNTERS.** See **Constitutional Law**, I, 1; II, 2; **Criminal Law**, 1-2; **Jurisdiction**.
- MARRIAGE.** See **Constitutional Law**, V.
- MARYLAND.** See **Criminal Law**, 2; **Procedure**, 1.
- MERGERS.** See **Antitrust Acts**, 1, 3.
- METAL CONTAINERS.** See **Antitrust Acts**, 1, 3.
- MOTION PICTURES.** See **Constitutional Law**, III.
- NARCOTICS.** See **Constitutional Law**, VII.
- NEGROES.** See **Constitutional Law**, I, 1; II, 1-2; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1.
- OBSCENITY.** See **Constitutional Law**, III-IV.
- PASSPORTS.** See **Subversive Activities Control Act**.

POTENTIAL COMPETITION. See **Antitrust Acts**, 2.

PRIOR RESTRAINT. See **Constitutional Law**, IV.

PROCEDURE. See also **Criminal Law**, 1-2; **Jurisdiction**.

1. *Supreme Court—Supervening change in state criminal law.*—When the applicable state criminal law is changed before decision on review by the Supreme Court, the Court's practice is to remand to enable the state court to reconsider in view of the change of law. *Bell v. Maryland*, p. 226.

2. *Courts of Appeals—Notice of appeal—Timeliness.*—Rules of Criminal Procedure should not be applied inflexibly, and where petitioner, who was without benefit of counsel, did all that could reasonably be expected to file a timely notice of appeal, he should not be barred from a hearing on the merits. *Fallen v. United States*, p. 139.

3. *State courts—Criminal trial—Confessions.*—Petitioner is entitled to state court hearing on the issue of voluntariness of the confession by a body other than the one trying his guilt or innocence. *Jackson v. Denno*, p. 368.

PUBLIC ACCOMMODATIONS LAWS. See **Criminal Law**, 2; **Procedure**, 1.

PUBLICATIONS. See **Constitutional Law**, IV.

RACIAL DISCRIMINATION. See **Constitutional Law**, I, 1; II, 1-2; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1.

RESTAURANTS. See **Constitutional Law**, I, 1; II, 2; **Criminal Law**, 1-2; **Procedure**, 1.

RIGHT TO COUNSEL. See also **Constitutional Law**, VI.

Criminal law—Police investigation—Statement in absence of counsel.—Where a police investigation has begun to focus on a suspect in custody who has been refused an opportunity to consult with his attorney and has not been warned of his constitutional right to remain silent, the accused has been denied assistance of counsel in violation of the Sixth and Fourteenth Amendments, and no statement made during the police interrogation may be used against him. *Escobedo v. Illinois*, p. 478.

RULES. See **Procedure**, 2.

SALES TAX. See **Taxes**.

SEARCH AND SEIZURE. See **Constitutional Law**, VII.

SEGREGATION. See **Constitutional Law**, I, 1; II, 1-2; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1.

SELF-INCRIMINATION. See **Constitutional Law**, VIII, 1-2.

SHERMAN ACT. See **Antitrust Acts.**

"SIT-IN" DEMONSTRATIONS. See **Constitutional Law**, I, 1; II, 1-2; **Criminal Law**, 1-2; **Jurisdiction**; **Procedure**, 1.

SIXTH AMENDMENT. See **Constitutional Law**, VI; **Right to Counsel.**

SODIUM CHLORATE. See **Antitrust Acts**, 2.

SOUTH CAROLINA. See **Constitutional Law**, I, 1; **Criminal Law**, 1; **Jurisdiction.**

STATE DEPARTMENT. See **Subversive Activities Control Act.**

SUBVERSIVE ACTIVITIES CONTROL ACT.

Communist organizations—Passports for members—Unconstitutionality of § 6 of the Act.—Section 6 of the Act, which provides that when a Communist organization is registered, or under final order to register, it shall be unlawful for any member with knowledge or notice thereof to apply for a passport, is unconstitutional as a denial of due process. *Aptheker v. Secretary of State*, p. 500.

TAXES.

Government contractor—Use tax—Cost-plus contract.—Utilization of government-owned property by a federal atomic energy cost-plus contractor, in connection with commercial activities for his profit or gain, is a separate taxable activity. *United States v. Boyd*, p. 39.

TRESPASS. See **Constitutional Law**, I, 1; II, 1-2.

TRIAL. See **Constitutional Law**, I, 2; **Procedure**, 3.

USE TAX. See **Taxes.**

WARRANTS. See **Constitutional Law**, VII.

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

WITNESSES. See **Constitutional Law**, VIII, 1-2.

WORDS.

"With knowledge or notice."—Subversive Activities Control Act of 1950, § 6 (a), 50 U. S. C. § 785 (a). *Aptheker v. Secretary of State*, p. 500.

















