

I N D E X

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1. *Clayton Act—Statute of limitations—Private antitrust suits.*—Absent any specific legislative history on the inclusion of Federal Trade Commission actions within the tolling provisions of § 5 (b) of the Clayton Act, the issue is resolved by reliance on the clear congressional intention that private suitors be given the benefits of prior government actions, which would necessarily include Commission proceedings. *Minnesota Mining v. N. J. Wood Co.*, p. 311.

2. *Sherman Act—Efforts to influence public officials.*—Concerted efforts to influence public officials do not violate the antitrust laws even though intended to eliminate competition, and respondents were entitled to no damages under the Sherman Act as a result of actions of the Secretary of Labor. *Mine Workers v. Pennington*, p. 657.

- APPEALS.** See **Administrative Procedure**; **Natural Gas Act**.
- APPORTIONMENT.** See **Reapportionment**.
- ATTORNEYS.** See **Constitutional Law**, III, 1; **Contempt of Court**.
- AUTOMOBILE ACCESSORIES.** See **Federal Trade Commission**, 1-4; **Judicial Review**, 2.
- BAYS.** See **Accretion**; **Submerged Lands Act of 1953**.
- BILL OF ATTAINDER.** See **Constitutional Law**, I.
- BILL OF RIGHTS.** See **Constitutional Law**, II.
- BIRTH CONTROL.** See **Constitutional Law**, II; III, 4.
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- CAPITAL GAINS.** See **Commissioner of Internal Revenue**; **Taxes**.
- CHANGES IN STATE LAW.** See **Procedure**, 1-2.
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- CLAYTON ACT.** See **Antitrust Acts**, 1.
- COAL MINING.** See **Antitrust Acts**, 2; **Labor**, 1.
- COASTLINE.** See **Accretion**; **Submerged Lands Act of 1953**.
- COERCION.** See **Federal Trade Commission**, 1, 3-4; **Judicial Review**, 2.
- COLLATERAL ATTACK.** See **Constitutional Law**, VI.
- COLLECTIVE BARGAINING.** See **Antitrust Acts**, 2; **Labor**, 1-2.
- COMMERCE.** See **Federal Power Act**; **Federal Trade Commission**, 1, 3-4; **Judicial Review**, 2.
- COMMISSIONER.** See **Statute of Limitations**.
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- COMMUNICATIONS ACT OF 1934.** See **Federal Communications Commission**; **Judicial Review**, 1.
- COMMUNIST PARTY.** See **Constitutional Law**, I.

- COMMUNIST POLITICAL PROPAGANDA.** See **Constitutional Law, IV.**
- COMPETITION.** See **Federal Trade Commission, 1-4; Judicial Review, 2.**
- CONFLICT - OF - INTEREST STATUTES.** See **Constitutional Law, I.**
- CONFLICT OF LAWS.** See **Constitutional Law, V; Dower.**
- CONNECTICUT.** See **Constitutional Law, II; III, 4.**
- CONSPIRACY.** See **Antitrust Acts, 2; Labor, 1-2.**
- CONSTITUTIONAL LAW.** See also **Contempt of Court; Dower; Immigration and Nationality Act of 1952; Jurisdiction, 2; Passports; Procedure, 2; Reapportionment.**

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II. Bill of Rights.

Marital privacy—Contraceptives.—Connecticut statute forbidding use of contraceptives violates the right of marital privacy which is within the penumbra of specific guarantees of the Bill of Rights. *Griswold v. Connecticut*, p. 479.

III. Due Process.

1. *Contempt of court—Right to be heard and to have counsel.*—Petitioners who were convicted of contempt based on a change of venue plea were deprived of their rights under the Fourteenth Amendment's Due Process Clause for doing no more than exercising the rights of an accused and his counsel to defend against the contempt charges. *Holt v. Virginia*, p. 131.

2. *Fair trial—Televising courtroom proceedings.*—Televising and broadcasting over petitioner's objections portions of his criminal trial, in which there was widespread public interest, was inherently invalid as infringing the fundamental right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment. *Estes v. Texas*, p. 532.

3. *Fifth Amendment—Travel to Cuba.*—The fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited, and appellant's constitutional rights are not abridged by the restriction on his travel to Cuba. *Zemel v. Rusk*, p. 1.

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4. *Standing to sue—Accessories to crime.*—Appellants who were convicted as accessories for prescribing contraceptive devices for married persons in violation of state statute have standing to assert the constitutional rights of the married people. *Griswold v. Connecticut*, p. 479.

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V. Full Faith and Credit Clause.

New York separation decree and Florida divorce—Dower.—Denial of dower by Florida to petitioner, who had been divorced by her husband in Florida, did not violate Full Faith and Credit Clause since the New York separation decree, which was fully complied with by the husband, preserved no dower rights in his property. *Simons v. Miami Beach Nat. Bank*, p. 81.

VI. Search and Seizure.

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2. *Illegal seizure of evidence—Participation of federal agents.*—The participation of federal agents in an illegal search and seizure does not require the reversal of a state court conviction which became final prior to *Mapp v. Ohio*. *Angelet v. Fay*, p. 654.

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- COUNSEL.** See **Constitutional Law, III, 1; Contempt of Court.**
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- CRIMINAL LAW.** See **Constitutional Law, I; II; III, 1-2, 4; VI, 1-2; Contempt of Court; Procedure, 1; Statute of Limitations.**
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- DAMAGES.** See **Antitrust Acts, 2; Labor, 1.**
- DELIVERY OF MAIL.** See **Constitutional Law, IV.**
- DEPARTMENT OF STATE.** See **Constitutional Law, III, 3; Immigration and Nationality Act of 1952; Jurisdiction, 2; Passports.**
- DEPRECIATION.** See **Merchant Ship Sales Act of 1946.**
- DISCOUNT.** See **Taxes.**
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- DOWER.** See also **Constitutional Law, V.**
Divorce decree—Constructive service.—Any dower rights petitioner, who had been divorced by her husband in Florida, had in his estate under Florida law were extinguished by the divorce decree predicated on constructive service. *Simons v. Miami Beach Nat. Bank*, p. 81.
- DUE PROCESS.** See **Constitutional Law, III; Contempt of Court; Immigration and Nationality Act of 1952; Jurisdiction, 2; Passports.**
- ELECTIONS.** See **Reapportionment.**
- ELECTRICAL INSULATION PRODUCTS.** See **Antitrust Acts, 1.**
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- EQUAL PROTECTION OF THE LAWS.** See **Reapportionment.**
- EVIDENCE.** See **Constitutional Law, VI; Federal Trade Commission, 1-4; Judicial Review, 2.**
- FEDERAL AGENTS.** See **Constitutional Law, VI, 2.**

FEDERAL COMMUNICATIONS COMMISSION. See also **Judicial Review**, 1.

Rules of procedure—Public administrative hearings.—Under its broad delegation of procedural rule-making authority, the Commission was empowered to promulgate the procedural rule requiring public proceedings except where the proponents of a request for *in camera* treatment have shown the need therefor. *FCC v. Schreiber*, p. 279.

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Transmission of electric energy—Pumped storage plant on non-navigable tributary of navigable stream—Licensed by Federal Power Commission.—The commerce power of Congress clearly encompasses the interstate transmission of electric energy, and the pumped storage project here is within the purview of that power, without regard to federal control of tributary streams and navigation. *FPC v. Union Electric Co.*, p. 90.

FEDERAL POWER COMMISSION. See **Administrative Procedure**; **Natural Gas Act**.

FEDERAL RULES OF CRIMINAL PROCEDURE. See **Statute of Limitations**.

FEDERAL-STATE RELATIONS. See **Accretion**; **Constitutional Law**, III, 2; VI; **Jurisdiction**, 1; **National Guard**; **Procedure**, 1; **Reapportionment**; **Submerged Lands Act of 1953**.

FEDERAL TORT CLAIMS ACT. See **National Guard**.

FEDERAL TRADE COMMISSION. See also **Antitrust Acts**, 1; **Judicial Review**, 2.

1. *Antitrust laws as guidelines—Business justification.*—Violations of § 5 of the Federal Trade Commission Act consist of conduct contrary to the public policy declared in the Act, and the FTC may use as guidelines recognized violations of the antitrust laws; and the FTC is justified in refusing to consider evidence of business justification for a program which has widespread destructive effect on competition. *Atlantic Rfg. Co. v. FTC*, p. 357.

2. *Remand of order—Disqualification of Chairman.*—Judgment of Court of Appeals setting aside an FTC order on grounds that the Chairman was disqualified for prejudging the case and the order was not supported by substantial evidence is remanded for further proceedings by the FTC, without participation of the Chairman. *FTC v. Texaco*, p. 739.

FEDERAL TRADE COMMISSION—Continued.

3. *Sales-commission plan—Gasoline dealers—Automobile accessories.*—There was substantial evidence to support the FTC's findings that sales-commission plan used by gasoline distributor and tire manufacturer to sell latter's products through the former's dealers was unfair use of economic power in one market to destroy competition in another. *Atlantic Rfg. Co. v. FTC*, p. 357.

4. *Unfair competition—Prohibition of future agreements.*—FTC's order prohibiting each petitioner from entering into similar agreements is not unreasonable in view of long existence of plan resulting in unfair competition, active participation of the parties, and coercion of dealers. *Atlantic Rfg. Co. v. FTC*, p. 357.

FIFTH AMENDMENT. See **Constitutional Law**, III, 3; **Immigration and Nationality Act of 1952**; **Jurisdiction**, 2; **Passports**.

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FOURTEENTH AMENDMENT. See **Constitutional Law**, III; **Contempt of Court**; **Procedure**, 2; **Reapportionment**.

FOURTH AMENDMENT. See **Constitutional Law**, VI.

FREEDOM OF SPEECH. See **Procedure**, 2.

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FULL FAITH AND CREDIT CLAUSE. See **Constitutional Law**, V; **Dower**.

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Passports—Travel in violation of an area restriction.—Adjudication of the reach and constitutionality of § 215 (b) of the Act as applied to travel in violation of an area restriction must await a concrete factual situation. *Zemel v. Rusk*, p. 1.

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Investment income—Tax-exempt interest—Pro rata allocation.—There is no statutory or constitutional barrier to the application of the pro rata formula of the Life Insurance Company Income Tax Act of 1959 allocating all income including tax-exempt interest between the policyholders' share for reserves and the company's share. *United States v. Atlas Ins. Co.*, p. 233.

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JUDICIAL CANONS. See Constitutional Law, III, 2.

JUDICIAL REVIEW. See also Federal Communications Commission.

1. *Administrative rule-making—Judicial responsibility.*—District courts, in reviewing administrative rule-making, are not empowered to substitute their judgment for that of the agency; their responsibility is limited to insuring consistency with governing statutes and the demands of the Constitution. *FCC v. Schreiber*, p. 279.

2. *Federal Trade Commission—Unfair competition—Function of courts.*—Where Congress has empowered the FTC to determine

JUDICIAL REVIEW—Continued.

whether methods of competition are unfair, the function of the courts is to determine whether the FTC's decision is warranted by the record and has a reasonable basis in law. *Atlantic Rfg. Co. v. FTC*, p. 357.

JURISDICTION. See also **Administrative Procedure; Constitutional Law**, II; III, 3-4; **Immigration and Nationality Act of 1952; Natural Gas Act; Passports.**

1. *Supreme Court—Minor procedural defect does not bar review.*—Minor procedural defect which petitioners tried to correct does not constitute an adequate independent state ground for decision barring review by this court. *Parrot v. City of Tallahassee*, p. 129.

2. *District Courts—Three-judge court.*—Since the complaint launched a substantial constitutional attack on federal statutes and prayed that their operation be enjoined, a three-judge court was properly convened. *Zemel v. Rusk*, p. 1.

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1. *Collective bargaining agreement—Antitrust laws.*—An agreement between the unions and large coal mine operators to secure uniform labor standards throughout the industry would not be exempt from the antitrust laws. *Mine Workers v. Pennington*, p. 657.

2. *Collective bargaining agreement—Sherman Act exemption.*—The holding of the Court of Appeals that a conspiracy in restraint of trade was shown by actions of unions and retail food store association in limiting the marketing hours for the sale of fresh meat is reversed. *Meat Cutters v. Jewel Tea*, p. 677.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959. See **Constitutional Law**, I.

LABOR ORGANIZATION. See **Constitutional Law**, I.

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Adjustment of purchase price of war-built ships—Unwinding of transactions—Cost basis for depreciation.—To realize the Act's purpose of putting petitioner and the Government in the positions they would have occupied had the sales been made on the date of enactment, the net charter hire paid by the Government must be treated as a return of capital reducing petitioner's cost and thus its basis for depreciation. *Waterman S. S. Corp. v. U. S.*, p. 252.

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Negligence of pilot—Federal Tort Claims Act liability—State employee.—National Guard pilot was an employee of the State of Maryland in both his civilian and military capacities and the United States is not liable under the Act for his negligence in either capacity. *Maryland v. United States*, p. 41.

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Sales of leasehold interests—Proven and developed field—"Production or gathering."—Sales of leasehold interests in a proven and substantially developed natural gas field are "sales" of natural gas within the meaning of § 1 (b) of the Act, and are not within the "production or gathering" exemption. *United Gas Co. v. Continental Oil Co.*, p. 392.

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NEBRASKA. See **Procedure, 1.**

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Passport Act of 1926—Travel to Cuba.—The Act grants authority to the Executive to refuse validation of passports for travel to Cuba. *Zemel v. Rusk*, p. 1.

PIPELINES. See **Administrative Procedure**; **Natural Gas Act.**

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1. *Criminal law—Supervening state statute—Postconviction procedure.*—Cause remanded to the state court for reconsideration in light of supervening statute establishing postconviction procedure apparently providing a hearing for petitions such as involved here. *Case v. Nebraska*, p. 336.

2. *Dismissal of schoolteachers—Alleged violation of First Amendment rights—Supervening changes in state law.*—Case is remanded to the state court to consider the effect of supervening changes in state law on dismissals of schoolteachers who allege violations of their First Amendment rights. *Watts v. Seward School Board*, p. 126.

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Redistricting state senate—State action encouraged.—State action to correct malapportionment of Illinois Senate is to be encouraged, and District Court order is vacated and remanded to fix reasonable time for appropriate action by state agency. *Scott v. Germano*, p. 407.

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- RIGHT OF PRIVACY.** See *Constitutional Law*, II; III, 4.
- RULES.** See *Statute of Limitations*.
- RULES OF PROCEDURE.** See *Federal Communications Commission*; *Judicial Review*.
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- SALES COMMISSIONS.** See *Federal Trade Commission*, 1-4; *Judicial Review*, 2.
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- SHIPS.** See *Merchant Ship Sales Act of 1946*.
- SHORELINE.** See *Accretion*; *Submerged Lands Act of 1953*.
- SIXTH AMENDMENT.** See *Constitutional Law*, III, 2.
- STATE DEPARTMENT.** See *Constitutional Law*, III, 3; *Immigration and Nationality Act of 1952*; *Jurisdiction*, 2; *Passports*.
- STATUTE OF LIMITATIONS.** See also *Antitrust Acts*, 1.
Internal Revenue Code—Complaint filed with Commissioner—Probable cause.—To initiate the extension of the statute of limitations authorized by § 6531 of the 1954 Internal Revenue Code, the complaint filed with the Commissioner must show probable cause to believe that defendant committed the offense, and all other steps of the complaint procedure provided by Rules 3, 4 and 5 of the Federal Rules of Criminal Procedure must be satisfied. *Jaben v. United States*, p. 214.
- SUBMERGED LANDS ACT OF 1953.** See also *Accretion*.
State boundaries—Inland waters—Coastline.—The Act's legislative history shows that "inland waters" was to be defined by the courts, and the definition as used in the Act should conform to the Convention on the Territorial Sea and the Contiguous Zone, to which this Nation is a party. *United States v. California*, p. 139.
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WORDS.

"Production or gathering of natural gas."—§ 1 (b), Natural Gas Act, 15 U. S. C. § 717 (b). *United Gas Co. v. Continental Oil Co.*, p. 392.

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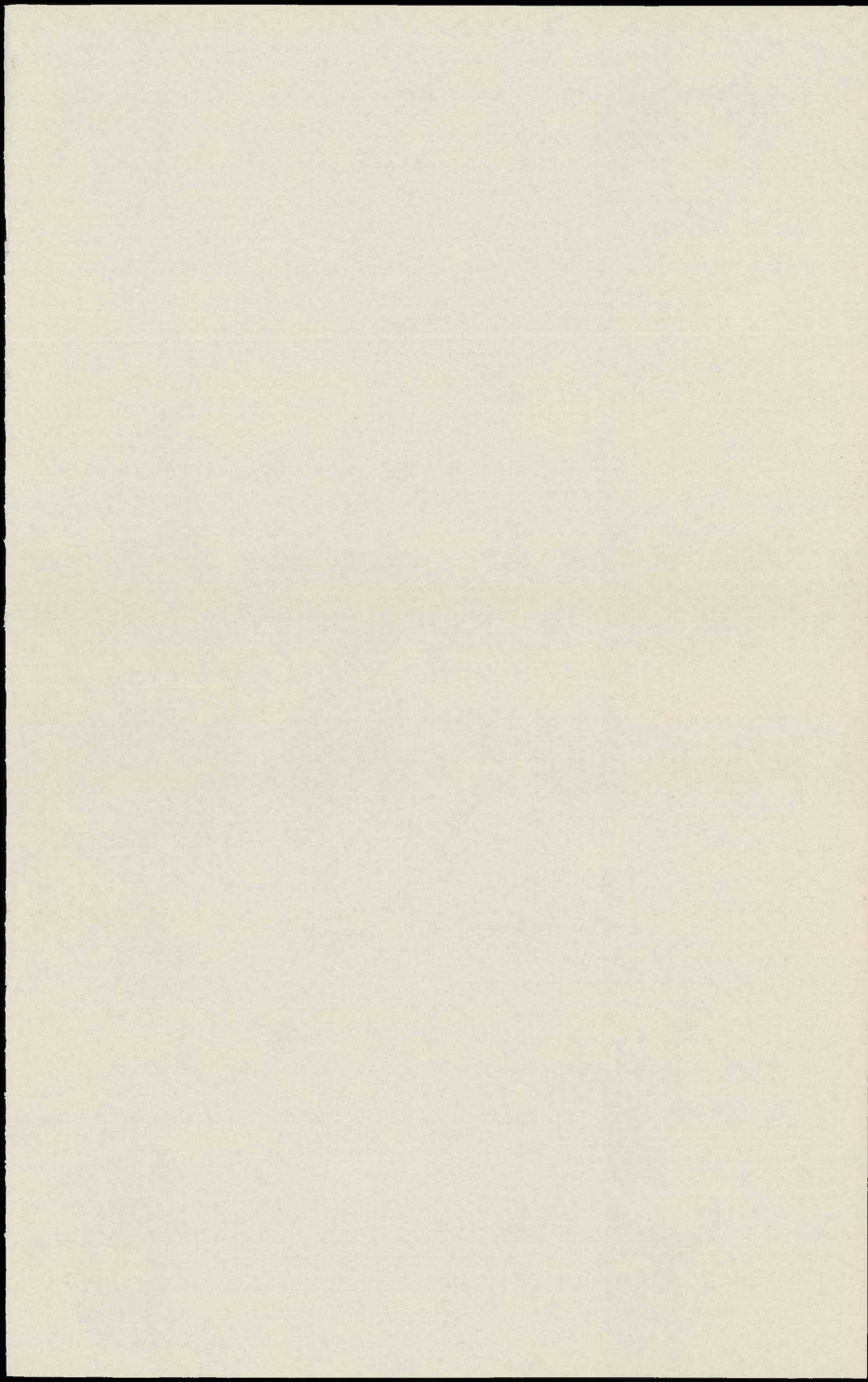
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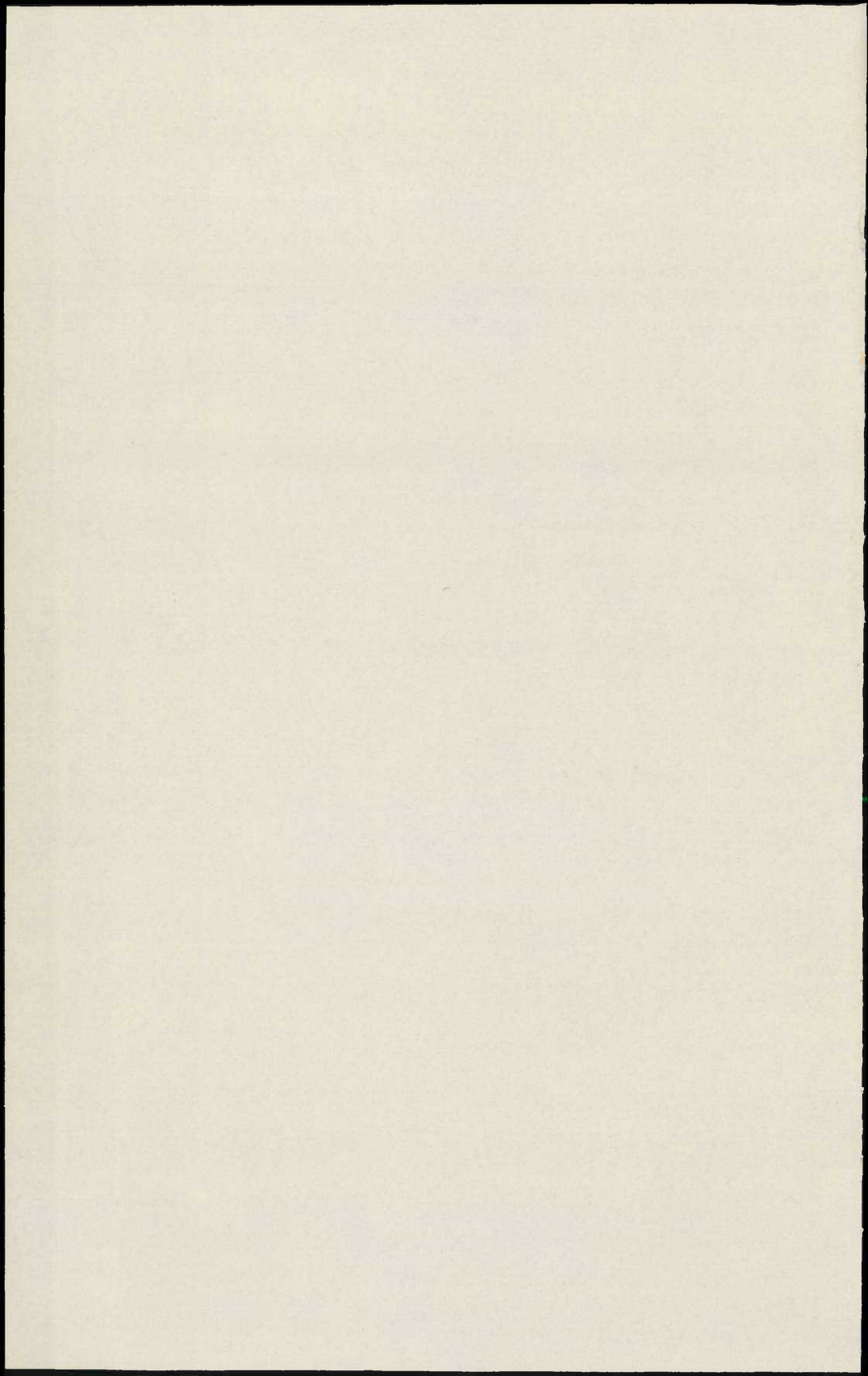
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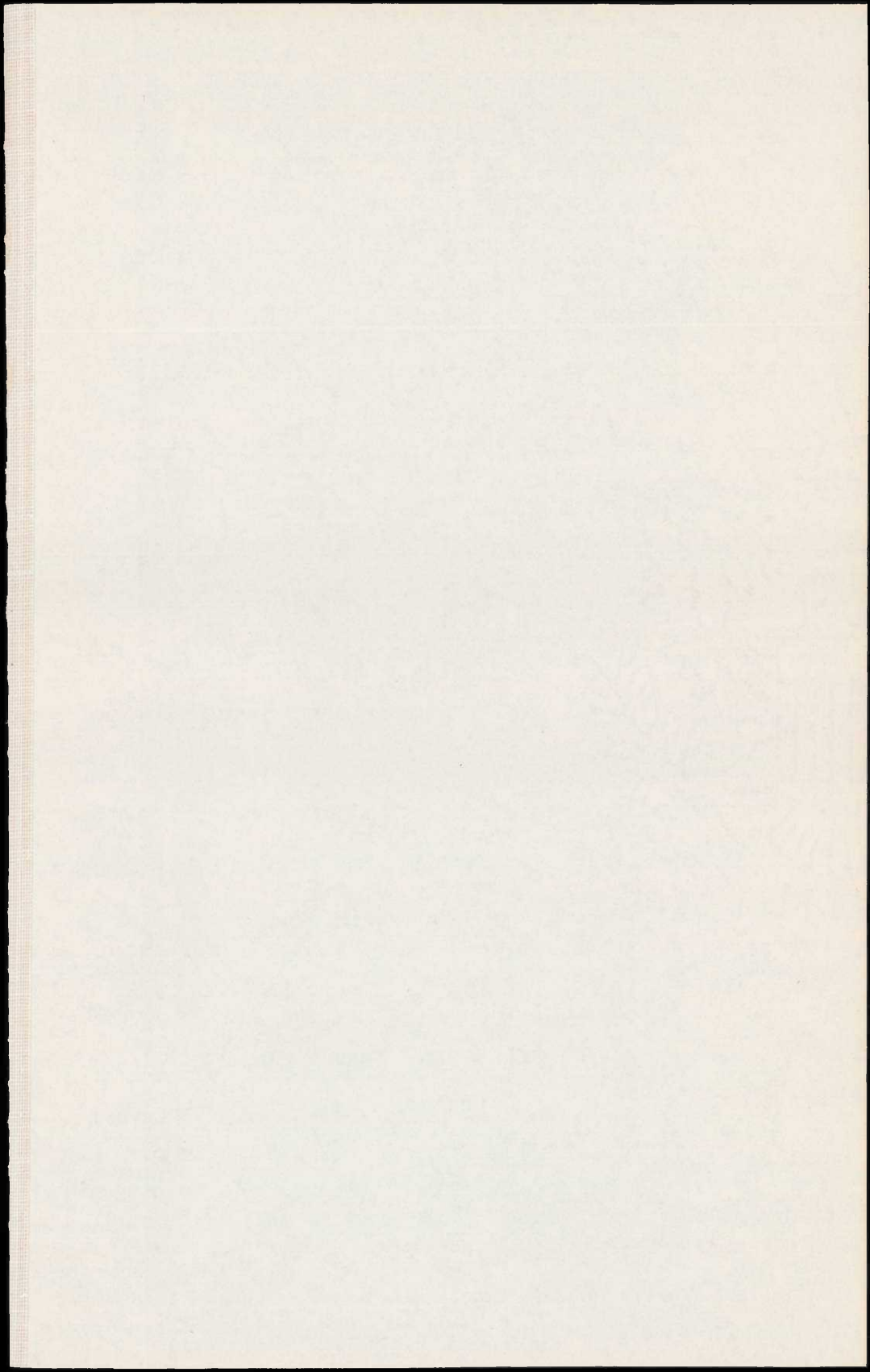
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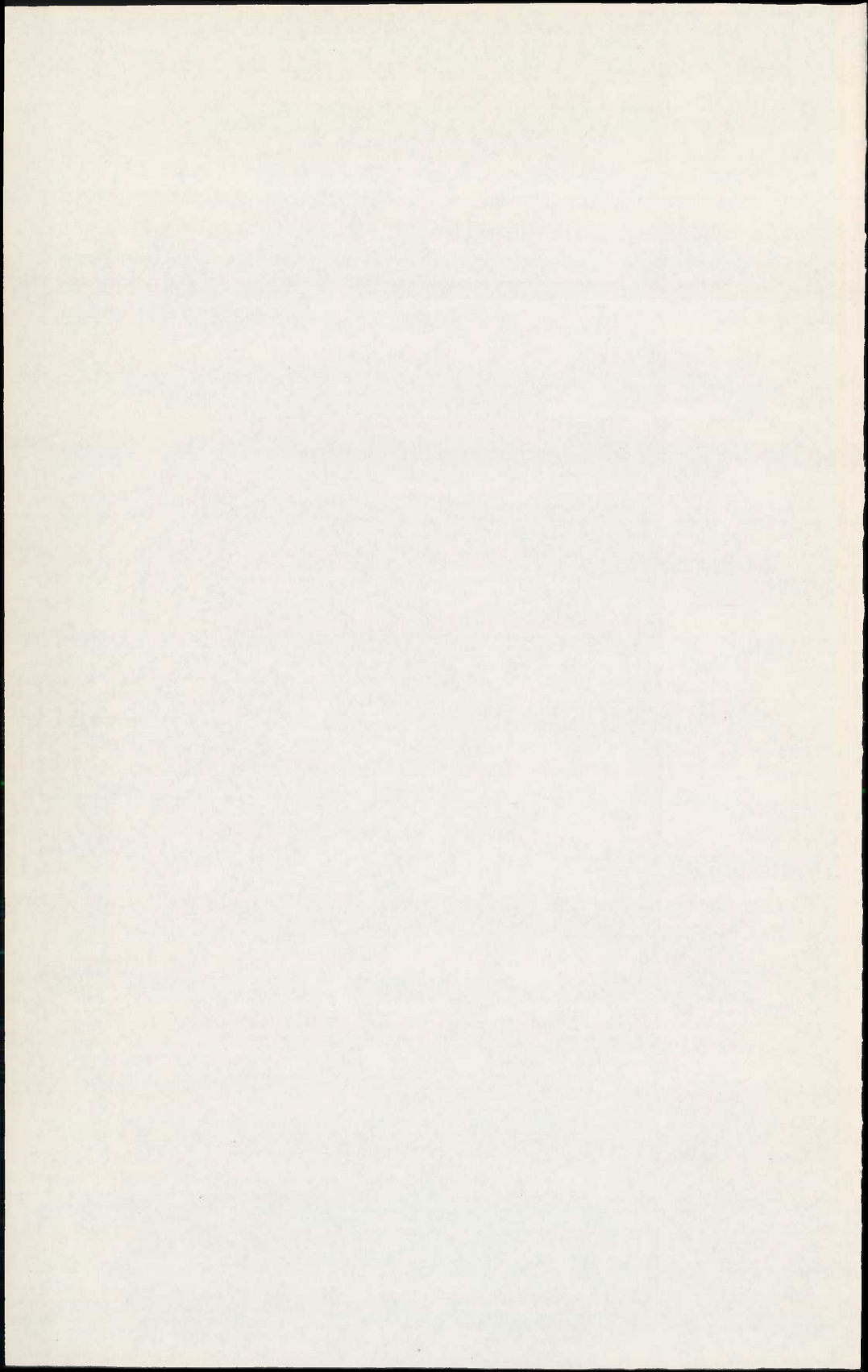
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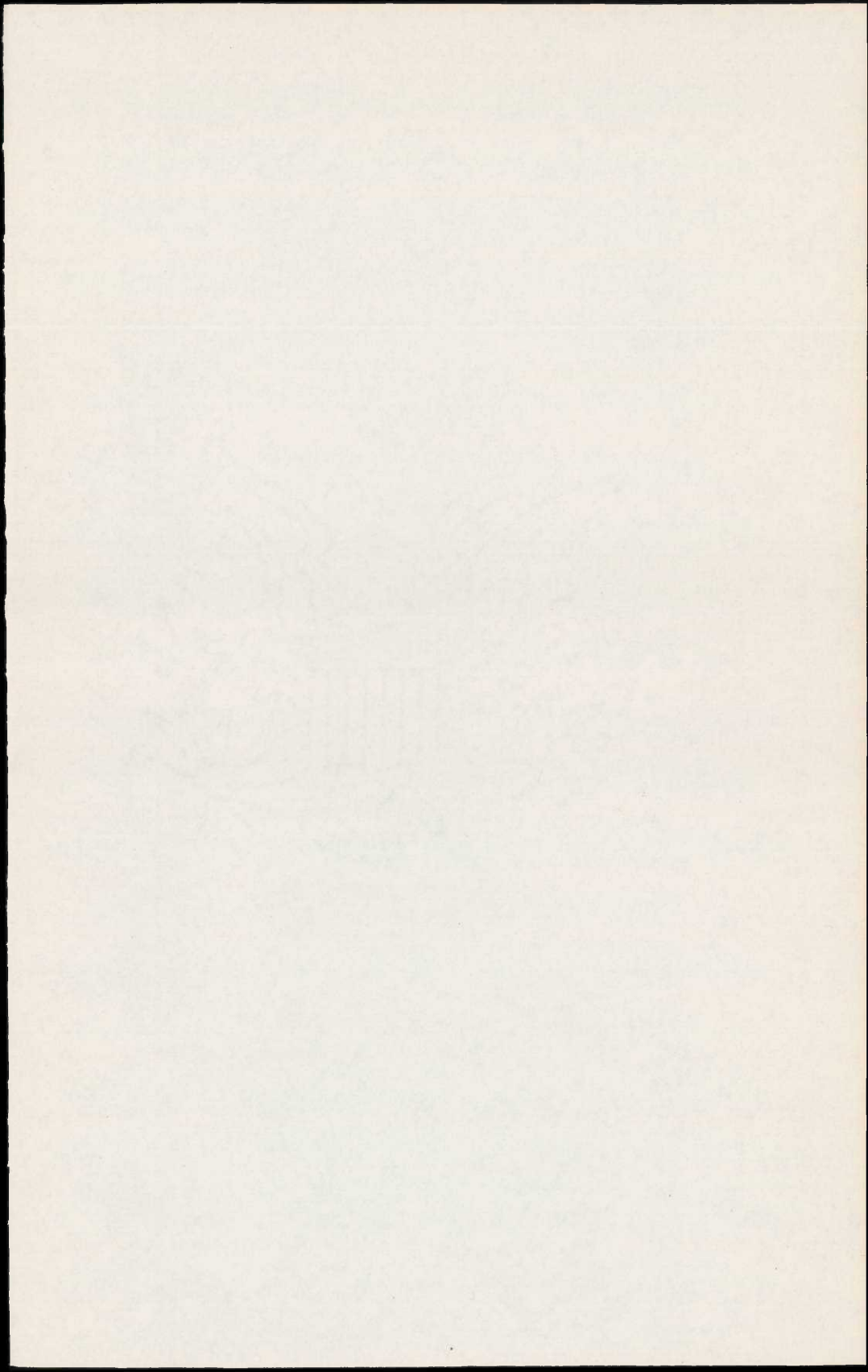
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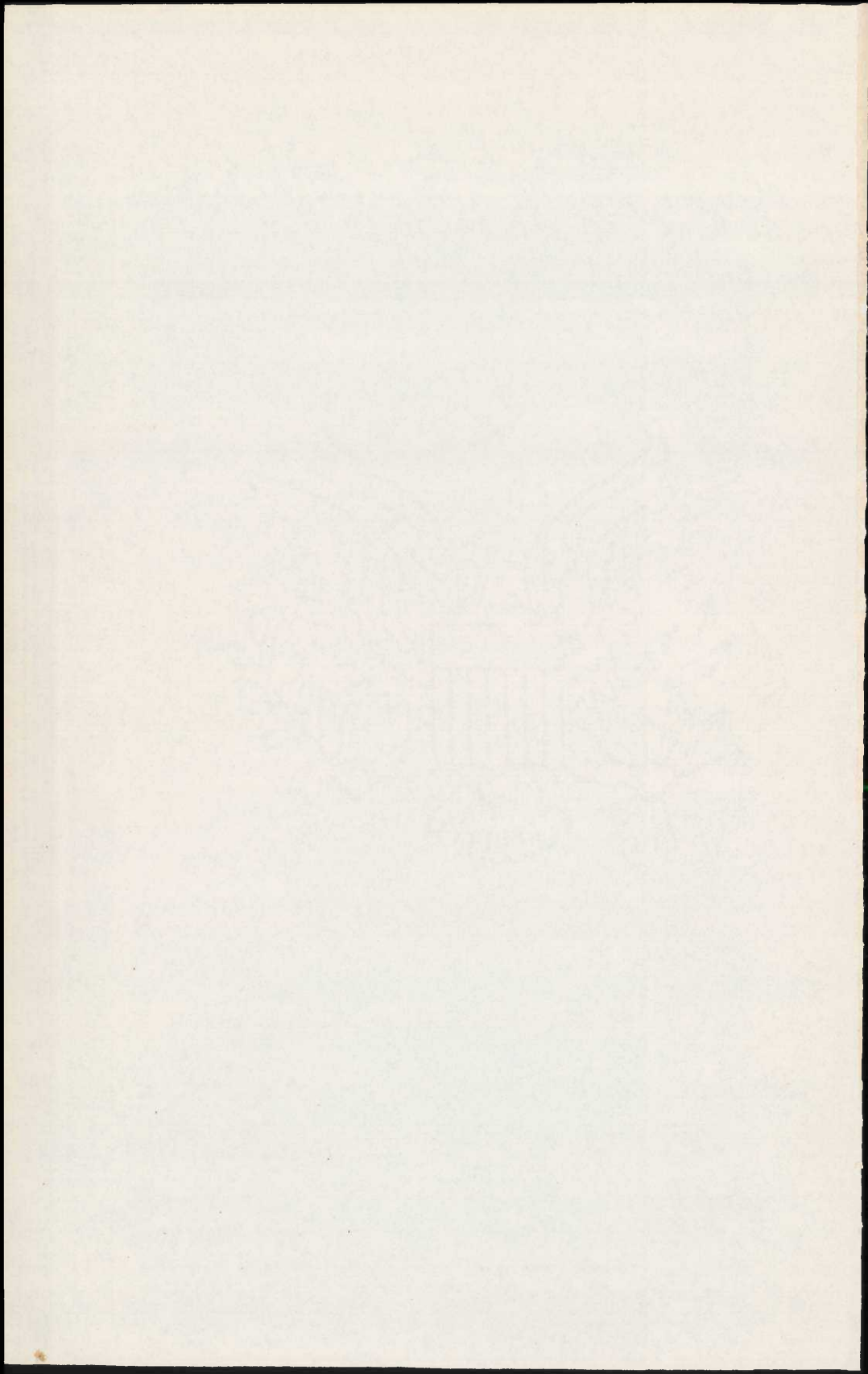


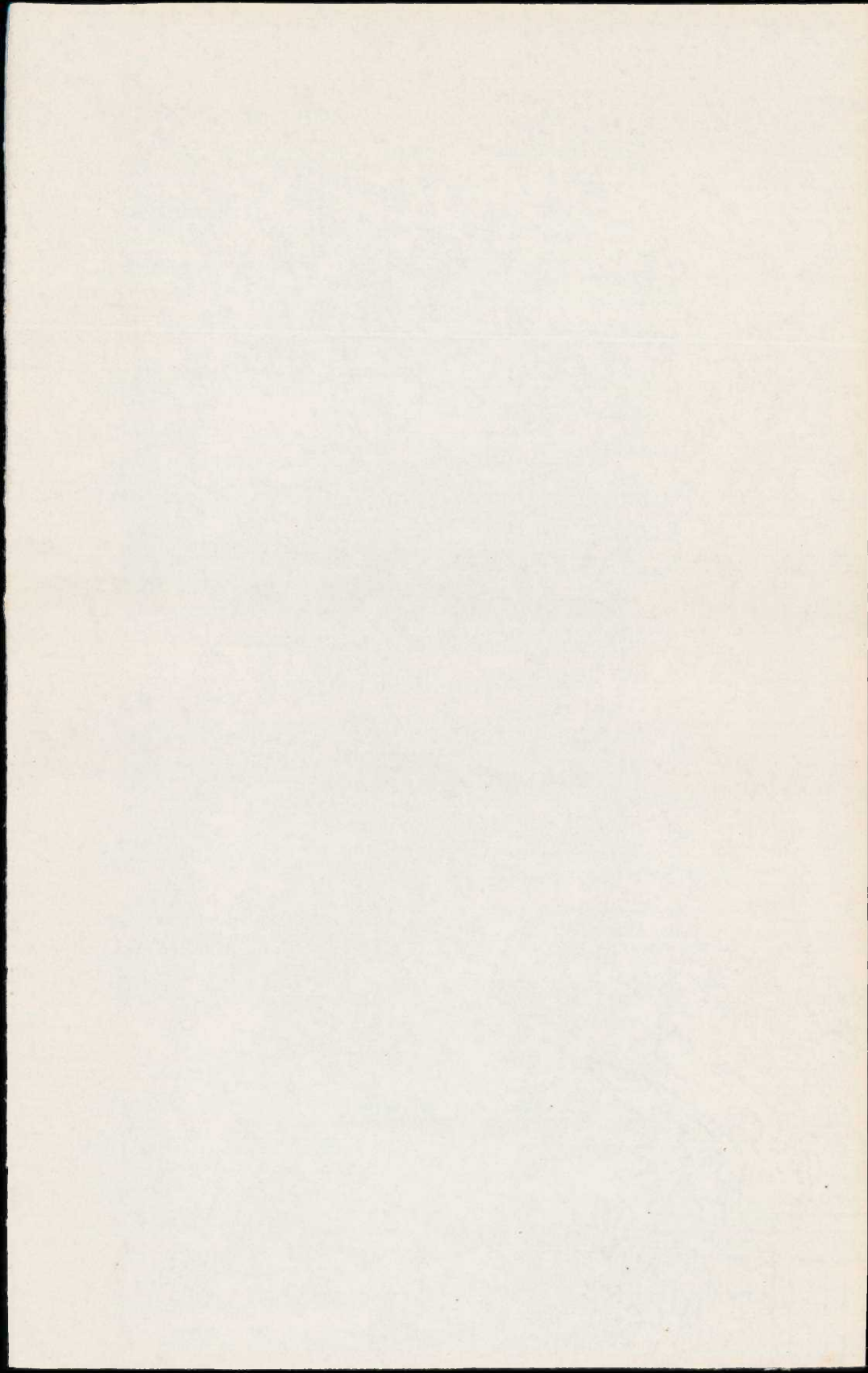


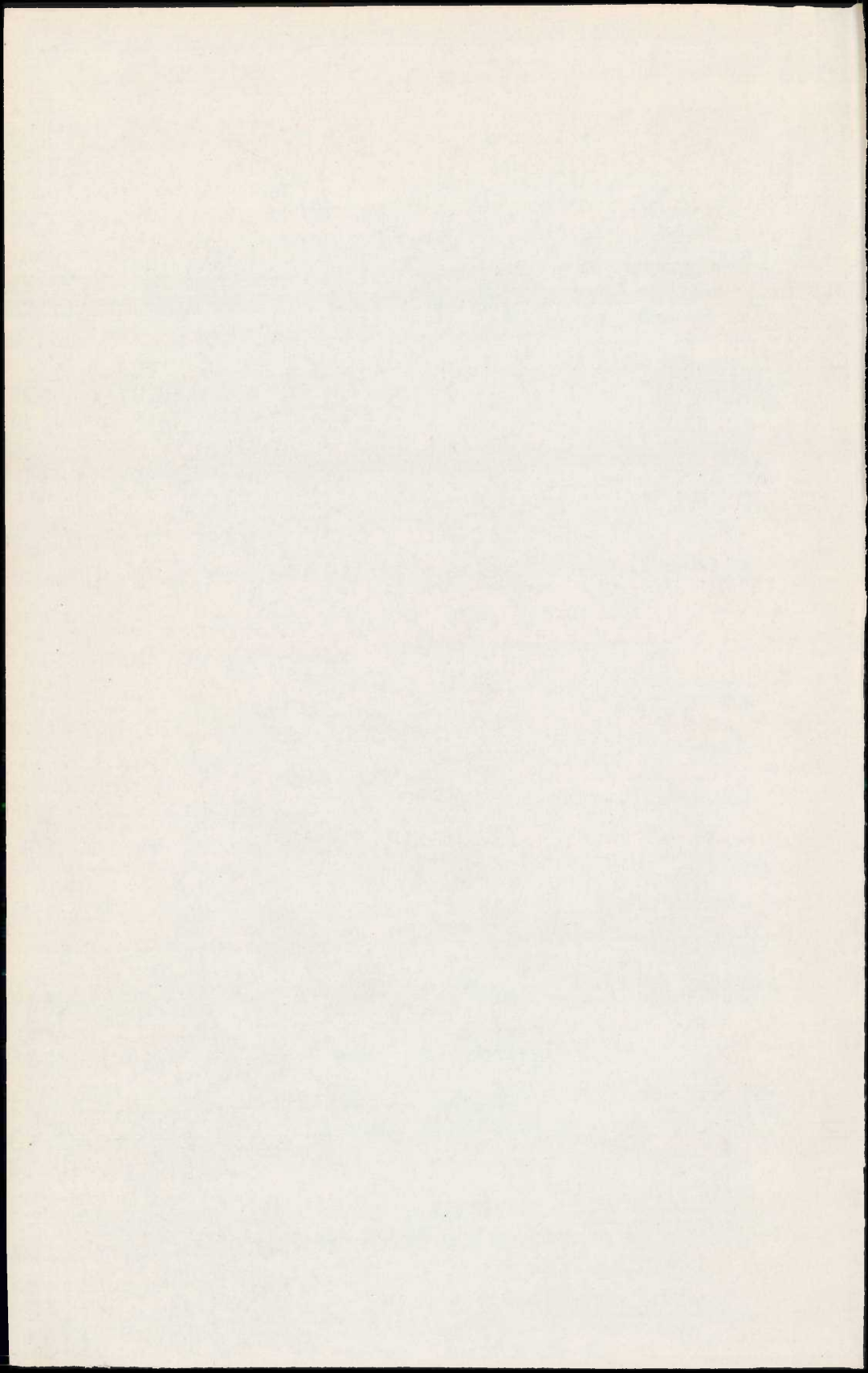


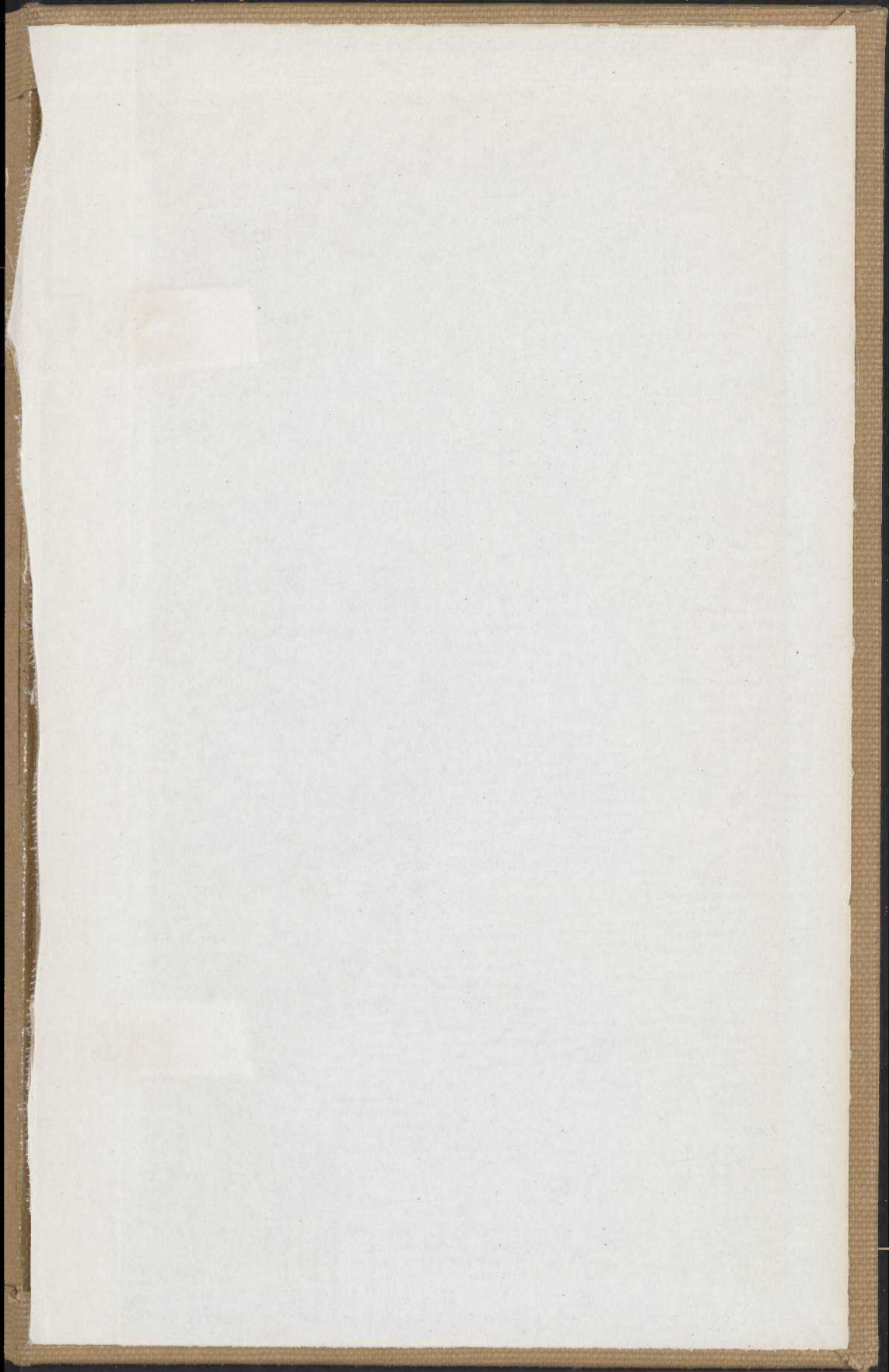














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