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- NORFOLK AND WESTERN SYSTEM.** See **Railroad Mergers**, 1-3.
- NOTICE.** See **Labor-Management Reporting and Disclosure Act of 1959**, 2.
- OATHS.** See **Constitutional Law**, I, 3.
- OBER ACT.** See **Constitutional Law**, I, 3.
- OCEAN-FRONT PROPERTY.** See **Accretion**.
- OKLAHOMA.** See **Antitrust Acts**, 2; **Interstate Commerce**.
- ORANGES.** See **Antitrust Acts**, 1.
- ORDERS.** See **Administrative Procedure**; **Federal Rules of Civil Procedure**.
- OREGON.** See **Constitutional Law**, II; IV; **Federal-State Relations**.
- OVERBREADTH.** See **Abstention**; **Constitutional Law**, I, 3; V; **Procedure**, 4-5; **Subversive Activities Control Act**.
- PACKING HOUSES.** See **Antitrust Acts**, 1.
- PAROLE BOARDS.** See **Constitutional Law**, I, 5.
- PARTIAL PAYMENT.** See **Criminal Justice Act**.
- PAUPERS.** See **Constitutional Law**, I, 5; III, 2.
- PENNSYLVANIA-NEW YORK CENTRAL MERGER.** See **Railroad Mergers**, 1-3.
- PERSONAL PROPERTY.** See **Constitutional Law**, IV; **Federal-State Relations**.
- PETIT JURIES.** See **Confessions**, 1; **Constitutional Law**, I, 4, 6; III, 1, 3-4; **Evidence**; **Procedure**, 9-10.
- PHYSICAL ABUSE.** See **Confessions**, 2; **Constitutional Law**, I, 1.
- PHYSICAL INTRUSION.** See **Constitutional Law**, VIII, 2-3.
- PLEADING.** See **Jurisdiction**; **Mandamus**.
- POLICE OFFICERS.** See **Confessions**, 1; **Constitutional Law**, III, 3.
- POLITICAL HANDBILLS.** See **Abstention**; **Procedure**, 4-5.
- POOLING.** See **Railroad Mergers**, 1-3.
- PORT SITES.** See **Constitutional Law**, II.
- POST-TRIAL PROCEEDING.** See **Constitutional Law**, I, 5.
- PREJUDICIAL ERROR.** See **Constitutional Law**, I, 4; **Evidence**; **Procedure**, 9.

PRELIMINARY HEARING TRANSCRIPTS. See **Constitutional Law**, III, 2; **Procedure**, 7, 11.

PRESUMPTIONS. See **Constitutional Law**, I, 4; **Evidence**; **Procedure**, 9.

PRETRIAL DISCOVERY. See **Jurisdiction**; **Mandamus**.

PRIOR CONVICTIONS. See **Constitutional Law**, I, 4; **Evidence**; **Procedure**, 9.

PRISON RIOTS. See **Confessions**, 2; **Constitutional Law**, I, 1.

PRIVACY. See **Constitutional Law**, VIII, 2-3.

PROBATE COURTS. See **Constitutional Law**, IV; **Federal-State Relations**.

PROBATION. See **Constitutional Law**, I, 5.

PROCEDURE. See also **Abstention**; **Administrative Procedure**; **Civil Rights Act**; **Confessions**, 1; **Constitutional Law**, I, 2, 4, 6; III, 1-4; **Criminal Justice Act**; **Evidence**; **Interstate Commerce Commission**; **Jurisdiction**; **Mandamus**; **Railroad Mergers**, 1-3; **Trial**.

1. *Certiorari—Record not clear and specific—Illegal search and seizure.*—Record in this case involving State's use of evidence to convict respondent which allegedly had been illegally seized is not sufficiently clear and specific to permit decision of the constitutional issues involved, and certiorari is dismissed. *Massachusetts v. Painten*, p. 560.

2. *Certiorari—Ripeness—Court of Appeals' remand.*—Petition for certiorari denied as case not ripe for review where Court of Appeals had ordered remand for District Court to determine if petitioner union was in contempt of District Court's order not to strike and, if so, whether that court's coercive fine was warranted. *Firemen v. Bangor & A. R. Co.*, p. 327.

3. *Civil Rights Act—Welfare regulations—Exhaustion of administrative remedies.*—One of the Act's underlying purposes was "to provide a remedy in the federal courts supplementary to any remedy any State might have," and "relief under the Act may not be defeated because relief was not sought under state law which provided [an administrative] remedy." *Damico v. California*, p. 416.

4. *Declaratory judgment—Abstention—Injunctions.*—District Court had duty of adjudicating request for declaratory judgment that New York statute forbidding distribution of anonymous political handbills contravened the First Amendment by its overbreadth, regardless of its conclusion as to the propriety of the issuance of an injunction, for the questions of abstention and of injunctive relief are not the same. *Zwickler v. Koota*, p. 241.

PROCEDURE—Continued.

5. *Declaratory Judgment Act—Abstention—Civil Rights Act.*—District Court erred in refusing to pass on appellant's claim for a declaratory judgment that New York statute forbidding distribution of anonymous political handbills contravened the First Amendment by its overbreadth, as there was no "special circumstance" warranting its application of the abstention doctrine to that claim. *Zwickler v. Koota*, p. 241.

6. *Exhaustion of administrative remedies—Subversive Activities Control Act — Constitutional claims.*— Ordinarily, where Congress has provided a civil proceeding in which appellants can raise their constitutional claims, this administrative procedure should be followed so that the District Court will not have to decide the constitutional issues devoid of factual context and before it is clear that appellants are covered by the Act. *DuBois Clubs v. Clark*, p. 309.

7. *Exhaustion of state remedies—Denial of equal protection of the laws.*—The Court of Appeals erred in holding that petitioner should return to the state courts for relief in light of holding by highest state court, after petitioner had exhausted his state remedies, that statutory requirement for payment of transcript, as applied to indigent, constituted denial of equal protection, as no substantial interest would be served by requiring him to resubmit to the state courts an issue the resolution of which is predetermined by established federal principles. *Roberts v. LaVallee*, p. 40.

8. *New trial granted to co-defendant—Claim of concealment by prosecution.*—The case, in light of action by the New Jersey Supreme Court granting petitioner's co-defendant a new trial on allegations similar to petitioner's claim that the prosecution concealed the existence of a promise to recommend leniency for an accomplice who testified for the State, is remanded for reconsideration, which may include whether petitioner must first exhaust any available state remedies. *Garner v. Yeager*, p. 86.

9. *Presumptively void prior conviction—Use to support guilt or enhance punishment for other offense.*—Use of a prior conviction presumably obtained after denial of the right to counsel, and thus presumptively void under *Gideon v. Wainwright*, 372 U. S. 335, either for purpose of supporting guilt or enhancing punishment for another offense would erode principle of that case and allow an unconstitutional procedure to injure a defendant twice. *Burgett v. Texas*, p. 109.

10. *Voluntariness of confession—Hearing in jury's presence—Consent of counsel.*—Previous cases in this Court have not determined that voluntariness hearings must necessarily be held out of the

PROCEDURE—Continued.

jury's presence, and where, as here, respondent's counsel consented to the procedure used, and the judge found the statement voluntary, respondent was deprived of no constitutional right. *Pinto v. Pierce*, p. 31.

11. *Wiretaps—Monitoring conversations of co-defendant—New trial for co-defendant.*—Court of Appeals erred in denying petitioner's motion for an evidentiary hearing in District Court to determine whether he was prejudiced by monitoring where it had granted his co-defendant a new trial based on the Government's disclosure that the F. B. I. after the indictment had monitored conversations between the co-defendant and the latter's attorney. *Roberts v. United States*, p. 18.

PRODUCERS. See **Antitrust Acts**, 1.

PROOF. See **Constitutional Law**, VII.

PROSECUTION. See **Procedure**, 8.

PROSECUTORS. See **Jurisdiction; Mandamus.**

PROTECTIVE CONDITIONS. See **Railroad Mergers**, 1-3.

PUBLIC EMPLOYEES. See **Constitutional Law**, I, 3; VII.

PUBLIC INTEREST. See **Interstate Commerce Commission; Railroad Mergers**, 1-3.

PUBLIC OFFICIALS. See **Constitutional Law**, VII.

PUNISHMENT. See **Constitutional Law**, I, 4; **Evidence; Procedure**, 9; **Trial**.

QUORUM. See **Administrative Procedure.**

RACIAL DISCRIMINATION. See **Constitutional Law**, III, 1, 3-4.

RAILROAD MERGERS.

1. *Interstate Commerce Commission—Penn-Central merger—Norfolk and Western inclusion proceedings.*—The ICC properly and lawfully discharged its duties with respect to the Penn-Central merger, as its findings and conclusions accord with § 5 of the Interstate Commerce Act and are supported by substantial evidence. Competition is merely one aspect of the public interest in the merger; rail service by the merged company will remain subject to vigorous competition from motor, rail, water and air carriers; the evidence before the ICC generally attested to the probability of significant benefit from the merger; and the ICC retains authority over any reductions of service and facilities not specifically approved in the merger plans. *Penn-Central Merger Cases*, p. 486.

RAILROAD MERGERS—Continued.

2. *Penn-Central merger—Inclusion of New Haven Railroad—Bondholders.*—The appeals of New Haven Railroad bondholders challenging the ICC's order providing terms, subject to the approval of the bankruptcy court, for New Haven's inclusion in the Penn-Central system and for a loan arrangement to keep the road operating, are rejected. Penn-Central Merger Cases, p. 486.

3. *Penn-Central merger—Norfolk and Western inclusion order.*—The District Court's disallowance of the claims of those who challenge the ICC's order for the inclusion of the "protected roads" in the N & W system is affirmed. If the smaller roads' bondholders feel that N & W has invaded their rights, they may apply to the ICC for relief under its reserved jurisdiction. The financial terms involved in the inclusion were established by the ICC within the area of fairness and equity, were reviewed by the District Court in detail and sustained, and there is no basis for reversing that judgment. Penn-Central Merger Cases, p. 486.

RAPE. See **Confessions**, 1; **Constitutional Law**, I, 2; III, 3.

REAL PROPERTY. See **Accretion**; **Constitutional Law**, IV; **Federal-State Relations**.

RECIDIVIST STATUTES. See **Constitutional Law**, I, 4; **Evidence**; **Procedure**, 9.

RECIPROCITY. See **Constitutional Law**, IV; **Federal-State Relations**.

RECORD. See **Constitutional Law**, VIII, 1; **Procedure**, 1.

RECORDINGS. See **Constitutional Law**, VIII, 2-3.

REGISTRATION ORDERS. See **Constitutional Law**, V; **Procedure**, 6; **Subversive Activities Control Act**.

REINSTATEMENT. See **National Labor Relations Act**.

REMAND. See **Procedure**, 2.

REMEDIES. See also **Civil Rights Act**; **Constitutional Law**, III, 2; **Jurisdiction**; **Mandamus**; **Procedure**, 3, 6-8, 11; **Rivers and Harbors Act of 1899**.

Negligent sinking of vessel—Removal by Government—Rivers and Harbors Act of 1899.—The remedies and procedures for the enforcement of § 15 of the Act, which makes it unlawful to "carelessly sink, or permit or cause to be sunk a vessel in navigable waters," are not exclusive and do not foreclose the Government from *in personam* relief against a party who negligently sinks a vessel in a navigable waterway. *Wyandotte Co. v. United States*, p. 191.

- RESTRAINT OF TRADE.** See *Antitrust Acts*, 1-2.
- RETAILERS AND WHOLESALERS.** See *Antitrust Acts*, 2; *Interstate Commerce*.
- REVIEW.** See *Procedure*, 2.
- RIGHT TO COUNSEL.** See *Constitutional Law*, I, 4-5; *Evidence*; *Procedure*, 9; *Trial*.
- RIPARIAN RIGHTS.** See *Constitutional Law*, II.
- RIPENESS.** See *Procedure*, 2.
- RIVERS.** See *Constitutional Law*, II; *Remedies*; *Rivers and Harbors Act of 1899*.
- RIVERS AND HARBORS ACT OF 1899.** See also *Remedies*.
Negligent sinking of vessel—Removal by Government—In personam liability.—The remedies and procedures for the enforcement of § 15 of the Act, which makes it unlawful to “carelessly sink, or permit or cause to be sunk a vessel in navigable waters,” are not exclusive and do not foreclose the Government from *in personam* relief against a party who negligently sinks a vessel in a navigable waterway. *Wyandotte Co. v. United States*, p. 191.
- ROBINSON-PATMAN ACT.** See *Administrative Procedure*.
- RULE OF PROPERTY.** See *Interstate Commerce Commission*.
- RULES.** See *Federal Rules of Civil Procedure*; *Jurisdiction*; *Mandamus*; *Supreme Court*.
- RUNOFF ELECTIONS.** See *Labor-Management Reporting and Disclosure Act of 1959*, 2.
- SALESMEN.** See *Taxes*.
- SAVINGS AND LOAN ASSOCIATIONS.** See *Securities Exchange Act of 1934*.
- SEARCH AND SEIZURE.** See *Constitutional Law*, VIII; *Procedure*, 1.
- SECRETARY OF DEFENSE.** See *Constitutional Law*, V; *Subversive Activities Control Act*.
- SECRETARY OF LABOR.** See *Labor-Management Reporting and Disclosure Act of 1959*, 1-2.
- SECURITIES EXCHANGE ACT OF 1934.**
Illinois Savings and Loan Act—Withdrawable capital share—Security.—Withdrawable capital share in an Illinois-chartered savings and loan association is a “security” within the meaning of the *Securities Exchange Act of 1934*. *Tcherepnin v. Knight*, p. 332.

- SECURITY.** See **Securities Exchange Act of 1934.**
- SENTENCES.** See **Constitutional Law, I, 5.**
- SERVICE DEFICIENCIES.** See **Interstate Commerce Commission.**
- “SET-BACK” PROVISIONS.** See **Federal Rules of Civil Procedure.**
- SEVERABILITY CLAUSE.** See **Constitutional Law, I, 3.**
- SHARES.** See **Securities Exchange Act of 1934.**
- SHERMAN ACT.** See **Antitrust Acts, 1-2; Interstate Commerce.**
- SHIPS.** See **Remedies; Rivers and Harbors Act of 1899.**
- SHIPYARDS.** See **Constitutional Law, V; Subversive Activities Control Act.**
- SHORELINE.** See **Accretion; Submerged Lands Act.**
- SINKINGS.** See **Remedies; Rivers and Harbors Act of 1899.**
- SIXTH AMENDMENT.** See **Constitutional Law, I, 4; Evidence; Procedure, 9.**
- STATE EMPLOYEES.** See **Constitutional Law, I, 3.**
- STATE SAVINGS AND LOAN ASSOCIATIONS.** See **Securities Exchange Act of 1934.**
- STATE’S WITNESS.** See **Procedure, 8.**
- STEVEDORES.** See **Federal Rules of Civil Procedure.**
- STREAMS.** See **Constitutional Law, II.**
- STRIKES.** See **Federal Rules of Civil Procedure; National Labor Relations Act; Procedure, 2.**
- SUBMERGED LANDS ACT.** See also **Constitutional Law, II.**
Texas’ coastline—Three-league limit—Not measured from jetties.—
 Texas’ claim under the three-league grant of the Submerged Lands Act must be measured by the boundary which existed in 1845, when Texas entered the Union, and cannot be measured from artificial jetties built long thereafter. *United States v. Louisiana*, p. 155.
- SUBVERSIVE ACTIVITIES CONTROL ACT.** See also **Constitutional Law, V; Procedure, 6.**
*Member of Communist Party employed at shipyard—Designation of shipyard as “defense facility.”—*Section 5 (a) (1) (D) of the Act, which provides that, when a Communist-action organization is under final order to register, it shall be unlawful for any member “to engage in any employment in any defense facility,” is invalid since by its overbreadth it unconstitutionally abridges the right of association protected by the First Amendment. *United States v. Robel*, p. 258.

SUBVERSIVE ORGANIZATIONS. See **Constitutional Law, V;**
Subversive Activities Control Act.

SUNKIST ORANGES. See **Antitrust Acts, 1.**

SUPERVISED ELECTIONS. See **Labor-Management Reporting
and Disclosure Act of 1959, 1-2.**

SUPREMACY CLAUSE. See **Constitutional Law, IX;** **Federal-
State Relations.**

SUPREME COURT. See **Procedure, 2.**

1. Amendments to Rules of Civil Procedure, p. 1121.

2. Amendments to Rules of Criminal Procedure, p. 1125.

3. Appointment of Mr. Justice MARSHALL, p. VII.

4. Assignment of Mr. Justice Reed (retired) to United States
Court of Claims, p. 924.

5. Presentation of the Solicitor General, p. XI.

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SURVEILLANCE. See **Constitutional Law, VIII, 2-3.**

"SWEATBOX" PUNISHMENT. See **Confessions, 2;** **Constitu-
tional Law, I, 1.**

TARDINESS. See **Trial.**

TAXES.

Deductions—Traveling expenses—Costs of meals.—Commissioner of Internal Revenue's long-standing ruling that "traveling expenses" incurred in the pursuit of business "while away from home," which are deductible under § 162 (a) (2) of the Internal Revenue Code of 1954, include the cost of meals only if the trip requires rest or sleep achieves not only ease and certainty of application but also substantial fairness and is within the Commissioner's authority to implement the statute in any reasonable manner. *United States v. Correll*, p. 299.

TEACHERS. See **Constitutional Law, I, 3.**

TELEPHONE BOOTHS. See **Constitutional Law, VIII, 2-3.**

TENNESSEE. See **Constitutional Law, I, 2.**

TERRITORIAL DIVISION. See **Antitrust Acts, 2;** **Interstate
Commerce.**

TESTIMONY. See **Confessions, 1;** **Constitutional Law, III, 3.**

TEXAS. See **Constitutional Law, I, 4;** **Evidence; Procedure, 9;**
Submerged Lands Act.

THREATS. See **Constitutional Law, I, 2.**

THREE-LEAGUE LIMIT. See **Submerged Lands Act.**

- THREE-MILE LIMIT.** See **Submerged Lands Act.**
- TRANSCRIPTS.** See **Constitutional Law, III, 2; Procedure, 7, 11.**
- TRANSPORTATION ACTS.** See **Railroad Mergers, 1-3.**
- TRAVELING EXPENSES.** See **Taxes.**
- TREATIES.** See **Constitutional Law, IV; Federal-State Relations.**
- TRESPASS.** See **Constitutional Law, VIII, 2-3.**
- TRIAL.** See also **Constitutional Law, I, 4; Evidence; Procedure, 9.**
Tardiness of defendant—Incarceration for remainder of trial.—
Trial judge's ordering defendant to be incarcerated for balance of trial period as a result of one instance of tardiness was punitive, and because the procedures for inflicting punishment had not been followed and because the order could not be justified as having been made to facilitate the trial, the order placed an unjustified burden on the defense. *Bitter v. United States*, p. 15.
- TRIAL COUNSEL.** See **Criminal Justice Act.**
- TRIAL JUDGE.** See **Constitutional Law, I, 6; Procedure, 10.**
- TRIALS.** See **Confessions, 1; Constitutional Law, I, 4; III, 3.**
- UNAUTHORIZED PRACTICE OF LAW.** See **Constitutional Law, VI.**
- UNEMPLOYMENT COMPENSATION.** See **Constitutional Law, IX.**
- UNFAIR LABOR PRACTICE.** See **Constitutional Law, IX; National Labor Relations Act.**
- UNION ELECTIONS.** See **Labor-Management Reporting and Disclosure Act of 1959, 1-2.**
- UNIONS.** See **Constitutional Law, IX; Federal Rules of Civil Procedure; National Labor Relations Act; Procedure, 2.**
- UNITED STATES ATTORNEYS.** See **Jurisdiction; Mandamus.**
- UNIVERSITY OF MARYLAND.** See **Constitutional Law, I, 3.**
- UNSUPERVISED ELECTIONS.** See **Labor-Management Reporting and Disclosure Act of 1959, 1-2.**
- VAGUENESS.** See **Constitutional Law, I, 3; Federal Rules of Civil Procedure.**
- VESSELS.** See **Remedies; Rivers and Harbors Act of 1899.**
- VOLUNTARINESS.** See **Confessions, 1-2; Constitutional Law, I, 1, 6; III, 3; Procedure, 10.**
- WAGERING INFORMATION.** See **Constitutional Law, VIII, 2-3.**

WAREHOUSES. See **Antitrust Acts**, 2; **Interstate Commerce**.

WARRANTS. See **Constitutional Law**, VIII, 2-3.

WASHINGTON. See **Accretion**; **Constitutional Law**, II.

WATERFRONT PROPERTY. See **Constitutional Law**, II.

WATERS. See **Constitutional Law**, II.

WELFARE REGULATIONS. See **Civil Rights Act**; **Procedure**, 3.

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

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WITHDRAWABLE CAPITAL SHARES. See **Securities Exchange Act of 1934**.

WITNESSES. See **Confessions**, 1; **Constitutional Law**, III, 3; **Jurisdiction**; **Mandamus**.

WORDS.

1. "*Security.*" **Securities Exchange Act of 1934**, § 3 (a) (10), 15 U. S. C. § 78c (a) (10). *Tcherepnin v. Knight*, p. 332.

2. "*Traveling expenses . . . while away from home.*" **Internal Revenue Code of 1954**, § 162 (a) (2), 26 U. S. C. § 162 (a) (2) (1958 ed.). *United States v. Correll*, p. 299.

WORKMEN'S COMPENSATION CLAIMS. See **Constitutional Law**, IX.

WRECKS. See **Remedies**; **Rivers and Harbors Act of 1899**.



















