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2. *Injunctions—Attorney's fee—Defense not in good faith.*—One who succeeds in obtaining an injunction under Title II of the Act should ordinarily recover an attorney's fee under § 204 (b) unless special circumstances would render such an award unjust, and should not be limited, as the Court of Appeals held, to an award of counsel fees only if the defenses advanced were "for purposes of delay and not in good faith." *Newman v. Piggie Park Enterprises*, p. 400.

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II. Due Process.

1. *Disbarment proceedings—Notice of charges.*—The lack of notice to petitioner, member of Ohio bar, prior to time he and his "investigator" testified, that his employment of "investigator" would be considered disbarment offense deprived petitioner of procedural due process. *In re Ruffalo*, p. 544.

2. *Pretrial identification—Photographs.*—In light of totality of circumstances, identification procedure through use of photographs was not such as to deny petitioner due process or to call for reversal under Court's supervisory power. Each case involving pretrial identification by photographs must be considered on its own facts, and convictions based on eyewitness identification at trial following such pretrial identification will be set aside on ground of prejudice only if pretrial identification was so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification. *Simmons v. United States*, p. 377.

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2. *Defamation—Televised political speech.*—In order that it can be found that petitioner, who made a televised political speech in which respondent, a deputy sheriff, was falsely charged with criminal conduct, within the meaning of *New York Times Co. v. Sullivan*, 376 U. S. 254, acted in "reckless disregard" of whether the defamatory statement is false or not, there must be sufficient evidence to permit the conclusion that petitioner had serious doubts as to the truth of his publication. *St. Amant v. Thompson*, p. 727.

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2. *Cross-examination—Identity of witness.*—Where on cross-examination of principal prosecution witness at petitioner's state trial for illegal sale of narcotics the court sustained the prosecutor's objections to disclosure of witness' correct name and his address, petitioner was denied his Sixth Amendment right to confront the witnesses against him. *Smith v. Illinois*, p. 129.

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1. *Burden of proof—State tax on interstate railroad property—Mileage formula.*—Appellants' evidence satisfied the burden which rests on an interstate railroad attacking Missouri Tax Commission's mileage formula of showing that the formula reached assets outside the State, and Missouri has not countered such evidence here. The record is barren of evidence relating to the enhanced value of property in Missouri by reason of the incorporation of such property into the entire N & W system. *Norfolk & W. R. Co. v. Missouri Tax Comm'n*, p. 317.

2. *Motion to suppress—Use of testimony at trial.*—When a defendant testifies in support of a motion to suppress evidence on Fourth Amendment grounds, his testimony may not be thereafter admitted against him at trial on the issue of guilt unless he makes no objection. *Simmons v. United States*, p. 377.

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FAIRNESS. See **Bankruptcy**; **Valuation**.

FALSE CLAIMS ACT.

Application for Commodity Credit Corporation loan—Protecting Government from fraudulent claims.—The Act, which was enacted “broadly to protect the funds and property of the Government from fraudulent claims, regardless of the particular form, or function, of the governmental instrumentality upon which such claims were made,” applies to the supplying of false information in support of an application to the Commodity Credit Corporation for a loan. *United States v. Neifert-White Co.*, p. 228.

FALSE INFORMATION. See **False Claims Act**.

FALSE STATEMENTS. See **Constitutional Law**, IV, 2; **Libel**.

FEDERAL EMPLOYERS' LIABILITY ACT. See also **Attorneys**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5, 7.

1. *Not common carrier by railroad—Refrigerator car companies.*—In light of legislative history, consistent judicial decisions holding refrigerator car companies not common carriers by railroad, and the administration of the Act for 60 years, such companies are not within the coverage of the Act. *Edwards v. Pacific Fruit Express Co.*, p. 538.

2. *Release—Mutual mistake of fact—Tender of consideration.*—Plaintiff under the Act who attacks a previously executed release on grounds of mutual mistake of fact is not required to tender back to his employer the consideration received for the release in order to maintain the action. Except as the release may otherwise bar recovery, the sum paid shall be deducted from any award determined to be due the injured employee. *Hogue v. Southern R. Co.*, p. 516.

FEDERAL KIDNAPING ACT. See also **Constitutional Law**, X, 3; **Statutory Construction**.

Death penalty clause—Severability.—The death penalty provision, to be imposed “if the verdict of the jury shall so recommend,” creates an impermissible burden upon the exercise of a constitutional right, but that provision is severable from the remainder of the Act and the unconstitutionality of that clause does not require the defeat of the Act as a whole. *United States v. Jackson*, p. 570.

FEDERAL MARITIME COMMISSION. See also **Administrative Procedure**; **Judicial Review**, 2; **Procedure**, 1; **Shipping Act**, 1916.

Shipping Act, 1916—Filing of agreement under § 15—Mechanization and modernization fund.—The agreement was required to be filed with the FMC under § 15 of the Act, since the FMC recognized

FEDERAL MARITIME COMMISSION—Continued.

that the assessment formula was a "cooperative working agreement" clearly within the plain language of § 15; in holding that the agreement did not "affect competition" the FMC ignored economic realities; the FMC has not previously limited § 15 to horizontal agreements among competitors; and the legislative history of this broad statute indicates that Congress intended to subject to the scrutiny of a specialized agency the myriad of restrictive maritime agreements. *Volkswagenwerk v. FMC*, p. 261.

FEDERAL POWER COMMISSION. See also **Procedure**, 8.

1. *Administrative expertise—Presumption of validity—"Heavy burden" to overturn.*—Presumption of validity attaches to each exercise of the FPC's expertise, and those who would overturn its judgment undertake "the heavy burden of making a convincing showing that it is invalid because it is unjust and unreasonable in its consequences." *Permian Basin Area Rate Cases*, p. 747.

2. *Administrative procedure—Area rate regulation—Natural gas.*—The FPC has constitutional and statutory authority to adopt a system of area regulation and to impose supplementary requirements. The rate structure devised for natural gas produced in the Permian Basin did not exceed its authority, and the "heavy burden" of attacking the validity of that rate structure has not been satisfied. *Permian Basin Area Rate Cases*, p. 747.

3. *Area rates—Natural gas—Refunds.*—FPC's orders requiring refunds of (1) amounts charged in excess of the applicable area rates for periods following the effective date of its order and (2) amounts collected in excess of area rates during previous periods in which producers' prices were subject to refund under § 4 (e) of the Natural Gas Act, were within its authority. It reasonably concluded that the adoption of a system of refunds conditioned on findings as to aggregate area revenues would prove inequitable to consumers and difficult to administer effectively. *Permian Basin Area Rate Cases*, p. 747.

FEDERAL RIGHTS. See **Civil Rights Act of 1964**, 1.**FEDERAL RULES OF CIVIL PROCEDURE.** See also **Constitutional Law**, III, 1; **Procedure**, 10.

1. *Joinder of parties—Diversity jurisdiction—Rule 19.*—Here, where the automobile owner was assumedly a party who should, under Rule 19 (a), be "joined if feasible," but where joinder as a defendant would destroy diversity, is a problem within the scope of Rule 19 (b); and the application of Rule 19's criteria by the Court of Appeals would have resulted in a different conclusion. *Provident Bank v. Patterson*, p. 102.

FEDERAL RULES OF CIVIL PROCEDURE—Continued.

2. *Rule 19 (b)—Joinder of parties—Substantive rights.*—The Court of Appeals' dismissal of Rule 19 (b) as an ineffective attempt to change the "substantive rights" stated in *Shields v. Barrow*, 17 How. 130, was erroneous, as the Rule is a valid statement of the criteria for determining whether to proceed or dismiss in the forced absence of an interested person. *Provident Bank v. Patterson*, p. 102.

FEDERAL-STATE RELATIONS. See also **Attorneys**; **Constitutional Law**, II, 1; VI, 2; IX, 2-3; **Evidence**, 1; **Federal Rules of Civil Procedure**; **Jurisdiction**, 2; **Labor Management Relations Act**; **Procedure**, 5, 9, 12; **Stockholders**; **Taxes**, 2.

1. *Disbarment proceedings—State action—Federal courts.*—Though state disbarment action is entitled to respect, it is not conclusively binding on the federal courts. In re *Ruffalo*, p. 544.

2. *Removal to federal court—Labor Management Relations Act—Jurisdiction.*—Since this action is based on § 301 of the Act, it is controlled by federal substantive law, even though brought in a state court, and removal is but one aspect of the "primacy of the federal judiciary in deciding questions of federal law." *Avco Corp. v. Aero Lodge 735*, p. 557.

FEDERAL TRADE COMMISSION. See **Robinson-Patman Act**.

FEES. See **Attorney's Fee**; **Civil Rights Act of 1964**, 2.

FIELD PRICES. See **Federal Power Commission**; **Procedure**, 8.

FIFTH AMENDMENT. See **Confessions**; **Constitutional Law**, II, 2; V; IX, 1-4; X, 1, 4; **Evidence**, 2; **Jencks Act**; **National Firearms Act**; **Procedure**, 3-4, 12.

FILMS. See **Constitutional Law**, II, 3; VI, 1, 3; **Obscenity**, 1.

FIREARMS. See **Constitutional Law**, IX, 5; **National Firearms Act**; **Procedure**, 11.

FIRST AMENDMENT. See **Constitutional Law**, II, 3-4; IV; VI-VII; **Jurisdiction**, 3; **Libel**; **Mississippi Anti-Picketing Law**; **Obscenity**; **Procedure**, 9.

FLORIDA. See **Bankruptcy**; **Valuation**.

FORFEITURES. See **False Claims Act**.

FORREST COUNTY. See **Constitutional Law**, VI, 2; **Mississippi Anti-Picketing Law**; **Procedure**, 9.

FOURTEENTH AMENDMENT. See **Attorneys**; **Confessions**; **Constitutional Law**, I; II, 1, 3-4; III; IV, 2; V; VI, 1-3; VII; IX, 1-4; X, 1-2, 4; **Evidence**, 1-2; **Federal-State Relations**, 1; **Libel**; **Mississippi Anti-Picketing Law**; **Obscenity**, 1-3; **Procedure**, 3-5, 9, 12; **Taxes**, 2; **Witnesses**.

- FOURTH AMENDMENT.** See Constitutional Law, II, 2; V; VIII; Evidence, 2; Jencks Act.
- FRAUDULENT CLAIMS.** See False Claims Act.
- FREEDOM OF EXPRESSION.** See Constitutional law, II, 3; VI; Mississippi Anti-Picketing Law; Obscenity, 1; Procedure, 9.
- FREEDOM OF SPEECH AND PRESS.** See Constitutional Law, IV; VII; Libel; Obscenity, 2-3.
- FUTURE EARNINGS.** See Bankruptcy; Valuation.
- GAMBLING LAWS.** See Constitutional Law, IX, 2-3; Procedure, 12.
- GAS PRODUCERS.** See Federal Power Commission; Procedure, 8.
- GAS UTILITY SYSTEM.** See Judicial Review, 4; Public Utility Holding Company Act of 1935.
- GAS-WELL GAS.** See Federal Power Commission; Procedure, 8.
- GENERAL POLICY STATEMENT.** See Federal Power Commission; Procedure, 8.
- GEOGRAPHIC AREA.** See Constitutional Law, III, 2.
- "GIRLIE" MAGAZINES.** See Constitutional Law, II, 4; VII; Obscenity, 2-3.
- GOING-CONCERN VALUE.** See Bankruptcy; Valuation.
- GOOD FAITH.** See Attorney's Fee, 2; Civil Rights Act of 1964, 2.
- GOVERNMENTAL POWERS.** See Constitutional Law, III, 2.
- GOVERNMENT FUNDS.** See False Claims Act.
- GRAIN TRIMMERS.** See Longshoremen's and Harbor Workers' Compensation Act; Remittitur.
- GRIEVANCES AND DISCIPLINE.** See Attorneys; Constitutional Law, II, 1; Federal-State Relations, 1; Procedure, 5.
- GUARDIANS.** See Indians, 1; Standing to Sue, 1.
- GUIDELINE PRICES.** See Federal Power Commission; Procedure, 8.
- GUNS.** See Constitutional Law, IX, 5; National Firearms Act; Procedure, 11.
- HABEAS CORPUS.** See also Sentences.

Challenging current detention—Additional prison sentence no bar.—Whatever its other functions, the writ of habeas corpus is

HABEAS CORPUS—Continued.

available to test the legality of a prisoner's current detention, and it is immaterial that another prison term might await him if he should establish the unconstitutionality of his present imprisonment. *Walker v. Wainwright*, p. 335.

HARMFUL TO MINORS. See *Constitutional Law*, II, 4; VII; *Obscenity*, 2-3.

HARMLESS ERROR. See *Constitutional Law*, IX, 4; *Procedure*, 3.

HOLDING COMPANIES. See *Judicial Review*, 4; *Public Utility Holding Company Act of 1935*.

HONEST MISTAKE. See *Constitutional Law*, II, 4; VII; *Obscenity*, 2-3.

HOODLUMS. See *Civil Rights Act of 1964*, 1.

IDENTIFICATION. See *Constitutional Law*, II, 2; V; *Evidence*, 2; *Jencks Act*.

IDENTITY OF WITNESS. See *Constitutional Law*, X, 2; *Witnesses*.

ILLINOIS. See *Constitutional Law*, X, 2; *Witnesses*.

IMPOUNDED VEHICLES. See *Constitutional Law*, VIII.

IMPRISONMENT. See *Habeas Corpus*; *Sentences*.

INADEQUATE RECORD. See *Bankruptcy*; *Valuation*.

INCENTIVE PRICING. See *Federal Power Commission*; *Procedure*, 8.

INCREASED RATES. See *Federal Power Commission*; *Procedure*, 8.

INCUHPATORY STATEMENTS. See *Confessions*.

INDEPENDENT CONTRACTORS. See *Judicial Review*, 3; *Labor*.

INDEPENDENT PRODUCERS. See *Federal Power Commission*; *Procedure*, 8.

INDIAN CLAIMS COMMISSION. See *Damages*; *Indians*, 2.

INDIANS. See also *Damages*; *Standing to Sue*, 1.

1. *Action for breach of oil and gas lease—Standing to sue—Secretary of Interior.*—Petitioners, Comanche Indians, have standing to maintain action for breach of oil and gas lease, as federal restrictions preventing Indians from selling or leasing allotted land without government consent and fact that Government as guardian of

INDIANS—Continued.

Indians can sue to protect allotments do not preclude Indian land-owners from maintaining suit to protect rights. *Poafpybitty v. Skelly Oil Co.*, p. 365.

2. *Violation of treaty—Sale of tribal lands—Payment of proceeds.*—Government's obligation under the treaty was to invest the sum received from public auction of tribal lands and to pay the annual income to the Tribe "until the money is paid over," and the case is remanded to determine, not interest on the claim, but the measure of damages resulting from the Government's failure to invest the proceeds that would have been received had the treaty not been violated. *Peoria Tribe v. United States*, p. 468.

INDISPENSABLE PARTY. See **Federal Rules of Civil Procedure**; **Procedure**, 10.

INFORMERS. See **Constitutional Law**, IX, 1; X, 2; **Procedure**, 4.

INITIAL FILINGS. See **Federal Power Commission**; **Procedure**, 8.

INJUNCTIONS. See **Attorney's Fee**, 2; **Civil Rights Act of 1964**, 1-2; **Constitutional Law**, VI, 2; **Federal-State Relations**, 2; **Jurisdiction**, 2; **Labor Management Relations Act**; **Mississippi Anti-Picketing Law**; **Procedure**, 9.

INJURIES. See **Federal Employers' Liability Act**, 1-2; **Longshoremen's and Harbor Workers' Compensation Act**; **Procedure**, 7; **Remittitur**.

INSIDERS. See **Bankruptcy**; **Valuation**.

INSOLVENCY. See **Bankruptcy**; **Valuation**.

INSTRUCTIONS TO JURY. See **Constitutional Law**, IX, 1, 4; **Procedure**, 3-4.

INSURANCE AGENTS. See **Judicial Review**, 3; **Labor**.

INSURANCE POLICIES. See **Federal Rules of Civil Procedure**; **Procedure**, 10.

INTEGRATED OPERATION. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

INTEGRATED UTILITY SYSTEM. See **Judicial Review**, 4; **Public Utility Holding Company Act of 1935**.

INTEREST. See **Damages**; **Indians**, 2.

INTERNAL REVENUE. See **Constitutional Law**, IX, 3; **Statute of Limitations**; **Taxes**, 1.

INTERSTATE COMMERCE. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

INTERSTATE SALES. See **Federal Power Commission; Procedure**, 8.

INVESTIGATORS. See **Attorneys; Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

INVOLUNTARINESS. See **Confessions**.

JENCKS ACT. See also **Constitutional Law**, II, 2; V; **Evidence**, 2.

Statements of witnesses—Photographs.—Since none of photographs was acquired or shown to witnesses until day after witnesses gave statements to FBI, the District Court correctly held that photographs were not part of those statements and hence not producible for the defense under the Jencks Act. *Simmons v. United States*, p. 377.

JOINDER OF PARTIES. See **Federal Rules of Civil Procedure; Procedure**, 10.

JUDGES. See **Constitutional Law**, IX, 4; X, 3; **Federal Kidnaping Act; Procedure**, 3; **Statutory Construction**.

JUDICIAL REVIEW. See also **Administrative Procedure; Bank Merger Act of 1966; Bankruptcy; Federal Maritime Commission; Federal Power Commission; Labor; Procedure**, 2, 8; **Public Utility Holding Company Act of 1935; Shipping Act, 1916; Standing to Sue**, 2; **Tennessee Valley Authority; Valuation**.

1. *Bank Merger Act of 1966—Antitrust Acts—Procedure.*—The Bank Merger Act requires *de novo* inquiry by the district courts into the validity of bank mergers to determine whether the merger offends the antitrust laws, and, if it does, whether the banks have established that the merger is justified by the benefits to the "convenience and needs of the community." *United States v. Third Nat. Bank*, p. 171.

2. *Evidence—Inferences from record—Steamship conferences.*—FMC's conclusions supporting its disapproval of the unanimity rule of a transatlantic steamship conference, in part grounded upon inferences permissible from the record, were based upon substantial evidence and should have been upheld by the Court of Appeals. *FMC v. Svenska Amerika Linien*, p. 238.

3. *National Labor Relations Board determination—Choice of conflicting views.*—NLRB's determination that debit agents were insurance company employees and not independent contractors represented a choice between two fairly conflicting views, and its order should have been enforced by the Court of Appeals. *NLRB v. United Insurance Co.*, p. 254.

JUDICIAL REVIEW—Continued.

4. *Securities and Exchange Commission determination—Divestiture of integrated gas utility—Holding company.*—Since the SEC's determination that divestiture of the gas system would not entail a loss of economies likely to cause serious impairment of the system involved the application of expert judgment which had adequate support in the record, the Court of Appeals should have affirmed the order. *SEC v. New England Elec. System*, p. 207.

JURIES. See **Constitutional Law**, X, 3; **Federal Kidnaping Act**; **Statutory Construction**.

JURISDICTION. See also **Constitutional Law**, IV, 1; **Federal Rules of Civil Procedure**; **Federal-State Relations**, 2; **Habeas Corpus**; **Labor Management Relations Act**; **Procedure**, 10; **Sentences**; **Stockholders**.

1. *All Writs Act—Diversity action—Right to inspect corporate records.*—Stockholder's diversity action to allow inspection of Pennsylvania corporation's records is not barred by the All Writs Act or any other principle of federal law. *Stern v. South Chester Tube Co.*, p. 606.

2. *Relief available—Federal-state relations.*—Nature of the relief available after jurisdiction attaches is different from the question whether the court has jurisdiction to adjudicate the controversy. *Avco Corp. v. Aero Lodge 735*, p. 557.

3. *Three-judge court—Appeal to Supreme Court—Constitutional challenge to Magnuson Act.*—Since appellant challenged the Act's constitutionality on grounds of vagueness and abridgment of First Amendment rights and also questioned whether the power to install a screening program was properly delegated, the case was one to be heard by a three-judge court and this Court has jurisdiction of the appeal. *Schneider v. Smith*, p. 17.

JUST AND REASONABLE RATES. See **Federal Power Commission**; **Procedure**, 8.

KIDNAPERS. See **Constitutional Law**, X, 3; **Federal Kidnaping Act**; **Statutory Construction**.

LABOR. See also **Federal Maritime Commission**; **Judicial Review**, 3.

Insurance debit agents—Employees—Independent contractors.—NLRB's determination that debit agents were insurance company employees and not independent contractors represented a choice between two fairly conflicting views, and its order should have been enforced by the Court of Appeals. *NLRB v. United Insurance Co.*, p. 254.

LABOR MANAGEMENT RELATIONS ACT. See also **Federal-State Relations**, 2; **Jurisdiction**, 2.

Federal-state relations—Removal to federal court—Jurisdiction.—Since this action is based on § 301 of the Act, it is controlled by federal substantive law, even though brought in a state court, and removal is but one aspect of the “primacy of the federal judiciary in deciding questions of federal law.” *Avco Corp. v. Aero Lodge 735*, p. 557.

LABOR-SAVING DEVICES. See **Federal Maritime Commission**.

LAWYERS. See **Attorneys**; **Confessions**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

LEASES. See **Indians**, 1; **Standing to Sue**, 1.

LIBEL. See also **Constitutional Law**, IV, 2.

Televised political speech—Public official—Reckless disregard of falsity.—In order that it can be found that petitioner, who made a televised political speech quoting questions and answers by a union member which falsely charged respondent, a deputy sheriff, with criminal conduct, within the meaning of *New York Times Co. v. Sullivan*, 376 U. S. 254, acted in “reckless disregard” of whether the defamatory statement is false or not, there must be sufficient evidence to permit the conclusion that petitioner had serious doubts as to the truth of his publication. *St. Amant v. Thompson*, p. 727.

LICENSING. See **Constitutional Law**, II, 3; VI, 1; **Obscenity**, 1.

LOAN APPLICATIONS. See **False Claims Act**.

LONGSHOREMEN. See **Federal Maritime Commission**.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT. See also **Remittitur**.

Second claim—Res judicata—Review for mistake.—The second claim under the Act was not barred by res judicata, but comes within the scope of § 22, which provides for review “because of a mistake in a determination of fact” by the Deputy Commissioner “at any time prior to one year after rejection of a claim,” and permits him to “award compensation” after such review. *Banks v. Chicago Grain Trimmers*, p. 459.

LOUISIANA. See **Constitutional Law**, IV, 2; **Libel**.

MAGAZINES. See **Constitutional Law**, II, 4; VII; **Obscenity**, 2-3.

MAGNUSON ACT. See **Constitutional Law**, IV, 1; **Jurisdiction**, 3.

MALAPPORTIONMENT. See **Constitutional Law**, III, 2.

MALICE. See **Constitutional Law**, IV, 2; **Libel**.

MANDAMUS. See **Jurisdiction**, 1; **Stockholders**.

MARIHUANA. See **Constitutional Law**, IX, 1; **Procedure**, 4.

MARITIME AGREEMENTS. See **Federal Maritime Commission**.

MAXIMUM PRICES. See **Antitrust Acts**.

MAXIMUM RATES. See **Federal Power Commission**; **Procedure**, 8.

MEASUREMENT TONS. See **Federal Maritime Commission**.

MEASURE OF DAMAGES. See **Damages**; **Indians**, 2.

MECHANIZATION FUND. See **Federal Maritime Commission**.

MERCHANT MARINE. See **Constitutional Law**, IV, 1; **Jurisdiction**, 3.

MERGERS. See **Bank Merger Act of 1966**; **Judicial Review**, 1.

MILEAGE FORMULA. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

MINERALS.

Public lands—Quartzite—Common variety of stone.—Determination of Secretary of Interior that quartzite discovered on public land did not qualify as valuable mineral deposit because it could not be marketed at a profit must be upheld as reasonable interpretation of 30 U. S. C. § 22; and the Secretary's ruling that in view of the immense quantities of identical stone found outside the claims that the stone must be considered a "common variety" and thus under 30 U. S. C. § 611 excluded from the mining laws, is correct. *United States v. Coleman*, p. 599.

MINIMUM RATES. See **Federal Power Commission**; **Procedure**, 8.

MINING LAWS. See **Minerals**.

MINORS. See **Constitutional Law**, II, 3-4; VI, 1; VII; **Obscenity**, 1-3.

MISCONDUCT. See **Attorneys**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

MISSISSIPPI. See **Constitutional Law**, VI, 2; **Mississippi Anti-Picketing Law**; **Procedure**, 9.

MISSISSIPPI ANTI-PICKETING LAW. See also **Constitutional Law**, VI, 2; **Procedure**, 9.

County courthouses—Interference with ingress and egress.—The Law is a valid regulatory statute; it is clear and precise and is not overly broad since it does not prohibit picketing unless it obstructs or unreasonably interferes with ingress and egress to or from county courthouses. *Cameron v. Johnson*, p. 611.

- MISSOURI.** See Constitutional Law, I; Evidence, 1; Taxes, 2.
- MISTAKE.** See Constitutional Law, II, 4; VII; Obscenity, 2-3.
- MISTAKE OF FACT.** See Federal Employers' Liability Act, 2; Procedure, 7.
- MODERNIZATION FUND.** See Federal Maritime Commission.
- MONOPOLIES.** See Antitrust Acts.
- MORATORIA.** See Federal Power Commission; Procedure, 8.
- MORTGAGES.** See Bankruptcy; Valuation.
- MOTION PICTURES.** See Constitutional Law, II, 3; VI, 1, 3; Obscenity, 1.
- MOTION TO SUPPRESS.** See Constitutional Law, II, 2; V; Evidence, 2; Jencks Act.
- MUNICIPAL ORDINANCES.** See Constitutional Law, VI, 3.
- MURDER.** See Habeas Corpus; Sentences.
- MUTUAL MISTAKE.** See Federal Employers' Liability Act, 2; Procedure, 7.
- NAME OF WITNESS.** See Constitutional Law, X, 2; Witnesses.
- NARCOTICS.** See Constitutional Law, X, 2; Witnesses.
- NASHVILLE.** See Bank Merger Act of 1966; Judicial Review, 1.
- NATIONAL FIREARMS ACT.** See also Constitutional Law, IX, 5; Procedure, 11.
- Unregistered firearms—Possession of firearms—Fifth Amendment.*—Petitioner's conviction under 26 U. S. C. § 5851 for possession of an unregistered firearm is not properly distinguishable from conviction under § 5841 for failure to register possession of a firearm, and both offenses must be deemed subject to any constitutional deficiencies arising under the Fifth Amendment from the obligation to register. *Haynes v. United States*, p. 85.
- NATIONAL FORESTS.** See Minerals.
- NATIONAL LABOR RELATIONS BOARD.** See Judicial Review, 3; Labor.
- NATURAL GAS.** See Federal Power Commission; Procedure, 8.
- NEGROES.** See Attorney's Fee, 2; Civil Rights Act of 1964, 1-2; Constitutional Law, III, 1; VI, 2; Mississippi Anti-Picketing Law; Procedure, 9.
- NEW MEXICO.** See Federal Power Commission; Procedure, 8.
- NEWSPAPER CARRIERS.** See Antitrust Acts.

NEW YORK. See **Constitutional Law**, II, 4; VII; **Obscenity**, 2-3.

NORFOLK & WESTERN RAILROAD. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

"NO-STRIKE" CLAUSE. See **Federal-State Relations**, 2; **Jurisdiction**, 2; **Labor Management Relations Act**.

NOTICE OF CHARGES. See **Attorneys**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

NUDITY. See **Constitutional Law**, II, 4; VII; **Obscenity**, 2-3.

OBSCENITY. See also **Constitutional Law**, II, 3-4; VI, 1, 3; VII.

1. *Films—Classification of suitability—Vague censorship standards.*—Motion pictures are protected by the First Amendment and cannot be regulated except by precise and definite standards, and vague censorship standards are not cured merely by *de novo* judicial review. The evil of vagueness is not cured because the regulation of expression is one of classification rather than direct suppression or was adopted for the salutary purpose of protecting children. *Interstate Circuit v. Dallas*, p. 676.

2. *Freedom of speech and press—Harmful to minors.*—Obscenity is not within the area of protected speech or press, and there is no issue here of the obscenity of the material involved as appellant does not argue that the magazines are not "harmful to minors." *Ginsberg v. New York*, p. 629.

3. *New York statute—Restrictions upon minors.*—It is not constitutionally impermissible for New York, under this statute, to accord minors under 17 years of age a more restricted right than that assured adults to judge and determine for themselves what sex material they may read. *Ginsberg v. New York*, p. 629.

OCCUPATIONAL TAXES. See **Constitutional Law**, IX, 2-3; **Procedure**, 12.

OHIO BAR. See **Attorneys**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

OIL AND GAS LEASES. See **Indians**, 1; **Standing to Sue**, 1.

OKLAHOMA. See **Constitutional Law**, X, 1, 4; **Indians**, 1; **Standing to Sue**, 1.

ORAL ARGUMENT. See **Procedure**, 2.

ORDINANCES. See **Constitutional Law**, II, 3; VI, 1, 3; **Obscenity**, 1.

OVERBREADTH. See **Constitutional Law**, IV, 1; VI, 2; **Jurisdiction**, 3; **Mississippi Anti-Picketing Law**; **Procedure**, 9.

PACIFIC COAST SHIPPING. See **Federal Maritime Commission**.

- PARADES.** See Constitutional Law, VI, 2; Mississippi Anti-Picketing Law; Procedure, 9.
- PARTIES.** See Federal Rules of Civil Procedure; Procedure, 10.
- PASSENGER SHIPS.** See Administrative Procedure; Judicial Review, 2; Procedure, 1; Shipping Act, 1916.
- PATENTS TO LANDS.** See Minerals.
- PENALTIES.** See Constitutional Law, X, 3; Federal Kidnaping Act; Statutory Construction.
- PENNSYLVANIA.** See Federal Rules of Civil Procedure; Jurisdiction, 1; Procedure, 10; Stockholders.
- PEORIA TRIBE.** See Damages; Indians, 2.
- PERIODICALS.** See Constitutional Law, II, 4; VII; Obscenity, 2-3.
- PERMANENT DISABILITY.** See Attorney's Fee, 1; Social Security Act.
- PERMIAN BASIN.** See Federal Power Commission; Procedure, 8.
- PERSONNEL SCREENING.** See Constitutional Law, IV, 1; Jurisdiction, 3.
- PHOTOGRAPHS.** See Constitutional Law, II, 2; V; Evidence, 2; Jencks Act.
- PICKETING.** See Constitutional Law, VI, 2; Mississippi Anti-Picketing Law; Procedure, 9.
- PICTURES.** See Constitutional Law, II, 4; VII; Obscenity, 2-3.
- PIPELINES.** See Federal Power Commission; Procedure, 8.
- PLAN OF REORGANIZATION.** See Bankruptcy; Valuation.
- POLICE OFFICERS.** See Constitutional Law, VIII.
- POLICE REGULATIONS.** See Constitutional Law, VIII.
- POLITICAL SPEECH.** See Constitutional Law, IV, 2; Libel.
- POLITICAL SUBDIVISIONS.** See Constitutional Law, III, 2.
- POPULATION VARIANCES.** See Constitutional Law, III, 2.
- POSSESSION OF FIREARMS.** See Constitutional Law, IX, 5; National Firearms Act; Procedure, 11.
- PRACTICE OF LAW.** See Attorneys; Constitutional Law, II, 1; Federal-State Relations, 1; Procedure, 5.
- PRECINCTS.** See Constitutional Law, III, 2.

PRELIMINARY HEARINGS. See **Constitutional Law**, X, 1, 4.

PRETRIAL IDENTIFICATION. See **Constitutional Law**, II, 2; V; **Evidence**, 2; **Jencks Act**.

PRICE FIXING. See **Antitrust Acts**.

PRICES. See **Antitrust Acts**; **Federal Power Commission**; **Procedure**, 8; **Robinson-Patman Act**.

PRIMARY SERVICE AREA. See **Standing to Sue**, 2; **Tennessee Valley Authority**.

PRISONERS. See **Constitutional Law**, III, 1.

PRISON SECURITY. See **Constitutional Law**, III, 1.

PRIVATE SALES. See **Damages**; **Indians**, 2.

PROCEDURE. See also **Administrative Procedure**; **Attorneys**; **Attorney's Fee**, 2; **Bank Merger Act of 1966**; **Civil Rights Act of 1964**, 2; **Constitutional Law**, II, 1; IV, 1; V; IX, 1-2, 4-5; X, 2; **Federal Employers' Liability Act**; **Federal Kidnaping Act**; **Federal Power Commission**; **Federal Rules of Civil Procedure**; **Federal-State Relations**, 1-2; **Habeas Corpus**; **Indians**, 1; **Judicial Review**, 1-2; **Jurisdiction**, 1-3; **Labor Management Relations Act**; **Longshoremen's and Harbor Workers' Compensation Act**; **Mississippi Anti-Picketing Law**; **National Firearms Act**; **Remittitur**; **Sentences**; **Shipping Act**, 1916; **Standing to Sue**, 1-2; **Statutory Construction**; **Stockholders**; **Tennessee Valley Authority**; **Witnesses**.

1. *Appeals—Administrative agencies.*—Since these proceedings were commenced eight years ago, have been twice appealed to reviewing courts, and the FMC's findings were supported by substantial evidence, the Court of Appeals is directed to affirm the FMC's order. *FMC v. Svenska Amerika Linien*, p. 238.

2. *Certiorari—Voluntariness of confession—Dismissal of writ.*—After hearing oral argument and studying the record of this case involving the issue of voluntariness of a confession, the Court dismisses the writ of certiorari as improvidently granted. *Johnson v. Massachusetts*, p. 511.

3. *Comment on failure to testify—Harmless error.*—Comment on petitioner's failure to testify cannot be labeled harmless error where such comment is extensive, where an inference of guilt from silence is stressed to the jury as a basis for conviction, and where there is evidence that could have supported acquittal. *Anderson v. Nelson*, p. 523.

4. *Comment on failure to testify—Harmless error—Burden of proof.*—In the absence of informer's testimony supporting the State's

PROCEDURE—Continued.

version of disputed facts, California has not met its burden of proving beyond reasonable doubt that the erroneous comments of prosecutor and trial judge's instruction concerning petitioner's failure to testify did not contribute to petitioner's conviction. *Fontaine v. California*, p. 593.

5. *Due process—Disbarment proceedings—Notice of charges.*—The lack of notice to petitioner, member of Ohio bar, prior to time he and his "investigator" testified, that his employment of "investigator" would be considered disbarment offense deprived petitioner of procedural due process. *In re Ruffalo*, p. 544.

6. *Electronic eavesdropping—Department of Justice's determination of relevancy.*—This Court cannot accept the Department's *ex parte* determination of relevancy in lieu of such a determination in an adversary proceeding, to be confined to the content of any electronically eavesdropped conversations at petitioner's place of business and the pertinence thereof to petitioner's subsequent convictions. *Kolod v. United States*, p. 136.

7. *Federal Employers' Liability Act—Release—Tender of consideration.*—Plaintiff under the Act who attacks a previously executed release on grounds of mutual mistake of fact is not required to tender back to his employer the consideration received for the release in order to maintain the action. Except as the release may otherwise bar recovery, the sum paid shall be deducted from any award determined to be due the injured employee. *Hogue v. Southern R. Co.*, p. 516.

8. *Issues not decided below—Decided by this Court.*—Since it has been almost eight years since these proceedings were commenced, and the remaining issues, which were not decided by the Court of Appeals, were briefed and argued at length in this Court, no useful purpose would be served by further proceedings in the Court of Appeals. *Permian Basin Area Rate Cases*, p. 747.

9. *Mississippi Anti-Picketing Law—Freedom of expression—Federal and state courts.*—This Court's examination of the record did not disclose that the officials acted in bad faith to harass appellants' exercise of the right to free expression; that the law was adopted to halt appellants' picketing; or that the State had no expectation of securing valid convictions. This is therefore not a case where a federal equity court "by withdrawing the determination of guilt from state courts could rightly afford [appellants] any protection which they could not secure by prompt trial and appeal pursued to this Court." *Cameron v. Johnson*, p. 611.

10. *Pending state-court actions — Different issues — Prolonged trial.*—The Court of Appeals decided the procedural question in-

PROCEDURE—Continued.

correctly, as it should have considered the existence of a verdict reached after a prolonged trial in which the defendants did not invoke the pending state-court actions, and the fact that the issue in the state actions differs from the question in this case. *Provident Bank v. Patterson*, p. 102.

11. *Self-incrimination—Reversal of conviction*.—Since any proceeding in the District Court upon remand must inevitably result in the reversal of petitioner's conviction for violation of his privilege against self-incrimination, it would be neither just nor appropriate to require such needless action and accordingly the judgment is reversed. *Haynes v. United States*, p. 85.

12. *Self-incrimination—Waiver—Reversal of conviction*.—Since petitioner did not waive the privilege against self-incrimination with regard to the charges involving the occupational wagering tax and reversal by the lower courts of his conviction would be inevitable in light of this case and *Marchetti v. United States*, ante, p. 39, the judgment of conviction in its entirety is reversed by this Court. *Grosso v. United States*, p. 62.

PRODUCERS. See **Federal Power Commission**; **Procedure**, 8.

PROMOTIONAL ALLOWANCES. See **Robinson-Patman Act**.

PROSECUTION WITNESS. See **Constitutional Law**, X, 2; **Witnesses**.

PROSECUTORS. See **Constitutional Law**, IX, 1; **Procedure**, 4.

PUBLIC ACCOMMODATIONS. See **Civil Rights Act of 1964**, 1.

PUBLIC AUCTION. See **Damages**; **Indians**, 2.

PUBLIC INTEREST. See **Administrative Procedure**; **Federal Power Commission**; **Judicial Review**, 2; **Procedure**, 1, 8; **Shipping Act**, 1916.

PUBLIC LANDS. See **Minerals**.

PUBLIC OFFICIALS. See **Constitutional Law**, IV, 2; **Libel**.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935. See also **Judicial Review**, 4.

Securities and Exchange Commission determination—Judicial review—Divestiture of gas system.—Since the SEC's determination that divestiture of the gas system would not entail a loss of economies likely to cause serious impairment of the system involved the application of expert judgment which had adequate support in the record, the Court of Appeals should have affirmed the order. *SEC v. New England Elec. System*, p. 207.

PUERTO RICO. See **Bankruptcy**; **Valuation**

- QUARTZITE.** See **Minerals.**
- QUESTIONNAIRES.** See **Constitutional Law**, IV, 1; **Jurisdiction**, 3.
- RACIAL DISCRIMINATION.** See **Attorney's Fee**, 2; **Civil Rights Act of 1964**, 2.
- RACIAL SEGREGATION.** See **Constitutional Law**, III, 1.
- RAILROADS.** See **Constitutional Law**, I; **Evidence**, 1; **Federal Employers' Liability Act**, 1-2; **Taxes**, 2.
- RATES.** See **Federal Power Commission**; **Procedure**, 8; **Standing to Sue**, 2; **Tennessee Valley Authority.**
- REAPPORTIONMENT.** See **Constitutional Law**, III, 2.
- REASONABLENESS.** See **Federal Maritime Commission.**
- RECKLESS CONDUCT.** See **Constitutional Law**, IV, 2; **Libel.**
- RECORD.** See **Bankruptcy**; **Procedure**, 2; **Valuation.**
- RECORDS.** See **Constitutional Law**, IX, 2-3; **Jurisdiction**, 1; **Procedure**, 12; **Stockholders.**
- REDISTRICTING.** See **Constitutional Law**, III, 2.
- REFRIGERATOR CARS.** See **Federal Employers' Liability Act**, 1.
- REFUNDS.** See **Federal Power Commission**; **Procedure**, 8.
- REGISTRATION.** See **Constitutional Law**, VI, 2; IX, 5; **Mississippi Anti-Picketing Law**; **National Firearms Act**; **Procedure**, 9, 11.
- REGISTRATION CARD.** See **Constitutional Law**, VIII.
- REGULATIONS.** See **Constitutional Law**, VIII.
- RELEASE.** See **Federal Employers' Liability Act**, 2; **Procedure**, 7.
- RELEVANCY.** See **Procedure**, 6.
- RELIEF.** See **Federal-State Relations**, 2; **Jurisdiction**, 2; **Labor Management Relations Act**; **Stockholders.**
- REMEDIES.** See **Civil Rights Act of 1964**, 1.
- REMITTITUR.** See also **Longshoremen's and Harbor Workers' Compensation Act.**

Judicial determination—Not compromise—Longshoremen's and Harbor Workers' Compensation Act.—Order of remittitur is a judicial determination of recoverable damages, and petitioner's acceptance of the remittitur in her third-party lawsuit was not a compromise within the meaning of § 33 (g) of the Act. *Banks v. Chicago Grain Trimmers*, p. 459.

REMOVAL. See **Federal-State Relations**, 2; **Jurisdiction**, 2; **Labor Management Relations Act**.

REORGANIZATION. See **Bankruptcy**; **Valuation**.

"REQUIRED RECORDS" DOCTRINE. See **Constitutional Law**, IX, 2-3; **Procedure**, 12.

RESALE PRICES. See **Antitrust Acts**.

RESERVATION LANDS. See **Indians**, 1; **Standing to Sue**, 1.

RESERVES OF GAS. See **Federal Power Commission**; **Procedure**, 8.

RES JUDICATA. See **Longshoremen's and Harbor Workers' Compensation Act**; **Remittitur**.

RESTAURANTS. See **Attorney's Fee**, 2; **Civil Rights Act of 1964**, 2.

RESTRAINT OF TRADE. See **Antitrust Acts**.

RESTRICTIVE WORK PRACTICES. See **Federal Maritime Commission**.

RETAILERS. See **Robinson-Patman Act**.

REVENUE TONS. See **Federal Maritime Commission**.

RIGHT TO COUNSEL. See **Confessions**.

RISK OF DEATH. See **Constitutional Law**, X, 3; **Federal Kidnaping Act**; **Statutory Construction**.

RISKS OF PRODUCTION. See **Federal Power Commission**; **Procedure**, 8.

ROBBERY. See **Constitutional Law**, II, 2; V; **Evidence**, 2; **Jencks Act**.

ROBINSON-PATMAN ACT.

Discrimination between customers—Retailers and wholesalers—Direct-buying retailers.—On the facts of this case, § 2 (d) of the Clayton Act, as amended by the Robinson-Patman Act, reaches only discrimination between customers competing for resales at the same functional level, and since direct impact of the discriminatory promotional allowances is felt by the disfavored retailers, the most reasonable construction of § 2 (d) is one which places on suppliers the responsibility for making promotional allowances available to those resellers who compete directly with the favored buyer, the direct-buying retailer. *FTC v. Fred Meyer, Inc.*, p. 341.

ROLLING STOCK. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

- ROLL ON-ROLL OFF.** See Bankruptcy; Valuation.
- ROUTES.** See Antitrust Acts.
- ROYALTIES.** See Indians, 1; Standing to Sue, 1.
- RULES.** See Constitutional Law, III, 1; Federal Rules of Civil Procedure; Procedure, 10.
- RULES OF CIVIL PROCEDURE.** See Federal Rules of Civil Procedure; Procedure, 10.
- ST. LOUIS.** See Antitrust Acts.
- SALES PROMOTIONS.** See Robinson-Patman Act.
- SAVINGS AND LOAN ASSOCIATIONS.** See Constitutional Law, II, 2; V; Evidence, 2; Jencks Act.
- SCIENTER.** See Constitutional Law, II, 4; VII; Obscenity, 2-3.
- SCREENING PROGRAM.** See Constitutional Law, IV, 1; Jurisdiction, 3.
- SEA-GOING BARGES.** See Bankruptcy; Valuation.
- SEARCH AND SEIZURE.** See Constitutional Law, II, 2; V; VIII; Evidence, 2; Jencks Act.
- SECRETARY OF THE INTERIOR.** See Indians, 1; Minerals; Standing to Sue, 1.
- SECURITIES AND EXCHANGE COMMISSION.** See Bankruptcy; Judicial Review, 4; Public Utility Holding Company Act of 1935; Valuation.
- SECURITY.** See Constitutional Law, III, 1.
- SECURITY RISKS.** See Constitutional Law, IV, 1; Jurisdiction, 3.
- SEGREGATION.** See Constitutional Law, III, 1.
- SELF-INCRIMINATION.** See Confessions; Constitutional Law, II, 2; V; IX; X, 1, 4; Evidence, 2; Jencks Act; National Firearms Act; Procedure, 3-4, 11-12.
- SENTENCES.** See also Constitutional Law, X, 3; Federal Kidnaping Act; Habeas Corpus; Statutory Construction.

Habeas corpus—Challenging current detention—Additional prison sentence no bar.—Whatever its other functions, the writ of habeas corpus is available to test the legality of a prisoner's current detention, and it is immaterial that another prison term might await him if he should establish the unconstitutionality of his present imprisonment. *Walker v. Wainwright*, p. 335.

SERVICE AREA. See **Standing to Sue**, 2; **Tennessee Valley Authority**.

SEVERABILITY. See **Constitutional Law**, X, 3; **Federal Kidnaping Act**; **Statutory Construction**.

SEX MATERIAL. See **Constitutional Law**, II, 4; VII; **Obscenity**, 2-3.

SEXUAL PROMISCUITY. See **Constitutional Law**, II, 3; VI, 1; **Obscenity**, 1.

SHERMAN ACT. See **Antitrust Acts**; **Bank Merger Act of 1966**; **Judicial Review**, 1.

SHIP CONVERSION. See **Bankruptcy**; **Valuation**.

SHIP MORTGAGES. See **Bankruptcy**; **Valuation**.

SHIPPING ACT, 1916. See also **Administrative Procedure**; **Federal Maritime Commission**; **Judicial Review**, 2; **Procedure**, 1.

Antitrust immunity—Steamship conferences—Travel agents.—The Act confers only a limited immunity from the antitrust laws, and the antitrust test formulated by the FMC, being an appropriate refinement of the statutory "public interest" standard, should have been upheld. *FMC v. Svenska Amerika Linien*, p. 238.

SIXTH AMENDMENT. See **Constitutional Law**, X; **Federal Kidnaping Act**; **Statutory Construction**; **Witnesses**.

SOCIAL SECURITY ACT. See also **Attorney's Fee**, 1.

Attorney's fee—Accrued benefits—Permanent disability.—Provision in § 206 (b) (1) of the Act limiting attorney's fee to "25 percent of the total past-due benefits to which claimant is entitled by reason of such judgment," does not restrict fee to the percentage of the accrued benefits awarded the permanently disabled claimant, but includes as well the benefits accrued to his dependents by virtue of the disability. *Hopkins v. Cohen*, p. 530.

SOLICITATION OF CUSTOMERS. See **Antitrust Acts**.

SOLICITING CLIENTS. See **Attorneys**; **Constitutional Law**, II, 1; **Federal-State Relations**, 1; **Procedure**, 5.

SOLICITOR GENERAL. See **Procedure**, 6.

STANDING TO SUE. See also **Indians**, 1; **Tennessee Valley Authority**.

1. *Action by Indians for breach of oil and gas lease—Secretary of Interior.*—Petitioners, Comanche Indians, have standing to maintain action for breach of oil and gas lease, as federal restrictions preventing Indians from selling or leasing allotted land without government consent and fact that Government as guardian of Indians

STANDING TO SUE—Continued.

can sue to protect allotments do not preclude Indian landowners from maintaining suit to protect rights. *Poafpybitty v. Skelly Oil Co.*, p. 365.

2. *TVA Act—Private utility company—Competition.*—Respondent, being within the class of private utilities which § 15d of the Act is designed to protect from TVA competition, has standing to maintain this suit. *Hardin v. Kentucky Utilities Co.*, p. 1.

STATEMENTS. See **Confessions, Constitutional Law**, II; 2; V; **Evidence**, 2; **Jencks Act**.

STATE TAXES. See **Constitutional Law**, I; **Evidence**, 1; **Taxes**, 2.

STATUTE OF LIMITATIONS. See also **Taxes**, 1.

Date of filing tax return—Statutory due date.—Where allegedly false tax returns were filed after the statutory due date (extensions having been granted) the applicable statute of limitations began to run from the dates the alleged offenses were committed, *i. e.*, the dates on which the returns were filed. *United States v. Habig*, p. 222.

STATUTES. See **Constitutional Law**, VI, 2; **Mississippi Anti-Picketing Law**; **Procedure**, 9.

STATUTORY CONSTRUCTION. See also **Constitutional Law**, X, 3; **Federal Kidnaping Act**.

Severability—Death penalty clause—Federal Kidnaping Act.—The death penalty provision, to be imposed "if the verdict of the jury shall so recommend," creates an impermissible burden upon the exercise of a constitutional right, but that provision is severable from the remainder of the Act and the unconstitutionality of that clause does not require the defeat of the Act as a whole. *United States v. Jackson*, p. 570.

STEAMSHIP CONFERENCES. See **Administrative Procedure**; **Judicial Review**, 2; **Procedure**, 1; **Shipping Act, 1916**.

STEVEDORES. See **Federal Maritime Commission**.

STOCKHOLDERS. See also **Bankruptcy**; **Jurisdiction**, 1; **Valuation**.

Pennsylvania corporation—Right to inspect records—Diversity action.—Stockholder's diversity action to allow inspection of Pennsylvania corporation's records is not barred by the All Writs Act or any other principle of federal law. *Stern v. South Chester Tube Co.*, p. 606.

STONE. See **Minerals.**

STRIKES. See **Federal-State Relations, 2; Jurisdiction, 2; Labor Management Relations Act.**

SUBSCRIBERS. See **Antitrust Acts.**

SUBVERSIVE ORGANIZATIONS. See **Constitutional Law, IV, 1; Jurisdiction, 3.**

SUITCASE. See **Constitutional Law, II, 2; V; Evidence, 2; Jencks Act.**

SUITS. See **Indians, 1; Standing to Sue, 1.**

SUPERMARKETS. See **Robinson-Patman Act.**

SUPPLIERS. See **Robinson-Patman Act.**

SUPPRESSION HEARINGS. See **Constitutional Law, II, 2; V; Evidence, 2; Jencks Act.**

SUPREME COURT.

Assignment of Mr. Justice Clark (retired) to United States Court of Claims, p. 1000.

TAXES. See also **Constitutional Law, I; IX, 5; Evidence, 1; National Firearms Act; Procedure, 11; Statute of Limitations.**

1. *Date of filing tax return—Statute of limitations.*—Where allegedly false tax returns were filed after the statutory due date (extensions having been granted) the applicable statute of limitations began to run from the dates the alleged offenses were committed, *i. e.*, the dates on which the returns were filed. *United States v. Habig*, p. 222.

2. *State tax on interstate railroad property—Mileage formula.*—Application of the mileage formula by Missouri Tax Commission on property of N & W Railroad in that State resulted in an assessment which on the record in this case went far beyond the value of N & W's rolling stock in Missouri and violated the Due Process and Commerce Clauses. *Norfolk & W. R. Co. v. Missouri Tax Comm'n*, p. 317.

TAX RETURNS. See **Statute of Limitations; Taxes, 1.**

TECHNOLOGICAL UNEMPLOYMENT. See **Federal Maritime Commission.**

TELEVISED SPEECH. See **Constitutional Law, IV, 2; Libel.**

TENDER. See **Federal Employers' Liability Act, 2; Procedure, 7.**

TENNESSEE. See **Federal-State Relations, 2; Jurisdiction, 2; Labor Management Relations Act.**

TENNESSEE VALLEY AUTHORITY. See also **Standing to Sue**, 2.

Administrative determination—Primary service area—Territorial expansion.—TVA's determination that Claiborne County constituted the primary service "area" within the meaning of § 15d of the TVA Act should be upheld since it was within the range of permissible choices contemplated by the Act and had reasonable economic and technical support in relation to the statutory purpose of controlling but not altogether prohibiting TVA's territorial expansion. *Hardin v. Kentucky Utilities Co.*, p. 1.

TERMINAL COMPANIES. See **Federal Maritime Commission**.

TERRITORIAL EXPANSION. See **Standing to Sue**, 2; **Tennessee Valley Authority**.

TESTIMONY. See **Constitutional Law**, II, 2; V; IX, 1; **Evidence**, 2; **Jencks Act**; **Procedure**, 4.

TEXAS. See **Constitutional Law**, III, 2; **Federal Power Commission**; **Procedure**, 8.

THREE-JUDGE COURTS. See **Constitutional Law**, IV, 1; **Jurisdiction**, 3.

TIME OF FILING. See **Statute of Limitations**; **Taxes**, 1.

TOTALITY OF CIRCUMSTANCES. See **Confessions**.

TRANSATLANTIC SHIPS. See **Administrative Procedure**; **Judicial Review**, 2; **Procedure**, 1; **Shipping Act**, 1916.

TRANSCRIPTS. See **Constitutional Law**, X, 1, 4.

TRANSPORTATION. See **Federal Employers' Liability Act**, 1.

TRAVEL AGENTS. See **Administrative Procedure**; **Judicial Review**, 2; **Procedure**, 1; **Shipping Act**, 1916.

TREATY VIOLATION. See **Damages**; **Indians**, 2.

TREBLE-DAMAGE SUITS. See **Antitrust Acts**.

TRIAL BY JURY. See **Constitutional Law**, X, 3; **Federal Kidnaping Act**; **Statutory Construction**.

TRIALS. See **Confessions**; **Constitutional Law**, II, 2; V; X, 2; **Evidence**, 2; **Jencks Act**; **Procedure**, 6; **Witnesses**.

TRIBAL LANDS. See **Damages**; **Indians**, 1-2; **Standing to Sue**, 1.

TRUCK TRAILERS. See **Bankruptcy**; **Valuation**.

TRUSTEES. See **Bankruptcy**; **Valuation**.

TRUSTS FOR INDIANS. See **Indians**, 1; **Standing to Sue**, 1.

TRUTH. See Constitutional Law, IV, 2; Libel.

TWO-PRICE RATE STRUCTURE. See Federal Power Commission; Procedure, 8.

TYING RULE. See Administrative Procedure; Judicial Review, 2; Procedure, 1; Shipping Act, 1916.

UNANIMITY RULE. See Administrative Procedure; Judicial Review, 2; Procedure, 1; Shipping Act, 1916.

UNAVAILABILITY OF WITNESSES. See Constitutional Law, X, 1.

UNFAIR LABOR PRACTICE. See Judicial Review, 3; Labor.

UNIONS. See Federal Maritime Commission; Judicial Review, 3; Labor.

UNLOADING CHARGES. See Federal Maritime Commission.

UTILITY COMPANIES. See Standing to Sue, 2; Tennessee Valley Authority.

UTILITY SYSTEMS. See Judicial Review, 4; Public Utility Holding Company Act of 1935.

VAGUENESS. See Constitutional Law, II, 3-4; IV, 1; VI, 1-2; VII; Jurisdiction, 3; Mississippi Anti-Picketing Law; Obscenity, 1-3; Procedure, 9.

VALUABLE MINERAL DEPOSITS. See Minerals.

VALUATION. See also Bankruptcy.

Reorganization proceedings — Future earnings — Going-concern value.—District Court erred in relying only upon debtor's past earnings in determining its value as a going concern. Without having evidence relating to debtor's future prospects, the court could not assess its going-concern value or properly determine that the debtor was insolvent. *Protective Committee v. Anderson*, p. 414.

VIOLATION OF TREATY. See Damages; Indians, 2.

VOLKSWAGENS. See Federal Maritime Commission.

VOLUNTARINESS. See Confessions; Procedure, 2.

VOTER REGISTRATION. See Constitutional Law, VI, 2; Mississippi Anti-Picketing Law; Procedure, 9.

WABASH RAILROAD. See Constitutional Law, I; Evidence, 1; Taxes, 2.

WAGERING. See Constitutional Law, IX, 2-3; Procedure, 12.

WAIVER. See Constitutional Law, IX, 2; Procedure, 12.

WARRANTLESS SEARCH. See **Constitutional Law**, II, 2; V; VIII; **Evidence**, 2; **Jencks Act**.

WHOLESALEERS. See **Robinson-Patman Act**.

WITNESSES. See also **Constitutional Law**, II, 2; V; IX, 1; X, 1-2, 4; **Evidence**, 2; **Jencks Act**; **Procedure**, 4.

Cross-examination — Identity of witness — Sixth Amendment. — Where on cross-examination of principal prosecution witness at petitioner's state trial for illegal sale of narcotics the court sustained the prosecutor's objections to disclosure of witness' correct name and his address, petitioner was denied his Sixth Amendment right to confront the witnesses against him. *Smith v. Illinois*, p. 129.

WORDS.

1. "*Common varieties.*" 69 Stat. 368, 30 U. S. C. § 611. *United States v. Coleman*, p. 599.

2. "*Harmful to minors.*" New York Penal Law § 484-h (f). *Ginsberg v. New York*, p. 629.

3. "*Valuable mineral deposits.*" 17 Stat. 91, 30 U. S. C. § 22. *United States v. Coleman*, p. 599.

WORK-CONNECTED INJURIES. See **Longshoremen's and Harbor Workers' Compensation Act**; **Remittitur**.

WORKMEN'S COMPENSATION. See **Federal Employers' Liability Act**, 1; **Longshoremen's and Harbor Workers' Compensation Act**; **Remittitur**.

WRONGFUL DEATH ACTION. See **Longshoremen's and Harbor Workers' Compensation Act**; **Remittitur**.

YOUNG PERSONS. See **Constitutional Law**, II, 3-4; VI, 1; VII; **Obscenity**, 1-3.





















