

I N D E X

- ABSENTEE BALLOTS.** See Constitutional Law, III, 1.
- ABSOLUTE EQUALITY.** See Constitutional Law, I, 1-3; Elections, 1.
- ACCRETION.** See Submerged Lands Act of 1953, 3.
- ACTIONS.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- ADJUDICATORY POWER.** See National Labor Relations Board.
- ADMINISTRATIVE PROCEDURE.** See Federal Food, Drug, and Cosmetic Act.
- ADMINISTRATIVE PROCEDURE ACT.** See National Labor Relations Board.
- ADMINISTRATRIX.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- ADMIRALTY.** See also Longshoremen's and Harbor Workers' Compensation Act.
- Death of longshoreman—Shipowner's duty of due care—Direct tort action.*—Federal maritime law imposes on shipowner duty to stevedoring contractor of due care under the circumstances and recognizes a direct tort action against shipowner to recover amount of compensation payments occasioned by shipowner's negligence; and direct action otherwise than by tort by the stevedoring contractor against the shipowner may also be available. *Marine Terminals v. Shipping Co.*, p. 404.
- ADMISSIBILITY.** See Constitutional Law, VI, 8; Evidence, 1.
- ADMISSIONS.** See Constitutional Law, XI.
- ADVERSARY PROCEEDINGS.** See Procedure, 12.
- AGGREGATION OF CLAIMS.** See Jurisdiction, 3.
- AGREEMENT NOT TO COMPETE.** See Antitrust Acts, 2, 6.
- AID TO FAMILIES WITH DEPENDENT CHILDREN.** See Constitutional Law, III, 4; IV; X.
- ALABAMA.** See Constitutional Law, III, 2; V, 3-4; XII, 2; Contempt; Elections, 2; Grand Juries; Juries; Procedure, 3; Statutory Construction; Voting Rights Act of 1965.

- ALIENAGE OF PARTIES.** See *Jurisdiction*, 2.
- ALL WRITS ACT.** See *Habeas Corpus*, 1-2; *Procedure*, 6.
- ALTERNATIVE GROUNDS.** See *Constitutional Law*, VII, 1; *Jurisdiction*, 1.
- AMBULATORY COASTLINE.** See *Judicial Review*; *Submerged Lands Act of 1953*, 1-3.
- AMERICAN FLAGS.** See *Constitutional Law*, VII, 1; *Jurisdiction*, 1.
- AMOUNT IN CONTROVERSY.** See *Jurisdiction*, 3.
- ANONYMOUS HANDBILLS.** See *Constitutional Law*, VIII; *Declaratory Judgments*, 1-2.
- ANTIBIOTIC SENSITIVITY DISCS.** See *Federal Food, Drug, and Cosmetic Act*.
- ANTISOCIAL CONDUCT.** See *Constitutional Law*, V, 2; *Obscenity*.
- ANTITRUST ACTS.** See also *Constitutional Law*, IX; *Procedure*, 1.

1. *Private antitrust action—Monopolization of bronze grave markers—Summary judgment.*—The alleged conspiracy had not been conclusively disproved by pretrial discovery and there remained material issues of fact which could only be resolved by a jury after a plenary trial. “[S]ummary procedures should be used sparingly in complex antitrust litigation where motive and intent play leading roles” *Norfolk Monument v. Woodlawn*, p. 700.

2. *Sherman Act—Newspapers—Joint operating agreement.*—The violations of § 1 of the Act are plain, as price fixing is illegal *per se*, pooling of profits pursuant to an inflexible ratio reduces incentives to compete, and the agreement not to engage in any other publishing business in Pima County is a division of fields proscribed by the Act. *Citizen Publishing Co. v. United States*, p. 131.

3. *Sherman Act—Tying arrangements—Credit.*—The arrangement here, where credit is provided by one corporation on condition that a product be purchased from another corporation, and where the borrower contracts to obtain a large sum beyond that needed to pay seller for the products purchased, is readily distinguished from sale of a single product on credit by an individual seller. Where credit is source of tying leverage used to restrain competition, it is treated no differently under the antitrust laws from other goods and services. *Fortner Enterprises v. U. S. Steel*, p. 495.

4. *Sherman Act—Tying arrangements—Illegality per se.*—The District Court incorrectly assumed that the standards in *Northern*

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Pacific R. Co. v. United States, 356 U. S. 1, for determining the illegality *per se* of a tying agreement had to be met before petitioner could prevail on the merits. In any event the facts raised by petitioner, if proved at trial, make the *per se* doctrine applicable to the tying arrangement here. *Fortner Enterprises v. U. S. Steel*, p. 495.

5. *Sherman Act—Tying arrangements—Volume of commerce.*—Volume of commerce allegedly foreclosed was substantial when measured as it should be, not by the portion of the total accounted for by petitioner's contracts, but by the total volume of sales tied by respondents' challenged sales policy. *Fortner Enterprises v. U. S. Steel*, p. 495.

6. *Sherman and Clayton Acts—Failing company doctrine.*—Requirements of failing company doctrine were not met, as there was no evidence that the Citizen's owners were thinking of liquidating or selling the company or that the joint operating agreement was the last straw at which the company grasped; it was not established that the acquiring company was the only available purchaser; and the prospects of reorganization through receivership or through Chapter X or XI of the Bankruptcy Act were neither dim nor nonexistent. *Citizen Publishing Co. v. United States*, p. 131.

APPEALS. See **Constitutional Law**, VII, 1; **Jurisdiction**, 1; **Post-Conviction Relief**; **Procedure**, 5, 9-10.

APPORTIONMENT. See **Constitutional Law**, I, 1-3; **Elections**, 1.

ARCHIPELAGOES. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.

ARIZONA. See **Antitrust Acts**, 2, 6; **Constitutional Law**, IX.

ARRESTS. See **Constitutional Law**, VI, 4-5; **Habeas Corpus**, 1-2; **Procedure**, 6.

ASSIGNMENTS. See **Jurisdiction**, 2.

ATOMIC ENERGY COMMISSION. See **Taxes**, 2.

ATTORNEYS. See **Constitutional Law**, II, 2; VI, 6; XI; XII, 1; **Evidence**, 3; **Procedure**, 7, 11; **Trials**.

BALLOTS. See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Voting Rights Act of 1965**.

BANKRUPTCY ACT. See **Antitrust Acts**, 2, 6.

BASART DOCTRINE. See **Intervention**; **Procedure**, 2.

BASELINES. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.

- BASIS FOR PLEAS.** See **Federal Rules of Criminal Procedure**, 2-3.
- BAYS.** See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.
- BELATED ISSUE.** See **Constitutional Law**, XII, 2; **Juries**.
- BIRMINGHAM.** See **Constitutional Law**, V, 3-4; **Statutory Construction**.
- BOARDING HOUSE.** See **Constitutional Law**, XI.
- BOOKMAKING ACTIVITIES.** See **Constitutional Law**, V, 2; **Obscenity**.
- BOUNDARIES.** See **Judicial Review**; **Submerged Lands Act of 1953**, 1-3.
- BOYCOTTS.** See **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.
- BRONZE GRAVE MARKERS.** See **Antitrust Acts**, 1; **Procedure**, 1.
- BUGGING.** See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2; **Procedure**, 12.
- BURDEN OF PROOF.** See **Antitrust Acts**, 2, 6.
- BURIAL MONUMENTS.** See **Antitrust Acts**, 1; **Procedure**, 1.
- BURNING FLAGS.** See **Constitutional Law**, VII, 1; **Jurisdiction**, 1.
- BUSINESS PREMISES.** See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2.
- CALIFORNIA.** See **Constitutional Law**, II, 2; **Procedure**, 7.
- CANDIDATES.** See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Mootness**; **Voting Rights Act of 1965**.
- CAPITAL PUNISHMENT.** See **Constitutional Law**, XII, 2; **Juries**.
- CASE OR CONTROVERSY.** See **Constitutional Law**, VIII; **Declaratory Judgments**, 1-2.
- CEILING RATE LEVELS.** See **Certiorari**; **National Labor Relations Act**, 1, 3.
- CENSUS DATA.** See **Constitutional Law**, I, 1-3.
- CERTIORARI.** See also **National Labor Relations Act**, 1, 3.

Petition to Supreme Court—Timeliness.—Petition for certiorari in this case, filed within 90 days of decree but not of opinion, where no notice of entry of any judgment at time of the opinion had been given petitioners, was timely. *Scotfield v. NLRB*, p. 423.

- CHAINS OF ISLANDS.** See **Judicial Review; Submerged Lands Act of 1953, 1-2.**
- CHANNELS.** See **Submerged Lands Act of 1953, 1-2.**
- CHARGE TO JURY.** See **Constitutional Law, II, 1; V, 1.**
- CHICAGO.** See **Constitutional Law, II, 1; V, 1.**
- CITY COMMISSION.** See **Constitutional Law, V, 3-4; Statutory Construction.**
- CIVIL RIGHTS DEMONSTRATORS.** See **Constitutional Law, II, 1; V, 1, 3-4; Statutory Construction.**
- CIVIL RIGHTS WORKERS.** See **Grand Juries; Procedure, 3.**
- CLAIMANTS.** See **Intervention; Procedure, 2.**
- CLAIM-OF-RIGHT DOCTRINE.** See **Taxes, 1.**
- CLAIMS.** See **Jurisdiction, 3.**
- CLASSIFICATIONS.** See **Constitutional Law, III, 1, 4; IV; X.**
- CLAYTON ACT.** See **Antitrust Acts, 1-2, 6; Constitutional Law, IX; Procedure, 1.**
- CLEARANCE REGULATIONS.** See **Federal Food, Drug, and Cosmetic Act.**
- CLOSING LINES.** See **Judicial Review; Submerged Lands Act of 1953, 1-2.**
- CLOTHING.** See **Constitutional Law, VI, 6; XII, 1; Evidence, 3; Procedure, 11; Trials.**
- COAST GUARD.** See **Submerged Lands Act of 1953, 1-2.**
- COASTLINE.** See **Judicial Review; Submerged Lands Act of 1953, 1-3.**
- COCONSPIRATORS.** See **Constitutional Law, VI, 2-3, 7; Evidence, 2.**
- CODEFENDANTS.** See **Constitutional Law, VI, 2-3, 7; Evidence, 2.**
- COERCION.** See **National Labor Relations Act, 1, 3.**
- COLLATERAL REVIEW.** See **Post-Conviction Relief; Procedure, 5, 9-10.**
- COLLECTIVE BARGAINING AGREEMENT.** See **Certiorari; National Labor Relations Act, 1, 3.**
- COLLUSIVE ASSIGNMENTS.** See **Jurisdiction, 2.**
- COMMANDANT OF COAST GUARD.** See **Submerged Lands Act of 1953, 1-2.**

- COMMON SITUS PICKETING.** See **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.
- COMPELLING STATE INTERESTS.** See **Constitutional Law**, III, 4; IV; X.
- COMPENSATION.** See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**; **Taxes**, 2.
- COMPETITION.** See **Antitrust Acts**, 1-6.
- COMPLAINTS.** See **Procedure**, 8.
- CONFESSIONS.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Juries**; **Jurisdiction**, 4; **Procedure**, 11; **Trials**.
- CONFRONTATION.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- CONGRESSIONAL ELECTIONS.** See **Constitutional Law**, VIII; **Declaratory Judgments**, 1-2.
- CONGRESSIONAL REDISTRICTING.** See **Constitutional Law**, I, 1-3; **Elections**, 1.
- CONNECTICUT.** See **Constitutional Law**, III, 4; IV; X.
- CONSENT TO SEARCH.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- CONSIDERATION.** See **Taxes**, 2.
- CONSPIRACY.** See **Antitrust Acts**, 1; **Procedure**, 1.
- CONSTITUTIONAL LAW.** See also **Antitrust Acts**, 2, 6; **Contempt**; **Declaratory Judgments**, 1-2; **Elections**, 1-2; **Evidence**, 1-3; **Habeas Corpus**, 1-2; **Juries**; **Jurisdiction**, 1; **Mootness**; **Obscenity**; **Post-Conviction Relief**; **Procedure**, 4-5, 7, 9-12; **Statutory Construction**; **Trials**; **Voting Rights Act of 1965**.

I. Congressional Districts.

1. *Population variances—Good-faith effort.*—Art. I, § 2, requires that States create congressional districts which provide equal representation for equal numbers of people with “only the limited population variances which are unavoidable despite a good-faith effort to achieve absolute equality, or for which justification is shown.” *Kirkpatrick v. Preisler*, p. 526; *Wells v. Rockefeller*, p. 542.

2. *Population variances—Justification.*—Unless population variances among districts are shown to have resulted despite State's good-faith effort to achieve equality, the State must justify each variance, no matter how small. Variances based on creation of districts with specific interest orientations, practical or partisan politics, eligible voter population without a serious effort to ascertain

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number of eligible voters in each district, population shifts without systematic application throughout the State, or claims of geographic compactness, are generally unacceptable. *Kirkpatrick v. Preisler*, p. 526.

3. *Variations—Sub-states.*—Holding of *Kirkpatrick v. Preisler, ante*, p. 526, requires equalized population in all congressional districts in a State and is not satisfied by equalizing population only within certain defined sub-states; and variances cannot be justified by the fact that some districts are constructed of entire counties. *Wells v. Rockefeller*, p. 542.

II. Due Process.

1. *Civil rights demonstrators—Disorderly conduct convictions—No evidentiary support.*—Petitioners, peaceful civil rights demonstrators who were arrested and convicted for disorderly conduct when they failed to disperse on police orders, were denied due process since there was no evidentiary support for their convictions. The convictions were for demonstrating, not for refusing to obey police orders. *Gregory v. Chicago*, p. 111.

2. *Lineup identification—Suggestiveness.*—Although rule that accused must be given opportunity to be represented by counsel at lineup does not apply to lineups conducted prior to June 12, 1967, *Stovall v. Denno*, 388 U. S. 293, the conduct of identification procedures must not be "so unnecessarily suggestive and conducive to irreparable mistaken identification" as to be a denial of due process. The suggestive elements in the repeated confrontations here so undermined the reliability of the eyewitness identification as to violate due process. *Foster v. California*, p. 440.

III. Equal Protection of the Laws.

1. *Absentee ballots—Unsentenced inmates.*—Illinois' failure to provide absentee ballots for unsentenced inmates of Cook County jail awaiting trial does not violate the Equal Protection Clause. There is nothing in the record to show that Illinois has precluded appellants from voting, and constitutional safeguards are not offended by the different treatment accorded unsentenced inmates incarcerated within and those incarcerated without their counties of residence. *McDonald v. Board of Election*, p. 802.

2. *Disqualification of candidates in Alabama election.*—Disqualification in the 1968 election of National Democratic Party of Alabama candidates on ground that they failed to meet requirements of Alabama Corrupt Practices Act which their opponents did not have to meet constituted an unequal application of law in violation of the Equal Protection Clause of the Fourteenth Amendment. *Hadnott v. Amos*, p. 358.

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3. *Nominating petitions—Signature requirements.*—Illinois statute providing that nominating petitions for independent candidates must have 25,000 signatures, including 200 signatures from each of at least 50 of the State's 102 counties, applies a rigid, arbitrary formula to sparsely settled counties and populous counties alike, and thus discriminates against the residents of the populous counties in the exercise of their political rights in violation of the Equal Protection Clause. *MacDougall v. Green*, 335 U. S. 281, overruled. Moore v. Ogilvie, p. 814.

4. *Welfare recipients—Residence requirements.*—The statutory prohibition of welfare benefits to residents of less than a year creates a classification which denies equal protection of the laws because the interests allegedly served by the classification either may not constitutionally be promoted by government or are not compelling governmental interests. *Shapiro v. Thompson*, p. 618.

IV. Fifth Amendment.

Fifth Amendment—Due process—Residence requirements.—The one-year waiting period requirement for public welfare assistance in the District of Columbia, adopted by Congress as an exercise of federal power, is an unconstitutional discrimination which violates the Due Process Clause of the Fifth Amendment. *Shapiro v. Thompson*, p. 618.

V. First Amendment.

1. *Civil rights demonstrators—Disorderly conduct.*—Conviction of civil rights demonstrators, who were arrested and convicted for disorderly conduct when they failed to disperse on police orders, reversed since trial judge's charge allowed jury to convict for acts protected by the First Amendment. *Gregory v. Chicago*, p. 111.

2. *Obscene films—Private possession.*—The First Amendment as made applicable to the States by the Fourteenth prohibits making mere private possession of obscene material a crime. The Constitution protects the right to receive information and ideas, regardless of their social worth, and to be generally free from governmental intrusions into one's privacy and control of one's thoughts. *Stanley v. Georgia*, p. 557.

3. *Parade permits—Licensing standards.*—A law subjecting the right of free expression in publicly owned places to the prior restraint of a license, without narrow, objective, and definite standards is unconstitutional, and a person faced with such law may ignore it and exercise his First Amendment rights. *Shuttlesworth v. Birmingham*, p. 147.

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4. *Picketing and parading—Use of streets.*—Picketing and parading may constitute methods of expression entitled to First Amendment protection, and use of the streets for that purpose, though subject to regulation, may not be wholly denied; and since the terms of § 1159 of the Birmingham General Code gave the City Commission unbridled authority to issue or withhold permits without reference to legitimate regulation of public streets and sidewalks, the ordinance would be, absent a limiting construction, unconstitutional on its face. *Shuttlesworth v. Birmingham*, p. 147.

VI. Fourth Amendment.

1. *Electronic eavesdropping—Prospective application.*—*Katz v. United States*, 389 U. S. 347, which held that the reach of the Fourth Amendment “cannot turn upon the presence or absence of a physical intrusion into any given enclosure,” and that every electronic eavesdropping upon private conversations is a search and seizure which, as a general rule, can comply with constitutional standards only when authorized by a magistrate on a showing of probable cause under precise limitations and safeguards, to the extent that it departed from previous holdings of the Court, is to be applied prospectively only. *Desist v. United States*, p. 244.

2. *Electronic surveillance—Disclosure by Government.*—If the surveillance is found to have been unlawful, and if petitioner is found to have standing, the Government must disclose to him the records of those overheard conversations which the Government was not entitled to use in building its case against him. *Alderman v. United States*, p. 165.

3. *Electronic surveillance—Suppression of evidence.*—Suppression of product of Fourth Amendment violation can be successfully urged only by those whose rights were violated by the search itself, and not those who are aggrieved solely by the introduction of damaging evidence. Thus, codefendants and conspirators have no special standing and cannot prevent the admission against them of information which has been obtained through electronic surveillance which is illegal against another. *Alderman v. United States*, p. 165.

4. *Fingerprint evidence—Unlawful detention.*—Detentions for the sole purpose of obtaining fingerprints are subject to the constraints of the Fourth Amendment, and fingerprint evidence is no exception to the rule that all evidence obtained by searches and seizures in violation of the Constitution is inadmissible in a state court. *Davis v. Mississippi*, p. 721.

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5. *Fingerprints—Investigations.*—It is not determined here whether Fourth Amendment requirements could be met by narrowly circumscribed procedures for obtaining, during a criminal investigation, fingerprints of persons for whom there is no probable cause for arrest, since no attempt was made in this case to use procedures which might comply with that Amendment. *Davis v. Mississippi*, p. 721.

6. *Search of duffel bag—Joint users.*—Clothing from petitioner's duffel bag was found in course of a lawful search since co-indictee, a joint user of the bag, had authority to consent to its search. *Frazier v. Cupp*, p. 731.

7. *Suppression of evidence—Standing.*—Petitioner would be entitled to the suppression of evidence violative of the Fourth Amendment where the Government unlawfully overheard conversations of the petitioner himself, or where the conversations occurred on his premises, whether or not he was present or participated therein. *Alderman v. United States*, p. 165.

8. *Wiretapping—Prospectivity.*—Evidence obtained by wiretapping conducted in 1964 pursuant to warrant issued under N. Y. Code Crim. Proc. § 813-a is admissible in state criminal trial, since wiretapping occurred before (1) *Katz v. United States*, 389 U. S. 347, overruled prior decisions that the Fourth Amendment encompassed seizures of speech only if there was a trespass or physical intrusion of the speaker's constitutionally protected area, and (2) *Lee v. Florida*, 392 U. S. 378, extended the rule excluding evidence violative of § 605 of the Federal Communications Act; and both *Katz v. United States* and *Lee v. Florida* have been held to apply prospectively only. *Kaiser v. New York*, p. 280.

VII. Freedom of Speech.

1. *New York flag statute—Alternative grounds.*—Application of New York flag statute to appellant was violative of rights of free expression assured against state infringement by the Fourteenth Amendment, because it permitted him to be punished merely for speaking defiant or contemptuous words about the American flag, and the record here is insufficient to eliminate the possibility that his words were the sole basis of his conviction or that he was convicted for both his words and his deed. *Street v. New York*, p. 576.

2. *Threats against the President—Political hyperbole.*—Petitioner's remark during political debate that if inducted into Army (which he vowed would never occur) and made to carry a rifle "the first man I want to get in my sights is L. B. J.," was crude political

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hyperbole which in light of its context and conditional nature did not constitute knowing and willful threat against the President within the coverage of 18 U. S. C. § 871 (a). *Watts v. United States*, p. 705.

VIII. Freedom of Speech and Press.

Anonymous political handbills—Case or controversy.—Since New York statute prohibits only anonymous handbills directly pertaining to election campaigns and it was wholly conjectural that another occasion might arise when appellee would be prosecuted for distributing the handbills because his sole concern related to a Congressman who would not likely be a candidate again, the controversy lacked "sufficient immediacy and reality" to warrant issuance of a declaratory judgment. *Golden v. Zwickler*, p. 103.

IX. Freedom of the Press.

Antitrust Acts—Newspapers.—The decree in this antitrust action requiring divestiture of newspaper publishing company and modification of joint operating agreement deals only with private restraints on business competition and does not regulate news gathering or dissemination in derogation of First Amendment rights. *Citizen Publishing Co. v. United States*, p. 131.

X. Right to Travel.

Migration of indigents—Residence requirements.—Since the Constitution guarantees the right of interstate movement, the purpose of deterring the migration of indigents into a State is impermissible and cannot serve to justify the classification created by the one-year waiting period. A State may no more try to fence out those indigents who seek higher welfare payments than it may try to fence out indigents generally. *Shapiro v. Thompson*, p. 618.

XI. Self-Incrimination.

Police custody—Miranda warnings.—Use of admissions at petitioner's murder trial obtained by police who, while he was in their custody in his bedroom at a boarding house, questioned him about incriminating facts without first informing him of his rights to remain silent, to have a lawyer's advice before making a statement, and to have a lawyer appointed to assist him if he could not afford to hire one, violated the Self-Incrimination Clause of the Fifth Amendment made applicable to the States by the Fourteenth. *Orozco v. Texas*, p. 324.

XII. Sixth Amendment.

1. *Interrogation—Right to counsel.*—In context of this case, where it is possible that questioning officer took petitioner's remark about

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seeing an attorney not as a request that the interrogation cease but as a passing comment, there was no denial of the right to counsel such as existed in *Escobedo v. Illinois*, 378 U. S. 478; and *Miranda v. Arizona*, 384 U. S. 436, which was decided after petitioner's trial is not applicable under *Johnson v. New Jersey*, 384 U. S. 719. *Frazier v. Cupp*, p. 731.

2. *Veniremen excused for cause*—*General objections to death penalty*.—Since several veniremen were excused for cause apparently because they voiced general objections to the death penalty, it appears that the sentence of death cannot constitutionally stand under *Witherspoon v. Illinois*, 391 U. S. 510, and the cause is remanded to the District Court where this belated issue may be fully considered. *Boulden v. Holman*, p. 478.

CONTEMPT. See also **Constitutional Law**, III, 2; **Elections**, 2; **Voting Rights Act of 1965**.

Order of Supreme Court—*District Court's temporary restraining order*—*Failure to place candidates on Alabama ballot*.—Decision on motion that this Court initiate contempt proceeding against Greene County Probate Judge for allegedly disobeying this Court's order in *Hadnott v. Amos*, ante, p. 358, restoring District Court's temporary restraining order, deferred pending timely initiation and completion of proceedings in District Court to determine whether the Judge's failure to place certain candidates on the ballot constituted contempt of the District Court. *In re Herndon*, p. 399.

CONTEMPT OF FLAG. See **Constitutional Law**, VII, 1; **Jurisdiction**, 1.

CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-3.

CONVERSATIONS. See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2; **Procedure**, 12.

COOK COUNTY. See **Constitutional Law**, III, 1.

CORRUPT PRACTICES ACT. See **Constitutional Law**, III, 2; **Elections**, 2; **Voting Rights Act of 1965**.

COUNSEL. See **Constitutional Law**, II, 2; VI, 6; XI; XII, 1; **Evidence**, 3; **Procedure**, 7, 11; **Trials**.

COUNTIES. See **Constitutional Law**, I, 3; III, 1, 3; **Elections**, 1; **Mootness**.

COURTS. See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2; **Grand Juries**; **Habeas Corpus**, 1-2; **Jurisdiction**, 4; **Procedure**, 3, 6, 8, 12.

CREDIBILITY. See **Constitutional Law**, II, 2; **Procedure**, 7.

CREDIT. See **Antitrust Acts**, 3-5.

CRIMINAL LAW. See **Constitutional Law**, II, 1-2; V, 1-4; VI, 1-8; VII, 1-2; VIII; XI; XII, 1-2; **Declaratory Judgments**, 1-2; **Evidence**, 1-3; **Federal Rules of Criminal Procedure**, 1-3; **Grand Juries**; **Habeas Corpus**, 1-2; **Juries**; **Jurisdiction**, 1, 4; **Obscenity**; **Post-Conviction Relief**; **Procedure**, 3-7, 9-12; **Statutory Construction**; **Trials**.

DEATH PENALTY. See **Constitutional Law**, XII, 2; **Juries**.

DEBATE. See **Constitutional Law**, VII, 2.

DECEDENT'S REPRESENTATIVES. See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.

DECLARATIONS OF INTENT. See **Constitutional Law**, III, 2; **Elections**, 2; **Voting Rights Act of 1965**.

DECLARATORY JUDGMENTS. See also **Constitutional Law**, VIII; **Procedure**, 8.

1. *Anonymous political handbills—Congressional candidate—Case or controversy.*—Since New York statute prohibits only anonymous handbills directly pertaining to election campaigns and it was wholly conjectural that another occasion might arise when appellee would be prosecuted for distributing the handbills because his sole concern related to a Congressman who would not likely be a candidate again, the controversy lacked "sufficient immediacy and reality" to warrant issuance of a declaratory judgment. *Golden v. Zwickler*, p. 103.

2. *Constitutional issues—Case or controversy.*—In field of declaratory judgments as elsewhere constitutional issues cannot be adjudicated except in actual cases presenting concrete legal issues. *Golden v. Zwickler*, p. 103.

DECREES. See **Certiorari**.

DEDUCTIONS. See **Taxes**, 1.

DEEP TANK OPENING. See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.

DEFENSES. See **Post-Conviction Relief**; **Procedure**, 5, 9-10.

DEMONSTRATIONS. See **Constitutional Law**, II, 1; V, 1, 3-4; **Statutory Construction**.

DEPENDENTS. See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.

DEPLETION ALLOWANCE. See **Taxes**, 1.

- DETENTION.** See **Constitutional Law**, VI, 4-5.
- DEVICES.** See **Federal Food, Drug, and Cosmetic Act**.
- DISCLOSURE BY GOVERNMENT.** See **Procedure**, 12.
- DISCOVERY.** See **Habeas Corpus**, 1-2; **Procedure**, 6.
- DISCRETION.** See **Constitutional Law**, V, 3-4; **Grand Juries**; **Judicial Review**; **Procedure**, 3; **Statutory Construction**; **Submerged Lands Act of 1953**, 1-2.
- DISCRIMINATION.** See **Constitutional Law**, III, 2, 4; IV, V, 3-4; **Contempt**; **Elections**, 2; **Grand Juries**; **Procedure**, 3; **Statutory Construction**; **Voting Rights Act of 1965**.
- DISCS.** See **Federal Food, Drug, and Cosmetic Act**.
- DISORDERLY CONDUCT.** See **Constitutional Law**, II, 1; V, 1.
- DISQUALIFICATION.** See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Voting Rights Act of 1965**.
- DISTRICT COURTS.** See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Federal Rules of Criminal Procedure**, 3; **Grand Juries**; **Habeas Corpus**, 1, 2; **Jurisdiction**, 3; **Procedure**, 3, 6, 12; **Voting Rights Act of 1965**.
- DISTRICT OF COLUMBIA.** See **Constitutional Law**, III, 4; IV; X.
- DISTRICTS.** See **Constitutional Law**, I, 1-3; **Elections**, 1.
- DIVERSITY JURISDICTION.** See **Jurisdiction**, 2-3.
- DIVERSITY SUITS.** See **Jurisdiction**, 2-3.
- DIVESTITURE.** See **Antitrust Acts**, 2, 6; **Constitutional Law**, IX.
- DOCTORAL DISSERTATIONS.** See **Taxes**, 2.
- DOUBLE DEDUCTIONS.** See **Taxes**, 1.
- DREDGED CHANNELS.** See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.
- DRUGS.** See **Federal Food, Drug, and Cosmetic Act**.
- DRYING ROCKS.** See **Submerged Lands Act of 1953**, 1-2.
- DUE PROCESS.** See **Constitutional Law**, II; **Procedure**, 7.
- DUFFEL BAG.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- DUTY OF FAIR REPRESENTATION.** See **National Labor Relations Act**, 1, 3.

EAVESDROPPING. See **Constitutional Law**, VI, 1-3, 7-8; **Evidence**, 1-2; **Procedure**, 4.

ECONOMIC POWER. See **Antitrust Acts**, 4-6.

EDUCATION LEAVES. See **Taxes**, 2.

ELECTIONS. See also **Constitutional Law**, I, 1-3; III, 2-3; VIII; **Contempt**; **Declaratory Judgments**, 1-2; **Mootness**; **National Labor Relations Board**; **Voting Rights Act of 1965**.

1. *Congressional redistricting statutes—Time.*—In view of ample time remaining to promulgate a constitutional redistricting plan prior to the 1970 election, the District Court's judgment is reversed insofar as it approved New York's plan for the 1970 election. *Wells v. Rockefeller*, p. 542.

2. *Equal protection of the laws—Disqualification of candidates in Alabama election.*—Disqualification of National Democratic Party of Alabama candidates on ground they failed to meet requirements of state law which their opponents did not have to meet constituted a violation of the Equal Protection Clause of the Fourteenth Amendment, and the case is remanded to the District Court for order that prevailing NDPA candidates in Etowah, Marengo, and Sumter Counties be treated as elected, and that a new election be held in Greene County for offices contested by NDPA candidates, whose names shall be on the ballots. *Hadnott v. Amos*, p. 358.

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

ELECTRONIC SURVEILLANCE. See **Constitutional Law**, VI, 1-3, 7; **Evidence**, 2; **Procedure**, 4.

ELIGIBLE VOTERS. See **Constitutional Law**, I, 1-3; **Elections**, 1.

EMPLOYER AND EMPLOYEES. See **Admiralty**; **Federal-State Relations**; **Longshoremens' and Harbor Workers' Compensation Act**; **National Labor Relations Act**, 1-3; **National Labor Relations Board**; **Railway Labor Act**, 1-2; **Taxes**, 2.

EQUALITY OF POPULATION. See **Constitutional Law**, I, 1-3; **Elections**, 1.

EQUAL PROTECTION OF THE LAWS. See **Constitutional Law**, III; **Contempt**; **Elections**, 2; **Mootness**; **Voting Rights Act of 1965**.

EROSION. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-3.

ERRORS OF LAW. See **Post-Conviction Relief**; **Procedure**, 5, 9-10.

EVIDENCE. See also **Antitrust Acts**, 1; **Constitutional Law**, II, 1-2; V, 1; VI, 2-8; XI; XII, 1; **Habeas Corpus**, 1-2; **Jurisdiction**; **National Labor Relations Board**; **Post-Conviction Relief**; **Procedure**, 1, 5-6, 9-12; **Trials**.

1. *Admissibility—Wiretapping—Prospectivity.*—Evidence obtained by wiretapping conducted in 1964 pursuant to warrant issued under N. Y. Code Crim. Proc. § 813-a is admissible in state criminal trial, since wiretapping occurred before (1) *Katz v. United States*, 389 U. S. 347, overruled prior decisions that the Fourth Amendment encompassed seizures of speech only if there was a trespass or physical intrusion of the speaker's constitutionally protected area, and (2) *Lee v. Florida*, 392 U. S. 378, extended the rule excluding evidence violative of § 605 of the Federal Communications Act; and both *Katz v. United States* and *Lee v. Florida* have been held to apply prospectively only. *Kaiser v. New York*, p. 280.

2. *Electronic surveillance—Disclosure by Government.*—If the surveillance is found to have been unlawful, and if petitioner is found to have standing, the Government must disclose to him the records of those overheard conversations which the Government was not entitled to use in building its case against him. *Alderman v. United States*, p. 165.

3. *Prosecutor's statement—Instructions to jury.*—On facts here, where evidence which prosecutor reasonably expected to produce (testimony of co-indictee who pleaded guilty but refused to testify) was objectively and briefly summarized and was not touted to jury as crucial to prosecution's case, court's limiting instructions were sufficient to protect petitioner's constitutional rights. *Frazier v. Cupp*, p. 731.

EVIDENTIARY HEARINGS. See **Habeas Corpus**, 1-2; **Procedure**, 6.

EXCLUSIONS FROM INCOME. See **Taxes**, 2.

EXCLUSIVE REMEDY. See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.

EXCUSED FOR CAUSE. See **Constitutional Law**, XII, 2; **Juries**.

EXEMPTIONS. See **Taxes**, 2.

EXTENSION OF CREDIT. See **Antitrust Acts**, 3-5.

EYEWITNESS IDENTIFICATION. See **Constitutional Law**, II, 2; **Procedure**, 7.

FACTUAL BASIS FOR PLEA. See **Federal Rules of Criminal Procedure**, 2-3.

FAILING COMPANY DOCTRINE. See **Antitrust Acts**, 2, 6.

FEDERAL COMMUNICATIONS ACT. See **Constitutional Law**, VI, 8; **Evidence**, 1.

FEDERAL COURTS. See **Jurisdiction**, 2-3.

FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Antibiotic sensitivity disc—Drug or device.—Antibiotic sensitivity disc used as laboratory screening test to help determine proper antibiotic drug to administer to patients is not merely “device” but “drug” within definition of § 201 (g) (1) (B) of the Act and thus subject to pre-market clearance regulations issued pursuant to § 507 of the Act. *United States v. Bacto-Unidisk*, p. 784.

FEDERAL PRISONERS. See **Post-Conviction Relief; Procedure**, 5, 9-10.

FEDERAL QUESTIONS. See **Constitutional Law**, VII, 1; **Jurisdiction**, 1, 4.

FEDERAL RULES OF CIVIL PROCEDURE. See **Habeas Corpus**, 1-2; **Intervention; Jurisdiction**, 3; **Procedure**, 2, 6.

FEDERAL RULES OF CRIMINAL PROCEDURE.

1. *Presentence report—When read by trial judge—Prejudice to petitioner.*—Petitioner's contention that his conviction should be reversed because trial judge read presentence report before jury returned its verdict, in violation of Rule 32, is rejected, as there is no evidence that trial judge read report before verdict was delivered. There was no prejudice to petitioner's rights, since even if judge read the report after the jury retired, he could not have affected the jury prior to verdict, the sentence was mandatory, and the information in the report had been revealed to the judge in an earlier psychiatric report. *Gregg v. United States*, p. 489.

2. *Rule 11—Guilty pleas—Prospectivity of decision.*—This Court's decision in *McCarthy v. United States*, ante, p. 459, holding that a defendant whose guilty plea is accepted in violation of Rule 11 must be afforded an opportunity to plead anew, is to be applied prospectively from the date of that decision. *Halliday v. United States*, p. 831.

3. *Rule 11—Judge's direct inquiry of defendant—Voluntariness of plea.*—Rule 11 requires the district judge to inquire directly of defendant pleading guilty whether defendant understands nature of the charge and is aware of consequences of his plea; and noncompliance with Rule 11 requires that guilty plea be set aside and that defendant's case be remanded for another hearing at which he may plead anew. *McCarthy v. United States*, p. 459.

FEDERAL-STATE RELATIONS. See also **Constitutional Law**, I, 1-3; II, 2; III, 3-4; IV; VI, 8; X; **Elections**, 1; **Evidence**, 1; **Grand Juries**; **Intervention**; **Judicial Review**; **Jurisdiction**, 2, 4; **Mootness**; **National Labor Relations Act**; **Procedure**, 2-3, 8; **Railway Labor Act**, 1-2; **Submerged Lands Act of 1953**, 1-3.

Railway Labor Act—Railway labor picketing.—Congress has not provided usable standards or access to administrative expertise in this area of railway labor conduct and the least unsatisfactory judicial solution is to allow those who have unsuccessfully exhausted the Act's procedures for resolving major disputes to employ their full range of peaceful economic power, provided it does not conflict with any other obligation imposed by federal law. Therefore, until Congress acts, primary or secondary railway labor picketing must be deemed conduct protected against state proscription. *Railroad Trainmen v. Terminal Co.*, p. 369.

FELLOWSHIP PROGRAMS. See **Taxes**, 2.

FIFTH AMENDMENT. See **Constitutional Law**, III, 4; IV; VI, 6; X; XI; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.

FILMS. See **Constitutional Law**, V, 2; **Obscenity**.

FINALITY OF LITIGATION. See **Post-Conviction Relief**; **Procedure**, 5, 9-10.

FINANCE COMMITTEES. See **Constitutional Law**, III, 2; **Elections**, 2; **Voting Rights Act of 1965**.

FINANCING. See **Antitrust Acts**, 3-5.

FINES. See **National Labor Relations Act**, 1, 3.

FINGERPRINTS. See **Constitutional Law**, VI, 4-5.

FIRST AMENDMENT. See **Antitrust Acts**, 2, 6; **Constitutional Law**, V; VII-IX; **Declaratory Judgments**, 1-2; **Jurisdiction**, 1; **Obscenity**; **Statutory Construction**.

FLAG BURNING. See **Constitutional Law**, VII, 1; **Jurisdiction**, 1.

FLORIDA EAST COAST RAILWAY. See **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.

FOOD AND DRUGS. See **Federal Food, Drug, and Cosmetic Act**.

FOREIGN CORPORATIONS. See **Jurisdiction**, 2.

FOURTEENTH AMENDMENT. See **Constitutional Law**, II-V; VI, 4-6, 8; X-XII; **Contempt**; **Declaratory Judgments**, 1-2; **Elections**, 2; **Evidence**; **Juries**; **Jurisdiction**, 1; **Mootness**; **Obscenity**; **Procedure**, 11; **Statutory Construction**; **Trials**; **Voting Rights Act of 1965**.

- FOURTH AMENDMENT.** See **Constitutional Law**, VI; **Evidence**, 1-3; **Habeas Corpus**, 1-2; **Post-Conviction Relief**; **Procedure**, 4-6, 9-12; **Trials**.
- FREEDOM OF EXPRESSION.** See **Constitutional Law**, V; VII-IX; **Statutory Construction**.
- FREEDOM OF SPEECH.** See **Constitutional Law**, V, 1; VII-VIII; **Declaratory Judgments**, 1-2; **Jurisdiction**, 1.
- FREEDOM OF SPEECH AND PRESS.** See **Constitutional Law**, V, 2; VIII; **Obscenity**.
- FREEDOM OF THE PRESS.** See **Antitrust Acts**, 2, 6; **Constitutional Law**, IX.
- FREEDOM TO TRAVEL.** See **Constitutional Law**, X.
- GARRETT ACT.** See **Constitutional Law**, III, 2; **Elections**, 2; **Voting Rights Act of 1965**.
- GAS PRODUCERS.** See **Taxes**, 1.
- GEOGRAPHICAL COMPACTNESS.** See **Constitutional Law**, I, 1-3.
- GEORGIA.** See **Constitutional Law**, V, 2; **Obscenity**.
- GOOD-FAITH EFFORT.** See **Constitutional Law**, I, 1-3; **Elections**, 1.
- GOVERNMENTAL INTRUSIONS.** See **Constitutional Law**, V, 2; **Obscenity**.
- GRAIN TANKS.** See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.
- GRAND JURIES.** See also **Procedure**, 3.
Discrimination in jury selection—Injunction to prevent grand jury from considering criminal charges.—District Court did not abuse its discretion in refusing to enjoin grand jury proceedings, where injunction was sought on ground that Negroes had been systematically excluded from grand jury and District Court found that grand jury was illegally constituted. *Bokulich v. Jury Commission*, p. 97.
- GRAVE MARKERS.** See **Antitrust Acts**, 1; **Procedure**, 1.
- GREAT SALT LAKE.** See **Intervention**; **Procedure**, 2.
- GREENE COUNTY.** See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Grand Juries**; **Procedure**, 3; **Voting Rights Act of 1965**.
- GROSS INCOME.** See **Taxes**, 1.

GUILTY PLEAS. See **Federal Rules of Criminal Procedure**, 2-3.

GULF OF MEXICO. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-3.

HABEAS CORPUS. See also **Constitutional Law**, VI, 6; XII; **Evidence**, 3; **Post-Conviction Relief**; **Procedure**, 5-6, 9-11; **Trials**.

1. *Evidentiary hearings—Power of inquiry.*—Federal courts upon an appropriate showing must grant evidentiary hearings to petitioners for writs of habeas corpus and “the power of inquiry on federal habeas corpus is plenary.” *Harris v. Nelson*, p. 286.

2. *Interrogatories — Discovery — Procedures available.*—Although § 2246 of Title 28, U. S. C. does not authorize interrogatories in habeas corpus proceedings except in limited circumstances not applicable here, a district court considering a petition for habeas corpus is free to use or authorize interrogatories or suitable discovery procedures reasonably fashioned to elicit facts to help the court “dispose of the matter as law and justice require.” *Harris v. Nelson*, p. 286.

HAITIAN CORPORATION. See **Jurisdiction**, 2.

HANDBILLS. See **Constitutional Law**, VIII; **Declaratory Judgments**, 1-2.

HARMLESS ERROR. See **Constitutional Law**, II, 2; **Procedure**, 7.

HEADLANDS. See **Submerged Lands Act of 1953**, 1-2.

HEARINGS. See **Habeas Corpus**, 1-2; **Procedure**, 6.

HISTORIC TITLE. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.

HOMEOWNER. See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2.

HOMOGENEOUS REGIONS. See **Constitutional Law**, I, 3; **Elections**, 1.

HOUSES. See **Antitrust Acts**, 3-5.

IDENTIFICATION. See **Constitutional Law**, II, 2; **Procedure**, 7.

ILLEGALITY PER SE. See **Antitrust Acts**, 2-6.

ILLINOIS. See **Admiralty**; **Constitutional Law**, III, 1, 3; **Long-shoremen's and Harbor Workers' Compensation Act**; **Mootness**.

IMMUNITY. See **Intervention**; **Procedure**, 2.

IN CAMERA INSPECTION. See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2; **Procedure**, 12.

- INCOME TAXES.** See **Federal Rules of Criminal Procedure**, 3; **Procedure**, 12; **Taxes**, 1-2.
- IN-CUSTODY INTERROGATION.** See **Constitutional Law**, XI.
- INDEMNIFICATION.** See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.
- INDENTATIONS.** See **Submerged Lands Act of 1953**, 1-2.
- INDEPENDENT CANDIDATES.** See **Constitutional Law**, III, 2-3; **Contempt**; **Elections**; **Mootness**; **Voting Rights Act of 1965**.
- INDIGENTS.** See **Constitutional Law**, III, 4; IV; X.
- INFORMERS.** See **Habeas Corpus**, 1-2; **Procedure**, 6.
- INJUNCTIONS.** See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Federal-State Relations**; **Grand Juries**; **National Labor Relations Act**, 2; **Procedure**, 3; **Railway Labor Act**, 1-2; **Voting Rights Act of 1965**.
- INLAND WATER LINE.** See **Submerged Lands Act of 1953**, 1-2.
- INLAND WATERS.** See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.
- INMATES.** See **Constitutional Law**, III, 1.
- INSANITY.** See **Post-Conviction Relief**; **Procedure**, 5, 9-10.
- INSPECTION.** See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2.
- INSTALLATION FEES.** See **Antitrust Acts**, 1; **Procedure**, 1.
- INSTRUCTIONS TO JURY.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- INTENT.** See **Antitrust Acts**, 1; **Procedure**, 1.
- INTERNAL REVENUE CODE.** See **Taxes**, 1-2.
- INTERROGATIONS.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- INTERROGATORIES.** See **Habeas Corpus**, 1-2; **Procedure**, 6.
- INTERSTATE COMMERCE.** See **Antitrust Acts**, 3-5.
- INTERSTATE MOVEMENT.** See **Constitutional Law**, III, 4; IV; X.
- INTERVENTION.** See also **Procedure**, 2.

Great Salt Lake ownership—Stipulation limiting issues between Utah and the United States—Private claimants.—Special Master's Report will be placed on file and his denial of intervention to Morton International, Inc., a claimant to part of the property in this

INTERVENTION—Continued.

dispute between Utah and the United States over the ownership of the Great Salt Lake, is approved, since a Stipulation entered into between Utah and the United States has so limited the issues that the presence of Morton and other private claimants is not necessary or appropriate. *Utah v. United States*, p. 89.

INVESTIGATIONS. See **Constitutional Law**, VI, 4-5; **Procedure**, 8.

INVOLUNTARY CONFESSIONS. See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.

IRREPARABLE INJURY. See **Procedure**, 8.

ISLANDS. See **Judicial Review**; **Submerged Lands Act of 1953**, 1-2.

JOB RETENTION. See **National Labor Relations Act**, 1, 3.

JOINT OPERATING AGREEMENT. See **Antitrust Acts**, 2, 6; **Constitutional Law**, IX.

JUDGES. See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2; **Federal Rules of Criminal Procedure**, 1, 3; **Procedure**, 12.

JUDICIAL CONSTRUCTION. See **Constitutional Law**, V, 3-4; **Statutory Construction**.

JUDICIALLY INCAPACITATED VOTERS. See **Constitutional Law**, III, 1.

JUDICIAL REVIEW. See also **Jurisdiction**, 4; **Submerged Lands Act of 1953**, 1-2.

Straight baselines—United States' discretion—Submerged lands.—Fringes or chains of islands are treated same as other islands and are not taken into account as enclosing inland waters unless under Article 4 of the Convention on the Territorial Sea and the Contiguous Zone the coastal nation decides in the conduct of its international affairs to draw straight baselines joining appropriate points. The United States within its discretion has decided not to draw straight baselines along the Louisiana coast, and this exercise of discretion is not appropriately subject to review by the Court. *Louisiana Boundary Case*, p. 11.

JURIES. See also **Antitrust Acts**, 1; **Constitutional Law**, VI, 6; XII, 1-2; **Evidence**, 3; **Grand Juries**; **Procedure**, 1, 3; **Trials**.

Death penalty—Veniremen opposed to capital punishment.—Since several veniremen were excused for cause apparently because they voiced general objections to the death penalty, it appears that the sentence of death cannot constitutionally stand under *Wither-*

JURIES—Continued.

spoon v. Illinois, 391 U. S. 510, and the cause is remanded to the District Court where this belated issue may be fully considered. *Boulden v. Holman*, p. 478.

JURISDICTION. See also **Constitutional Law**, VII, 1; **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.

1. *Appeals—Federal question—Adequately raised.*—Appellant has met burden of showing federal question of constitutionality of “words” part of New York statute, which makes it a crime publicly to mutilate or “publicly [to] defy . . . or cast contempt upon [any American flag] whether by words or act,” was adequately raised in state courts, by appellant’s motion to dismiss in trial court and his briefs in appellate courts. *Street v. New York*, p. 576.

2. *Diversity actions—Assignment by alien corporation—Texas law.*—The assignment from an alien corporation to a Texas attorney was “improperly or collusively made” within the meaning of 28 U. S. C. § 1359, as the “manufacture of Federal jurisdiction” was the very thing Congress intended to prevent by the enactment of § 1359. The validity of the assignment under Texas law does not render it valid for purposes of federal jurisdiction; and § 1359 applies to diversity jurisdiction arising from the alienage of a party as well as that based on residence in different States. *Kramer v. Caribbean Mills*, p. 823.

3. *Federal diversity actions—Aggregation of claims.*—Separate and distinct claims presented by and for various claimants in federal diversity actions may not be added together to provide the requisite \$10,000 jurisdictional amount in controversy. *Snyder v. Harris*, p. 332.

4. *Supreme Court—Louisiana statute—Federal question not raised in state court.*—Since petitioner’s contention that Louisiana statute requiring that confessions be admitted into evidence in their entirety is unconstitutional, the sole federal question argued in this Court, was not raised, preserved, or passed on in the state courts, the writ of certiorari is dismissed for want of jurisdiction, as this Court will not decide federal questions raised here for the first time on review of state court decisions. *Cardinale v. Louisiana*, p. 437.

JURY’S VERDICT. See **Federal Rules of Criminal Procedure**, 1.

JUSTIFICATION. See **Constitutional Law**, I, 1-3; **Elections**, 1.

KENTUCKY UN-AMERICAN ACTIVITIES COMMITTEE. See **Procedure**, 8.

- LABOR.** See National Labor Relations Board.
- LABORATORIES.** See Taxes, 2.
- LABORATORY TESTS.** See Federal Food, Drug, and Cosmetic Act.
- LABOR DISPUTES.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- LABOR MANAGEMENT RELATIONS ACT.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- LABOR POLICY.** See National Labor Relations Act, 1, 3.
- LAKE BOTTOM.** See Intervention; Procedure, 2.
- LAND DEVELOPMENT.** See Antitrust Acts, 3-5.
- LARCENY.** See Grand Juries; Procedure, 3.
- LAWYERS.** See Constitutional Law, II, 2; VI, 6; XI; XII, 1.
- LEGISLATURES.** See Constitutional Law, III, 1.
- LESSER INCLUDED OFFENSES.** See Federal Rules of Criminal Procedure, 3.
- LIABILITY.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- LIMITATION OF ISSUES.** See Intervention; Procedure, 2.
- LINEUPS.** See Constitutional Law, II, 2; Procedure, 7.
- LIST OF EMPLOYEES.** See National Labor Relations Board.
- LOANS.** See Antitrust Acts, 3-5.
- LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.** See also Admiralty.
- Death of longshoreman—Employer's remedy against third persons—Subrogation.*—Nothing on the face of § 33 of the Act or in the Act's legislative history limits the employer's remedy against third persons to subrogation to the rights of the deceased employee's representative. *Marine Terminals v. Shipping Co.*, p. 404.
- LOUISIANA.** See Judicial Review; Jurisdiction, 4; Submerged Lands Act of 1953, 1-2.
- LOUISVILLE.** See Antitrust Acts, 3-5.
- LOW-TIDE ELEVATIONS.** See Submerged Lands Act of 1953, 1-2.
- MAJOR DISPUTES.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.

- MALICIOUS MISCHIEF.** See Constitutional Law, VII, 1; Jurisdiction, 1.
- MARCHES.** See Constitutional Law, V, 3-4; Statutory Construction.
- MARITIME LAW.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- MARKET CONTROL.** See Antitrust Acts, 2, 6.
- MARKET DOMINANCE.** See Antitrust Acts, 3-5.
- MASS MEETINGS.** See Constitutional Law, III, 2; Elections, 2; Voting Rights Act of 1965.
- MATHEMATICAL EQUALITY.** See Constitutional Law, I, 1-3; Elections, 1.
- MATTER IN CONTROVERSY.** See Jurisdiction, 3.
- MERCHANT SHIPS.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- MIGRANTS.** See Constitutional Law, III, 4; IV; X.
- MILITARY SERVICE.** See Constitutional Law, VII, 2.
- MINIMUM PRICE ORDERS.** See Taxes, 1.
- MIRANDA WARNINGS.** See Constitutional Law, XI.
- MISSISSIPPI.** See Constitutional Law, VI, 4-5.
- MISSISSIPPI RIVER DELTA.** See Submerged Lands Act of 1953, 1-2.
- MISSOURI.** See Constitutional Law, I, 1-2.
- MONOPOLY.** See Antitrust Acts, 1-6; Constitutional Law, IX; Procedure, 1.
- MOOTNESS.** See also Constitutional Law, III, 3; VII, 1; Jurisdiction, 1.
- Presidential electors—Nominating petitions—Future elections.—*
This case is not moot, even though the 1968 elections are history, as the burden which *MacDougall v. Green*, 335 U. S. 281, placed on nominations for statewide offices controls future elections, and reflects a continuing federal-state controversy which needs resolution. *Moore v. Ogilvie*, p. 814.
- MOTION TO DISMISS.** See Procedure, 8.
- MOTION TO VACATE SENTENCE.** See Post-Conviction Relief; Procedure, 5, 9-10.
- MOTIVE.** See Antitrust Acts, 1; Procedure, 1.

MUD CLUMPS. See **Judicial Review; Submerged Lands Act of 1953, 1-2.**

MUNICIPAL ORDINANCES. See **Constitutional Law, V, 3-4; Statutory Construction.**

MURDER. See **Constitutional Law, VI, 6; XI; XII, 1; Evidence, 3; Procedure, 11; Trials.**

MURDEROUS THREATS. See **Constitutional Law, VI, 2-3, 7; Evidence, 2.**

NATIONAL DEMOCRATIC PARTY OF ALABAMA. See **Constitutional Law, III, 2; Contempt; Elections, 2; Voting Rights Act of 1965.**

NATIONAL LABOR RELATIONS ACT. See also **Certiorari; Federal-State Relations; Railway Labor Act, 1-2.**

1. *Labor policy—Union rule.*—Arguments that union rule here contravened statutory labor policy were inadequate. Rule did not impede collective bargaining process, cause breach of collective bargaining agreement, establish featherbedding within meaning of statute, induce discrimination by employer against any class of employees, or represent dereliction by union of duty of fair representation, and in view of acceptable manner of enforcement by reasonable fines to vindicate proper union concern it does not constitute restraint or coercion prohibited by § 8 (b) (1) (A). *Scofield v. NLRB*, p. 423.

2. *Primary jurisdiction—Railway labor dispute.*—Jurisdiction of state courts was not pre-empted by primary jurisdiction of National Labor Relations Board, even though small percentage of petitioner unions' membership may be subject to National Labor Relations Act, as this is simply a railway labor dispute to which that Act has no direct application. *Railroad Trainmen v. Terminal Co.*, p. 369.

3. *Union rule—Legitimate union interest.*—Section 8 (b) (1) of the Act permits a union to enforce properly adopted rule which reflects a legitimate union interest, impairs no statutory labor policy, and is reasonably enforced against union members who are free to leave the union and escape the rule, while maintaining job security under union shop clause by paying dues. *Scofield v. NLRB*, p. 423.

NATIONAL LABOR RELATIONS BOARD.

Representation election—List of employees—Order to produce.—The judgment of the Court of Appeals is reversed and the case is remanded to the District Court with directions to reinstate its judgment which upheld the NLRB's order directing respondent to provide a list of its employees, or records showing employees' names and addresses, in connection with a representation election among respondent's employees. *NLRB v. Wyman-Gordon Co.*, p. 759.

- NATIONAL SECURITY VIOLATIONS.** See **Constitutional Law**, VI, 2-3, 7; **Evidence**, 2.
- NATURAL GAS.** See **Taxes**, 1.
- NAVIGATION RULES.** See **Submerged Lands Act of 1953**, 1-2.
- NEEDY PERSONS.** See **Constitutional Law**, III, 4; IV; X.
- NEGLIGENCE.** See **Admiralty**; **Longshoremen's and Harbor Workers' Compensation Act**.
- NEGROES.** See **Constitutional Law**, V, 3-4; **Contempt**; **Elections**, 2; **Grand Juries**; **Procedure**, 3; **Statutory Construction**; **Voting Rights Act of 1965**.
- NEWSPAPERS.** See **Antitrust Acts**, 2, 6; **Constitutional Law**, IX.
- NEW YORK.** See **Constitutional Law**, I, 1, 3; VII, 1; VIII; **Declaratory Judgments**, 1-2; **Elections**, 1; **Jurisdiction**, 1.
- NOMINATING PETITIONS.** See **Constitutional Law**, III, 3; **Mootness**.
- NOMINATIONS.** See **Constitutional Law**, III, 2-3; **Contempt**; **Elections**, 2; **Voting Rights Act of 1965**.
- NORRIS-LA GUARDIA ACT.** See **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.
- OBSCENITY.** See also **Constitutional Law**, V, 2.
Obscene films—First Amendment—Private possession.—The First Amendment as made applicable to the States by the Fourteenth prohibits making mere private possession of obscene material a crime. The Constitution protects the right to receive information and ideas, regardless of their social worth, and to be generally free from governmental intrusions into one's privacy and control of one's thoughts. *Stanley v. Georgia*, p. 557.
- ONE-YEAR WAITING PERIOD.** See **Constitutional Law**, III, 4; IV; X.
- OPENING STATEMENT.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.
- OPINIONS.** See **Certiorari**.
- ORDINANCES.** See **Constitutional Law**, V, 3-4; **Statutory Construction**.
- OVERBREADTH.** See **Constitutional Law**, VI, 8; **Evidence**, 1.
- OVERCHARGES.** See **Taxes**, 1.

- OVERHEARD CONVERSATIONS.** See Constitutional Law, VI, 2-3, 7; Evidence, 2.
- OWNERSHIP OF LAKE BED.** See Intervention; Procedure, 2.
- PANAMANIAN CORPORATION.** See Jurisdiction, 2.
- PARADE PERMITS.** See Constitutional Law, V, 3-4; Statutory Construction.
- PEACEFUL PICKETING.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- PENNSYLVANIA.** See Constitutional Law, III, 4; IV; X.
- PERMANENT HARBOR WORKS.** See Submerged Lands Act of 1953, 1-2.
- PERMITS.** See Constitutional Law, V, 3-4; Statutory Construction.
- PHYSICAL INTRUSION.** See Constitutional Law, VI, 1-3, 7-8; Evidence, 1; Procedure, 4.
- PICKETING.** See Constitutional Law, V, 3-4; Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2; Statutory Construction.
- PIECEWORK.** See Certiorari; National Labor Relations Act, 1, 3.
- PIMA COUNTY.** See Antitrust Acts, 2, 6; Constitutional Law, IX.
- PLEAS.** See Federal Rules of Criminal Procedure, 2-3.
- POLICE CUSTODY.** See Constitutional Law, XI.
- POLICE INTERROGATIONS.** See Constitutional Law, VI, 6; XI; XII, 1; Evidence, 3; Procedure, 11; Trials.
- POLICE ORDERS.** See Constitutional Law, II, 1; V, 1.
- POLICE STATION LINEUPS.** See Constitutional Law, II, 2; Procedure, 7.
- POLITICAL HYPERBOLE.** See Constitutional Law, VII, 2.
- POLITICAL LITERATURE.** See Constitutional Law, VIII; Declaratory Judgments, 1-2.
- POPULATION SHIFTS.** See Constitutional Law, I, 1-3.
- POPULATION VARIANCES.** See Constitutional Law, I, 1-3; Elections, 1.
- POSSESSION OF OBSCENE MATTER.** See Constitutional Law, V, 2; Obscenity.

- POST-CONVICTION RELIEF.** See also *Procedure*, 5, 9-10.
Federal prisoner—Motion to vacate sentence.—A claim of unconstitutional search and seizure is cognizable under 28 U. S. C. § 2255 (motion to vacate sentence). Post-conviction relief for prisoners' constitutional claims is not limited by the rule that collateral review is not available to correct errors of law. *Kaufman v. United States*, p. 217.
- POST OFFICE ROBBERY.** See *Federal Rules of Criminal Procedure*, 1.
- PRE-EMPTION.** See *Federal-State Relations*; *National Labor Relations Act*, 2; *Railway Labor Act*, 1-2.
- PREFABRICATED HOUSES.** See *Antitrust Acts*, 3-5.
- PRE-MARKET CLEARANCE.** See *Federal Food, Drug, and Cosmetic Act*.
- SENTENCE REPORTS.** See *Federal Rules of Criminal Procedure*, 1.
- PRESIDENT.** See *Constitutional Law*, VII, 2.
- PRESIDENTIAL ELECTORS.** See *Constitutional Law*, III, 3; *Mootness*.
- PRETRIAL DISCOVERY.** See *Antitrust Acts*, 1; *Procedure*, 1.
- PRICE-FIXING.** See *Antitrust Acts*, 2, 6.
- PRIMARIES.** See *Constitutional Law*, III, 2; *Contempt*; *Elections*, 2; *Voting Rights Act of 1965*.
- PRIMARY JURISDICTION.** See *Federal-State Relations*; *National Labor Relations Act*, 2; *Railway Labor Act*, 1-2.
- PRIMARY PICKETING.** See *Federal-State Relations*; *National Labor Relations Act*, 2; *Railway Labor Act*, 1-2.
- PRIOR RESTRAINTS.** See *Constitutional Law*, V, 3-4; *Statutory Construction*.
- PRISONERS.** See *Constitutional Law*, III, 1; *Habeas Corpus*, 1-2; *Post-Conviction Relief*; *Procedure*, 5-6, 9-10.
- PRIVACY.** See *Constitutional Law*, V, 2; VI, 2-3, 7; *Evidence*, 2; *Obscenity*.
- PRIVATE CLAIMANTS.** See *Intervention*; *Procedure*, 2.
- PRIVATE POSSESSION.** See *Constitutional Law*, V, 2; *Obscenity*.
- PROBABLE CAUSE.** See *Constitutional Law*, VI, 1; *Procedure*, 4.

PROBATE JUDGES. See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Voting Rights Act of 1965**.

PROCEDURE. See also **Admiralty**; **Antitrust Acts**, 1, 3-5; **Certiorari**; **Constitutional Law**, I, 1, 3; II, 2; VI, 8; VIII; XII, 2; **Contempt**; **Declaratory Judgments**, 1-2; **Elections**, 1; **Evidence**, 1; **Federal Rules of Criminal Procedure**, 1-3; **Grand Juries**; **Habeas Corpus**, 1-2; **Intervention**; **Juries**; **Jurisdiction**, 3-4; **Longshoremen's and Harbor Workers' Compensation Act**; **National Labor Relations Act**, 1, 3; **National Labor Relations Board**; **Post-Conviction Relief**; **Trials**.

1. *Antitrust suits—Summary judgment.*—The alleged conspiracy had not been conclusively disproved by pretrial discovery and there remained material issues of fact which could only be resolved by a jury after a plenary trial. “[S]ummary procedures should be used sparingly in complex antitrust litigation where motive and intent play leading roles . . .” *Norfolk Monument v. Woodlawn*, p. 700.

2. *Denial of intervention—Great Salt Lake ownership—Stipulation limiting issues.*—Special Master's Report will be placed on file and his denial of intervention to Morton International, Inc., a claimant to part of the property in this dispute between Utah and the United States over the ownership of the Great Salt Lake, is approved, since a Stipulation entered into between Utah and the United States has so limited the issues that the presence of Morton and other private claimants is not necessary or appropriate. *Utah v. United States*, p. 89.

3. *District Courts—Discrimination in jury selection—Injunction to prevent grand jury from considering criminal charges.*—District Court did not abuse its discretion in refusing to enjoin grand jury proceedings, where injunction was sought on ground that Negroes had been systematically excluded from grand jury and District Court found that grand jury was illegally constituted. *Bokulich v. Jury Commission*, p. 97.

4. *Electronic eavesdropping—Prospective application.*—*Katz v. United States*, 389 U. S. 347, which held that the reach of the Fourth Amendment “cannot turn upon the presence or absence of a physical intrusion into any given enclosure,” and that every electronic eavesdropping upon private conversations is a search and seizure which, as a general rule, can comply with constitutional standards only when authorized by a magistrate on a showing of probable cause under precise limitations and safeguards, to the extent that it departed from previous holdings of the Court, is to be applied prospectively only. *Desist v. United States*, p. 244.

PROCEDURE—Continued.

5. *Finality of litigation—Federal prisoners—Post-conviction relief.*—Considerations of finality of litigation have no greater weight with respect to federal prisoners seeking relief under 28 U. S. C. § 2255 than with respect to state prisoners seeking habeas corpus relief. *Kaufman v. United States*, p. 217.

6. *Habeas corpus—Interrogatories—Procedures available to court.*—Although § 2246 of Title 28, U. S. C. does not authorize interrogatories in habeas corpus proceedings except in limited circumstances not applicable here, a district court considering a petition for habeas corpus is free to use or authorize interrogatories or suitable discovery procedures reasonably fashioned to elicit facts to help the court “dispose of the matter as law and justice require.” *Harris v. Nelson*, p. 286.

7. *Harmless error—State court determination.*—Question of whether error (repeated confrontations between eyewitness to robbery and suspect) was harmless under *Chapman v. California*, 386 U. S. 18, should be determined in the first instance by the California courts. *Foster v. California*, p. 440.

8. *Injunctive and declaratory relief—Threatened investigations—Motion to dismiss.*—Dismissal of appellant organizations’ suit for injunctive and declaratory relief against threatened investigations by Kentucky Un-American Activities Committee upheld as appellants failed to respond to motion to dismiss as required by local court rules and trial court could thus take conclusory allegations of irreparable injury as insubstantial and not justifying federal intervention. *Black Unity League v. Miller*, p. 100.

9. *Post-conviction relief—Federal prisoner—Motion to vacate sentence.*—A claim of unconstitutional search and seizure is cognizable under 28 U. S. C. § 2255 (motion to vacate sentence). Post-conviction relief for prisoners’ constitutional claims is not limited by the rule that collateral review is not available to correct errors of law. *Kaufman v. United States*, p. 217.

10. *Post-conviction relief—Protection of constitutional rights.*—Federal post-conviction relief is available to both state and federal prisoners to protect constitutional rights relating to the criminal trial process, and the circumstances under which federal courts must review constitutional claims of federal prisoners under 28 U. S. C. § 2255 are the same as those requiring habeas corpus review of constitutional claims of state prisoners, except that a § 2255 court need not be concerned with the adequacy of the underlying federal rules of procedure. *Kaufman v. United States*, p. 217.

11. *Prosecutor’s statement—Instructions to jury.*—On facts here, where evidence which prosecutor reasonably expected to produce

PROCEDURE—Continued.

(testimony of co-indictee who pleaded guilty but refused to testify) was objectively and briefly summarized and was not touted to jury as crucial to prosecution's case, court's limiting instructions were sufficient to protect petitioner's constitutional rights. *Frazier v. Cupp*, p. 731.

12. *Unlawful electronic surveillance—Disclosure by Government—In camera inspection by judge.—Alderman v. United States*, ante, p. 165, requires an adversary proceeding only where *in camera* procedures are inadequate to safeguard defendant's Fourth Amendment rights, but here where Government turned over all petitioner's overheard conversations and the District Court examined the records to ascertain if the Government had correctly identified petitioner's voice and had turned over all his conversations it cannot be said that "the task is too complex, and the margin of error too great, to rely wholly on the *in camera* judgment of the trial court." *Taglianetti v. United States*, p. 316.

PROCESSIONS. See **Constitutional Law**, V, 3-4; **Statutory Construction**.

PRODUCTION CEILINGS. See **Certiorari**; **National Labor Relations Act**, 1, 3.

PROFIT POOLING. See **Antitrust Acts**, 2, 6.

PROOF. See **Antitrust Acts**, 2, 6.

PROPERTY OWNERS. See **Intervention**; **Procedure**, 2.

PROSECUTION. See **Grand Juries**; **Procedure**, 3.

PROSECUTOR'S STATEMENT. See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials**.

PROSPECTIVITY. See **Constitutional Law**, VI, 1, 8; **Evidence**, 1; **Federal Rules of Criminal Procedure**, 2; **Procedure**, 4.

PROTESTS. See **Constitutional Law**, VII, 1; **Jurisdiction**, 1.

PSYCHIATRIC REPORT. See **Federal Rules of Criminal Procedure**, 1.

PUBLIC ASSISTANCE. See **Constitutional Law**, III, 4; IV; X.

PUNISHMENT. See **Constitutional Law**, XII, 2; **Juries**.

QUALIFICATIONS. See **Constitutional Law**, III, 2; **Contempt**; **Elections**, 2; **Voting Rights Act of 1965**.

QUID PRO QUO. See **Taxes**, 2.

RAILROAD TERMINALS. See **Federal-State Relations**; **National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.

RAILWAY LABOR ACT. See also **Federal-State Relations; National Labor Relations Act, 2.**

1. *National Labor Relations Act—Peaceful primary picketing.*—National Labor Relations Act cannot be imported completely into railway labor area, but it can be referred to for assistance in construing the Railway Labor Act. Peaceful primary picketing incident to a lawful strike is protected conduct under the NLRA, and since there are no grounds for distinguishing picketing under the RLA, peaceful primary strikes and peaceful picketing incident thereto are within the core of protected self-help under the RLA. *Railroad Trainmen v. Terminal Co.*, p. 369.

2. *Settlement of disputes—Resort to self-help—State courts.*—The Act supplies a detailed framework to facilitate voluntary settlement of major disputes, and while it does not specify what occurs when these procedures have been exhausted without success, it does imply the ultimate right of parties to resort to peaceful self-help; and while Florida courts may have jurisdiction over this litigation, application of state law is limited by paramount federal policies, as the Act's scheme for resolution of disputes would become meaningless if States could prohibit parties from engaging in *any* self-help. *Railroad Trainmen v. Terminal Co.*, p. 369.

RAISED STRUCTURES. See **Submerged Lands Act of 1953, 1-2.**

RAPE. See **Constitutional Law, VI, 4-5.**

REAL PROPERTY. See **Intervention; Procedure, 2.**

REAPPORTIONMENT. See **Constitutional Law, I, 1-3; Elections, 1.**

RECEIVERSHIP. See **Antitrust Acts, 2, 6.**

RECORDINGS. See **Constitutional Law, VI, 2-3, 7; Evidence, 2.**

REDISTRICTING. See **Constitutional Law, I, 1-3; Elections, 1.**

REFUNDS. See **Taxes, 1.**

RELICTED LANDS. See **Intervention; Procedure, 2.**

RELIEF. See **Post-Conviction Relief; Procedure, 5, 8-10.**

RELIEF PAYMENTS. See **Constitutional Law, III, 4; IV; X.**

REMEDIES. See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**

REORGANIZATION. See **Antitrust Acts, 2, 6.**

REPAYMENTS. See **Taxes, 1.**

REPRESENTATION ELECTIONS. See **National Labor Relations Board.**

- RESERVED GATES.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- RESIDENCE.** See Constitutional Law, III, 1, 3; Mootness.
- RESIDENCE REQUIREMENTS.** See Constitutional Law, III, 4; IV; X.
- RESTRAINING ORDERS.** See Constitutional Law, III, 2; Contempt; Elections, 2; Voting Rights Act of 1965.
- RESTRAINT OF TRADE.** See Antitrust Acts, 1-6; Procedure, 1.
- RETROACTIVITY.** See Constitutional Law, VI, 1, 8; Evidence, 1; Federal Rules of Criminal Procedure, 2; Procedure, 4.
- RIGHT TO COUNSEL.** See Constitutional Law, VI, 6; XI; XII, 1; Evidence, 3; Procedure, 11; Trials.
- RIGHT TO PLEAD ANEW.** See Federal Rules of Criminal Procedure, 2-3.
- RIGHT TO REMAIN SILENT.** See Constitutional Law, XI.
- ROBBERY.** See Constitutional Law, II, 2; Federal Rules of Criminal Procedure, 1; Procedure, 7.
- RULE-MAKING POWER.** See National Labor Relations Board.
- RULES OF CIVIL PROCEDURE.** See Habeas Corpus, 1-2; Intervention; Jurisdiction, 3; Procedure, 2, 6.
- RULES OF CRIMINAL PROCEDURE.** See Federal Rules of Criminal Procedure, 1-3.
- SAFE WORKING AREA.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- SALES.** See Antitrust Acts, 3-5.
- SCHOLARSHIPS.** See Taxes, 2.
- SCREENING TESTS.** See Federal Food, Drug, and Cosmetic Act.
- SEARCH AND SEIZURE.** See Constitutional Law, VI; Evidence, 1-3; Habeas Corpus, 1-2; Post-Conviction Relief; Procedure, 4-6, 9-12; Trials.
- SEARCH WARRANTS.** See Constitutional Law, V, 2; Obscenity.
- SECONDARY BOYCOTTS.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- SECONDARY PICKETING.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.

- SELF-HELP.** See Federal-State Relations; National Labor Relations Act, 2; Railway Labor Act, 1-2.
- SELF-INCRIMINATION.** See Constitutional Law, VI, 6; XI; XII, 1; Evidence, 3; Procedure, 11; Trials.
- SEMI-CIRCLE TEST.** See Judicial Review; Submerged Lands Act of 1953, 1-2.
- SENSITIVITY DISCS.** See Federal Food, Drug, and Cosmetic Act.
- SENTENCE OF DEATH.** See Constitutional Law, XII, 2; Juries.
- SENTENCES.** See Post-Conviction Relief; Procedure, 5, 9-10.
- SENTENCING HEARINGS.** See Federal Rules of Criminal Procedure, 3.
- SHERMAN ACT.** See Antitrust Acts, 1-6; Constitutional Law, IX; Procedure, 1.
- SHIFTS OF POPULATION.** See Constitutional Law, I, 1-3.
- SHIPOWNER.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- SHIPS.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- SHOALS.** See Submerged Lands Act of 1953, 1-2.
- SIXTH AMENDMENT.** See Constitutional Law, VI, 6; XII, 1-2; Evidence, 3; Juries; Procedure, 11; Trials.
- SOCIAL SECURITY ACT.** See Constitutional Law, III, 4; IV; X.
- SOVEREIGN IMMUNITY.** See Intervention; Procedure, 2.
- SPECIAL MASTER.** See Intervention; Procedure, 2; Submerged Lands Act of 1953, 1-2.
- SPEECH.** See Constitutional Law, VI, 8; VII, 1-2; VIII; Evidence, 1.
- STANDING TO OBJECT.** See Constitutional Law, VI, 2-3, 7; Evidence, 2.
- STATE BOUNDARIES.** See Judicial Review; Submerged Lands Act of 1953, 1-3.
- STATE PRISONERS.** See Habeas Corpus, 1-2; Post-Conviction Relief; Procedure, 5-6, 9-10.
- STATE WELFARE PROGRAMS.** See Constitutional Law, III, 4; IV; X.

STATUTORY CONSTRUCTION. See also **Constitutional Law**, V, 3-4.

Municipal ordinance—Narrow construction on appeal.—The narrow construction that the State Supreme Court placed on § 1159 of the Birmingham General Code in 1967 does not necessarily validate petitioner's 1963 conviction; the test is whether the ordinance was actually administered "so as not to deny or unwarrantedly abridge the right of assembly and the opportunities for the communication of thought and the discussion of public questions immemorially associated with resort to public places." *Shuttlesworth v. Birmingham*, p. 147.

STEVEDORING CONTRACTOR. See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**

STIPENDS. See **Taxes**, 2.

STIPULATIONS. See **Intervention; Procedure**, 2.

STRAIGHT BASELINES. See **Judicial Review; Submerged Lands Act of 1953**, 1-2.

STRIKES. See **Federal-State Relations; National Labor Relations Act**, 2; **Railway Labor Act**, 1-2.

STUDIES. See **Taxes**, 2.

SUBMERGED LANDS ACT OF 1953. See also **Judicial Review.**

1. *Louisiana's coastline—Convention on the Territorial Sea and the Contiguous Zone—Inland waters.*—That part of Louisiana's coastline which, under the Submerged Lands Act, consists of the "line marking the seaward limit of inland waters," is to be drawn in accordance with the Convention's definitions. *Louisiana Boundary Case*, p. 11.

2. *Louisiana's coastline—Particularized disputes—Special Master.*—Though the Court is able to decide many issues concerning the Louisiana coastline, it has decided to refer to a Special Master several particularized disputes over the precise boundary between submerged Gulf lands belonging to the United States and those belonging to Louisiana. *Louisiana Boundary Case*, p. 11.

3. *Texas' coastline—Three-league limit—Convention on the Territorial Sea and the Contiguous Zone.*—The Convention, whose definitions have been adopted by the Court for the purposes of the Submerged Lands Act, defines "coast line" as the modern, ambulatory coastline resulting from erosion and accretion, and it is from that line that Texas' gulfward boundary must be measured. *Texas Boundary Case*, p. 1.

SUBMISSION OF PRESENTENCE REPORT. See **Federal Rules of Criminal Procedure**, 1.

SUBPOENAS. See **National Labor Relations Board.**

SUBROGATION. See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**

SUB-STATES. See **Constitutional Law, I, 1, 3; Elections, 1.**

SUGGESTIVENESS. See **Constitutional Law, II, 2; Procedure, 7.**

SUITS. See **Admiralty; Intervention; Longshoremen's and Harbor Workers' Compensation Act; Procedure, 2.**

SUMMARY JUDGMENT. See **Antitrust Acts, 1; Procedure, 1.**

SUPPRESSION OF EVIDENCE. See **Constitutional Law, VI, 2-3, 7; Evidence, 2.**

SUPREME COURT. See also **Contempt; Jurisdiction, 4.**

Assignment of Mr. Justice Clark (retired) to United States Court of Customs and Patent Appeals, p. 967.

SURVEILLANCE. See **Constitutional Law, VI, 1-3, 7; Evidence, 2; Procedure, 4.**

SUSPENSION FROM UNION. See **Certiorari; National Labor Relations Act, 1, 3.**

TANK OPENING. See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**

TAXABLE YEARS. See **Taxes, 1.**

TAX CONTRIBUTIONS. See **Constitutional Law, III, 4; IV; X.**

TAXES. See also **Federal Rules of Criminal Procedure, 3.**

1. *Depletion allowance—Natural gas producers—Refunds.*—Under § 1341 of the Internal Revenue Code of 1954 the deduction allowable in the year of repayment must be reduced by the percentage depletion allowance granted respondent natural gas producer in the years of receipt as a result of the inclusion of the later-refunded items in respondent's "gross income from the property" in those years, since Congress did not intend to give taxpayers a deduction for refunding money which was not taxed when received. *United States v. Skelly Oil Co.*, p. 678.

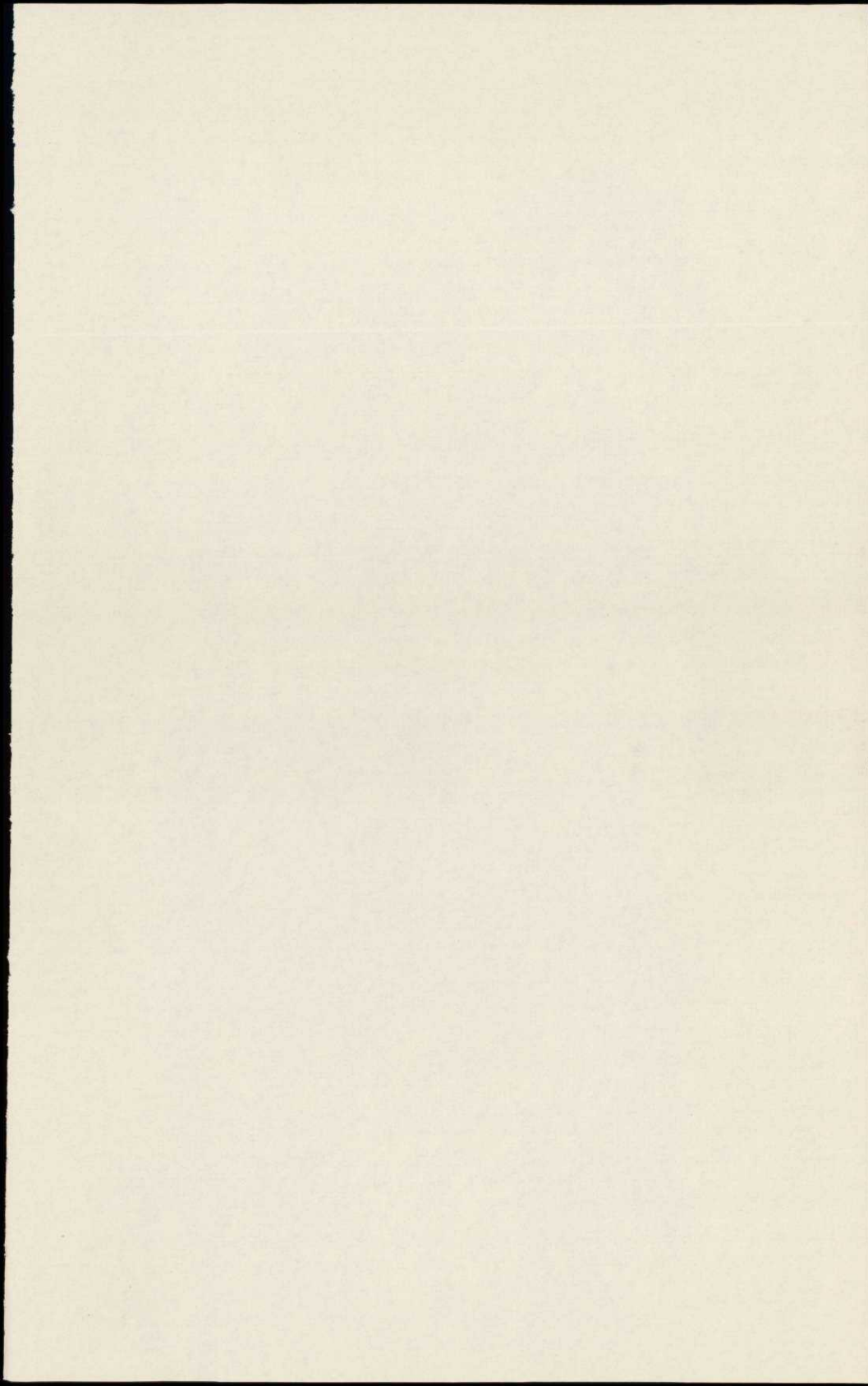
2. *Income taxes—Treasury regulations—Fellowship and scholarship programs.*—Treas. Reg. § 1.117-4 (c), which provides that amounts representing "compensation for . . . employment services" and amounts paid "to enable [an individual] to pursue studies . . . primarily for the benefit of the grantor," are not excludable as scholarships, is valid and the jury properly found that the amounts that respondents, Westinghouse employees, received under the company's Fellowship Program were not excludable "scholarships" but taxable "compensation." *Bingler v. Johnson*, p. 741.

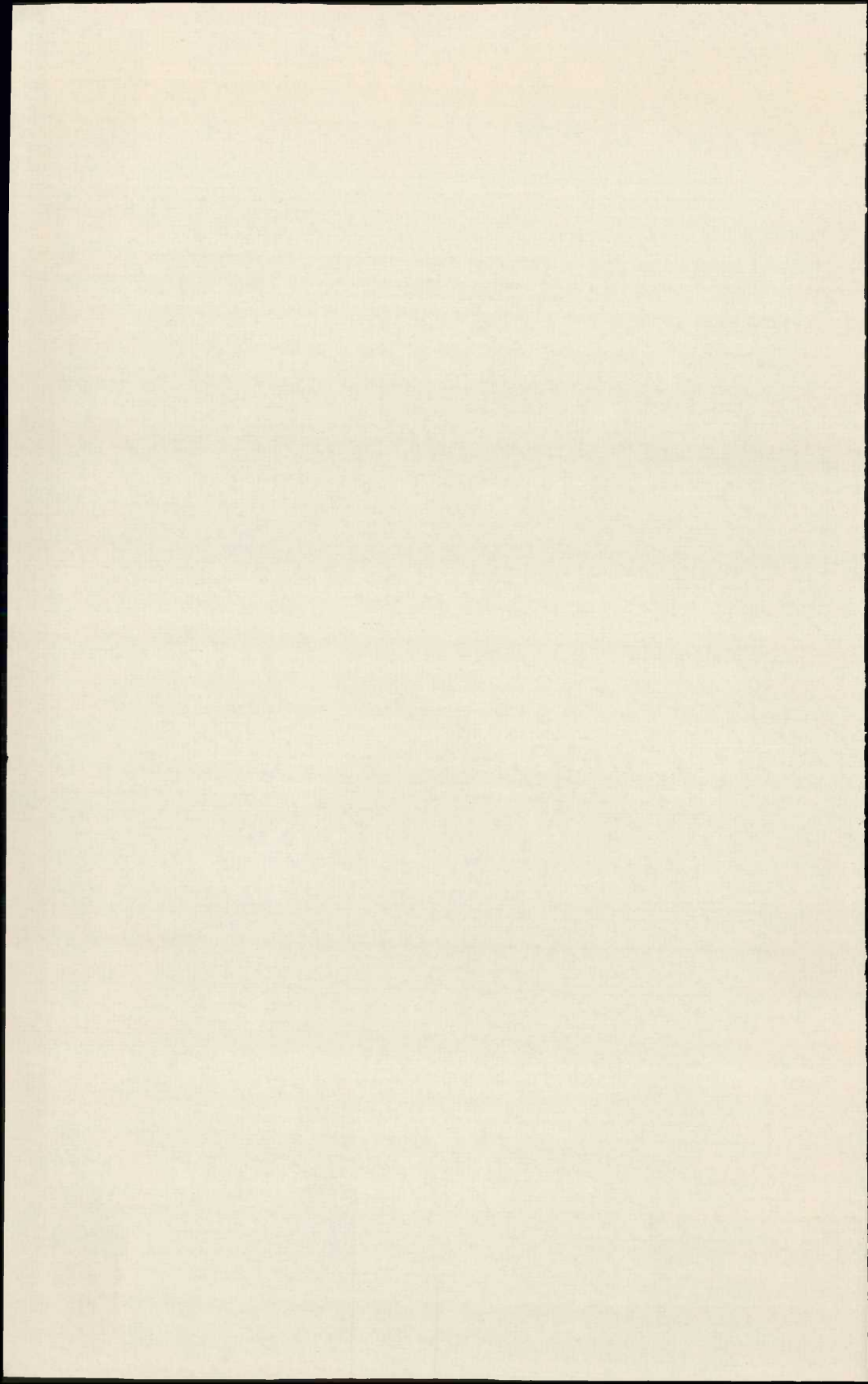
- TERMINALS.** See *Federal-State Relations*; *National Labor Relations Act*, 2; *Railway Labor Act*, 1-2.
- TERRITORIAL WATERS.** See *Judicial Review*; *Submerged Lands Act of 1953*, 1-3.
- TESTIMONY.** See *Constitutional Law*, VI, 6; XII, 1; *Evidence*, 3; *Procedure*, 11; *Trials*.
- TEXAS.** See *Constitutional Law*, XI; *Jurisdiction*, 2; *Submerged Lands Act of 1953*, 3.
- THREATENED INVESTIGATIONS.** See *Procedure*, 8.
- THREATS AGAINST PRESIDENT.** See *Constitutional Law*, VII, 2.
- THREE-LEAGUE LIMIT.** See *Submerged Lands Act of 1953*, 3.
- THREE-MILE LIMIT.** See *Submerged Lands Act of 1953*, 1-2.
- TIME.** See *Constitutional Law*, I, 1, 3; *Elections*, 1.
- TIME CHARTERER.** See *Admiralty*; *Longshoremen's and Harbor Workers' Compensation Act*.
- TIMELINESS OF PETITION.** See *Certiorari*.
- TORT ACTIONS.** See *Admiralty*; *Longshoremen's and Harbor Workers' Compensation Act*.
- TRAFFIC REGULATIONS.** See *Constitutional Law*, V, 3-4; *Statutory Construction*.
- TREASURY REGULATIONS.** See *Taxes*, 2.
- TREBLE-DAMAGE SUITS.** See *Antitrust Acts*, 3-5.
- TRESPASS.** See *Constitutional Law*, VI, 8; *Evidence*, 1.
- TRIALS.** See also *Antitrust Acts*, 1; *Constitutional Law*, VI, 6; XII, 1; *Evidence*, 3; *Federal Rules of Criminal Procedure*, 1; *Procedure*, 1, 11.
- Prosecutor's statement—Instructions to jury.*—On facts here, where evidence which prosecutor reasonably expected to produce (testimony of co-indictee who pleaded guilty but refused to testify) was objectively and briefly summarized and was not touted to jury as crucial to prosecution's case, court's limiting instructions were sufficient to protect petitioner's constitutional rights. *Frazier v. Cupp*, p. 731.
- TUCSON.** See *Antitrust Acts*, 2, 6; *Constitutional Law*, IX.
- TUITION EXPENSES.** See *Taxes*, 2.
- TYING ARRANGEMENTS.** See *Antitrust Acts*, 3-5.

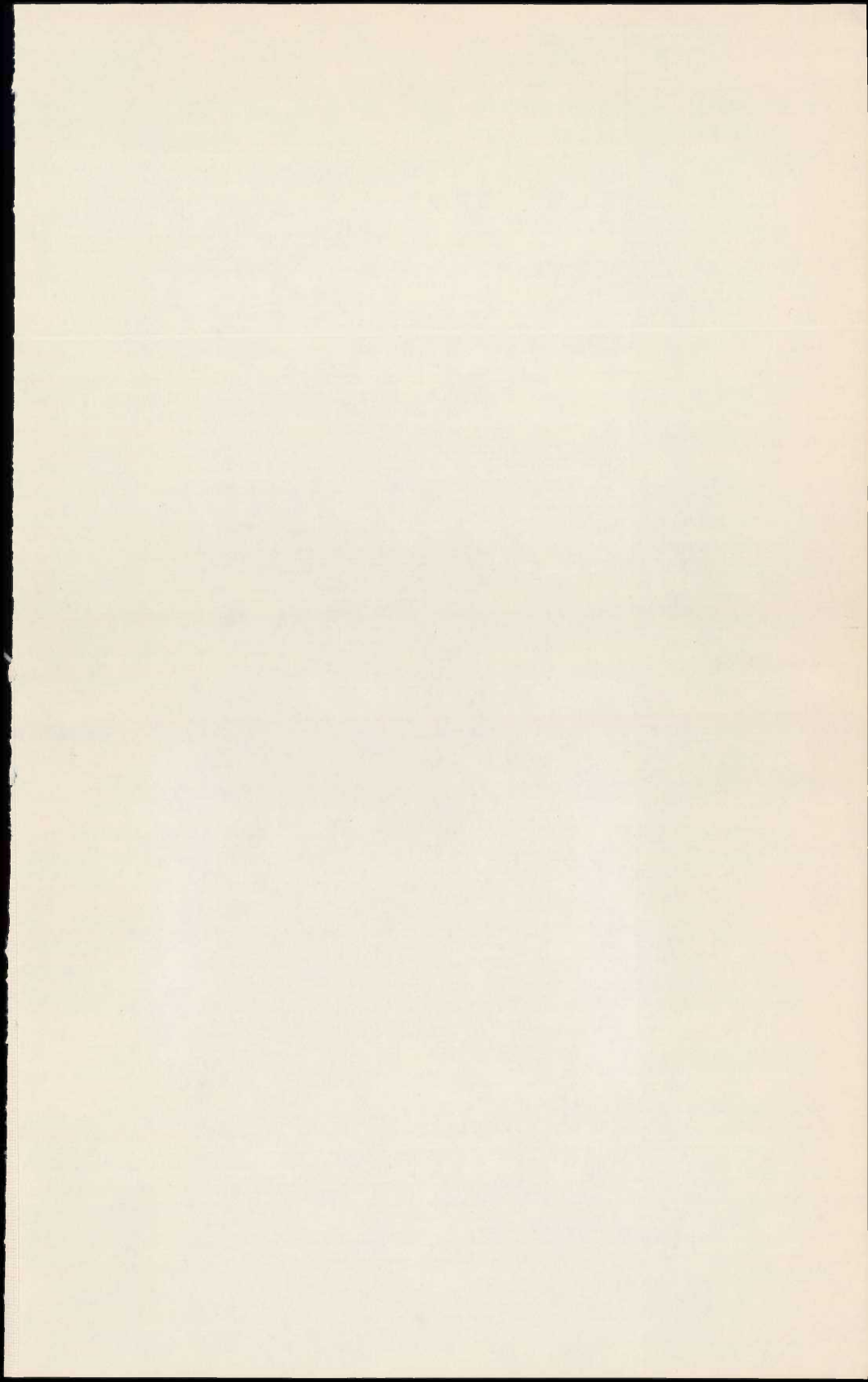
- UNDERSTANDING OF CHARGE.** See Federal Rules of Criminal Procedure, 3.
- UNFAIR LABOR PRACTICE.** See Certiorari; National Labor Relations Act, 1, 3.
- UNION RULES.** See Certiorari; National Labor Relations Act, 1, 3.
- UNIONS.** See Certiorari; Federal-State Relations; National Labor Relations Act, 1-3; National Labor Relations Board; Railway Labor Act, 1-2.
- UNITED STATES STEEL CORP.** See Antitrust Acts, 3-5.
- UNLAWFUL DETENTION.** See Constitutional Law, VI, 4-5.
- UNRELIABLE INFORMANTS.** See Habeas Corpus, 1-2; Procedure, 6.
- UNSENTENCED INMATES.** See Constitutional Law, III, 1.
- UTAH.** See Intervention; Procedure, 2.
- VARIANCES.** See Constitutional Law, I, 1-3; Elections, 1.
- VENIREMEN.** See Constitutional Law, XII, 2; Juries.
- VERDICT OF JURY.** See Federal Rules of Criminal Procedure, 1.
- VESSELS.** See Admiralty; Longshoremen's and Harbor Workers' Compensation Act.
- VOLUME OF SALES.** See Antitrust Acts, 3-5.
- VOLUNTARINESS.** See Constitutional Law, VI, 6; XII, 1-2; Evidence, 3; Juries; Procedure, 11; Trials.
- VOLUNTARY PLEAS.** See Federal Rules of Criminal Procedure, 3.
- VOTERS.** See Constitutional Law, I, 1-3; Elections, 1.
- VOTING.** See Constitutional Law, III, 1, 3; Mootness; National Labor Relations Board.
- VOTING RIGHTS ACT OF 1965.** See also Constitutional Law, III, 2; Elections, 2.

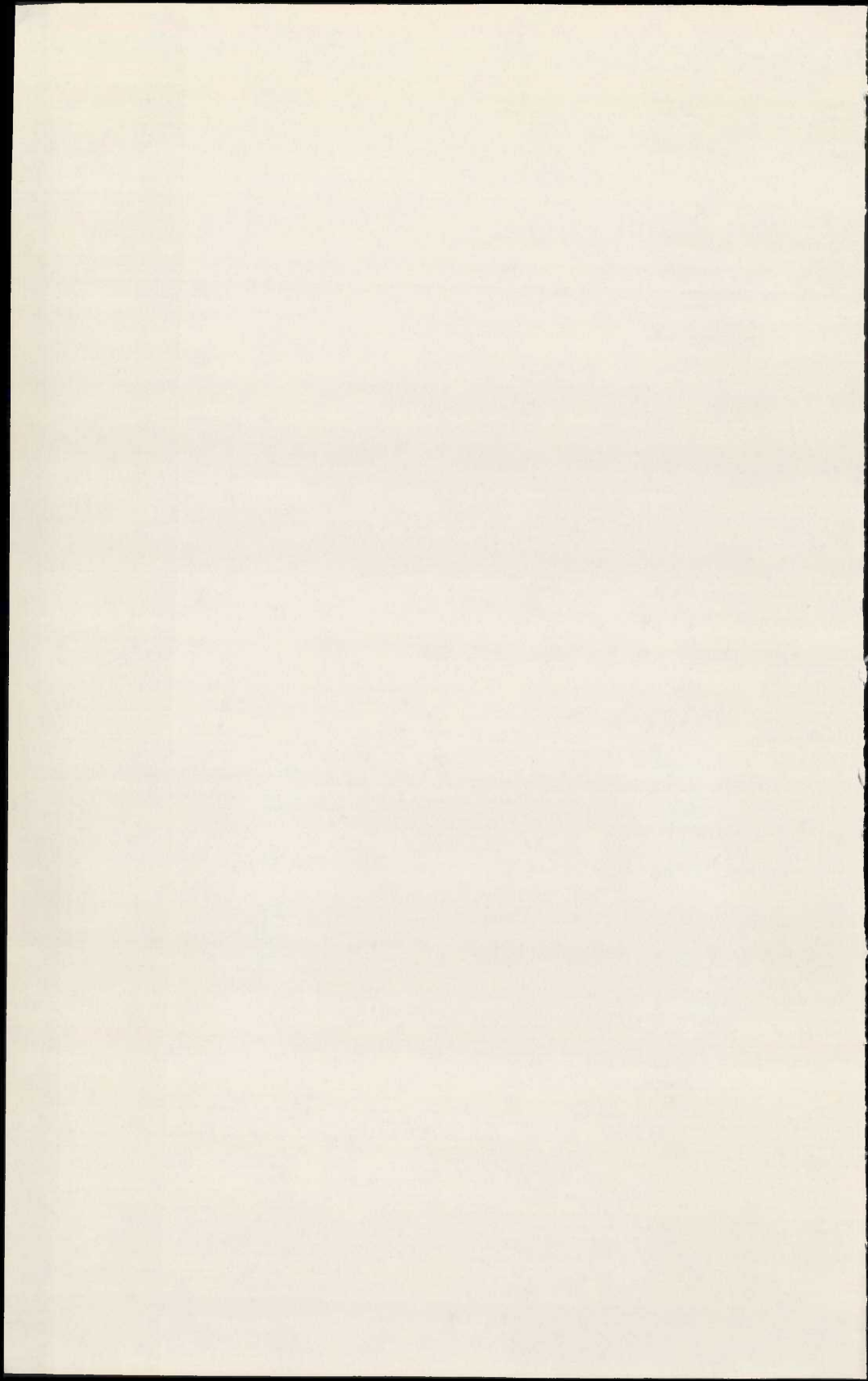
Disqualification of candidates in Alabama election—Garrett Act.—Disqualification of National Democratic Party of Alabama candidates for failure to comply with the State's Garrett Act was unlawful since that Act, which imposed increased barriers before independent candidates, was inoperative because Alabama officials had failed to meet the approval requirements of § 5 of the Voting Rights Act of 1965. *Hadnott v. Amos*, p. 358.

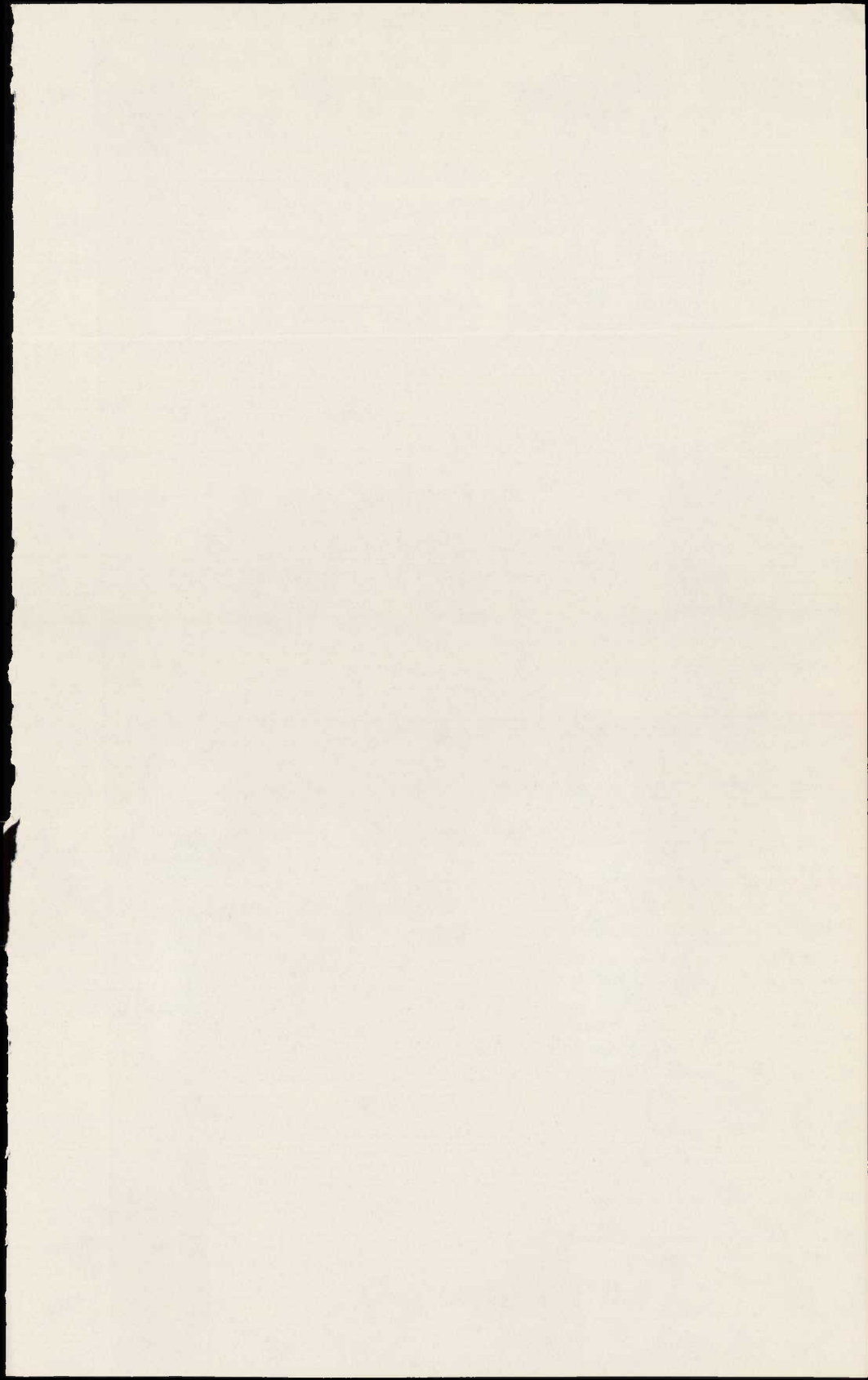
- WAITING PERIOD.** See **Constitutional Law**, III, 4; IV; X.
- WARRANTIES.** See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**
- WARRANTS.** See **Constitutional Law**, V, 2; VI, 4-5, 8; **Evidence**, 1; **Obscenity.**
- WELFARE ASSISTANCE.** See **Constitutional Law**, III, 4; IV; X.
- WESTERN UNION OFFICE.** See **Constitutional Law**, II, 2; **Procedure**, 7.
- WESTINGHOUSE ELECTRIC CORP.** See **Taxes**, 2.
- WIDOW.** See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**
- WILFULNESS.** See **Federal Rules of Criminal Procedure**, 3.
- WIRETAPPING.** See **Constitutional Law**, VI, 8; **Evidence**, 1.
- WISCONSIN MOTOR CO.** See **Certiorari; National Labor Relations Act**, 1, 3.
- WITNESSES.** See **Constitutional Law**, VI, 6; XII, 1; **Evidence**, 3; **Procedure**, 11; **Trials.**
- WORDS.** See also **Constitutional Law; Jurisdiction.**
1. "*Device.*"—Federal Food, Drug, and Cosmetic Act, § 201 (h), 21 U. S. C. § 321 (h). *United States v. Bacto-Unidisk*, p. 784.
 2. "*Drug.*"—Federal Food, Drug, and Cosmetic Act, § 201 (g) (1)(B), 21 U. S. C. § 321 (g) (1)(B). *United States v. Bacto-Unidisk*, p. 784.
 3. "*Evidence.*"—National Labor Relations Act, § 11 (2), 29 U. S. C. § 161 (2). *NLRB v. Wyman-Gordon Co.*, p. 759.
 4. "*Knowingly hav[ing] possession of . . . obscene matter.*"—Ga. Code Ann. § 26-6301 (Supp. 1968). *Stanley v. Georgia*, p. 557.
- WORKING AREA.** See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**
- WORK-STUDY PROGRAMS.** See **Taxes**, 2.
- WRONGFUL DEATH.** See **Admiralty; Longshoremen's and Harbor Workers' Compensation Act.**

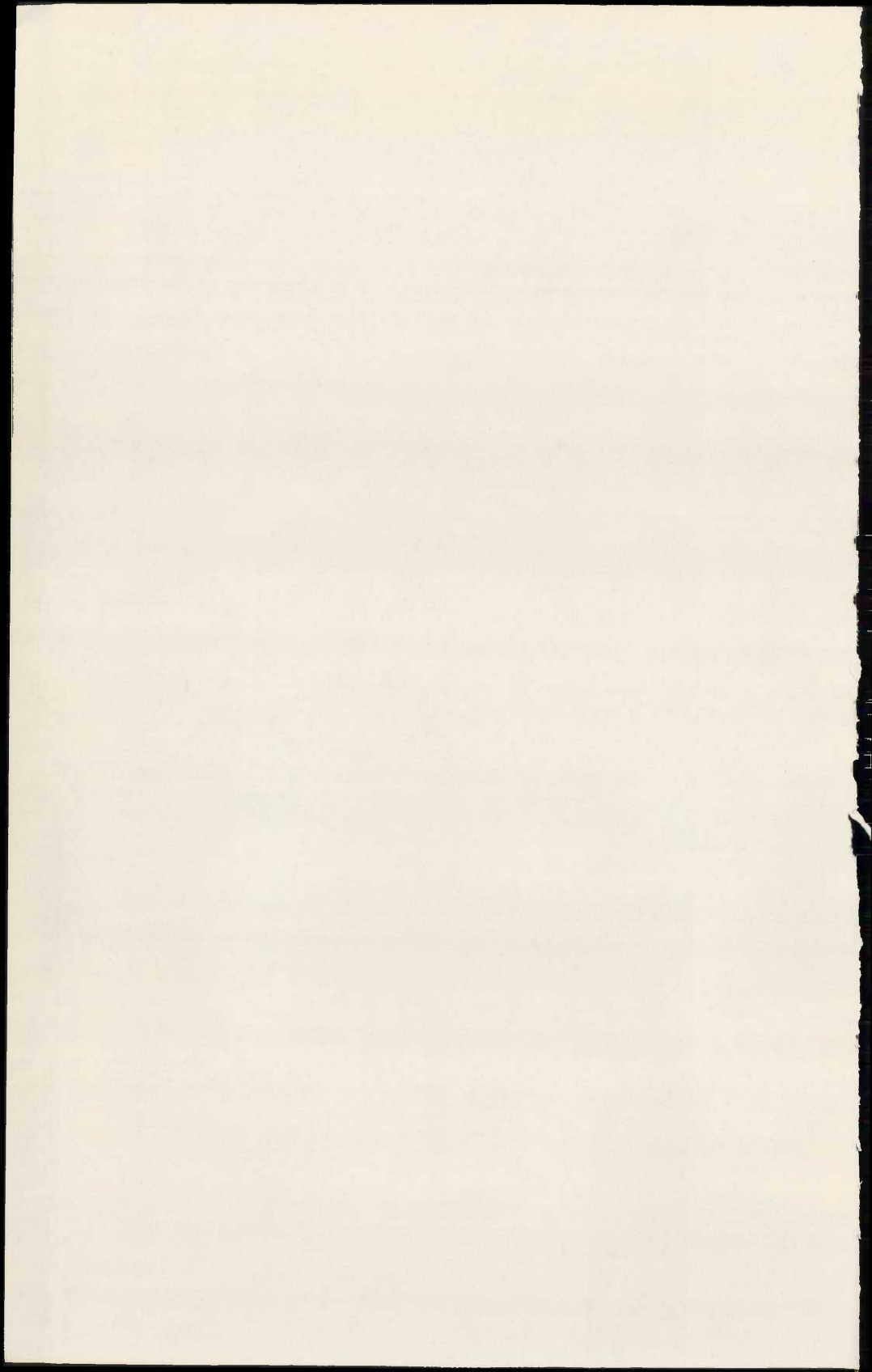


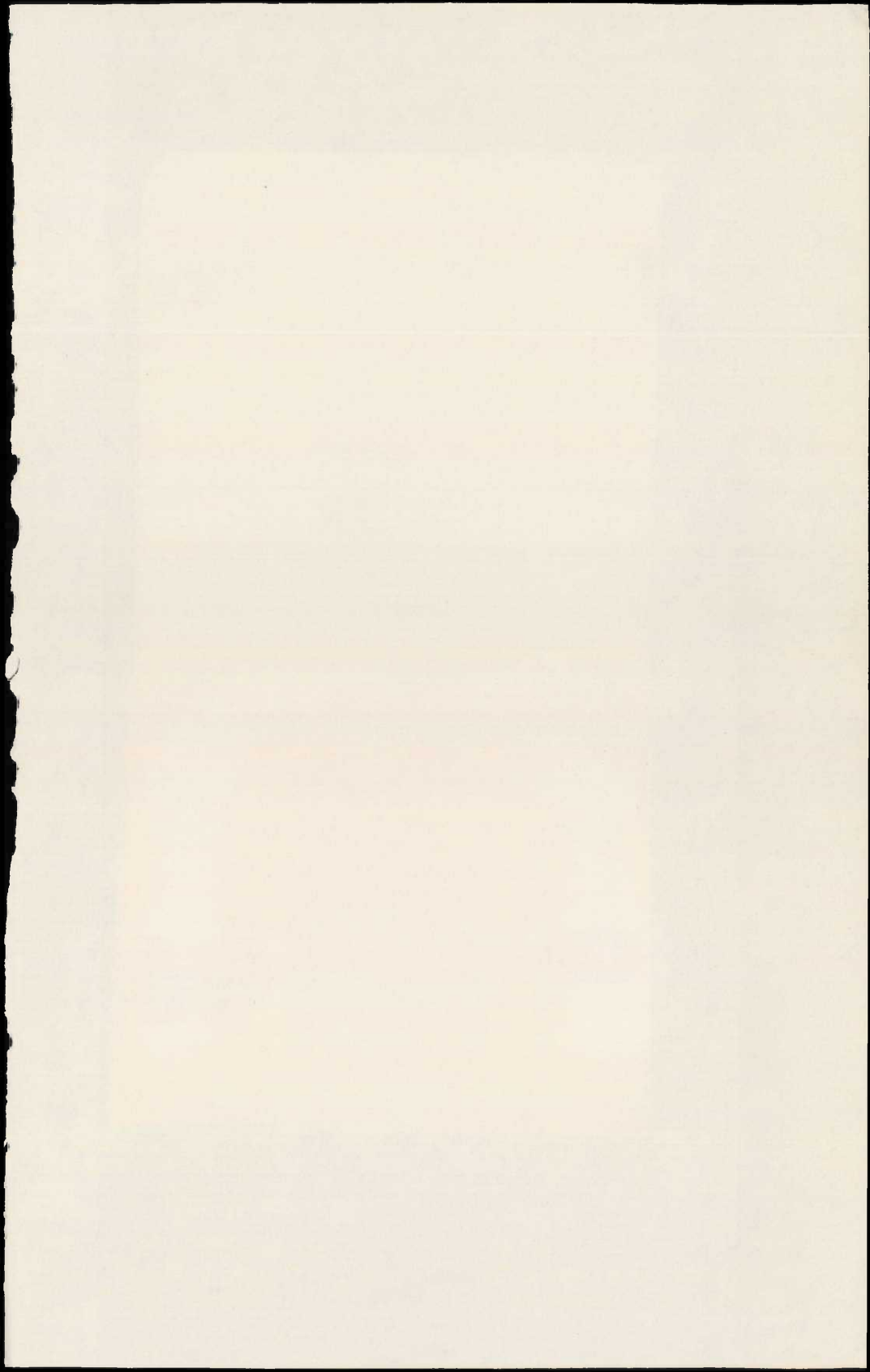












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