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II. Due Process.

1. *Automobile accident—Suspension of license.*—Although there is a substantial question whether Utah's Motor Vehicle Safety Responsibility Act on its face affords the procedural due process required by *Bell v. Burson*, 402 U. S. 535, here, where state court stayed the order suspending appellant's license pending completion of judicial review and conducted hearing at which appellant was given opportunity to present evidence and cross-examine witnesses, there was no denial of procedural due process. *Jennings v. Mahoney*, p. 25.

2. *Illinois bail system—Retention charge.*—No due process denial results from retention of 1% charge, which is an administrative fee (and not a cost of prosecution), imposed on all—guilty and innocent alike—who seek benefit of Illinois bail bond deposit procedure. *Schilb v. Kuebel*, p. 357.

3. *Legislative resolution—Contempt.*—Wisconsin legislative resolution citing petitioner for contempt for conduct on Assembly floor two days previous and sentencing him to confinement was violative of due process, since petitioner, who was readily available, was given no notice before resolution was adopted or afforded any opportunity to respond by way of defense or extenuation. *Groppi v. Leslie*, p. 496.

4. *Prosecutorial delay—Prejudice.*—Though Due Process Clause may provide basis for dismissing indictment if defense can show at trial that prosecutorial delay has prejudiced right to fair trial, appellees have not claimed or proved actual prejudice resulting from

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5. *Social Security Act—Workmen's compensation.*—Section 224 of the Social Security Act, which requires reduction in social security benefits to reflect workmen's compensation payments, has a rational basis and does not violate the Due Process Clause of the Fifth Amendment. *Richardson v. Belcher*, p. 78.

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3. *Illinois bail system—Retention charge.*—Illinois bail system, providing three ways an accused can secure pretrial release: (1) personal recognizance, (2) execution of bail bond, with deposit of 10% of bail, all but 10 % of which (1% of bail) is returned on performance of bail conditions, and (3) execution of bail bond, secured by full-amount deposit of cash, securities, or real estate, all of which is returned upon performance of bond conditions, does not violate equal protection requirements. *Schilb v. Kuebel*, p. 357.

4. *Mississippi Legislature—Court-ordered reapportionment plan.*—Even if it be assumed that congressional redistricting decisions of this Court, on which appellants rely, are controlling here, it does not follow that 1971 elections of Mississippi legislators under court-ordered reapportionment plan should be invalidated, and in circumstances of this case those elections will not be disturbed; and further consideration is inappropriate until completion of court-ordered proceedings to consider creation of single-member districts. *Connor v. Williams*, p. 549.

5. *Virginia reapportionment—Denial of stay.*—Stay of three-judge District Court judgment in Virginia reapportionment case is denied, as JUSTICE BLACK does not believe that four Justices are likely to note

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2. *Legislative resolution—Due process.*—Wisconsin legislative resolution citing petitioner for contempt for conduct on Assembly floor two days previous and sentencing him to confinement was violative of due process, since petitioner, who was readily available, was given no notice before resolution was adopted or afforded any opportunity to respond by way of defense or extenuation. *Groppi v. Leslie*, p. 496.

3. *Statements during summation—Disruption of court—Threat to administration of justice.*—Statements of defendant, who defended himself at trial, that court was biased, had prejudged his case, and that he was a political prisoner, did not constitute criminal contempt, as they were not uttered in boisterous tone, did not actually disrupt court proceeding, or constitute an imminent threat to administration of justice. *In re Little*, p. 553.

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EXTENUATION. See Constitutional Law, II, 3; Contempt, 2.

FAIR TRIALS. See Constitutional Law, II, 4; IV; Jurisdiction, 3; Statute of Limitations, 2.

FAMILY AID. See Constitutional Law, V; Social Security Act, 1.

FAMILY INCOME. See Social Security Act, 2.

FEDERAL AGENCIES. See **Injunctions**, 1-2; **National Labor Relations Act**, 2.

FEDERAL MARITIME LAW. See **Admiralty**; **Longshoremen**.

FEDERAL PAROLE BOARD. See **Parole**.

FEDERAL POWER COMMISSION. See also **Administrative Procedure**.

Jurisdiction—Interstate commerce—Electrical energy.—FPC's conclusion that transfer of Florida Power & Light Co. energy to another Florida utility's "bus" (transmission line into which subsidiary lines connect) and simultaneous transfer of power from that utility's "bus" to Georgia company was transmission in interstate commerce, was substantially supported by expert opinion that is in accord with known facts of electricity, and is sufficient to support its jurisdiction. *FPC v. Florida Power & Light Co.*, p. 453.

FEDERAL RULES OF CIVIL PROCEDURE. See **Intervention**; **Labor-Management Reporting and Disclosure Act**.

FEDERAL-STATE RELATIONS. See also **Admiralty**; **Constitutional Law**, V; **Habeas Corpus**, 1; **Injunctions**, 1-2; **Jurisdiction**, 2; **Longshoremen**; **National Labor Relations Act**, 2; **Outer Continental Shelf Lands Act**; **Procedure**, 3, 5-6; **Social Security Act**, 1-2; **Statute of Limitations**, 1.

Habeas corpus—Retention on docket.—Court of Appeals, having determined that state remedies had not been exhausted by respondent, whose habeas corpus petition alleged that he had been tried and sentenced by senile state judge, should not have made implications as it did as to merits of delicate subject involved, and absent special circumstances, should not have ordered District Court, which had dismissed petition, to retain case on docket until respondent had sought state court relief. *Slayton v. Smith*, p. 53.

FEES. See **Bail**; **Constitutional Law**, II, 2; III, 3.

FELLOW EMPLOYEES. See **Parole**.

FELONIES. See **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Transcripts**, 1.

FELONS. See **Omnibus Crime Control and Safe Streets Act**.

FIFTH AMENDMENT. See **Automobile Accidents**; **Constitutional Law**, I; II, 1, 4; IV; **Jurisdiction**, 3; **Statute of Limitations**, 2.

FINES. See **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Transcripts**, 1.

FIREARMS. See **Omnibus Crime Control and Safe Streets Act**.

- FIRST AMENDMENT.** See **Antitrust Acts**, 1; **Certiorari**; **Jurisdiction**, 1; **Mootness**, 3; **Procedure**, 1, 8.
- FIXED STRUCTURES.** See **Outer Continental Shelf Lands Act**; **Statute of Limitations**, 1.
- FLIGHT RISK.** See **Bail**, 2.
- FLORIDA.** See **Administrative Procedure**; **Federal Power Commission**; **Mootness**, 3; **Procedure**, 8.
- FORGED IMMIGRATION DOCUMENTS.** See **Aliens**.
- FORKLIFT TRUCKS.** See **Admiralty**; **Longshoremen**.
- FORMER JEOPARDY.** See **Constitutional Law**, I.
- FOURTEENTH AMENDMENT.** See **Appeals**; **Automobile Accidents**; **Bail**, 1; **Confessions**; **Constitutional Law**, II, 1-3; III, 1-5; V; **Contempt**, 2; **Evidence**; **Habeas Corpus**, 1; **Indigents**; **Procedure**, 2, 5, 9, 11; **School Desegregation**, 1-3, 5; **Social Security Act**, 1; **Transcripts**.
- FRAUD.** See **Securities Exchange Act of 1934**, 1.
- FREE AND UNLIMITED ACCESS.** See **Antitrust Acts**, 1.
- FREEDOM OF INFORMATION ACT.** See also **National Labor Relations Board**.
- NLRB records—Labor representation elections—Denial of stay.*—Stay of District Court's order under the Act that NLRB provide respondents with certain records concerning labor representation elections denied, the Act providing no exception authorizing the refusal to produce the requested records. *NLRB v. Getman* (BLACK, J., in chambers), p. 1204.
- FREE EXERCISE CLAUSE.** See **Jurisdiction**, 1.
- FREE TRANSCRIPTS.** See **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Procedure**, 12; **Transcripts**, 1-2.
- FULL-DEPOSIT BAIL.** See **Bail**, 1; **Constitutional Law**, II, 2; III, 3.
- GEORGIA.** See **Administrative Procedure**; **Federal Power Commission**.
- GOOD FAITH.** See **Constitutional Law**, I.
- GOVERNMENT RECORDS.** See **Freedom of Information Act**; **National Labor Relations Board**.
- GRAND JURIES.** See **Contempt**, 1; **Procedure**, 4.
- GUILTY PLEAS.** See **Pleas**.

HABEAS CORPUS. See also **Civil Rights Acts; Federal-State Relations; Procedure, 5-6.**

1. *Exhaustion of remedies—Amendment of "John Doe" indictment—Equal protection of the laws.*—Substance of federal habeas corpus claim must in first instance be fairly presented to state courts, and since on record and argument before it Massachusetts' highest court had no fair opportunity to consider and act on the equal protection claim, the Court of Appeals erred in holding that respondent had exhausted his state remedies. *Picard v. Connor*, p. 270.

2. *State prisoners—Conditions of confinement—Exhaustion of remedies.*—Section 2254 of Title 28 U. S. C. does not erect insuperable barriers to invocation of federal habeas corpus and does not require petitioners to pursue alternative state courses suggested by Court of Appeals since their availability was conjectural, and regardless of remedy invoked, state courts have not granted hearing to state prisoners on conditions of their confinement. *Wilwording v. Swenson*, p. 249.

HARASSMENT. See **Antitrust Acts, 1.**

HEALTH, EDUCATION, AND WELFARE. See **Social Security Act, 2.**

HEALTH INSURANCE. See **National Labor Relations Act, 1, 4.**

HEARINGS. See **Automobile Accidents; Conscientious Objectors; Constitutional Law, II, 1; National Labor Relations Act, 3.**

HEARSAY. See **Bail, 2.**

HIGHER EDUCATION INSTITUTIONS. See **Jurisdiction, 4.**

HIGH SCHOOL STUDENTS. See **Constitutional Law, V; Social Security Act, 1.**

HIGHWAY CARRIERS. See **Antitrust Acts, 1.**

HUNG JURY. See **Procedure, 12; Transcripts, 2.**

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

IDENTIFICATION OF ALIENS. See **Aliens.**

IDENTITY. See **Constitutional Law, I.**

ILLINOIS. See **Appeals; Bail, 1; Confessions; Constitutional Law, II, 2; III, 2-3; V; Evidence; Indigents; Prisoners; Procedure, 2, 7; Social Security Act, 1; Transcripts, 1.**

IMMIGRATION AND NATIONALITY ACT. See **Aliens.**

IMMIGRATION DOCUMENTS. See **Aliens.**

- IMMINENT THREAT.** See **Contempt**, 3.
- IMPRISONMENT.** See **Civil Rights Acts**; **Habeas Corpus**, 2.
- INADEQUATE RECORD.** See **School Desegregation**, 6.
- INCREASED SENTENCES.** See **Mootness**, 1; **Sentences**, 2.
- INDICTMENTS.** See **Constitutional Law**, II, 4; IV; **Habeas Corpus**, 1; **Jurisdiction**, 3; **Procedure**, 5; **Statute of Limitations**, 2.
- INDIGENTS.** See also **Appeals**; **Appointment of Counsel**; **Constitutional Law**, III, 2; **Criminal Justice Act**; **Procedure**, 12; **Transcripts**, 1-2.
- Free trial transcripts—Effective review.*—Although Illinois must afford indigent defendant a trial “‘record of sufficient completeness’ to permit proper consideration of [his] claims,” *Draper v. Washington*, 372 U. S. 487, 499, it need not necessarily furnish a complete verbatim transcript, but may provide alternatives that accord effective appellate review. *Mayer v. City of Chicago*, p. 189.
- INDUCTION.** See **Certiorari**; **Procedure**, 1.
- INDUCTION NOTICE.** See **Conscientious Objectors**.
- INFORMATION.** See **Freedom of Information Act**; **National Labor Relations Board**.
- INJUNCTIONS.** See also **Jurisdiction**, 2; **National Labor Relations Act**, 2; **Procedure**, 3; **School Desegregation**, 4.
1. *Enjoining state court proceedings—NLRB.*—For purpose of preventing frustration of National Labor Relations Act, NLRB has implied authority to obtain federal injunction against state court action pre-empted by the Act; such an injunction falls within exception to 28 U. S. C. § 2283 recognized in *Leiter Minerals, Inc. v. United States*, 352 U. S. 220, for suits brought by the United States, and fact that party moving for injunction is a federal agency and not the Attorney General is irrelevant. *NLRB v. Nash-Finch Co.*, p. 138.
2. *Unfair labor practices—Enjoining state court proceedings.*—Since action here does not seek to restrain unfair labor practices against which NLRB has issued complaint but is based on general doctrine of pre-emption, the exception in 28 U. S. C. § 2283 for matters “‘necessary in aid of its jurisdiction” is inapplicable. *NLRB v. Nash-Finch Co.*, p. 138.
- INJUNCTIVE RELIEF.** See **Mootness**, 3; **Procedure**, 8.
- INJURIES.** See **Admiralty**; **Longshoremen**; **Outer Continental Shelf Lands Act**; **Prisoners**; **Procedure**, 7; **Statute of Limitations**, 1.

- INJURY TO INVESTORS.** See **Securities Exchange Act of 1934, 1.**
- IN-SERVICE DETERMINATIONS.** See **Conscientious Objectors.**
- INSIDE INFORMATION.** See **Securities Exchange Act of 1934, 2.**
- INSURANCE BENEFITS.** See **National Labor Relations Act, 1, 4.**
- INSURANCE COMPANIES.** See **Securities Exchange Act of 1934, 1.**
- INTERLOCUTORY INJUNCTIONS.** See **Jurisdiction, 2; Procedure, 3.**
- INTERNAL REVENUE SERVICE.** See **Jurisdiction, 1.**
- INTERRUPTING LEGISLATURE.** See **Constitutional Law, II, 3; Contempt, 2.**
- INTERSTATE COMMERCE.** See **Administrative Procedure; Federal Power Commission; Omnibus Crime Control and Safe Streets Act.**
- INTERSTATE COMMERCE ACT.** See also **Railroad Mergers.**
Section 5(2)(f)—Railroad merger—Protection of employees.— Section 5 (2) (f) provides mandatory compensation protection for railroad employees affected by a consolidation, and the ICC's approval of a pre-merger collective agreement becomes a "condition" of the ICC's approval of a consolidation under that section. The section's "notwithstanding" proviso affords the machinery for the terms of a pre-merger collective agreement and thus supplies one minimum measure of the required fairness. *Norfolk & Western R. Co. v. Nemitz, p. 37.*
- INTERSTATE COMMERCE COMMISSION.** See **Interstate Commerce Act; Railroad Mergers.**
- INTERSTATE GRIDS.** See **Administrative Procedure; Federal Power Commission.**
- INTERSTATE POWER TRANSMISSION.** See **Administrative Procedure; Federal Power Commission.**
- INTERVENING LEGISLATION.** See **Mootness, 3; Procedure, 8.**
- INTERVENTION.** See also **Labor-Management Reporting and Disclosure Act.**
Union elections—Secretary of Labor—Complainant.— Intervention under Fed. Rule Civ. Proc. 24 (a) is warranted for this petitioner, who initiated the enforcement proceeding with his complaint to the

INTERVENTION—Continued.

Secretary, as he may have a valid complaint about the performance of the Secretary, who protects not only rights of individual union members but also the public interest in free and democratic union elections, two functions that may not always dictate the same approach to conduct of the litigation. *Trbovich v. Mine Workers*, p. 528.

INVALID CONVICTIONS. See *Procedure*, 10; *Sentences*, 1.

INVESTORS. See *Securities Exchange Act of 1934*, 1.

JAILS. See *Prisoners*; *Procedure*, 7.

JEFFERSON PARISH. See *School Desegregation*, 3.

JEHOVAH'S WITNESSES. See *Certiorari*; *Procedure*, 1.

JEOPARDY. See *Constitutional Law*, I; II, 4; IV; *Jurisdiction*, 3; *Statute of Limitations*, 2.

JOB ASSIGNMENTS. See *National Labor Relations Act*, 3.

'JOHN DOE' INDICTMENTS. See *Habeas Corpus*, 1; *Procedure*, 5.

JUDGES. See *Confessions*; *Evidence*; *Federal-State Relations*; *Pleas*; *Procedure*, 2, 6.

JURIES. See *Confessions*; *Evidence*; *Procedure*, 2.

JURISDICTION. See also *Administrative Procedure*; *Admiralty*; *Antitrust Acts*; 2; *Civil Rights Act of 1964*; *Constitutional Law*, II, 4; IV; *Equal Employment Opportunity Commission*; *Federal Power Commission*; *Injunctions*; *Longshoremen*; *Mootness*, 2; *National Labor Relations Act*, 2; *Procedure*, 3; *Statute of Limitations*, 2.

1. *Revocation of tax exemption—Nonprofit religious corporation—Unconstitutionality of statute.*—This Court has no jurisdiction to entertain direct appeal that Government seeks to take under 28 U. S. C. § 1252 from District Court's decision, which did not hold 26 U. S. C. § 501 (c) (3) unconstitutional as a whole or as applied, but was merely directed at the method and means by which the Internal Revenue Service enforced that section in this case. *United States v. Christian Echoes Ministry*, p. 561.

2. *Supreme Court—Direct appeal—Order of district judge.*—This Court has no jurisdiction under 28 U. S. C. § 1253 to entertain direct appeal from temporary restraining order issued under 28 U. S. C. § 2284 (3) by single district judge after he had certified request for designation of three-judge court to hear suit for permanent relief. *Hicks v. Pleasure House, Inc.*, p. 1.

JURISDICTION—Continued.

3. *Supreme Court—Motion to dismiss indictment—Pre-accusation delay.*—Motion to dismiss indictment for lack of speedy trial was in nature of confession and avoidance and constituted motion in bar by appellees who had not been placed in jeopardy when District Court ordered dismissal. That order was therefore directly appealable to this Court under former 18 U. S. C. § 3731. *United States v. Marion*, p. 307.

4. *Three-judge courts — Campus activities — Statewide policy.*—Three-judge court was improperly convened under 28 U. S. C. § 2281 to consider constitutionality of rules for campus distribution of certain literature and for dues solicitation from members of political organizations, since challenged rules do not have statewide applicability or effectuate statewide policy; and appeal from that court's judgment should have been taken to Court of Appeals and not this Court. *Board of Regents v. New Left Educ. Project*, p. 541.

JURISDICTIONAL DISPUTES. See *National Labor Relations Act*, 3.

JUSTICIABILITY. See *Certiorari*; *Procedure*, 1.

LABOR. See *Injunctions*; *National Labor Relations Act*, 2-3.

LABOR DEPARTMENT. See *Longshoremen's and Harbor Workers' Compensation Act*.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT. See also *Intervention*.

Union elections — Secretary of Labor — Intervention.—There is nothing in the language of Title IV of the Act or its legislative history to bar intervention by union member in a post-election enforcement suit, so long as that intervention is limited to claims of illegality presented by the Secretary's complaint. *Trbovich v. Mine Workers*, p. 528.

LABOR UNIONS. See *Freedom of Information Act*; *Interstate Commerce Act*; *National Labor Relations Board*; *Railroad Mergers*.

LACHES. See *Outer Continental Shelf Lands Act*; *Statute of Limitations*.

LEGISLATIVE RESOLUTIONS. See *Constitutional Law*, II, 3; *Contempt*, 2.

LEGISLATURES. See *Constitutional Law*, III, 4.

LESSER-INCLUDED OFFENSES. See *Pleas*.

LICENSES. See *Automobile Accidents*; *Constitutional Law*, II, 1.

LIQUIDATORS. See **Securities Exchange Act of 1934**, 1.

LITERATURE DISTRIBUTION. See **Jurisdiction**, 4.

LOADING CARGO. See **Admiralty; Longshoremen.**

LOAN COLLATERAL. See **Securities Exchange Act of 1934**, 1.

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

Loading ship—Injury on pier.—State law and not federal maritime law governs suit by longshoreman injured by alleged defect in his stevedore employer's pier-based forklift truck that he was operating on dock to transfer cargo to point alongside vessel where it was to be hoisted aboard by ship's own gear. *Victory Carriers, Inc. v. Law*, p. 202.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.

Deputy Commissioners—Reconsideration of longshoreman's claim.—Section 22 of the Act, permitting a Labor Department Deputy Commissioner “[u]pon his own initiative . . . because of a mistake in a determination of fact” to review compensation claim within one year after rejection and issue new or modified compensation order, authorizes Deputy Commissioner to correct factual errors revealed by wholly new or cumulative evidence or further reflection on initially submitted evidence. *O’Keeffe v. Aerojet-General Shipyards*, p. 254.

LOUISIANA. See **Outer Continental Shelf Lands Act; School Desegregation**, 3; **Statute of Limitations**, 1.

MAILING BOMBS. See **Constitutional Law**, I.

MALAPPORTIONMENT. See **Constitutional Law**, III, 4.

MANDATORY PRIORITIES. See **Constitutional Law**, III, 1.

MANDATORY SUBJECT OF BARGAINING. See **National Labor Relations Act**, 1, 4.

MANIPULATIVE SCHEMES. See **Securities Exchange Act of 1934**, 1.

MARIHUANA. See **Appointment of Counsel; Criminal Justice Act.**

MARITIME LAW. See **Admiralty; Longshoremen.**

MASSACHUSETTS. See **Habeas Corpus**, 1; **Procedure**, 5.

MEDICARE. See **National Labor Relations Act**, 1, 4.

MERGERS. See **Interstate Commerce Act; Railroad Mergers.**

MEXICO. See *Bail*, 2.

MILITARY SELECTIVE SERVICE ACT. See *Conscientious Objectors*.

MILITARY SERVICE. See *Certiorari*; *Procedure*, 1.

MISSISSIPPI. See *Constitutional Law*, III, 4.

MISSOURI. See *Civil Rights Acts*; *Habeas Corpus*, 2.

MISTAKES OF FACT. See *Longshoremen's and Harbor Workers' Compensation Act*.

MISTRIALS. See *Procedure*, 12; *Transcripts*, 2.

MONOPOLIES. See *Antitrust Acts*, 2.

MONOPOLIZING TRANSPORTATION. See *Antitrust Acts*, 1.

MOOTNESS. See also *Procedure*, 8; *Sentences*, 2.

1. *Increased sentence—Completion of sentence—Reconsideration.*—*North Carolina v. Pearce*, 395 U. S. 711, does not require that respondent's conviction be invalidated but only that he be resentenced if higher sentence imposed after *de novo* trial was vulnerable under *Pearce*. Since record deals with mootness only from standpoint of conviction *vel non* and does not reveal whether under state law benefits accrue in having sentence reduced after it has been served, case remanded for reconsideration of mootness question. *North Carolina v. Rice*, p. 815.

2. *Proxy statements—Stockholder's proposal—Conjecture.*—Since it is extremely doubtful that, at the end of three-year period during which Dow Chemical Co. can exclude defeated stockholder proposal from its proxy statement pursuant to SEC rule, respondent will resubmit the proposal and Dow will refuse it, case is now moot. *SEC v. Medical Committee for Human Rights*, p. 403.

3. *Repeal of statute—New legislation.*—Subsequent repeal of statute authorizing tax exemption for church parking lot used for commercial purposes and enactment of new legislation make relief sought inappropriate. District Court's judgment is vacated and case remanded with leave to appellants to amend pleadings if they desire to attack new statute or show that old one retains some force. *Diffenderfer v. Central Baptist Church*, p. 412.

MOTIONS IN BAR. See *Constitutional Law*, II, 4; IV; *Jurisdiction*, 3; *Statute of Limitations*, 2.

MOTORISTS. See *Automobile Accidents*; *Constitutional Law*, II, 1.

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT. See *Automobile Accidents*; *Constitutional Law*, II, 1.

MULTI-MEMBER DISTRICTS. See **Constitutional Law**, III, 4.

MUNICIPAL ORDINANCES. See **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Transcripts**, 1.

MURDER. See **Constitutional Law**, I; **Habeas Corpus**, 1; **Procedure**, 5, 12; **Transcripts**, 2.

NARCOTICS. See **Bail**, 2.

NATIONAL LABOR RELATIONS ACT. See also **Injunctions**, 1-2.

1. *Collective bargaining—Retirees' benefits.*—Retirees' benefits are not, within the meaning of §§ 8 (a) (5) and 8 (d) of the Act, a mandatory subject of bargaining as "terms and conditions of employment" of the retirees, as term "employee" excludes retirees. *Chemical Workers v. Pittsburgh Glass*, p. 157.

2. *Injunctions—Enjoining state court proceedings—Pre-emption.*—For purpose of preventing frustration of National Labor Relations Act, NLRB has implied authority to obtain federal injunction against state court action pre-empted by the Act; such an injunction falls within exception of 28 U. S. C. § 2283 recognized in *Leiter Minerals, Inc. v. United States*, 352 U. S. 220, for suits brought by the United States, and fact that party moving for injunction is a federal agency and not the Attorney General is irrelevant. *NLRB v. Nash-Finch Co.*, p. 138.

3. *Jurisdictional dispute—Agreement to arbitrate—"Parties to the dispute."*—Employers here, both of which have substantial financial stakes in the outcome of the proceeding under § 10 (k) of the Act, were "parties to the dispute" within the meaning of that provision and the NLRB was empowered to determine the jurisdictional dispute where the competing unions, but not the employers, had agreed upon a voluntary method of adjustment. *NLRB v. Plasterers' Union*, p. 116.

4. *Mandatory subject of bargaining—Retirees' benefits—Active employees.*—Retirees' benefits are not a mandatory subject of bargaining as "terms and conditions of employment" of the active employees in the bargaining unit. Relationship that NLRB asserted exists between bargaining in behalf of retirees and negotiation of active employees' retirement plans is too speculative a foundation on which to base obligation to bargain. *Chemical Workers v. Pittsburgh Glass*, p. 157.

NATIONAL LABOR RELATIONS BOARD. See also **Freedom of Information Act**.

Freedom of Information Act—Board records—Denial of stay.—Stay of District Court's order under the Act that NLRB provide

NATIONAL LABOR RELATIONS BOARD—Continued.

respondents with certain records concerning labor representation elections denied, the Act providing no exception authorizing the refusal to produce the requested records. *NLRB v. Getman* (BLACK, J., in chambers), p. 1204.

NEEDY CHILDREN. See **Constitutional Law**, V; **Social Security Act**, 1.

NEW JERSEY. See **Social Security Act**, 2.

NEXUS WITH INTERSTATE COMMERCE. See **Omnibus Crime Control and Safe Streets Act**.

NONFELONY OFFENSES. See **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Transcripts**.

NONPROFIT RELIGIOUS CORPORATIONS. See **Jurisdiction**, 1.

NONREIMBURSABLE FUNDS. See **Social Security Act**, 2.

NORFOLK & WESTERN RAILROAD. See **Interstate Commerce Act**; **Railroad Mergers**.

NORTH CAROLINA. See **Procedure**, 12; **School Desegregation**, 6; **Transcripts**, 2.

NOT-GUILTY PLEAS. See **Pleas**.

NOTICE. See **Constitutional Law**, II, 3; **Contempt**, 2.

NOTICE OF INDUCTION. See **Conscientious Objectors**.

OBSCENITY. See **Jurisdiction**, 2; **Procedure**, 3.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT. See also **Contempt**, 1; **Procedure**, 4.

Possession of firearms—Convicted felons—Nexus with interstate commerce.—It is not clear from language and legislative history of § 1202 (a)(1) of the Act whether or not receipt or possession of firearm by convicted felon has to be shown in individual prosecution to have been connected with interstate commerce. Ambiguity of provision must therefore be resolved in favor of narrower reading that nexus with interstate commerce must be shown with respect to all offenses embraced by the provision. *United States v. Bass*, p. 336.

ON-THE-JOB CONTACTS. See **Parole**.

OPERATION OF JAILS. See **Prisoners**; **Procedure**, 7.

OPPORTUNITY TO DEFEND. See **Constitutional Law**, II, 3; **Contempt**, 2.

ORDINANCES. See Appeals; Constitutional Law, III, 2; Indigents; Transcripts.

ORGANIZED TERRITORIES. See Antitrust Acts, 2.

ORGANIZING CAMPAIGNS. See Injunctions, 1-2; National Labor Relations Act, 2.

OUTER CONTINENTAL SHELF LANDS ACT. See also Statute of Limitations.

Personal injury action—Statute of limitations.—The Act, as interpreted in *Rodrigue v. Aetna Casualty & Surety Co.*, 395 U. S. 352, requires that a State's statute of limitations be applied to actions for personal injuries occurring on fixed structures on the Outer Continental Shelf. Fact that Louisiana statute is "prescriptive" does not make it inapplicable as federal law under the Act, and a federal court may not apply a laches test to preclude application of the state time limitation. *Chevron Oil Co. v. Huson*, p. 97.

PARKING LOTS. See Mootness, 3; Procedure, 8.

PAROLE.

Violation of parole—Fellow employees.—Court of Appeals erred in holding that mere on-the-job contacts with fellow employees with police records is sufficient evidence of parole violation, in the absence of a clear directive of Federal Parole Board to that effect. *Arciniega v. Freeman*, p. 4.

"PARTIES TO THE DISPUTE." See National Labor Relations Act, 3.

PAYMENTS TO VENDORS. See Social Security Act, 2.

PENNSYLVANIA RAILROAD. See Interstate Commerce Act; Railroad Mergers.

PERSONAL INJURIES. See Outer Continental Shelf Lands Act; Statute of Limitations, 1.

PERSONAL RECOGNIZANCE. See Bail, 1; Conscientious Objectors; Constitutional Law, II, 2; III, 3.

PETITION FOR CERTIORARI. See Appointment of Counsel; Criminal Justice Act; Rehearings.

PETROLEUM PRODUCTS. See Antitrust Acts, 2.

PICKETING. See Injunctions, 1-2; National Labor Relations Act, 2-3.

PIERS. See Admiralty; Longshoremen.

PLAN OF DESEGREGATION. See School Desegregation, 1, 4, 6.

PLASTERERS. See *National Labor Relations Act*, 3.

"PLEA BARGAINING." See *Pleas*.

PLEAS.

Agreement on guilty plea—Prosecutor's promise—Recommendation as to sentence.—Interests of justice and proper recognition of prosecution's duties in relation to promises made in connection with "plea bargaining" require that judgment be vacated and case remanded to state courts for further consideration as to whether circumstances require only that there be specific performance of the agreement on the plea (that the prosecutor would make no recommendation as to sentence), or petitioner should be afforded relief he seeks of withdrawing his guilty plea. *Santobello v. New York*, p. 257.

POLICE RECORDS. See *Parole*.

POLITICAL ACTIVITIES. See *Jurisdiction*, 1.

POLITICAL SOLICITATIONS. See *Jurisdiction*, 4.

POOR PERSONS. See *Appeals*; *Constitutional Law*, III, 2; *Indigents*; *Procedure*, 12; *Transcripts*, 1-2.

POSSESSION OF COUNTERFEIT DOCUMENTS. See *Aliens*.

POSSESSION OF FIREARMS. See *Omnibus Crime Control and Safe Streets Act*.

POST-INDUCTION HEARINGS. See *Conscientious Objectors*.

POWER TRANSMISSION. See *Administrative Procedure*; *Federal Power Commission*.

PRACTICE OF LAW. See *Rehearings*.

PRE-ACCUSATION DELAYS. See *Constitutional Law*, II, 4; IV; *Jurisdiction*, 3; *Statute of Limitations*, 2.

PRE-EMPTION. See *Injunctions*, 1-2; *National Labor Relations Act*, 2.

PREJUDICE. See *Constitutional Law*, II, 4; IV; *Jurisdiction*, 3; *Statute of Limitations*, 2.

PREPONDERANCE OF THE EVIDENCE. See *Confessions*; *Evidence*; *Procedure*, 2.

PRESCRIPTIVE STATUTES. See *Outer Continental Shelf Lands Act*; *Statute of Limitations*.

PRESIDENTIAL WAR. See *Certiorari*; *Procedure*, 1.

PRETRIAL RELEASE. See *Bail*, 1; *Constitutional Law*, II, 2; III, 3.

PREVIOUS CONVICTIONS. See **Procedure**, 10; **Sentences**, 1.

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

PRISONERS. See, also **Procedure**, 7.

Damages for deprivation of rights—Disciplinary punishment—Dismissal of claim.—Prisoner's *pro se* complaint seeking to recover damages for injuries and deprivation of rights in imposing disciplinary confinement should not have been dismissed without affording him opportunity to present evidence on his claims. *Haines v. Kerner*, p. 519.

PRISONERS' COMPLAINTS. See **Civil Rights Acts**; **Habeas Corpus**, 2.

PRIVACY. See **Contempt**, 1; **Procedure**, 4.

PROBABLE JURISDICTION. See **Constitutional Law**, III, 5; **Procedure**, 11.

PROBATE CODE. See **Constitutional Law**, III, 1.

PROCEDURAL DUE PROCESS. See **Automobile Accidents**; **Constitutional Law**, II, 1.

PROCEDURE. See also **Appeals**; **Appointment of Counsel**; **Bail**, 1; **Certiorari**; **Civil Rights Act of 1964**; **Civil Rights Acts**; **Confessions**; **Conscientious Objectors**; **Constitutional Law**, I; II, 2; III, 2-5; **Contempt**, 1; **Criminal Justice Act**; **Equal Employment Opportunity Commission**; **Evidence**; **Federal-State Relations**; **Habeas Corpus**, 1-2; **Indigents**; **Injunctions**, 1-2; **Intervention**; **Jurisdiction**, 2, 4; **Labor-Management Reporting and Disclosure Act**; **Mootness**, 1-3; **National Labor Relations Act**, 2-3; **Outer Continental Shelf Lands Act**; **Pleas**; **Prisoners**; **School Desegregation**, 2; **Sentences**, 1-2; **Statute of Limitations**, 1; **Transcripts**, 1-2.

1. *Certiorari—Conscription for presidential war—Bail.*—Since three Members of the Court have manifested their willingness in the past to consider certain aspects of constitutional questions arising from conscription for a presidential war, bail is continued in this case, which involves one such issue, pending disposition of applicant's petition for certiorari. *Pryor v. United States* (DOUGLAS, J., in chambers), p. 1242.

2. *Determination of admissibility—Confessions—Trial judge.*—Procedure followed here comported with requirements of *Jackson v. Denno*, 378 U. S. 368, and petitioner was not entitled to have issue of voluntariness of his confession, which had been resolved by trial judge, also submitted to jury for its separate consideration. Nor did

PROCEDURE—Continued.

Duncan v. Louisiana, 391 U. S. 145, change rule that determining admissibility of evidence is function of court rather than of the jury.
Lego v. Twomey, p. 477.

3. *Direct appeal—Order of district judge—Jurisdiction.*—This Court has no jurisdiction under 28 U. S. C. § 1253 to entertain direct appeal from temporary restraining order issued under 28 U. S. C. § 2284 (3) by single district judge after he had certified request for designation of three-judge court to hear suit for permanent relief.
Hicks v. Pleasure House, Inc., p. 1.

4. *Grand jury witness—Refusal to answer—Wiretaps.*—Where prosecutor represented that no wiretaps had been used in case being investigated by grand jury, and where witness presented no evidence or probable cause for believing wires had been tapped, witness' civil contempt sentence for refusal to answer grand jury's questions would not be stayed pending petition of certiorari where sole ground for refusal was allegation of wiretapping. *Russo v. United States* (DOUGLAS, J., in chambers), p. 1209.

5. *Habeas corpus—Exhaustion of remedies—Equal protection of the laws.*—Substance of federal habeas corpus claim must in first instance be fairly presented to state courts, and since on record and argument before it Massachusetts' highest court had no fair opportunity to consider and act on the equal protection claim, the Court of Appeals erred in holding that respondent had exhausted his state remedies. *Picard v. Connor*, p. 270.

6. *Habeas corpus—Federal-state relations—Retention on docket.*—Court of Appeals, having determined that state remedies had not been exhausted by respondent, whose habeas corpus petition alleged that he had been tried and sentenced by senile state judge, should not have made implications as it did as to merits of delicate subject involved, and absent special circumstances, should not have ordered District Court, which had dismissed petition, to retain case on docket until respondent had sought state court relief. *Slayton v. Smith*, p. 53.

7. *Prisoner's complaint—Damages for injuries—Dismissal of claim.*—Prisoner's *pro se* complaint seeking to recover damages for injuries and deprivation of rights in imposing disciplinary confinement should not have been dismissed without affording him opportunity to present evidence on his claims. *Haines v. Kerner*, p. 519.

8. *Repeal of statute—Amendment of pleadings.*—Subsequent repeal of statute authorizing tax exemption for church parking lot used for commercial purposes and enactment of new legislation make

PROCEDURE—Continued.

relief sought inappropriate. District Court's judgment is vacated and case remanded with leave to appellants to amend pleadings if they desire to attack new statute or show that old one retains some force. *Diffenderfer v. Central Baptist Church*, p. 412.

9. *School desegregation—Stay.*—Stay of District Court's order to stop alleged school discrimination practices, vacated by Court of Appeals, is reinstated to permit action on the merits since case presents questions which should be considered by the full Court. *Corpus Christi School District v. Cisneros* (BLACK, J., in chambers), p. 1211.

10. *Sentence—Previous convictions—Invalidity of convictions.*—Where judge in imposing sentence gave explicit consideration to defendant's record of previous convictions, two of which were later determined to be constitutionally invalid, case is remanded for reconsideration of sentence. *United States v. Tucker*, p. 443.

11. *Supreme Court—Probable jurisdiction—Denial of stay.*—Stay of three-judge District Court judgment in Virginia reapportionment case is denied, as JUSTICE BLACK does not believe that four Justices are likely to note probable jurisdiction in view of fact that District Court order revising electoral districts was substantially unanimous and delay incident to review might further postpone important state elections. *Mahan v. Howell* (BLACK, J., in chambers), p. 1201.

12. *Transcripts—Retrial—Adequate alternative.*—In narrow circumstances here, where retrial took place in small town before same judge and same counsel and court reporter, who (as was conceded) was well known to counsel and would have read back his notes to defense counsel before second trial had he been asked to do so, a transcript of previous trial was not needed, as adequate alternative was available. *Britt v. North Carolina*, p. 226.

PROFITS. See **Securities Exchange Act of 1934**, 2.

PROOF. See **Bail**, 2.

PROPOSALS FOR PROXIES. See **Mootness**, 2.

PROSECUTIONS. See **Constitutional Law**, II, 4; IV; **Jurisdiction**; **Statute of Limitations**, 2.

PROSECUTORS. See **Pleas**.

PROTECTING EMPLOYEES. See **Interstate Commerce Act**; **Railroad Mergers**.

PROXY STATEMENTS. See **Mootness**, 2.

PUBLIC INTEREST. See **Intervention**; **Labor-Management Reporting and Disclosure Act**.

- PUBLIC SCHOOLS.** See *School Desegregation*, 5.
- PUBLIC WELFARE.** See *Constitutional Law*, V; *Social Security Act*, 1.
- PUNISHMENT.** See *Appeals*; *Constitutional Law*, III, 2; *Indigents*; *Prisoners*; *Procedure*, 7; *Transcripts*, 1.
- PURCHASE OF STOCK.** See *Securities Exchange Act of 1934*, 2.
- RACIAL BALANCE.** See *School Desegregation*, 6.
- RACIAL DISCRIMINATION.** See *Procedure*, 9; *School Desegregation*, 1-6.
- RACIAL QUOTAS.** See *School Desegregation*, 6.
- RAILROAD MERGERS.** See also *Interstate Commerce Act*.
Employee protection—Interstate Commerce Commission approval.—Section 5 (2) (f) of the Interstate Commerce Act provides mandatory compensation protection for railroad employees affected by a consolidation, and the ICC's approval of a pre-merger collective agreement becomes a "condition" of the ICC's approval of a consolidation under that section. The section's "notwithstanding" proviso affords the machinery for the terms of a pre-merger collective agreement and thus supplies one minimum measure of the required fairness. *Norfolk & Western R. Co. v. Nemitz*, p. 37.
- RATIONAL BASIS.** See *Constitutional Law*, II, 5.
- REAPPORTIONMENT.** See *Constitutional Law*, III, 5; *Procedure*, 11.
- REAPPORTIONMENT PLANS.** See *Constitutional Law*, III, 4.
- REASONABLE-DOUBT STANDARD.** See *Confessions*; *Evidence*; *Procedure*, 2.
- RECOGNIZANCE.** See *Bail*, 1; *Constitutional Law*, II, 2; III, 3.
- RECOMMENDATIONS AS TO SENTENCE.** See *Pleas*.
- RECONSIDERATION OF CLAIMS.** See *Longshoremen's and Harbor Workers' Compensation Act*.
- RECORD.** See *School Desegregation*, 6.
- RECORD OF DEFENDANT.** See *Procedure*, 10; *Sentences*, 1.
- RECORDS.** See *Freedom of Information Act*; *National Labor Relations Board*.
- REDUCTION IN BENEFITS.** See *Constitutional Law*, II, 5.
- REDUCTION OF SENTENCE.** See *Mootness*, 1; *Sentences*, 2.

- RE-ENTRY PERMITS.** See *Aliens*.
- REFUND OF BAIL DEPOSIT.** See *Bail*, 1; *Constitutional Law*, II, 2; III, 3.
- REGENTS' RULES.** See *Jurisdiction*, 4.
- REGULATIONS.** See *Conscientious Objectors*; *Social Security Act*, 2.
- REHEARINGS.**
Dissenting Justices—Supreme Court rules—Application for temporary relief.—Application for temporary relief allowing petitioner to practice law pending consideration of petition for rehearing by the Court denied by Mr. JUSTICE DOUGLAS, because of the nature of the relief requested and because he was not one of the majority who voted to deny the petition for certiorari. *Kadans v. Collins* (DOUGLAS, J., in chambers), p. 1244.
- REIMBURSABLE FUNDS.** See *Social Security Act*, 2.
- RELEASE ON BAIL.** See *Bail*, 1; *Constitutional Law*, II, 2; III, 3.
- RELIEF.** See *Antitrust Acts*, 1; *Civil Rights Acts*; *Federal-State Relations*; *Habeas Corpus*, 2; *Injunctions*, 1-2; *Mootness*, 3; *National Labor Relations Act*, 2; *Pleas*; *Procedure*, 6, 8; *Rehearings*.
- RELIGION CLAUSES.** See *Mootness*, 3; *Procedure*, 8.
- RELIGIOUS CORPORATIONS.** See *Jurisdiction*, 1.
- REMEDIES.** See *Civil Rights Act of 1964*; *Civil Rights Acts*; *Equal Employment Opportunity Commission*; *Federal-State Relations*; *Habeas Corpus*, 2; *Outer Continental Shelf Lands Act*; *Procedure*, 6; *Statute of Limitations*, 1.
- RENEGOTIATION OF CONTRACTS.** See *National Labor Relations Act*, 1, 4.
- REPEAL OF STATUTE.** See *Mootness*, 3; *Procedure*, 8.
- REPORTERS.** See *Procedure*, 12; *Transcripts*, 2.
- REPRESENTATION ELECTIONS.** See *Freedom of Information Act*; *National Labor Relations Board*.
- RESOLUTIONS.** See *Constitutional Law*, II, 3; *Contempt*, 2.
- RESTRAINT OF TRADE.** See *Antitrust Acts*, 1-2.
- RETENTION CHARGE.** See *Bail*, 1; *Constitutional Law*, II, 2; III, 3.

- RETENTION ON DOCKET.** See **Federal-State Relations; Procedure**, 6.
- RETIRED EMPLOYEES.** See **National Labor Relations Act**, 1, 4.
- RETRIALS.** See **Procedure**, 12; **Transcripts**, 2.
- RETROACTIVITY.** See **Outer Continental Shelf Lands Act; Statute of Limitations**, 1.
- RETROSPECTIVITY.** See **Outer Continental Shelf Lands Act; Statute of Limitations**, 1.
- REVIEW.** See **Jurisdiction**, 2; **Procedure**, 3.
- REVOCAION OF PAROLE.** See **Parole**.
- REVOCAION OF TAX EXEMPTION.** See **Jurisdiction**, 1.
- RIGHT TO COUNSEL.** See **Procedure**, 10; **Sentences**, 1.
- RISK OF FLIGHT.** See **Bail**, 2.
- RULES.** See **Appeals; Appointment of Counsel; Constitutional Law**, III, 2; **Criminal Justice Act; Indigents; Jurisdiction**, 4; **Mootness**, 2; **Rehearings; Transcripts**, 1.
- RULES OF CIVIL PROCEDURE.** See **Intervention; Labor-Management Reporting and Disclosure Act**.
- SAFEKEEPING COSTS.** See **Bail**, 1; **Constitutional Law**, II, 2; III, 3.
- SALARY SUPPLEMENTS.** See **Interstate Commerce Act; Railroad Mergers**.
- SALE OF STOCK.** See **Securities Exchange Act of 1934**, 2.
- SAMOA.** See **Antitrust Acts**, 2.
- SANDUSKY LINE.** See **Interstate Commerce Act; Railroad Mergers**.
- SAN FRANCISCO.** See **School Desegregation**, 1.
- SAN MATEO.** See **School Desegregation**, 4.
- SCHOOL BOARDS.** See **School Desegregation**, 1, 4.
- SCHOOL DESEGREGATION.** See also **Procedure**, 9.

1. *Chinese ancestry—De jure segregation—Denial of stay.*—Application for stay of District Court's order reassigning pupils of Chinese ancestry to other San Francisco public schools to correct past patterns of *de jure* racial segregation is denied, as desegregation plan offered by school board seems well within established legal bounds. *Guey Heung Lee v. Johnson* (DOUGLAS, J., in chambers), p. 1215.

SCHOOL DESEGREGATION—Continued.

2. *Corpus Christi schools—Elimination of discrimination—Stay reinstated.*—Stay of District Court's order to stop alleged school discrimination practices, vacated by Court of Appeals, is reinstated to permit action on the merits since case presents questions which should be considered by the full Court. *Corpus Christi School District v. Cisneros* (BLACK, J., in chambers), p. 1211.

3. *Jefferson Parish schools—Transition to unitary system—Normal difficulties.*—There being no more than normal difficulties incident to transition to unitary school system, there is no basis for staying District Court's order to desegregate Jefferson Parish public schools, which have been involved in litigation for seven years. *Jefferson Parish School Board v. Dandridge* (MARSHALL, J., in chambers), p. 1219.

4. *San Mateo schools—Unequal facilities—Denial of injunction.*—Although San Mateo, California, maintains school facilities for blacks that are inferior to those it maintains for whites, in apparent violation of *Plessy v. Ferguson*, 163 U. S. 539, application for preliminary injunction pending petition for writ of certiorari is denied where school is scheduled to open in three days and where school schedule may be imperiled by further delay. *Gomperts v. Chase* (DOUGLAS, J., in chambers), p. 1237.

5. *Texas public schools—Elimination of racial discrimination.*—Stay of Court of Appeals' judgment affirming District Court's order directing applicants to take affirmative action to eliminate all vestiges of discrimination from Texas schools denied, as the order does no more than endeavor to realize directive of Fourteenth Amendment and decisions of this Court. *Edgar v. United States* (BLACK, J., in chambers), p. 1206.

6. *Winston Salem schools—Travel time—Inadequate record.*—Stay of Court of Appeals' order in this school desegregation case denied, as on this inadequate record it cannot be determined with assurance whether lower courts correctly read holding of *Swann v. Board of Education*, 402 U. S. 1, as negating any constitutional requirements of racial balance or racial quotas and suggesting limits for student transportation. *Winston Salem/Forsyth County Bd. of Ed. v. Scott* (BURGER, C. J., in chambers), p. 1221.

SCHOOLING. See **Constitutional Law, V**; **Social Security Act, I.**

SEASONAL EMPLOYMENT. See **Interstate Commerce Act**;
Railroad Mergers.

SECRETARY OF LABOR. See **Intervention**; **Labor-Management Reporting and Disclosure Act.**

SECURITIES. See **Securities Exchange Act of 1934**, 1.

SECURITIES AND EXCHANGE COMMISSION. See **Mootness**, 2.

SECURITIES EXCHANGE ACT OF 1934.

1. *Section 10 (b)—Sale of security—Deceptive device.*—Section 10 (b) prohibits the use of any deceptive device in the "sale" of any security by "any person," and it is irrelevant that investor was a corporation rather than an individual; that the fraud was perpetrated by a corporate officer and outside collaborators; that the transaction was not conducted through a securities exchange or an organized market; that proceeds due seller were misappropriated; and that creditors of defrauded corporate seller may be ultimate victims. *Supt. of Insurance v. Bankers Life & Cas. Co.*, p. 6.

2. *Short-swing profits—Sale of stock—Unsuccessful takeover bid.*—Under § 16 (b) of the Act respondent is not liable for profits derived from sale of 9.96% of stock, after a previous disposition of shares for purpose of immunizing disposal of 9.96% from liability, as § 16 (b) provides that corporation may recover profits realized by owner of more than 10% of its shares from purchase and sale of its stock within six-month period, provided owner held more than 10% "both at time of purchase and sale." *Reliance Electric Co. v. Emerson Electric Co.*, p. 418.

SEGREGATION. See **Procedure**, 9; **School Desegregation**, 1-5.

SELECTIVE SERVICE REGULATIONS. See **Conscientious Objectors**.

SENILITY. See **Federal-State Relations**; **Procedure**, 6.

SENTENCE BY LEGISLATURE. See **Constitutional Law**, II, 3; **Contempt**, 2.

SENTENCES. See also **Federal-State Relations**; **Mootness**, 1; **Pleas**; **Procedure**, 6, 10.

1. *Defendant's record—Invalid convictions.*—Where judge in imposing sentence gave explicit consideration to defendant's record of previous convictions, two of which were later determined to be constitutionally invalid, case is remanded for reconsideration of sentence. *United States v. Tucker*, p. 443.

2. *Trial de novo—Increased sentence—Mootness.*—*North Carolina v. Pearce*, 395 U. S. 711, does not require that respondent's conviction be invalidated but only that he be resentenced if higher sentence imposed after *de novo* trial was vulnerable under *Pearce*. Since record deals with mootness only from standpoint of conviction *vel non* and does not reveal whether under state law benefits accrue

SENTENCES—Continued.

in having sentence reduced after it has been served, case remanded for reconsideration of mootness question. *North Carolina v. Rice*, p. 244.

“**SETTLED STATEMENT.**” See **Appeals; Constitutional Law, III, 2; Indigents; Transcripts, 1.**

SEX DISCRIMINATION. See **Constitutional Law, III, 1.**

SHERMAN ACT. See **Antitrust Acts, 2.**

SHIPPING. See **Admiralty; Longshoremen.**

SHORT-SWING PROFITS. See **Securities Exchange Act of 1934, 2.**

SINGLE-MEMBER DISTRICTS. See **Constitutional Law, III, 4.**

SIXTH AMENDMENT. See **Constitutional Law, II, 4; IV; Jurisdiction, 3; Statute of Limitations, 2.**

SMUGGLING. See **Appointment of Counsel; Bail, 2; Criminal Justice Act.**

SOCIAL SECURITY ACT. See also **Constitutional Law, II, 5; V.**

1. *Aid to families with dependent children—College students—Supremacy Clause.*—Under § 402 (a) (10) of the Act, a state plan under the AFDC program must provide that aid to families with dependent children shall be furnished to “all eligible” individuals. Since § 406 (a) (2) (B) makes dependent 18–20-year-olds eligible for benefits whether attending college or a vocational or technical training course, and Congress has authorized no limitation of eligibility standards within the age group, Illinois’ program disqualifying college students conflicts with the federal statute and violates the Supremacy Clause. *Townsend v. Swank*, p. 282.

2. *Payments to vendors—Nonreimbursable funds—Aid to families with dependent children.*—Section 406 does not prohibit New Jersey from making payments directly to vendors who provide goods or services to beneficiaries of AFDC program if such payments are made solely from nonreimbursable state funds. *Engelman v. Amos*, p. 23.

SOLICITATIONS ON CAMPUS. See **Jurisdiction, 4.**

SOLITARY CONFINEMENT. See **Prisoners; Procedure, 7.**

SPECIFIC PERFORMANCE. See **Pleas.**

SPEEDY TRIAL. See **Constitutional Law, II, 4; IV; Jurisdiction, 3; Statute of Limitations, 2.**

STATE ASSEMBLY. See **Constitutional Law, II, 3; Contempt, 2.**

- STATE COURT RULES.** See Appeals; Constitutional Law, III, 2; Indigents; Transcripts, 1.
- STATE COURTS.** See Federal-State Relations; Procedure, 6.
- STATE FUNDS.** See Social Security Act, 2.
- STATE LEGISLATURES.** See Constitutional Law, III, 4.
- STATEMENT OF FACTS.** See Appeals; Constitutional Law, III, 2; Indigents; Transcripts, 1.
- STATEMENTS.** See Contempt, 3.
- STATE PENITENTIARIES.** See Prisoners; Procedure, 7.
- STATE REMEDIES.** See Civil Rights Act of 1964; Civil Rights Acts; Equal Employment Opportunity Commission; Habeas Corpus, 2.
- STATEWIDE POLICY.** See Jurisdiction, 4.
- STATUTE OF LIMITATIONS.** See also Constitutional Law, II, 4; IV; Jurisdiction, 3; Outer Continental Shelf Lands Act.
1. *Personal injury action—Outer Continental Shelf Lands Act.*—Louisiana's one-year statute of limitations should not bar respondent's action for injury sustained on fixed structure on Outer Continental Shelf since retroactive application of that statute under *Rodrigue v. Aetna Casualty & Surety Co.*, 395 U. S. 352, would deprive respondent of any remedy at all on the basis of the unforeseeable superseding legal doctrine of that decision. *Chevron Oil Co. v. Huson*, p. 97.
2. *Speedy trial—Pre-accusation delay.*—Relevant statute of limitations provides a safeguard against possible prejudice resulting from pre-accusation delay, and here appellees were indicted within the applicable limitations period. *United States v. Marion*, p. 307.
- STATUTES.** See Mootness, 3; Procedure, 8.
- STATUTORY CONSTRUCTION.** See Omnibus Crime Control and Safe Streets Act.
- STAY.** See Certiorari; Constitutional Law, III, 5; Contempt, 1; Freedom of Information Act; National Labor Relations Board; Procedure, 1, 4, 9, 11; School Desegregation, 1-3, 5-6.
- STEVEDORES.** See Admiralty; Longshoremen; Longshoremen's and Harbor Workers' Compensation Act.
- STOCKHOLDERS' PROPOSALS.** See Mootness, 2.
- STOCK SALES.** See Securities Exchange Act of 1934, 1.
- STUDENT TRANSPORTATION.** See School Desegregation, 6.

- SUCCESSIVE PROSECUTIONS.** See **Constitutional Law**, I.
- SUMMATION.** See **Contempt**, 3.
- SUPERINTENDENT OF INSURANCE.** See **Securities Exchange Act of 1934**, 1.
- SUPERSEDING LEGAL DOCTRINE.** See **Outer Continental Shelf Lands Act**; **Statute of Limitations**, 1.
- SUPREMACY CLAUSE.** See **Constitutional Law**, V; **Social Security Act**, 1.
- SUPREME COURT.** See also **Jurisdiction**, 1-2, 4; **Procedure**, 3.
1. Allotment of Justices, p. III.
 2. Assignment of Mr. Justice Clark (retired) to United States Court of Appeals for the Second Circuit, p. 1054.
 3. Assignment of Mr. Justice Clark (retired) to United States Court of Appeals for the Sixth Circuit, p. 996.
 4. Assignment of Mr. Justice Clark (retired) to United States Court of Appeals for the Eighth Circuit, p. 1054.
 5. Assignment of Mr. Justice Reed (retired) to United States Court of Claims, p. 952.
 6. Assignment of Mr. JUSTICE STEWART as Circuit Justice for the Fifth Circuit, p. 877.
 7. Assignment of Mr. JUSTICE MARSHALL as Circuit Justice for the Second Circuit, p. 877.
 8. Appointment of Marshal, p. 997.
- SUPREME COURT RULES.** See **Rehearings**.
- SURVEILLANCE.** See **Contempt**, 1; **Procedure**, 4.
- SUSPENSION OF LICENSES.** See **Automobile Accidents**; **Constitutional Law**, II, 1.
- TAKEOVER BIDS.** See **Securities Exchange Act of 1934**, 2.
- TAXES.** See **Jurisdiction**, 1.
- TAX EXEMPTIONS.** See **Jurisdiction**, 1; **Mootness**, 3; **Procedure**, 8.
- TELEPHONE CALLS.** See **Bail**, 2.
- TEMPORARY RELIEF.** See **Rehearings**.
- TEMPORARY RESTRAINING ORDERS.** See **Jurisdiction**, 2; **Procedure**, 3.
- TERMS AND CONDITIONS OF EMPLOYMENT.** See **National Labor Relations Act**, 1, 4.

- TERRITORIES.** See **Antitrust Acts**, 2.
- TEXAS.** See **Jurisdiction**, 4; **Procedure**, 9; **School Desegregation**, 2, 5.
- THREATS TO ADMINISTRATION OF JUSTICE.** See **Contempt**, 3.
- THREE-JUDGE COURTS.** See **Jurisdiction**, 2, 4; **Procedure**, 3.
- TIJUANA.** See **Bail**, 2.
- TILE SETTERS.** See **National Labor Relations Act**, 3.
- TIMELINESS.** See **Constitutional Law**, II, 4; IV; **Jurisdiction**, 3; **Outer Continental Shelf Lands Act**; **Statute of Limitations**, 1-2.
- TRAFFIC OFFENSES.** See **Bail**, 1; **Constitutional Law**, II, 2; III, 3.
- TRANSCRIPTS.** See also **Appeals**; **Constitutional Law**, III, 2; **Indigents**; **Procedure**, 12.
1. *Appeals—Effective review—Free trial transcripts.*—Although Illinois must afford indigent defendant a trial “‘record of sufficient completeness’ to permit proper consideration of [his] claims,” *Draper v. Washington*, 372 U. S. 487, 499, it need not necessarily furnish a complete verbatim transcript but may provide alternatives that accord effective appellate review. *Mayer v. City of Chicago*, p. 189.
2. *Retrial—Court reporter’s notes—Adequate alternatives.*—In narrow circumstances here, where retrial took place in small town before same judge and same counsel and court reporter, who (as was conceded) was well known to counsel and would have read back his notes to defense counsel before second trial had he been asked to do so, a transcript of previous trial was not needed as adequate alternative was available. *Britt v. North Carolina*, p. 226.
- TRANSMISSION OF ELECTRICITY.** See **Administrative Procedure**; **Federal Power Commission**.
- TRANSPORTATION.** See **Antitrust Acts**, 1; **Interstate Commerce Act**; **Railroad Mergers**; **School Desegregation**, 6.
- TRAVEL TIME.** See **School Desegregation**, 6.
- TRIAL DE NOVO.** See **Mootness**, 1; **Sentences**, 2.
- TRIALS.** See **Constitutional Law**, I; II, 4; IV; **Federal-State Relations**; **Jurisdiction**, 3; **Procedure**, 6, 12; **Statute of Limitations**, 2; **Transcripts**, 2.
- TRIAL TRANSCRIPTS.** See **Appeals**; **Constitutional Law**, II, 2; **Indigents**; **Procedure**, 12; **Transcripts**, 1-2.

- TRUCKERS.** See *Antitrust Acts*, 1.
- UNCONSTITUTIONALITY.** See *Jurisdiction*, 1.
- UNEQUAL FACILITIES.** See *School Desegregation*, 4.
- UNFAIR LABOR PRACTICES.** See *Injunctions*, 1-2; *National Labor Relations Act*, 2-3.
- UNINSURED MOTORISTS.** See *Automobile Accidents*; *Constitutional Law*, II, 1.
- UNION ELECTIONS.** See *Intervention*; *Labor-Management Reporting and Disclosure Act*.
- UNIONS.** See *Injunctions*, 1-2; *Interstate Commerce Act*; *National Labor Relations Act*, 1-4; *Railroad Mergers*.
- UNITARY SCHOOL SYSTEMS.** See *School Desegregation*, 3, 5.
- UNITED STATES.** See *Injunctions*, 1-2; *National Labor Relations Act*, 2.
- UNITED STATES TREASURY BONDS.** See *Securities Exchange Act of 1934*, 1.
- UNIVERSITY OF TEXAS.** See *Jurisdiction*, 4.
- UNORGANIZED TERRITORIES.** See *Antitrust Acts*, 2.
- UNSEAWORTHINESS.** See *Admiralty*; *Longshoremen*.
- UTAH.** See *Automobile Accidents*; *Constitutional Law*, II, 1.
- VARIANCES.** See *Constitutional Law*, III, 4.
- VENDOR PAYMENTS.** See *Social Security Act*, 2.
- VESSELS.** See *Admiralty*; *Longshoremen*.
- VIOLATION OF PAROLE.** See *Parole*.
- VIRGINIA.** See *Constitutional Law*, III, 5; *Procedure*, 11.
- VOCATIONAL STUDENTS.** See *Constitutional Law*, V; *Social Security Act*, 1.
- VOLUNTARINESS.** See *Confessions*; *Evidence*; *Procedure*, 2.
- VOTING STOCKHOLDERS.** See *Mootness*, 2.
- WELFARE ASSISTANCE.** See *Constitutional Law*, V; *Social Security Act*, 1.
- WELFARE PAYMENTS.** See *Social Security Act*, 2.
- WEST VIRGINIA.** See *Constitutional Law*, II, 5.
- WINSTON SALEM.** See *School Desegregation*, 6.
- WIRETAPS.** See *Contempt*, 1; *Procedure*, 4.

WISCONSIN. See **Constitutional Law**, II, 3; **Contempt**, 2.

WITHDRAWAL OF PLEA. See **Pleas**.

WITNESSES. See **Contempt**, 1; **Procedure**, 4.

WORDS AND PHRASES.

1. "*In commerce or affecting commerce.*" § 1202 (a), Omnibus Crime Control and Safe Streets Act. *United States v. Bass*, p. 336.

2. "*Parties to the dispute.*" § 10 (k), National Labor Relations Act. *NLRB v. Plasterers' Union*, p. 116.

3. "*Terms and conditions of employment.*" § 8 (d), National Labor Relations Act. *Chemical Workers v. Pittsburgh Glass*, p. 157.

WORK ASSIGNMENTS. See **National Labor Relations Act**, 3.

WORKMEN'S COMPENSATION. See **Admiralty**; **Constitutional Law**, II, 5; **Longshoremen**.















