

INDEX

- ACADEMIC CONFERENCES.** See Constitutional Law, III, 1; Immigration and Nationality Act; Judicial Review, 1.
- ACADEMIC FREEDOM.** See Constitutional Law, I, 5; III, 9; Procedure, 1-2.
- ACCEPTANCE OF BRIBES.** See Appeals, 1; Constitutional Law, VII, 1; Jurisdiction.
- ACCESS ROUTES.** See Administrative Procedure, 1-5; Interstate Commerce Commission, 1-5; Judicial Review, 2-6.
- ACCUMULATION OF INCOME.** See Taxes, 1-3.
- ACQUISITIONS.** See Administrative Procedure, 1-5; Interstate Commerce Commission, 1-5; Judicial Review, 2-6.
- ADMINISTRATIVE HEARINGS.** See Constitutional Law, I, 5; Procedure, 3.
- ADMINISTRATIVE PROCEDURE.** See also Interstate Commerce Commission, 1-5; Judicial Review, 2-6.
1. *Line-haul carriers jointly acquiring control of switching railroad—Related application for trackage rights by one petitioner for inclusion.*—The denial of trackage rights to Southern Pacific (on the ground that SP was “not entitled to serve Peninsula or Rivergate”) should be reconsidered by the Interstate Commerce Commission in conjunction with the reappraisal of the issues arising under § 5 (2) of the Interstate Commerce Act. *Port of Portland v. United States*, p. 811.
 2. *Line-haul carriers petitioning for inclusion in control of switching railroad—ICC decision—Applicable legal principles.*—In view of uncertainties about the northern access to Portland’s Rivergate industrial complex—given the physical limitations of the present facilities of Peninsula Terminal Co.—and the apparent fact that physical operation over Peninsula into Rivergate was not at issue here, approval of the ICC order, with its protective conditions, may still be in the public interest, but the announced grounds for the ICC decision do not comport with the applicable legal principles. *Port of Portland v. United States*, p. 811.

ADMINISTRATIVE PROCEDURE—Continued.

3. *Line-haul carriers petitioning for inclusion in joint purchase of switching railroad—Market shares and existing traffic.*—In stressing the small share in Peninsula Terminal Co.'s traffic that Milwaukee Railroad had before the Northern Lines Merger, the ICC ignored any possible increase in that share after Condition 24 (a) of that merger took effect. In announcing a principle of preserving the market shares of the two railroads currently connecting with Peninsula, the ICC failed to explain why it was not taking into account the potentially enormous traffic over Peninsula, should Peninsula become the northern route into Portland's Rivergate industrial complex. *Port of Portland v. United States*, p. 811.

4. *Line-haul carriers seeking joint acquisition of switching railroad—Petitions for inclusion denied by ICC.*—On the record in this case (which is ambiguous with regard to many factual and procedural issues) it has not been shown that the ICC's order authorizing Union Pacific and Burlington Northern alone to acquire control of the Peninsula Terminal Co. met the "public interest" standard of § 5 (2) of the Interstate Commerce Act. *Port of Portland v. United States*, p. 811.

5. *Petitions for inclusion—Shifting market shares—Anticompetitive effects.*—The ICC's denial of inclusion of the Southern Pacific Transportation Co. and the Milwaukee Railroad because their gain would work a corresponding loss to Burlington Northern and Union Pacific is not a proper approach under § 5 (2) of the Interstate Commerce Act, given the principle that the anticompetitive effects of any § 5 (2) transaction must be explicitly considered. *Port of Portland v. United States*, p. 811.

ADMISSIBILITY OF EVIDENCE. See **Constitutional Law**, V; **Evidence**, 3.

ADMISSION OF ALIENS. See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.

ADVERSARY HEARINGS. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

ADVISORY OPINIONS. See **Constitutional Law**, III, 3; **Justiciability**.

AGREEMENTS TO CONCEAL FACTS. See **Constitutional Law**, III, 8; **Grand Juries**, 4.

AIDE TO SENATOR. See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

- ALABAMA.** See **Confessions**; **Constitutional Law**, IV, 1.
- ALIBI DEFENSES.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- ALIENS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- ANONYMITY OF SOURCES.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- ANTICOMPETITIVE EFFECTS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- ANTINOISE ORDINANCES.** See **Constitutional Law**, III, 6.
- ANTIPICKETING ORDINANCES.** See **Constitutional Law**, III, 5-6.
- APPEALS.** See also **Constitutional Law**, V; VII, 1-6; **Evidence**, 3; **Grand Juries**, 2-3, 5; **Jurisdiction**.

1. *District Court "decision or judgment setting aside, or dismissing" the indictment—Direct appeal.*—This Court has jurisdiction under 18 U. S. C. § 3731 (1964 ed., Supp. V) to hear the appeal, since the District Court's order was based upon its determination of the constitutional invalidity of 18 U. S. C. §§ 201 (c)(1) and 201 (g) on the facts as alleged in the indictment, *United States v. Brewster*, p. 501.

2. *Interrogation of Senator's aide—Scope of questioning.*—Aide may be questioned by the grand jury about the source of classified documents in the Senator's possession, as long as the questioning implicates no legislative act. The Court of Appeals' protective order in other respects would suffice if it forbade questioning the aide or others about the conduct or motives of the Senator or his aides at the subcommittee meeting; communications between the Senator and his aides relating to that meeting or any legislative act of the Senator; or steps of the Senator or his aides preparatory for the meeting, if not relevant to third-party crimes. *Gravel v. United States*, p. 606.

3. *Questioning Senator's aide—Protective order.*—The Court of Appeals' protective order was overly broad in enjoining interrogation of the aide with respect to any act, "in the broadest sense," that he performed within the scope of his employment, since the aide's immunity extended only to legislative acts as to which the Senator would be immune. *Gravel v. United States*, p. 606.

- APPEAL TO PRURIENT INTEREST.** See **Constitutional Law**, III, 7.
- ARBITRARY PENALTIES.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- ARMY INTELLIGENCE.** See **Constitutional Law**, III, 3; **Justiciability**.
- ASSISTANCE OF COUNSEL.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- ASSOCIATIONAL RIGHTS.** See **Constitutional Law**, III, 1-2, 4; IV, 2; **Immigration and Nationality Act**; **Judicial Review**, 1.
- ATTORNEY GENERAL.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- AVAILABILITY OF WITNESSES.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- BANKS.** See **Taxes**, 1-3.
- BARTENDERS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- BEACON PRESS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- BELGIAN JOURNALISTS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- BENEFICIARIES.** See **Taxes**, 1-3.
- BENEFITS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- BLACK PANTHER PARTY.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- BOARD OF DIRECTORS.** See **Taxes**, 1-3.
- BOARD OF REGENTS.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- BRIBERY.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- BUGGING ACTIVITIES.** See **Grand Juries**, 1.
- BURDEN OF PROOF.** See **Constitutional Law**, III, 2, 4; IV, 2.
- BURLINGTON NORTHERN RAILROAD.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- BUSINESS CONSTRAINTS.** See **Taxes**, 1-3.

- CALIFORNIA.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- CAMPUS ORGANIZATIONS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- CAPITAL CASES.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- CASE AND CONTROVERSY.** See **Constitutional Law**, III, 3; **Justiciability**.
- CENSORSHIP.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- CENTRAL CONNECTICUT STATE COLLEGE.** See **Constitutional Law**, III, 2, 4; IV, 2.
- CHALLENGES.** See **Constitutional Law**, V; **Evidence**, 3.
- CHAPTERS OF SDS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- CHICAGO.** See **Constitutional Law**, III, 5.
- CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD.**
See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- CHILLING EFFECT.** See **Constitutional Law**, III, 3; **Justiciability**.
- CITIZENS' DUTY TO TESTIFY.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- CIVIL CONTEMPT.** See **Grand Juries**, 1.
- CIVIL DISOBEDIENCE.** See **Constitutional Law**, III, 3; **Justiciability**.
- CIVILIAN ACTIVITY.** See **Constitutional Law**, III, 3; **Justiciability**.
- CIVIL RIGHTS.** See **Constitutional Law**, III, 5-6.
- CLASSIFIED DOCUMENTS.** See **Appeals**, 2-3; **Constitutional Law**; VII, 2-6; **Grand Juries**, 2-3, 5.
- CLOSELY HELD CORPORATIONS.** See **Taxes**, 1-3.
- COERCION.** See **Confessions**; **Constitutional Law**, IV, 1.
- COLLEGE PROFESSORS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- COLLEGES.** See **Constitutional Law**, III, 2, 4; IV, 2.
- COMMITTEE MEETINGS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

- COMMUNICATIONS BETWEEN SENATOR AND AIDES.** See Appeals, 2-3; Constitutional Law, VII, 2-6; Grand Juries, 2-3, 5.
- COMMUNISM.** See Constitutional Law, III, 1; Immigration and Nationality Act; Judicial Review, 1.
- COMPELLED TESTIMONY.** See Appeals, 2-3; Constitutional Law, III, 8; VII, 2-6; Grand Juries, 1-5.
- COMPETITIVE EFFECTS.** See Administrative Procedure, 1-5; Interstate Commerce Commission, 1-5; Judicial Review, 2-6.
- COMPULSORY PROCESS.** See Constitutional Law, VI; Mootness; Witnesses.
- COMPUTER DATA.** See Constitutional Law, III, 3; Justiciability.
- CONDITIONAL LIBERTY.** See Constitutional Law, I, 1-2, 4; Paroles, 1-3.
- CONDITIONS OF PAROLE.** See Constitutional Law, I, 1-2, 4; Paroles, 1-3.
- CONDUCT OF SENATORS.** See Appeals, 2-3; Constitutional Law, VII, 2-6; Grand Juries, 2-3, 5.
- CONFERENCES.** See Constitutional Law, III, 1; Immigration and Nationality Act; Judicial Review, 1.
- CONFESSIONS.** See also Constitutional Law, IV, 1.
Wounded prisoner in extreme pain, under the influence of morphine—Oral confession to hospital doctor.—Petitioner's oral confession was invalid, having been the product of gross coercion and part of the same "stream of events" that necessitated invalidation of the written confessions. *Beecher v. Alabama*, p. 234.
- CONFIDENTIAL INFORMANTS.** See Constitutional Law, III, 8; Grand Juries, 4.
- CONFRONTATION.** See Constitutional Law, I, 1-2, 4; Paroles, 1-3.
- CONFRONTATION CLAUSE.** See Constitutional Law, VI; Mootness; Witnesses.
- CONGRESSIONAL AIDES.** See Appeals, 2-3; Constitutional Law, VII, 2-6; Grand Juries, 2-3, 5.
- CONGRESSMEN.** See Appeals, 1; Constitutional Law, VII, 1; Jurisdiction.
- CONNECTICUT.** See Constitutional Law, III, 2, 4; IV, 2.

CONSTITUTIONAL LAW. See also **Appeals**, 1-3; **Confessions**; **Criminal Law**, 1-4; **Evidence**, 1-3; **Grand Juries**, 1-5; **Immigration and Nationality Act**; **Judicial Review**, 1; **Jurisdiction**; **Justiciability**; **Mootness**; **Paroles**, 1-3; **Procedure**, 1-3; **Witnesses**.

I. Due Process.

1. *Arrest for parole violation—Revocation of parole.*—Though parole revocation does not call for the full panoply of rights due a defendant in a criminal proceeding, a parolee's liberty involves significant values within the protection of the Due Process Clause of the Fourteenth Amendment, and termination of that liberty requires an informal hearing to give assurance that the finding of a parole violation is based on verified facts to support the revocation. *Morrissey v. Brewer*, p. 471.

2. *Determination whether parole condition was violated.*—Due process requires a reasonably prompt informal inquiry conducted by an impartial hearing officer near the place of the alleged parole violation to determine if there is reasonable ground to believe that the arrested parolee has violated a parole condition. The parolee should receive prior notice of the inquiry, its purpose, and the alleged violations. The parolee may present relevant information and (absent security considerations) question adverse informants. The hearing officer shall digest the evidence on probable cause and state the reasons for holding the parolee for the parole board's decision. *Morrissey v. Brewer*, p. 471.

3. *Other shotgun improperly admitted into evidence—Claim not raised below.*—Petitioner's due process claim as to the shotgun was not previously raised and therefore is not properly before this Court, and in any event the introduction of the shotgun does not constitute federally reversible error. *Moore v. Illinois*, p. 786.

4. *Parolee arrested for parole violation—Hearing on proposed revocation of parole.*—At the revocation hearing, which must be conducted reasonably soon after the parolee's arrest, minimum due process requirements are: (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole. *Morrissey v. Brewer*, p. 471.

CONSTITUTIONAL LAW—Continued.

5. *Teacher hired for one academic year—Not rehired for ensuing year—No prior hearing.*—The Fourteenth Amendment does not require opportunity for a hearing prior to the nonrenewal of a non-tenured state teacher's contract, unless he can show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, despite the lack of tenure or a formal contract. Here the nonretention of respondent, absent any charges against him or stigma or disability foreclosing other employment, is not tantamount to a deprivation of "liberty," and the terms of his employment accorded him no "property" interest protected by procedural due process. *Board of Regents v. Roth*, p. 564.

II. Eighth Amendment.

1. *Conviction for murder—Death penalty imposed by jury.*—The sentence of death may not be imposed on petitioner. *Moore v. Illinois*, p. 786.

2. *Fourteenth Amendment—Death sentences imposed for rapes and murder.*—The imposition and carrying out of the death penalty in these cases constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The judgment in each case is therefore reversed insofar as it leaves undisturbed the death sentence imposed, and the cases are remanded for further proceedings. *Furman v. Georgia*, p. 238; *Stewart v. Massachusetts*, p. 845.

III. First Amendment.

1. *Alien journalist—Marxist scholar invited to participate in academic conferences—Attorney General refused waiver of ineligibility.*—In the exercise of Congress' plenary power to exclude aliens or prescribe the conditions for their entry into this country, Congress in § 212 (a) (28) of the Immigration and Nationality Act of 1952 has delegated conditional exercise of this power to the Executive Branch. When, as in this case, the Attorney General decides for a legitimate and bona fide reason not to waive the statutory exclusion of an alien, courts will not look behind his decision or weigh it against the First Amendment interests of those who would personally communicate with the alien. *Kleindienst v. Mandel*, p. 753.

2. *Freedom of association—Assumed relationship with the National Students for a Democratic Society.*—Insofar as the college's denial of recognition to petitioners' group was based on an assumed relationship with the National SDS, or was a result of disagreement with the group's philosophy, or was a consequence of a fear of disruption, for which there was no support in the record, the college's

CONSTITUTIONAL LAW—Continued.

decision violated the petitioners' First Amendment rights. *Healy v. James*, p. 169.

3. *Freedom of association—Civil disorders—Army's compilation of data on civilian political activities.*—Civilians' claim that their First Amendment rights are chilled, due to the mere existence of the data-gathering system, does not constitute a justiciable controversy on the basis of the record in this case, disclosing as it does no showing of objective harm or threat of specific future harm. *Laird v. Tatum*, p. 1.

4. *Freedom of association—Leftist students organizing as Students for a Democratic Society—Denial of recognition as campus organization.*—Lower courts erred in (1) discounting the cognizable First Amendment associational interest that petitioners had in furthering their personal beliefs, and (2) assuming that the burden was on petitioners to show entitlement to recognition by the college rather than on the college to justify its nonrecognition of the group, once petitioners had made application conformably to college requirements. *Healy v. James*, p. 169.

5. *Freedom of expression—Peaceful picketing near school in violation of city ordinance.*—City ordinance prohibiting all picketing within 150 feet of a school, except peaceful picketing of any school involved in a labor dispute, is violative of the Equal Protection Clause of the Fourteenth Amendment since it makes an impermissible distinction between peaceful labor picketing and other peaceful picketing. *Police Department of Chicago v. Mosley*, p. 92; *Grayned v. City of Rockford*, p. 104.

6. *Freedom of speech—Antinoise ordinance—Mass demonstration while school is in session.*—Antinoise ordinance prohibiting a person while on grounds adjacent to a building in which a school is in session from willfully making a noise or diversion that disturbs or tends to disturb the peace or good order of the school session is not unconstitutionally vague since, with fair warning, it prohibits only actual or imminent, and willful, interference with normal school activity, and is not a broad invitation to discriminatory enforcement; nor is the ordinance overbroad as unduly interfering with First Amendment rights since expressive activity is prohibited only if it "materially disrupts classwork." *Grayned v. City of Rockford*, p. 104.

7. *Freedom of the press—Obscenity statute—Underground newspaper's publication of pictures of nudes and a sex poem.*—In the context in which they appeared, the photographs were rationally re-

CONSTITUTIONAL LAW—Continued.

lated to a news article, in conjunction with which they appeared, and were entitled to First and Fourteenth Amendment protection. In view of the poem's content and placement with other poems inside the newspaper, its dominant theme cannot be said to appeal to prurient interest. *Kois v. Wisconsin*, p. 229.

8. *Newspaper reporters—Grand jury subpoenas—Protection of confidential sources.*—The First Amendment does not relieve a newspaper reporter of the obligation that all citizens have to respond to a grand jury subpoena and answer questions relevant to a criminal investigation, and therefore the Amendment does not afford him a constitutional testimonial privilege for an agreement he makes to conceal facts relevant to a grand jury's investigation of a crime or to conceal the criminal conduct of his source or evidence thereof. *Branzburg v. Hayes*, p. 665.

9. *Professor's public statements critical of administration—One-year employment contract not renewed.*—Lack of a contractual or tenure right to re-employment, taken alone, did not defeat respondent's claim that the nonrenewal of his contract violated his free speech right under the First and Fourteenth Amendments. The District Court erred in foreclosing determination of the contested issue whether the decision not to renew was based on respondent's exercise of his right of free speech. *Perry v. Sindermann*, p. 593.

IV. Fourteenth Amendment.

1. *Due process—Wounded prisoner in extreme pain, under the influence of morphine—Oral confession to hospital doctor.*—Petitioner's oral confession was invalid, having been the product of gross coercion and part of the same "stream of events" that necessitated invalidation of the written confessions. *Beecher v. Alabama*, p. 234.

2. *Procedural due process—Proper basis for nonrecognition.*—Proper basis for nonrecognition of local chapter of SDS might have been afforded by a showing that the petitioners' group refused to comply with a rule requiring them to abide by reasonable campus regulations. Since the record is not clear whether the college has such a rule and, if so, whether petitioners intend to observe it, these issues remain to be resolved. *Healy v. James*, p. 169.

V. Fourth Amendment.

Warrant authorizing search for, and seizure of, stolen whiskey—Searched premises owned by petitioner's father—Petitioner not present.—Since the Government now suggests that the warrant was invalid, and since the record is inadequate for a determination of

CONSTITUTIONAL LAW—Continued.

whether petitioner had an interest in the searched premises that would afford him standing under *Mancusi v. DeForte*, 392 U. S. 364, to challenge the legality of the search, the judgment of the Court of Appeals is vacated and the case remanded for further proceedings. *Combs v. United States*, p. 224.

VI. Sixth Amendment.

State's witness moved permanently to foreign country.—Where a State's witness is bona fide unavailable, the requirements of the Confrontation Clause are met when prior-recorded testimony of the witness is admitted in second trial if that prior testimony bears "indicia of reliability" that would afford "the trier of fact a satisfactory basis for evaluating the truth of the prior statement." *Mancusi v. Stubbs*, p. 204.

VII. Speech or Debate Clause.

1. *Former United States Senator charged with solicitation and acceptance of bribes—Vote on pending legislation.*—Although the Speech or Debate Clause protects Members of Congress from inquiry into legislative acts or the motivation for performance of such acts, it does not protect all conduct relating to the legislative process. Since in this case prosecution of the bribery charges does not necessitate inquiry into legislative acts or motivation, the District Court erred in holding that the Speech or Debate Clause required dismissal of the indictment. *United States v. Brewster*, p. 501.

2. *Interrogation of Senator's aide—Scope of questioning.*—Aide may be questioned by the grand jury about the source of classified documents in the Senator's possession, as long as the questioning implicates no legislative act. The Court of Appeals' protective order in other respects would suffice if it forbade questioning the aide or others about the conduct or motives of the Senator or his aides at the subcommittee meeting; communications between the Senator and his aides relating to that meeting or any legislative act of the Senator; or steps of the Senator or his aides preparatory for the meeting, if not relevant to third-party crimes. *Gravel v. United States*, p. 606.

3. *Questioning Senator's aide—Protective order.*—The Court of Appeals' protective order was overly broad in enjoining interrogation of the aide with respect to any act, "in the broadest sense," that he performed within the scope of his employment, since the aide's immunity extended only to legislative acts as to which the Senator would be immune. *Gravel v. United States*, p. 606.

CONSTITUTIONAL LAW—Continued.

4. *Senate subcommittee meeting—Chairman's aide's preparations for meeting.*—The Speech or Debate Clause applies not only to a Member of Congress but also to his aide, insofar as the aide's conduct would be a protected legislative act if performed by the Member himself. *Gravel v. United States*, p. 606.

5. *Senate subcommittee meeting—Classified documents in public record—Grand jury investigating private republication.*—The Speech or Debate Clause does not extend immunity to the Senator's aide from testifying before the grand jury about the alleged arrangement for private publication of the Pentagon Papers, as such publication had no connection with the legislative process. *Gravel v. United States*, p. 606.

6. *Testimonial privilege.*—Senator's aide had no nonconstitutional testimonial privilege from being questioned by the grand jury in connection with its inquiry into whether private publication of the Pentagon Papers violated federal law. *Gravel v. United States*, p. 606.

CONTEMPT. See **Constitutional Law**, III, 8; **Grand Juries**, 1, 4.

CONTINGENCY PLANS. See **Constitutional Law**, III, 3; **Justiciability**.

CONTRACTS OF EMPLOYMENT. See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.

CONTROLLING STOCKHOLDERS. See **Taxes**, 1-3.

CONVICTIONS. See **Constitutional Law**, VI; **Mootness**; **Witnesses**.

CORPORATE DIRECTORS. See **Taxes**, 1-3.

CORPORATIONS. See **Taxes**, 1-3.

COUNSEL. See **Constitutional Law**, VI; **Mootness**; **Witnesses**.

COURT ORDERS. See **Constitutional Law**, III, 8; **Grand Juries**, 4.

CRIMINAL LAW. See also **Appeals**, 1-3; **Confessions**; **Constitutional Law**, I, 1-4; II, 1-2; III, 6-8; IV, 1; V; VI; VII, 1-6; **Evidence**, 1-3; **Grand Juries**, 1-5; **Mootness**; **Roles**, 1-3; **Procedure**, 1; **Witnesses**.

1. *Death sentences imposed for rapes and murder.*—The imposition and carrying out of the death penalty in these cases constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The judgment in each case is therefore reversed insofar as it leaves undisturbed the death sentence

CRIMINAL LAW—Continued.

imposed, and the cases are remanded for further proceedings. *Furman v. Georgia*, p. 238.

2. *Eighth Amendment—Conviction for murder—Death penalty imposed by jury.*—The sentence of death may not be imposed on petitioner. *Moore v. Illinois*, p. 786.

3. *Pretrial motion for disclosure—Criminal trial—Items of evidence helpful to the defense.*—The evidentiary items (other than a diagram) on which petitioner bases his suppression claim relate to a witness' misidentification of petitioner as "Slick" and not to the identification, by that witness and others, of petitioner as the person who made the incriminating statements. These evidentiary items are not material under the standard of *Brady v. Maryland*, 373 U. S. 830. *Moore v. Illinois*, p. 786.

4. *Pretrial motion for disclosure—Murder trial—Item of evidence helpful to the defense.*—A diagram showing the positions of customers at a bar where a shotgun slaying occurred does not support petitioner's contention that the State knowingly permitted false testimony to remain uncorrected, in violation of *Napue v. Illinois*, 360 U. S. 264, since the diagram does not show that it was impossible for a prosecution witness to see the shooting. *Moore v. Illinois*, p. 786.

CRITICISM OF SCHOOL ADMINISTRATION. See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.

CROSS-EXAMINATIONS. See **Constitutional Law**, I, 1-2, 4; VI; **Mootness**; **Paroles**, 1-3; **Witnesses**.

CRUEL AND UNUSUAL PUNISHMENT. See **Constitutional Law**, II, 1-2; **Criminal Law**, 1.

CUSTODY. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

DATA-GATHERING SYSTEMS. See **Constitutional Law**, III, 3; **Justiciability**.

DEATH PENALTY. See **Constitutional Law**, II, 2; **Criminal Law**, 1.

DEATH SENTENCES. See **Constitutional Law**, II, 2; **Criminal Law**, 1.

DECEDENTS' ESTATES. See **Taxes**, 1-3.

DE FACTO TENURE PROGRAMS. See **Constitutional Law**, III, 9; **Procedure**, 2.

DEFENSE DEPARTMENT. See **Appeals**, 2-3; **Constitutional Law**, III, 3; VII, 2-6; **Grand Juries**, 2-3, 5; **Justiciability**.

- DEFENSES.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Grand Juries**, 1; **Procedure**, 1.
- DEMONSTRATIONS.** See **Constitutional Law**, III, 5-6.
- DENIAL OF RECOGNITION.** See **Constitutional Law**, III, 2, 4; IV, 2.
- DETERRENT TO CAPITAL CRIMES.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- DETROIT.** See **Constitutional Law**, III, 3; **Justiciability**.
- DIRECT APPEALS.** See **Appeals**, 1; **Constitutional Law**, VII, 1.
- DISCLOSURE OF EVIDENCE.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- DISCRETIONARY AUTHORITY.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- DISCRETION OF JUDGE OR JURY.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- DISCRIMINATORY PENALTIES.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- DISMISSAL OF TEACHERS.** See **Constitutional Law**, I, 5; **Procedure**, 3.
- DISORDERLY CONDUCT.** See **Constitutional Law**, III, 6.
- DISORDERS.** See **Constitutional Law**, III, 3; **Justiciability**.
- DISRUPTION OF SCHOOLS.** See **Constitutional Law**, III, 5-6.
- DIVIDEND POLICY.** See **Taxes**, 1-3.
- DOMESTIC VIOLENCE.** See **Constitutional Law**, III, 3; **Justiciability**.
- DRUGS.** See **Confessions**; **Constitutional Law**, III, 8; IV, 2; **Grand Juries**, 4.
- DUE PROCESS.** See **Constitutional Law**, I, 1-5; II, 1-2; III, 6, 9; **Criminal Law**, 1-4; **Evidence**, 1-2; **Paroles**, 1-3; **Procedure**, 1-3.
- DUTY TO DISCLOSE EVIDENCE.** See **Constitutional Law**, I, 2; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- ECONOMIC EFFECTS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- EIGHTH AMENDMENT.** See **Constitutional Law**, I, 3; II, 1-2; **Criminal Law**, 1-4; **Evidence**, 1-2; **Procedure**, 1.

- ELECTRONIC SURVEILLANCE.** See **Grand Juries**, 1.
- EMPLOYER AND EMPLOYEES.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- ENTRY OF ALIENS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- EQUAL PROTECTION OF THE LAWS.** See **Constitutional Law**, II, 2; III, 5-6; **Criminal Law**, 1.
- ESTATES AND TRUSTS.** See **Taxes**, 1-3.
- EVIDENCE.** See also **Administrative Procedure**, 1-5; **Constitutional Law**, I, 1-4; II, 1; V; **Criminal Law**, 2-4; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6; **Mootness**; **Paroles**, 1-3; **Procedure**, 1; **Witnesses**.
1. *Pretrial motion for disclosure—Criminal trial—Items of evidence helpful to the defense.*—The evidentiary items (other than a diagram) on which petitioner bases his suppression claim relate to a witness' misidentification of petitioner as "Slick" and not to the identification, by that witness and others, of petitioner as the person who made the incriminating statements. These evidentiary items are not material under the standard of *Brady v. Maryland*, 373 U. S. 830. *Moore v. Illinois*, p. 786.
 2. *Pretrial motion for disclosure—Murder trial—Item of evidence helpful to the defense.*—A diagram showing the positions of customers at a bar where a shotgun slaying occurred does not support petitioner's contention that the State knowingly permitted false testimony to remain uncorrected, in violation of *Napue v. Illinois*, 360 U. S. 264, since the diagram does not show that it was impossible for a prosecution witness to see the shooting. *Moore v. Illinois*, p. 786.
 3. *Warrant authorizing search for, and seizure of, stolen whiskey—Searched premises owned by petitioner's father—Petitioner not present.*—Since the Government now suggests that the warrant was invalid, and since the record is inadequate for a determination of whether petitioner had an interest in the searched premises that would afford him standing under *Mancusi v. DeForte*, 392 U. S. 364, to challenge the legality of the search, the judgment of the Court of Appeals is vacated and the case remanded for further proceedings. *Combs v. United States*, p. 224.
- EXCLUSION OF ALIENS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- EXCULPATORY EVIDENCE.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

- EXECUTIONS.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- EXECUTIVE DISCRETIONARY AUTHORITY.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- "EXPECTANCY" OF RE-EMPLOYMENT.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- EYEWITNESSES.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- FACULTY MEMBERS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- FAIR TRIALS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- FALSE EVIDENCE.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- FALSE TESTIMONY.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- FAMILY CORPORATIONS.** See **Taxes**, 1-3.
- FEDERAL CRIMES.** See **Appeals**, 1-3; **Constitutional Law**, III, 8; V; VII, 1-6; **Evidence**, 3; **Grand Juries**, 1-5; **Jurisdiction**.
- FEDERAL ESTATE TAXES.** See **Taxes**, 1-3.
- FEDERAL GRAND JURIES.** See **Grand Juries**, 1.
- FEDERAL-STATE RELATIONS.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- FIFTH AMENDMENT.** See **Grand Juries**, 1.
- FIRST AMENDMENT.** See **Constitutional Law**, III, 1-9; IV, 2; **Grand Juries**, 4; **Immigration and Nationality Act**; **Judicial Review**, 1; **Justiciability**; **Procedure**, 1-2.
- FOREIGN WITNESSES.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- FORT HOLABIRD.** See **Constitutional Law**, III, 3; **Justiciability**.
- FOURTEENTH AMENDMENT.** See **Confessions**; **Constitutional Law**, I, 1-5; II, 1-2; III, 2, 4-7, 9; IV, 1-2; **Criminal Law**, 1-4; **Evidence**, 1-2; **Paroles**, 1-3; **Procedure**, 1-3.
- FOURTH AMENDMENT.** See **Constitutional Law**, V; **Evidence**, 3.
- FREEDOM OF ASSOCIATION.** See **Constitutional Law**, III, 1-2, 4; IV, 2; **Immigration and Nationality Act**; **Judicial Review**, 1.

- FREEDOM OF EXPRESSION.** See **Constitutional Law**, III, 2, 4-6; IV, 2.
- FREEDOM OF SPEECH.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- FREEDOM OF THE PRESS.** See **Constitutional Law**, III, 7-8; **Grand Juries**, 4.
- FREIGHT CARS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- GENERAL IMMUNITY FROM CRIMINAL LAWS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- GEORGIA.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- GIFTS.** See **Taxes**, 1-3.
- GOOD-FAITH EFFORTS.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- GOVERNMENT BENEFITS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- GRAND JURIES.** See also **Appeals**, 2-3; **Constitutional Law**, III, 8; VII, 2-6.

1. *Grand jury investigation—Refusal to testify—Questions based on information from intercepted conversations.*—Where a grand jury witness is adjudicated in civil contempt under 28 U. S. C. § 1826 (a) for refusing “without just cause shown to comply with an order of the court to testify,” the witness may invoke as a defense 18 U. S. C. § 2515, which directs that “[w]henver any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any . . . proceeding in or before any . . . grand jury . . .,” since a showing that the interrogation would be based upon the illegal interception would constitute the “just cause” that precludes a finding of contempt. *Gelbard v. United States*, p. 41.

2. *Interrogation of Senator's aide—Scope of questioning.*—Aide may be questioned by the grand jury about the source of classified documents in the Senator's possession, as long as the questioning implicates no legislative act. The Court of Appeals' protective order in other respects would suffice if it forbade questioning the aide or others about the conduct or motives of the Senator or his aides at the subcommittee meeting; communications between the Senator and his aides relating to that meeting or any legislative act of the Senator; or steps of the Senator or his aides preparatory

GRAND JURIES—Continued.

for the meeting, if not relevant to third-party crimes. *Gravel v. United States*, p. 606.

3. *Investigation—Testimonial privilege*.—Senator's aide had no nonconstitutional testimonial privilege from being questioned by the grand jury in connection with its inquiry into whether private publication of the Pentagon Papers violated federal law. *Gravel v. United States*, p. 606.

4. *Newspaper reporters—Grand jury subpoenas—Protection of confidential sources*.—The First Amendment does not relieve a newspaper reporter of the obligation that all citizens have to respond to a grand jury subpoena and answer questions relevant to a criminal investigation, and therefore the Amendment does not afford him a constitutional testimonial privilege for an agreement he makes to conceal facts relevant to a grand jury's investigation of a crime or to conceal the criminal conduct of his source or evidence thereof. *Branzburg v. Hayes*, p. 665.

5. *Senate subcommittee meeting—Classified documents in public record—Grand jury investigating private republication*.—The Speech or Debate Clause does not extend immunity to the Senator's aide from testifying before the grand jury about the alleged arrangement for private publication of the Pentagon Papers, as such publication had no connection with the legislative process. *Gravel v. United States*, p. 606.

GROSS COERCION. See **Confessions; Constitutional Law**, IV, 1.

GROSS ESTATES. See **Taxes**, 1-3.

HABEAS CORPUS. See **Constitutional Law**, VI; **Mootness; Witnesses**.

HARMLESS ERROR. See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

HARRISBURG. See **Grand Juries**, 1.

HARSH PENALTIES. See **Constitutional Law**, II, 2; **Criminal Law**, 1.

HASHISH. See **Constitutional Law**, III, 8; **Grand Juries**, 4.

HEARINGS. See **Constitutional Law**, I, 1-2, 4-5; III, 9; **Paroles**, 1-3; **Procedure**, 2-3.

HIGH SCHOOLS. See **Constitutional Law**, III, 5-6.

HOSPITAL AUTHORITIES. See **Confessions; Constitutional Law**, IV, 1.

IDENTIFICATION OF SOURCES. See **Constitutional Law**, III, 8; **Grand Juries**, 4.

IDENTIFICATIONS. See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

ILLINOIS. See **Constitutional Law**, I, 3; II, 1; III, 5-6; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

IMMIGRATION AND NATIONALITY ACT. See also **Constitutional Law**, III, 1; **Judicial Review**, 1.

Alien journalist—Marxist scholar invited to participate in academic conferences—Attorney General refused waiver of ineligibility.—In the exercise of Congress' plenary power to exclude aliens or prescribe the conditions for their entry into this country, Congress in § 212 (a)(28) of the Immigration and Nationality Act of 1952 has delegated conditional exercise of this power to the Executive Branch. When, as in this case, the Attorney General decides for a legitimate and bona fide reason not to waive the statutory exclusion of an alien, courts will not look behind his decision or weigh it against the First Amendment interests of those who would personally communicate with the alien. *Kleindienst v. Mandel*, p. 753.

IMMUNITY FROM PROSECUTION. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

IMMUNITY FROM TESTIFYING. See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

IMPARTIAL HEARING OFFICERS. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

IMPEACHMENT OF IDENTIFICATION. See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

INCLUSION IN GROSS ESTATE. See **Taxes**, 1-3.

INCLUSION PETITIONS. See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

INCOME FROM TRUST. See **Taxes**, 1-3.

INCRIMINATING STATEMENTS. See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

INDEPENDENCE OF LEGISLATURE. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

INDICIA OF RELIABILITY. See **Constitutional Law**, VI; **Mootness**; **Witnesses**.

- INDICTMENTS.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- INELIGIBILITY FOR ADMISSION.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- INFLAMMATORY EVIDENCE.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- INFORMAL INQUIRIES.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- INHIBITING EFFECT.** See **Constitutional Law**, III, 3; **Justiciability**.
- INSUBORDINATION.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- INSURRECTIONS.** See **Constitutional Law**, III, 3; **Justiciability**.
- INTELLIGENCE AGENCIES.** See **Constitutional Law**, III, 3; **Justiciability**.
- INTERCEPTED CONVERSATIONS.** See **Grand Juries**, 1.
- INTERCHANGE TRACKS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- INTEREST IN "LIBERTY."** See **Constitutional Law**, I, 5; **Procedure**, 3.
- INTERNAL REVENUE CODE.** See **Taxes**, 1-3.
- INTERROGATIONS.** See **Grand Juries**, 1.
- INTERSTATE COMMERCE COMMISSION.** See also **Administrative Procedure**, 1-5; **Judicial Review**, 2-6.

1. *Line-haul carriers jointly acquiring control of switching railroad—Related application for trackage rights by one petitioner for inclusion.*—The denial of trackage rights to Southern Pacific (on the ground that SP was "not entitled to serve Peninsula or Rivergate") should be reconsidered by the ICC, in conjunction with the reappraisal of the issues arising under § 5 (2) of the Interstate Commerce Act. *Port of Portland v. United States*, p. 811.

2. *Line-haul carriers petitioning for inclusion in control of switching railroad—ICC decision—Applicable legal principles.*—In view of uncertainties about the northern access to Portland's Rivergate industrial complex—given the physical limitations of the present facilities of Peninsula Terminal Co.—and the apparent fact that physical operation over Peninsula into Rivergate was not at issue here, approval of the ICC order, with its protective con-

INTERSTATE COMMERCE COMMISSION—Continued.

ditions, may still be in the public interest, but the announced grounds for the ICC decision do not comport with the applicable legal principles. Port of Portland v. United States, p. 811.

3. *Line-haul carriers petitioning for inclusion in joint purchase of switching railroad—Market shares and existing traffic.*—In stressing the small share in Peninsula Terminal Co.'s traffic that Milwaukee Railroad had before the Northern Lines Merger, the ICC ignored any possible increase in that share after Condition 24 (a) of that merger took effect. In announcing a principle of preserving the market shares of the two railroads currently connecting with Peninsula, the ICC failed to explain why it was not taking into account the potentially enormous traffic over Peninsula, should Peninsula become the northern route into Portland's Rivergate industrial complex. Port of Portland v. United States, p. 811.

4. *Line-haul carriers seeking joint acquisition of switching railroad—Petitions for inclusion denied by ICC.*—On the record in this case (which is ambiguous with regard to many factual and procedural issues) it has not been shown that the ICC's order authorizing Union Pacific and Burlington Northern alone to acquire control of the Peninsula Terminal Co. met the "public interest" standard of § 5 (2) of the Interstate Commerce Act. Port of Portland v. United States, p. 811.

5. *Petitions for inclusion—Shifting market shares—Anticompetitive effects.*—The ICC's denial of inclusion of the Southern Pacific Transportation Co. and the Milwaukee Railroad because their gain would work a corresponding loss to Burlington Northern and Union Pacific is not a proper approach under § 5 (2) of the Interstate Commerce Act, given the principle that the anticompetitive effects of any § 5 (2) transaction must be explicitly considered. Port of Portland v. United States, p. 811.

INTERSTATE SHIPMENTS. See **Constitutional Law**, V; **Evidence**, 3.

INTER VIVOS TRUSTS. See **Taxes**, 1-3.

INVALIDITY OF STATUTES. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

INVASION OF PRIVACY. See **Grand Juries**, 1.

INVESTIGATIONS. See **Appeals**, 2-3; **Constitutional Law**, III, 8; VII, 2-6; **Grand Juries**, 2-5.

INVESTIGATIVE AGENCIES. See **Constitutional Law**, III, 3; **Justiciability**.

INVOCATION OF THE PRIVILEGE. See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

IOWA. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

IRRELEVANT EVIDENCE. See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 2-3; **Procedure**, 1.

IRREVOCABLE TRUSTS. See **Taxes**, 1-3.

JOB SECURITY. See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.

JOINT ACQUISITIONS. See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

JUDGMENTS. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

JUDICIAL OFFICERS. See **Constitutional Law**, III, 1-2, 4; **Paroles**, 1-3.

JUDICIAL REVIEW. See also **Administrative Procedure**, 1-5; **Appeals**, 2-3; **Constitutional Law**, III, 1, 3; V; VII, 2-6; **Evidence**, 3; **Immigration and Nationality Act**; **Interstate Commerce Commission**, 1-5; **Justiciability**.

1. *Alien journalist—Marxist scholar invited to participate in academic conferences—Attorney General refused waiver of ineligibility.*—In the exercise of Congress' plenary power to exclude aliens or prescribe the conditions for their entry into this country, Congress in § 212 (a) (28) of the Immigration and Nationality Act of 1952 has delegated conditional exercise of this power to the Executive Branch. When, as in this case, the Attorney General decides for a legitimate and bona fide reason not to waive the statutory exclusion of an alien, courts will not look behind his decision or weigh it against the First Amendment interests of those who would personally communicate with the alien. *Kleindienst v. Mandel*, p. 753.

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JUDICIAL REVIEW—Continued.

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JUNIOR COLLEGE PROFESSORS. See **Constitutional Law**, III, 9; **Procedure**, 2.

JURISDICTION. See also **Appeals**, 1; **Constitutional Law**, VII, 1.

District Court "decision or judgment setting aside, or dismissing" the indictment—Direct appeal.—This Court has jurisdiction under 18 U. S. C. § 3731 (1964 ed., Supp. V) to hear the appeal, since the District Court's order was based upon its determination of the constitutional invalidity of 18 U. S. C. §§ 201 (c)(1) and 201 (g) on the facts as alleged in the indictment. *United States v. Brewster*, p. 501.

"JUST CAUSE" SHOWN. See **Grand Juries**, 1.

JUSTICIABILITY. See also **Constitutional Law**, III, 3.

First Amendment—Freedom of association—Civil disorders—Army's compilation of data on civilian political activities.—Civilians' claim that their First Amendment rights are chilled, due to the mere existence of the data-gathering system, does not constitute a justiciable controversy on the basis of the record in this case, disclosing as it does no showing of objective harm or threat of specific future harm. *Laird v. Tatum*, p. 1.

KALEIDOSCOPE. See **Constitutional Law**, III, 7.

KENTUCKY. See **Constitutional Law**, III, 8; **Grand Juries**, 4.

KIDNAPING. See **Grand Juries**, 1.

LABOR DISPUTES. See **Constitutional Law**, III, 5-6.

LAS VEGAS. See **Grand Juries**, 1.

LAWFUL POLITICAL ACTIVITY. See **Constitutional Law**, III, 3; **Justiciability**.

LEFT-WING STUDENTS. See **Constitutional Law**, III, 2, 4; IV, 2.

LEGAL CONSTRAINTS. See **Taxes**, 1-3.

LEGALITY OF SEARCH. See **Constitutional Law**, V; **Evidence**, 3.

LEGAL STANDARDS. See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

LEGISLATIVE ACTS. See **Appeals**, 1-3; **Constitutional Law**, VII, 1-6; **Grand Juries**, 2-3, 5; **Jurisdiction**.

LEGISLATIVE INDEPENDENCE. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

LIBERTY OF PAROLEES. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

- LINE-HAUL CARRIERS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- LOCAL CHAPTERS.** See **Constitutional Law**, III, 7.
- LOUISVILLE.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- MANAGEMENT POWERS.** See **Taxes**, 1-3.
- MANDATORY SENTENCES.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- MARIHUANA.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- MARKET SHARES.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- MARXIST THEORETICIAN.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- MASSACHUSETTS.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- MATERIALITY.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- MEMBERS OF CONGRESS.** See **Appeals**, 1-3; **Constitutional Law**, VII, 1-6; **Grand Juries**, 2-3, 5; **Jurisdiction**.
- MERGERS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- MILWAUKEE RAILROAD.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- MINORITY STOCKHOLDERS.** See **Taxes**, 1-3.
- MISCONDUCT OF MEMBERS.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- MISTAKEN IDENTITY.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- MOOTNESS.** See also **Constitutional Law**, VI; **Witnesses**.
Second-offender sentence in New York based on previous Tennessee felony conviction—Tennessee conviction allegedly unconstitutional—Previous Texas conviction still on appeal.—New York State's resentencing of respondent did not moot the instant case since his appeal involving the validity of still another conviction, in Texas, is still in the New York state courts and therefore New York State has a present interest in the availability of the Tennessee conviction as a predicate for the stiffer punishment. Mancusi v. Stubbs, p. 204.
- MORPHINE.** See **Confessions**; **Constitutional Law**, IV, 1.

- MOTION FOR DISCLOSURE.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- MOTIONS TO SUPPRESS.** See **Constitutional Law**, V; **Evidence**, 3.
- MOTION TO QUASH SUBPOENA.** See **Appeals**, 2-3; **Constitutional Law**, III, 8; VII, 2-6; **Grand Juries**, 2-5.
- MOTIVATION FOR LEGISLATIVE ACTS.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- MOTIVES OF SENATORS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- MUNICIPALITIES.** See **Constitutional Law**, III, 5-6.
- MURDER.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- MURDER WEAPONS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- NATIONAL SDS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- NEGRO STUDENTS.** See **Constitutional Law**, III, 5-6.
- 'NEUTRAL AND DETACHED' HEARING BODY.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- NEVADA.** See **Grand Juries**, 1.
- NEW BEDFORD.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- NEWS ARTICLES.** See **Constitutional Law**, III, 7.
- NEWSMAN'S PRIVILEGE.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- NEWSPAPER REPORTERS.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- NEW YORK.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- NEW YORK TIMES.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- NONIMMIGRATION VISAS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- NONRECOGNITION OF STUDENT ORGANIZATIONS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- NONRETENTION.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- NONTENURED TEACHERS.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.

- NORTHERN LINES MERGER.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- NOTICE.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- OBJECTIVE HARM.** See **Constitutional Law**, III, 3; **Justiciability**.
- OBSCENITY.** See **Constitutional Law**, III, 7.
- ODESSA JUNIOR COLLEGE.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- OFFICIAL ACTS.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.** See **Grand Juries**, 1.
- ONE-YEAR CONTRACTS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- OPPORTUNITY TO BE HEARD.** See **Constitutional Law**, I, 1-2; 4; **Paroles**, 1-3.
- ORAL CONFESSIONS.** See **Confessions**; **Constitutional Law**, IV, 1.
- ORDINANCES.** See **Constitutional Law**, III, 5-6.
- OREGON.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- ORGANIZED CRIME CONTROL ACT.** See **Grand Juries**.
- OVERBREADTH.** See **Constitutional Law**, III, 3, 5-6; **Justiciability**.
- PAROLES.** See also **Constitutional Law**, I, 1-2, 4.

1. *Arrest for parole violation—Revocation of parole.*—Though parole revocation does not call for the full panoply of rights due a defendant in a criminal proceeding, a parolee's liberty involves significant values within the protection of the Due Process Clause of the Fourteenth Amendment, and termination of that liberty requires an informal hearing to give assurance that the finding of a parole violation is based on verified facts to support the revocation. *Morrissey v. Brewer*, p. 471.

2. *Determination whether parole condition was violated.*—Due process requires a reasonably prompt informal inquiry conducted by an impartial hearing officer near the place of the alleged parole violation to determine if there is reasonable ground to believe that

PAROLES—Continued.

the arrested parolee has violated a parole condition. The parolee should receive prior notice of the inquiry, its purpose, and the alleged violations. The parolee may present relevant information and (absent security considerations) question adverse informants. The hearing officer shall digest the evidence on probable cause and state the reasons for holding the parolee for the parole board's decision. *Morrissey v. Brewer*, p. 471.

3. *Parolee arrested for parole violation—Hearing on proposed revocation of parole.*—At the revocation hearing, which must be conducted reasonably soon after the parolee's arrest, minimum due process requirements are: (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole. *Morrissey v. Brewer*, p. 471.

PEACEFUL PICKETING. See **Constitutional Law**, III, 5-6.

PENALTIES. See **Constitutional Law**, II, 2; **Criminal Law**, 1.

PENINSULA TERMINAL CO. See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

PENITENTIARIES. See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.

PENNSYLVANIA. See **Grand Juries**, 1.

PENTAGON PAPERS. See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

PERFORMANCE OF OFFICIAL ACTS. See **Appeals**, 1; **Constitutional Law**, VII, 1.

PERSONAL-ENTRY RIGHT. See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.

PETITIONS FOR INCLUSION. See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

PHOTOGRAPHS. See **Constitutional Law**, III, 7.

- PICKETING.** See **Constitutional Law**, III, 5-6.
- PICTURES.** See **Constitutional Law**, III, 7.
- POETRY.** See **Constitutional Law**, III, 7.
- POLICE INVESTIGATIONS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- POLICE OFFICERS.** See **Confessions**; **Constitutional Law**, I, 1-2, 4; IV, 1; **Paroles**, 1-3.
- POLITICAL ACTIVITIES.** See **Appeals**, 1; **Constitutional Law**, III, 3; VII, 1; **Jurisdiction**; **Justiciability**.
- PORTLAND.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- PORTRAYALS OF SEX.** See **Constitutional Law**, III, 7.
- POSSESSORY CLAIMS.** See **Constitutional Law**, V; **Evidence**, 3.
- POSTAGE RATE LEGISLATION.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- POST-CONVICTION RELIEF.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- PRELIMINARY HEARINGS.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- PREPARATIONS FOR COMMITTEE MEETINGS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- PRETRIAL STATEMENTS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- PRETRIAL SUPPRESSION HEARINGS.** See **Constitutional Law**, V; **Evidence**, 3.
- PRIOR HEARINGS.** See **Constitutional Law**, I, 5; **Procedure**, 3.
- PRIOR RESTRAINTS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- PRIOR TESTIMONY.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- PRISONERS.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- PRISON HOSPITALS.** See **Confessions**; **Constitutional Law**, IV, 1.
- PRIVACY OF COMMUNICATIONS.** See **Grand Juries**, 1.
- PRIVATE PUBLICATION.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.

PRIVILEGE. See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.

PROBABLE CAUSE. See **Constitutional Law**, V; **Evidence**, 3.

PROBATIONARY PERIODS. See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.

PROCEDURAL DUE PROCESS. See **Constitutional Law**, I, 3; II, 1; III, 2, 4, 9; IV, 2; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1-3.

PROCEDURE. See also **Administrative Procedure**, 1-5; **Confessions**; **Constitutional Law**, I, 1-5; II, 1; III, 3, 9; IV, 1; V; **Criminal Law**, 2-4; **Evidence**, 1-3; **Grand Juries**, 1; **Interstate Commerce Commission**, 1-5; **Justiciability**; **Judicial Review**, 2-6; **Paroles**, 1-3.

1. *Due process—Other shotgun improperly admitted into evidence—Claim not raised below.*—Petitioner's due process claim as to the shotgun was not previously raised and therefore is not properly before this Court, and in any event the introduction of the shotgun does not constitute federally reversible error. *Moore v. Illinois*, p. 786.

2. *Professor's one-year employment contract not renewed—College's de facto tenure policy.*—Though a subjective "expectancy" of tenure is not protected by procedural due process, respondent's allegation that the college had a *de facto* tenure policy, arising from rules and understandings officially promulgated and fostered, entitled him to an opportunity of proving the legitimacy of his claim to job tenure. Such proof would obligate the college to afford him a requested hearing where he could be informed of the grounds for his nonretention and challenge their sufficiency. *Perry v. Sindermann*, p. 593.

3. *Teacher hired for one academic year—Not rehired for ensuing year—No prior hearing.*—The Fourteenth Amendment does not require opportunity for a hearing prior to the nonrenewal of a nontenured state teacher's contract, unless he can show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, despite the lack of tenure or a formal contract. Here the nonretention of respondent, absent any charges against him or stigma or disability foreclosing other employment, is not tantamount to a deprivation of "liberty," and the terms of his employment accorded him no "property" interest protected by procedural due process. *Board of Regents v. Roth*, p. 564.

- PROFESSORS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- PROPRIETARY CLAIMS.** See **Constitutional Law**, V; **Evidence**, 3.
- PROSECUTORS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.
- PROTECTED INTERESTS.** See **Constitutional Law**, I, 5; **Procedure**, 3.
- PROTECTED LEGISLATIVE ACTS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- PROTECTION OF SOURCES.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- PROTECTIVE CONDITIONS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- PUBLICATION OF PENTAGON PAPERS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- PUBLIC INTEREST.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- PUBLIC OFFICIALS.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- PUBLIC RECORD.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- PUBLIC SCHOOLS.** See **Constitutional Law**, I, 5; III, 5-6, 9; **Procedure**, 2-3.
- PUBLIC STATEMENTS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- PUBLIC UTILITY COMMISSIONS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- PUBLISHERS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- PUNISHMENTS.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- QUALIFIED TESTIMONIAL PRIVILEGE.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- RAILROAD MERGERS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.

- RAPE.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- RATES.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- RE-EMPLOYMENT.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- REFUSAL TO TESTIFY.** See **Grand Juries**, 1.
- REGENTS.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- REHABILITATION.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- RELIEF.** See **Constitutional Law**, III, 2-4; IV, 2; **Justiciability**.
- REPORTER'S PRIVILEGE STATUTES.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- REPRISALS.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- REPUBLICATIONS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- RES JUDICATA.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- RETAINED CONTROL.** See **Taxes**, 1-3.
- RETALIATION.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- RETRIBUTION.** See **Constitutional Law**, II, 2; **Criminal Law**, 1.
- REVOCATION OF PAROLE.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- RIGHT OF FREE SPEECH.** See **Constitutional Law**, III, 9; **Procedure**, 2.
- RIGHT TO CONFRONT WITNESSES.** See **Constitutional Law**, I, 1-2, 4; VI; **Mootness**; **Paroles**, 1-3; **Witnesses**.
- RIGHT TO RECEIVE INFORMATION.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- RIGHT TO VOTE STOCK.** See **Taxes**, 1-3.
- RIVERGATE.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- ROCKFORD.** See **Constitutional Law**, III, 6.
- SALE OF STOCK.** See **Taxes**, 1-3.
- SCENE OF THE CRIME.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; **Procedure**, 1.

- SCHOOLS.** See **Constitutional Law**, I, 5; III, 2, 4-6, 9; IV, 2; Procedure, 2-3.
- SCOPE OF PRIVILEGE.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- SDS.** See **Constitutional Law**, III, 2, 4; IV, 2.
- SEARCH AND SEIZURE.** See **Constitutional Law**, V; **Evidence**, 3.
- SECOND-OFFENDER SENTENCES.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- "SECRET" DOCUMENTS.** See **Appeals**, 2-3; **Constitutional Law**; VII, 2-6; **Grand Juries**, 2-3, 5.
- SECURITIES.** See **Taxes**, 1-3.
- SELECTIVE EXCLUSIONS.** See **Constitutional Law**, III, 5-6.
- SELF-CENSORSHIP.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.
- SENATORS.** See **Appeals**, 1-3; **Constitutional Law**, VII, 1-6; **Grand Juries**, 2-3, 5; **Jurisdiction**.
- SENTENCES.** See **Constitutional Law**, I, 1-2, 4; II, 2; VI; **Criminal Law**, 1; **Mootness**; **Paroles**, 1-3; **Witnesses**.
- SEPARATION OF TEACHERS.** See **Constitutional Law**, I, 5; Procedure, 3.
- SERIOUS ART.** See **Constitutional Law**, III, 7.
- SETTLORS.** See **Taxes**, 1-3.
- SEX AND OBSCENITY.** See **Constitutional Law**, III, 7.
- SHARE OF MARKET.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- SHARES OF STOCK.** See **Taxes**, 1-3.
- SHIPPERS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- SHOTGUNS.** See **Constitutional Law**, I, 3; II, 1; **Criminal Law**, 2-4; **Evidence**, 1-2; Procedure, 1.
- SIXTH AMENDMENT.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- SMALL BUSINESSES.** See **Taxes**, 1-3.
- SOURCES OF INFORMATION.** See **Constitutional Law**, III, 8; **Grand Juries**, 4.

- SOUTHERN PACIFIC RAILROAD.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- SOUTHERN PACIFIC TRANSPORTATION CO.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- SOVEREIGNTY.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- SPECIFIC FUTURE HARM.** See **Constitutional Law**, III, 3; **Justiciability**.
- SPEECH OR DEBATE CLAUSE.** See **Appeals**, 1-3; **Constitutional Law**, VII, 1-6; **Grand Juries**, 2-3, 5; **Jurisdiction**.
- STAFF PERSONNEL.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- STANDING TO OBJECT.** See **Constitutional Law**, V; **Evidence**, 3.
- STATE DEPARTMENT.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- STATE POLICE.** See **Constitutional Law**, V; **Evidence**, 3.
- STATE PRISON AUTHORITIES.** See **Constitutional Law**, I, 1-2, 4; **Paroles**, 1-3.
- STATE-SUPPORTED COLLEGES.** See **Constitutional Law**, III, 2, 4; IV, 2.
- STATE UNIVERSITIES.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- STATUTORY EXCLUSION OF ALIENS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- STATUTORY INVALIDITY.** See **Appeals**, 1; **Constitutional Law**, VII, 1; **Jurisdiction**.
- STIFFER PUNISHMENTS.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- STOCKHOLDERS.** See **Taxes**, 1-3.
- STUDENT ACTIVITIES.** See **Constitutional Law**, III, 2, 4; IV, 2.
- STUDENTS FOR A DEMOCRATIC SOCIETY.** See **Constitutional Law**, III, 2, 4; IV, 2.

SUBCOMMITTEE MEETINGS. See Appeals, 2-3; Constitutional Law, VII, 2-6; Grand Juries, 2-3, 5.

SUBPOENAS. See Appeals, 2-3; Constitutional Law, III, 8; VII, 2-6; Grand Juries, 2-5.

SUMMARY JUDGMENTS. See Appeals, 1; Constitutional Law, I, 5; VII, 1; Jurisdiction; Procedure, 3.

SUPPRESSION MOTIONS. See Constitutional Law, V; Evidence, 3.

SUPPRESSION OF EVIDENCE. See Constitutional Law, I, 3; II, 1; Criminal Law, 2-4; Evidence, 1-2; Grand Juries, 1; Procedure, 1.

SURVEILLANCES. See Constitutional Law, III, 3; Justiciability.

SWEDEN. See Constitutional Law, VI; Mootness; Witnesses.

SWITCHING RAILROADS. See Administrative Procedure, 1-5; Interstate Commerce Commission, 1-5; Judicial Review, 2-6.

TAVERNS. See Constitutional Law, I, 3; II, 1; Criminal Law, 2-4; Evidence, 1-2; Procedure, 1.

TAXES.

1. *Irrevocable inter vivos trust—Retention of managerial powers—Inclusion of value of trust property in decedent's gross estate.*—Decedent did not retain the "right," within the meaning of § 2036 (a) (2) of the Internal Revenue Code of 1954, to designate who was to enjoy the trust income. A settlor's retention of broad management powers does not necessarily subject an *inter vivos* trust to the federal estate tax. United States v. Byrum, p. 125.

2. *Irrevocable inter vivos trust—Retention of voting control.*—Decedent's voting control of the stock did not constitute retention of the enjoyment of the transferred stock within the meaning of § 2036 (a) (1) of the Internal Revenue Code of 1954, since the decedent had transferred irrevocably the title to the stock and right to the income therefrom. United States v. Byrum, p. 125.

3. *Irrevocable inter vivos trust—Right to vote a majority of shares.*—In view of legal and business constraints applicable to the payment of dividends, especially where there are minority stockholders, decedent's right to vote a majority of the shares in these corporations did not give him a *de facto* position tantamount to the power to accumulate income in the trust. United States v. Byrum, p. 125.

TEACHERS. See Constitutional Law, I, 5; III, 9; Procedure, 2-3.

- TEMPORARY VISAS.** See **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Judicial Review**, 1.
- TENNESSEE.** See **Confessions**; **Constitutional Law**, IV, 1; VI; **Mootness**; **Witnesses**.
- TENURE.** See **Constitutional Law**, I, 5; III, 9; **Procedure**, 2-3.
- TERMINAL FACILITIES.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- TESTIMONIAL PRIVILEGE.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- TESTIMONY.** See **Constitutional Law**, I, 3; II, 1; III, 8; VI; **Criminal Law**, 2-4; **Evidence**, 1-2; **Grand Juries**, 4; **Mootness**; **Procedure**, 1; **Witnesses**.
- TEXAS.** See **Constitutional Law**, II, 2; III, 9; VI; **Criminal Law**, 1; **Mootness**; **Procedure**, 2; **Witnesses**.
- THREE-JUDGE COURTS.** See **Administrative Procedure**, 1-5; **Constitutional Law**, III, 1; **Immigration and Nationality Act**; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 1-6.
- "TOP SECRET" DOCUMENTS.** See **Appeals**, 2-3; **Constitutional Law**, VII, 2-6; **Grand Juries**, 2-3, 5.
- TRACKAGE RIGHTS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- TRANSACTIONAL IMMUNITY.** See **Grand Juries**, 1.
- TRANSCRIPTS.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.
- TRANSFER OF STOCK.** See **Taxes**, 1-3.
- TRANSPORTATION ACTS.** See **Administrative Procedure**, 1-5; **Interstate Commerce Commission**, 1-5; **Judicial Review**, 2-6.
- TRIALS.** See **Constitutional Law**, I, 3; II, 1; V; VI; **Criminal Law**, 2-4; **Evidence**, 1-3; **Mootness**; **Procedure**, 1; **Witnesses**.
- TRUSTEES.** See **Taxes**, 1-3.
- TRUST PROPERTY.** See **Taxes**, 1-3.
- UNAUTHORIZED INTERCEPTIONS.** See **Grand Juries**, 1.
- UNAVAILABILITY OF WITNESSES.** See **Constitutional Law**, VI; **Mootness**; **Witnesses**.

- UNCORRECTED FALSE EVIDENCE.** See Constitutional Law, I, 3; II, 1; Criminal Law, 2-4; Evidence, 1-2; Procedure, 1.
- UNDERGROUND NEWSPAPERS.** See Constitutional Law, III, 7.
- UNEQUAL PENALTIES.** See Constitutional Law, II, 2; Criminal Law, 1.
- UNEQUAL TREATMENT.** See Constitutional Law, III, 5.
- UNION PACIFIC RAILROAD.** See Administrative Procedure, 1-5; Interstate Commerce Commission, 1-5; Judicial Review, 2-6.
- UNITED STATES SENATORS.** See Appeals, 1-3; Constitutional Law, VII, 1-6; Grand Juries, 2-3, 5; Jurisdiction.
- UNIVERSITIES.** See Constitutional Law, I, 5; Procedure, 3.
- UNIVERSITY STUDENTS.** See Constitutional Law, III, 2, 4; IV, 2.
- UNLISTED CORPORATIONS.** See Taxes, 1-3.
- UNUSUAL PUNISHMENT.** See Constitutional Law, II, 2; Criminal Law, 1.
- VAGUENESS.** See Constitutional Law, III, 6.
- VALIDITY OF STATUTES.** See Appeals, 1; Constitutional Law, VII, 1; Jurisdiction.
- VIETNAM WAR.** See Appeals, 2-3; Constitutional Law, VII, 2-6; Grand Juries, 2-3, 5.
- VIOLATIONS OF PAROLE.** See Constitutional Law, I, 1-2, 4; Paroles, 1-3.
- VIOLENCE.** See Constitutional Law, III, 3; Justiciability.
- VISAS.** See Constitutional Law, III, 1; Immigration and Nationality Act; Judicial Review, 1.
- VOID FOR VAGUENESS.** See Constitutional Law, III, 6.
- VOTING CONTROL OF STOCK.** See Taxes, 1-3.
- WAIVER PROCEDURE.** See Constitutional Law, III, 1; Immigration and Nationality Act; Judicial Review, 1.
- WARRANTS.** See Constitutional Law, V; Evidence, 3.
- WHISKEY.** See Constitutional Law, V; Evidence, 3.
- WIRETAPS.** See Grand Juries, 1.

WISCONSIN. See **Constitutional Law**, I, 5; III, 7; **Procedure**, 3.

WISCONSIN STATE UNIVERSITY. See **Constitutional Law**, I, 5; **Procedure**, 3.

WITNESSES. See also **Appeals**, 2-3; **Constitutional Law**, I, 1-4; II, 1; III, 8; VI; VII, 2-6; **Criminal Law**, 2-4; **Evidence**, 1-2; **Grand Juries**, 1-5; **Mootness**; **Paroles**, 1-3; **Procedure**, 1.

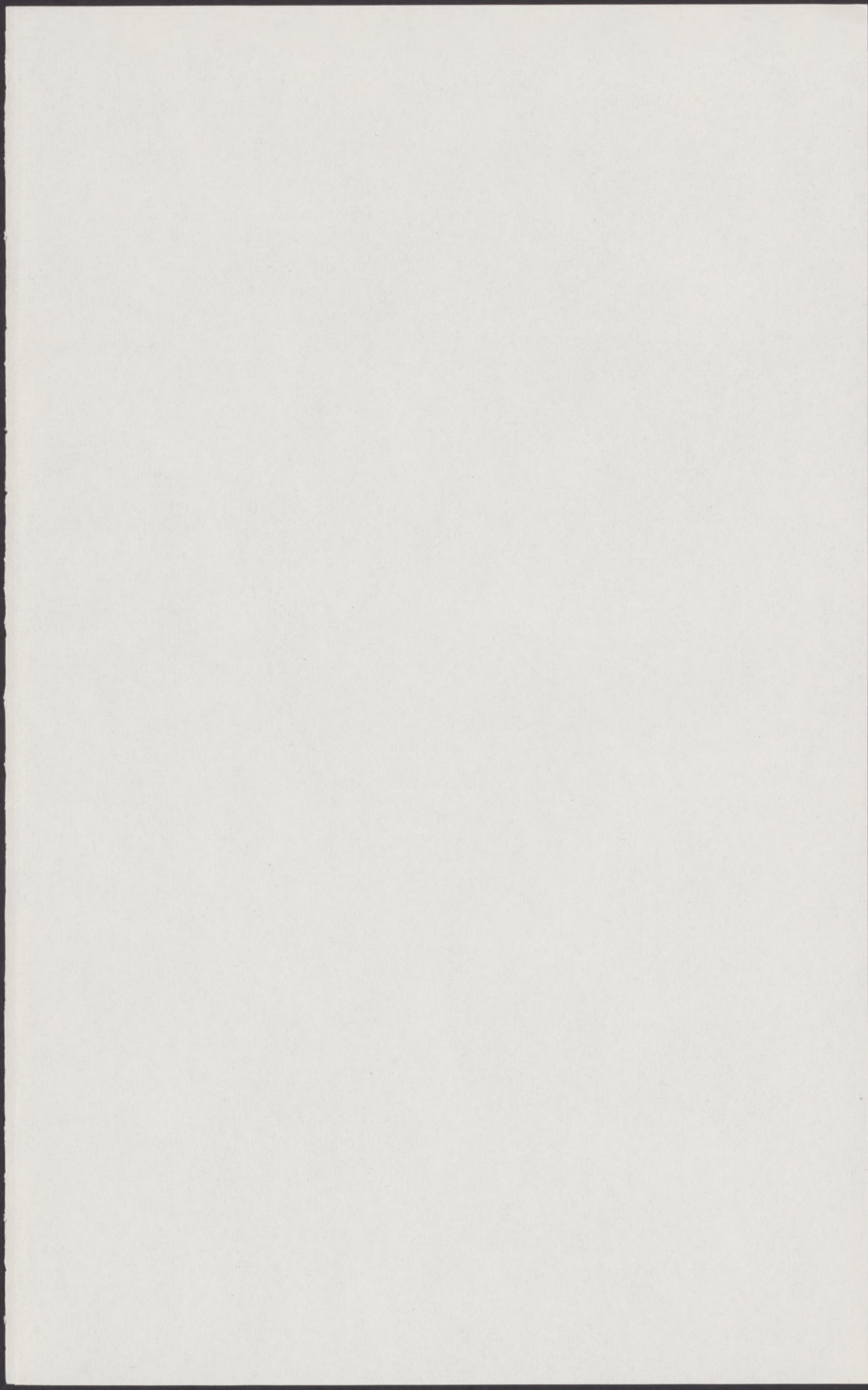
First conviction voided—Victim, previous witness, moved permanently to foreign country—Unavailable during second trial.—Upon discovering that a State's witness had removed himself permanently to a foreign country, the State of Tennessee was powerless to compel his attendance at respondent's second trial; the resultant predicate of unavailability was sufficiently strong not to warrant a federal habeas corpus court's upsetting the State's determination that the witness was not available. *Mancusi v. Stubbs*, p. 204.

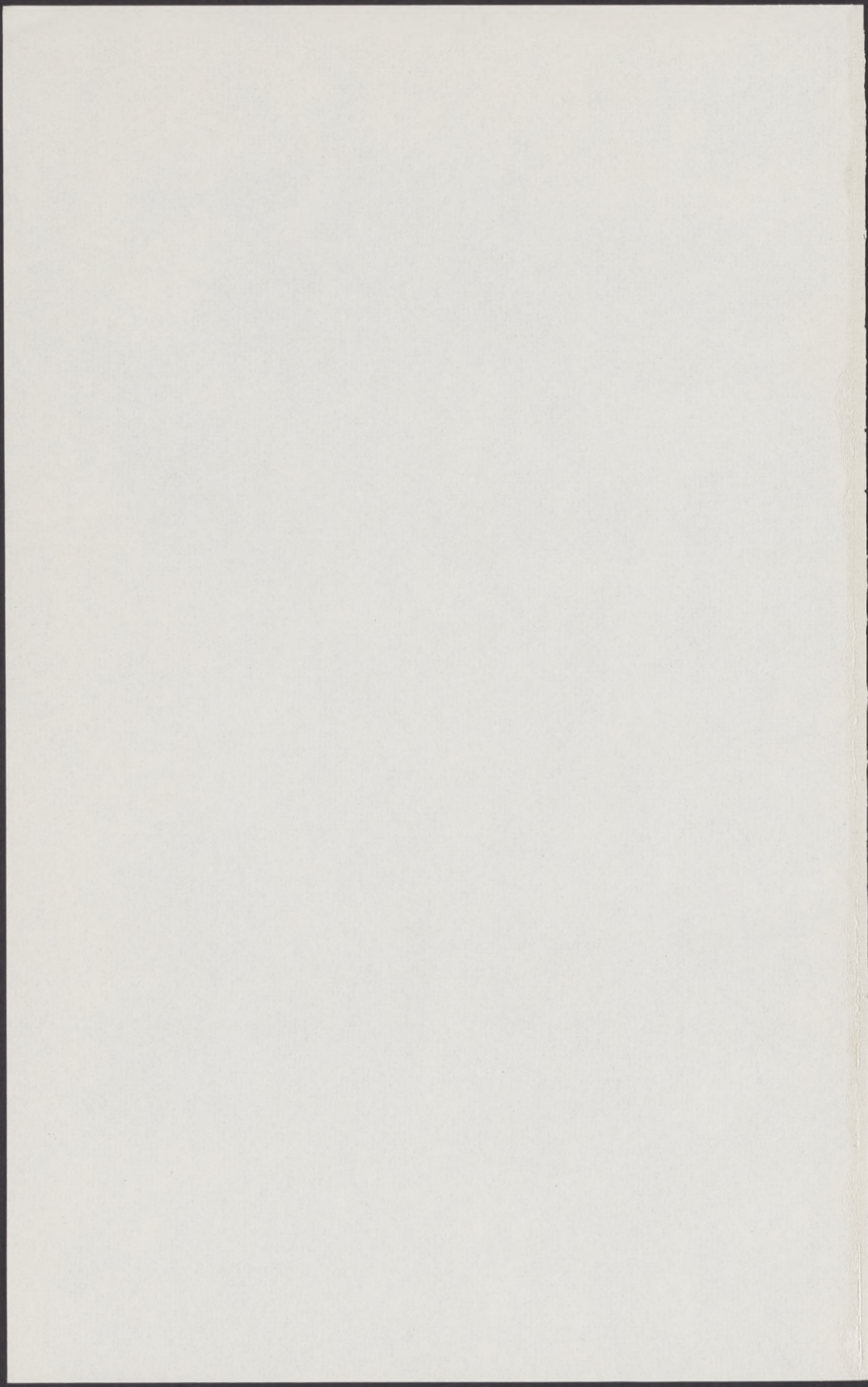
WORDS AND PHRASES.

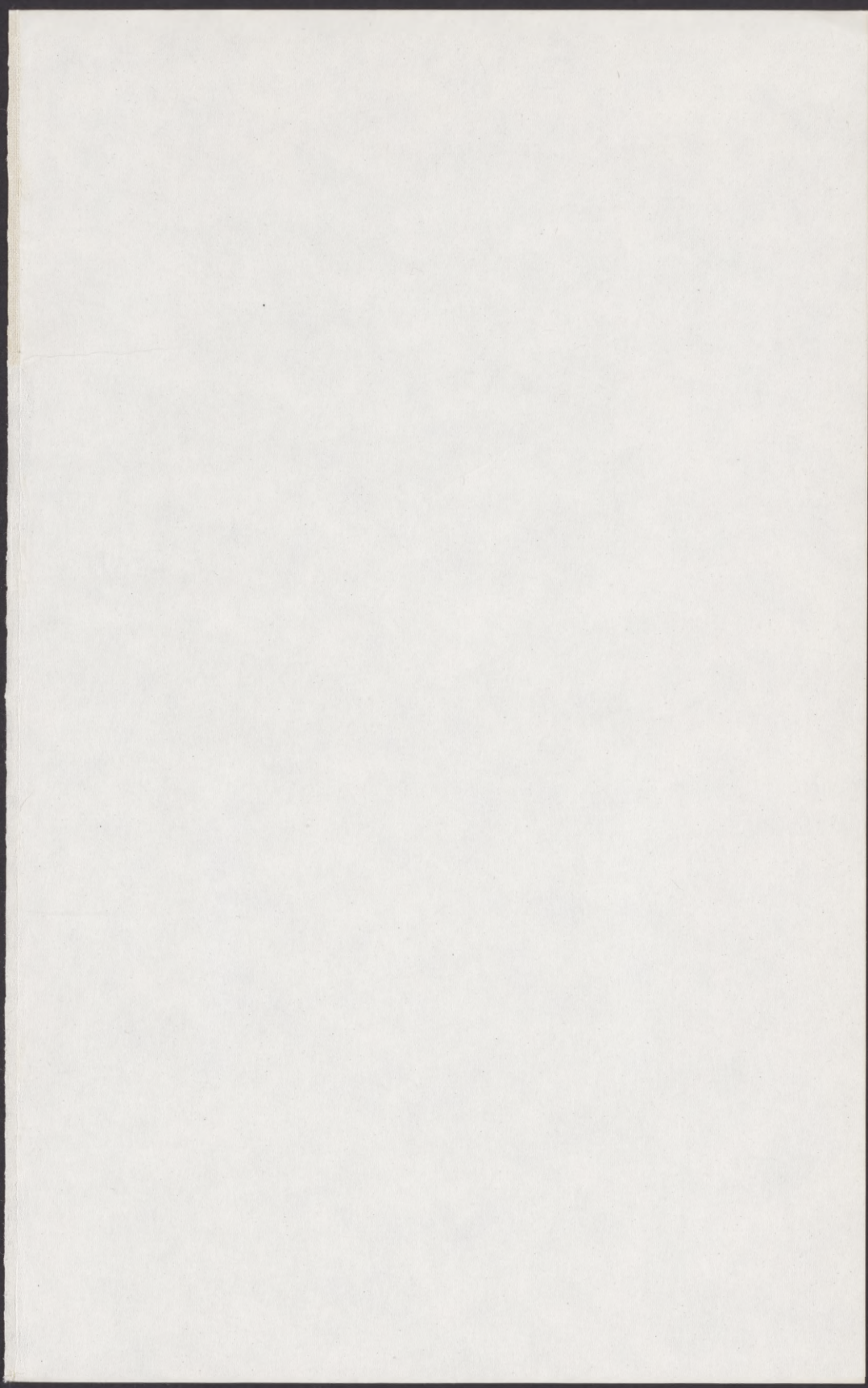
1. "[E]njoyment of the property" transferred. Internal Revenue Code of 1954, § 2036 (a)(1); 26 U. S. C. § 2036 (a)(1). *United States v. Byrum*, p. 125.

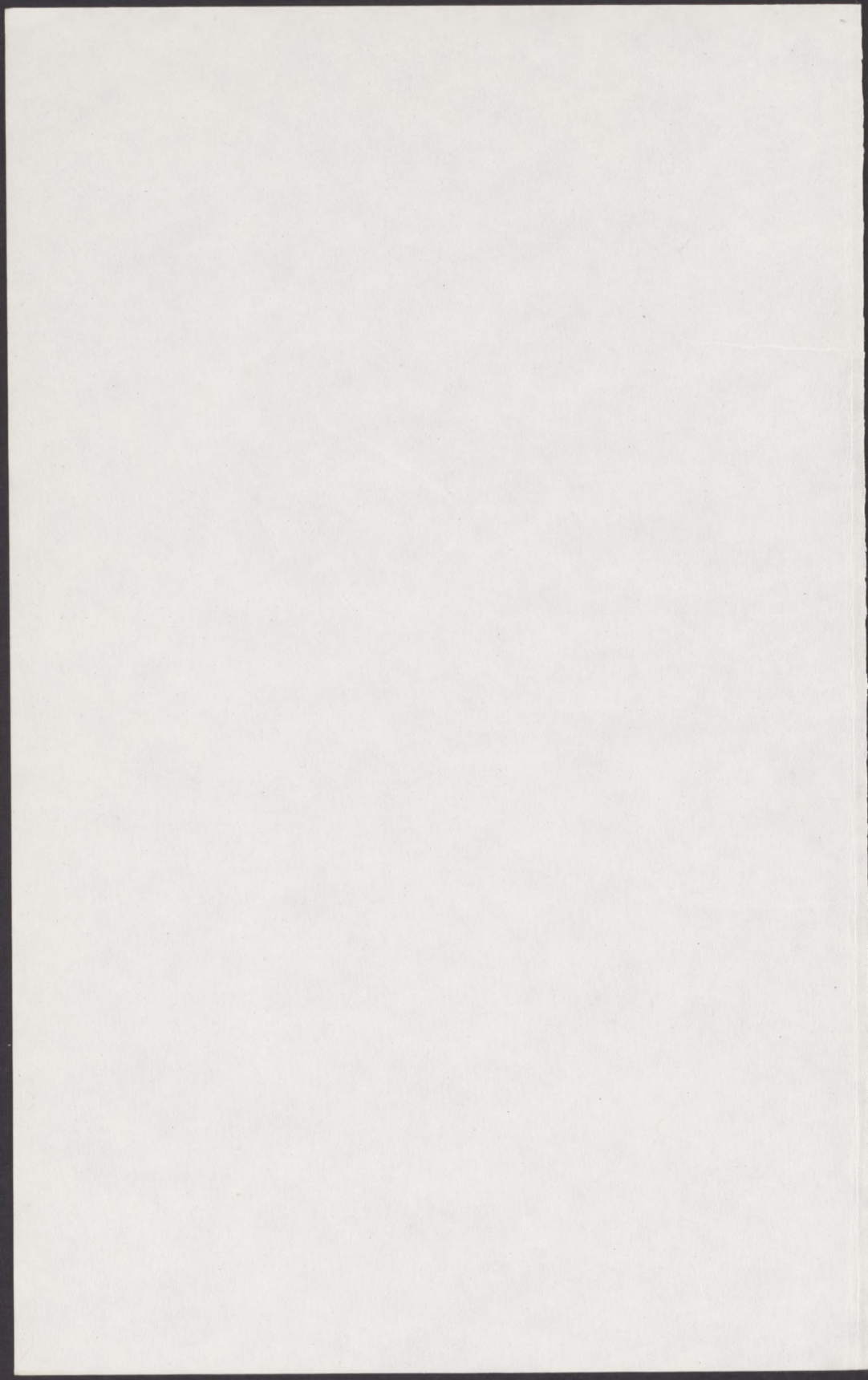
2. "[T]he right, either alone or in conjunction with any person, to designate the persons who shall . . . enjoy . . . the income therefrom." Internal Revenue Code of 1954, § 2036 (a)(2); 26 U. S. C. § 2036 (a)(2). *United States v. Byrum*, p. 125.

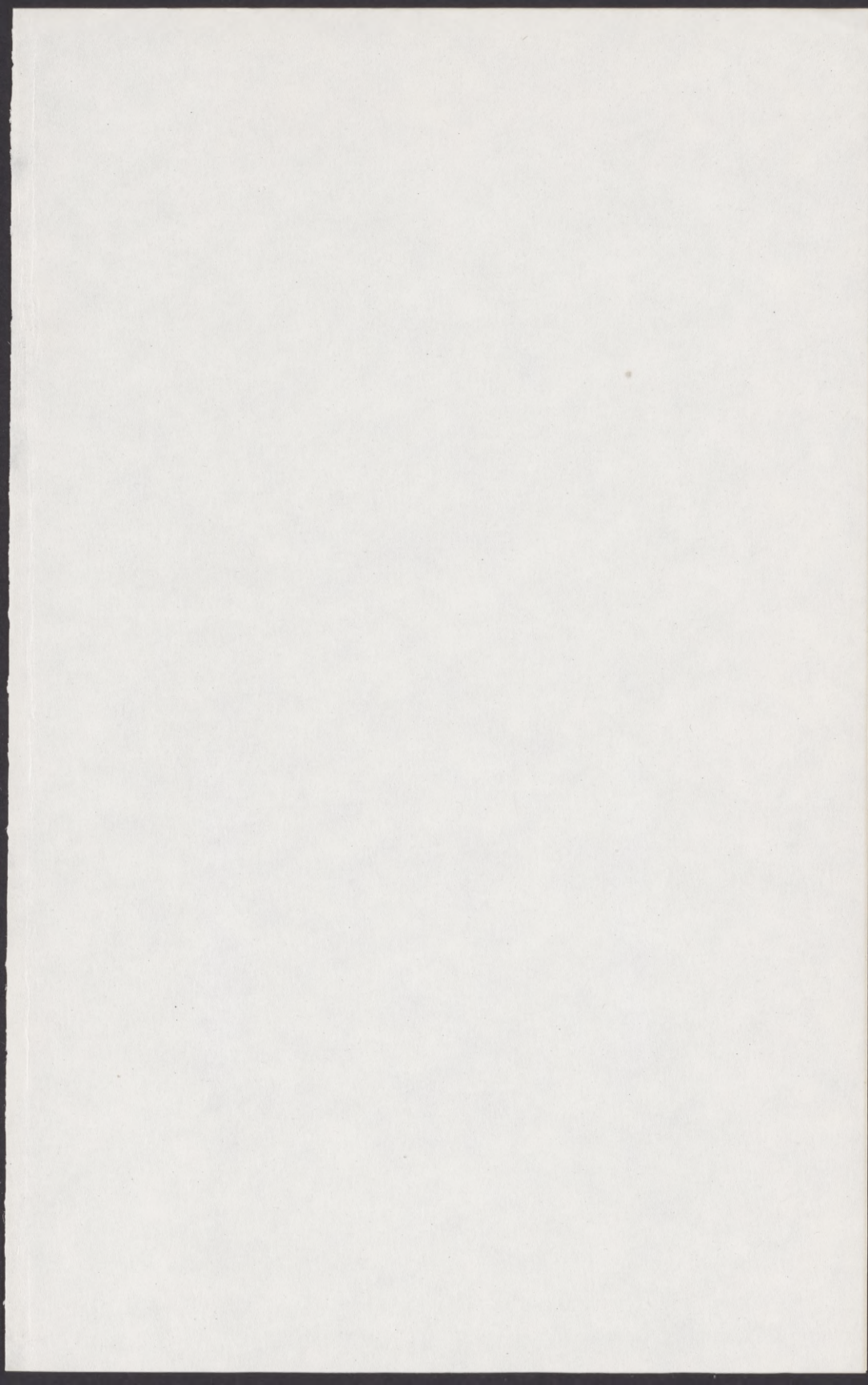
WOUNDED PRISONERS. See **Confessions**; **Constitutional Law**, IV, 1.

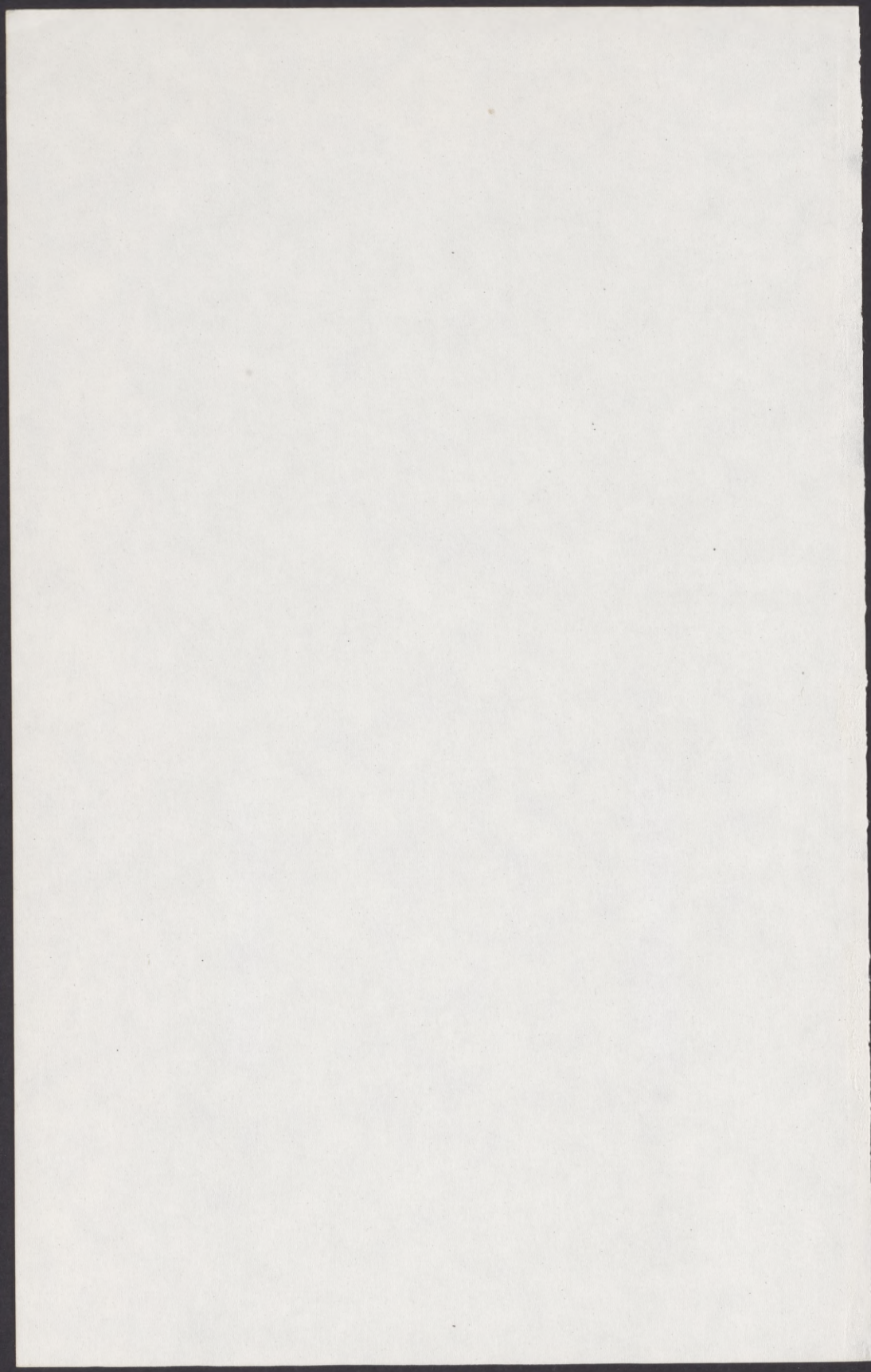


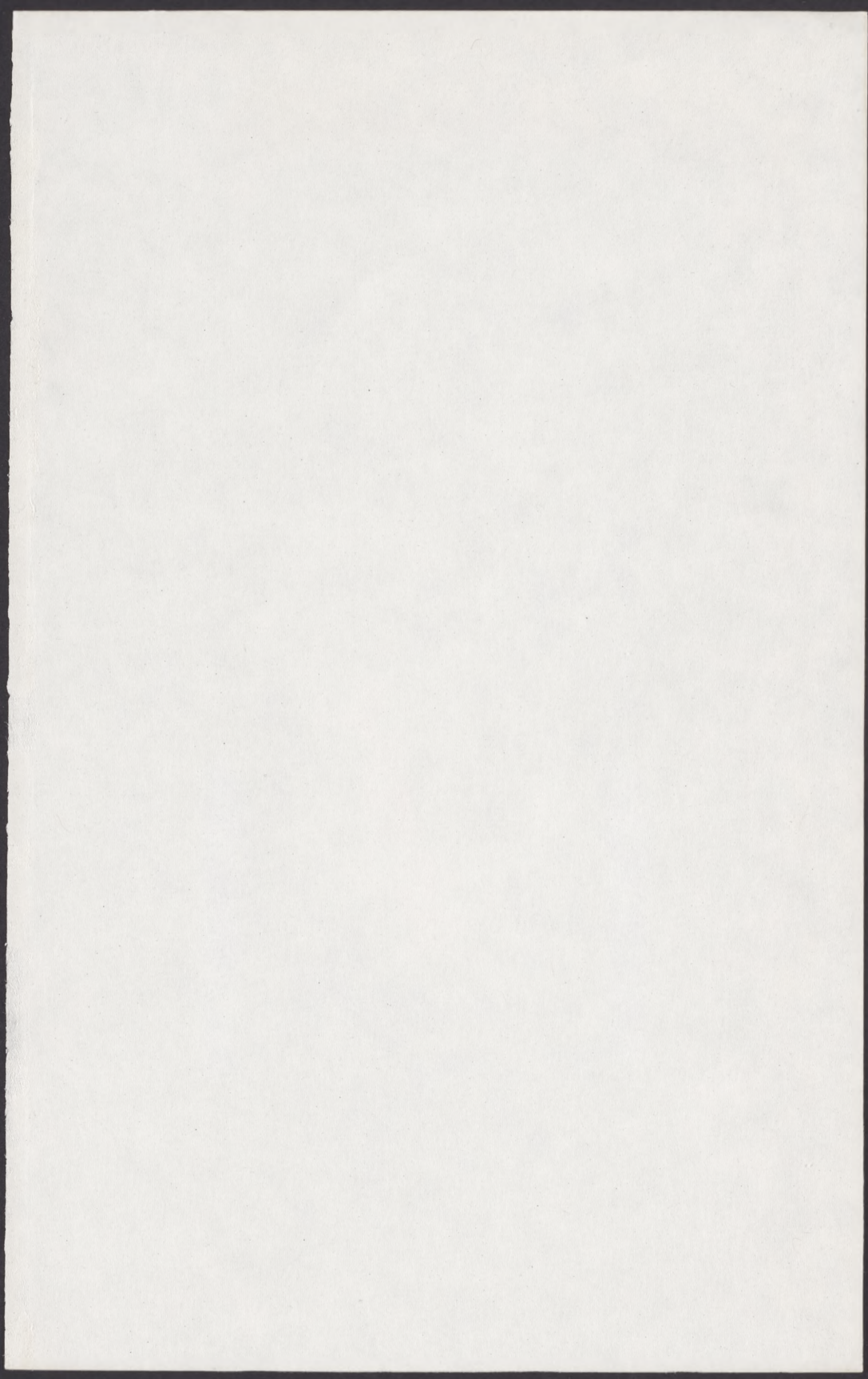














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