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1. *Civil antitrust action—United States as plaintiff—Certification of order for purpose of interlocutory appeal.*—The Expediting Act, providing that in a civil antitrust action brought by the United States in a federal district court an appeal from that court's final judgment will lie only to this Court, lodged exclusive appellate jurisdiction over such actions in this Court and thus bars the courts of appeals from asserting jurisdiction over interlocutory orders covered by 28 U. S. C. § 1292 (b), as well as over other interlocutory orders specified in § 1292 (a). *Tidewater Oil Co. v. United States*, p. 151.

2. *Post-conviction relief—Piecemeal collateral attack—Waiver of right to raise constitutional issue.*—Maine could properly provide that a prisoner seeking post-conviction relief must assert all known constitutional claims in a single proceeding, and a state prisoner may not "elect" not to comply with a state court's interpretation of the statute and claim, as respondent (who had received fair warning) did here, that he did not have the subjective intent to waive his constitutional claims. *Murch v. Mottram*, p. 41.

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*Arrest—Alleged beating by District of Columbia police officer—Civil action for damages.*—The District of Columbia is not a "State or Territory" within the meaning of 42 U. S. C. § 1983, and the Court of Appeals therefore erred insofar as that court sustained respondent's claims for deprivation of civil rights pursuant to that statute. *District of Columbia v. Carter*, p. 418.

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**COLLECTIVE-BARGAINING AGREEMENTS.** See **National Labor Relations Act**, 2; **Unions**.

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**COMMUNICATIONS.** See **Constitutional Law**, XII.

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- COMPLAINTS.** See *Injunctions*.
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#### **II. Commerce Clause.**

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**CONSTITUTIONAL LAW**—Continued.

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2. *State regulation of liquor business*.—The requirement that, before engaging in the liquor business in South Carolina, a manufacturer do more than merely solicit sales there, is an appropriate element in the system of regulating the sale of liquor and, given the provisions of the Twenty-first Amendment, is consonant with the requirements of the Commerce Clause. *Heublein, Inc. v. South Carolina Tax Comm'n*, p. 275.

**III. Double Jeopardy.**

1. *Multiple state prosecutions*.—*Waller v. Florida*, 397 U. S. 387, which bars on the ground of double jeopardy two prosecutions, state and municipal, based on the same act or offense, is fully retroactive. *Robinson v. Neil*, p. 505.

2. *Prior acquittal on smuggling charges—Civil forfeiture proceedings*.—A forfeiture of imported merchandise not included in a declaration and entry pursuant to the tariff provision in 19 U. S. C. § 1497 is not barred by a prior acquittal under 18 U. S. C. § 545, which (unlike the civil forfeiture proceeding) requires proof of an intent to defraud; nor is the forfeiture action barred by the Double Jeopardy Clause since Congress may impose both a criminal and civil sanction respecting the same act or omission. *One Lot Emerald Cut Stones v. United States*, p. 232.

**IV. Due Process.**

1. *Confession—Trial judge's finding of voluntariness*.—The trial court's *Jackson v. Denno*, 378 U. S. 368, error, if any, was remedied by the constitutionally adequate evidentiary hearing given respondent on the voluntariness issue by the St. Louis court, which the Missouri Supreme Court upheld after concluding from its independent examination of the record that the confession was voluntary. The Court of Appeals in this habeas corpus proceeding therefore erred in holding that respondent was entitled to still another voluntariness hearing in the state court. *Swenson v. Stidham*, p. 224.

2. *Juror examination on voir dire—Racial prejudice—Beards*.—The trial court's refusal to make any inquiry of the jurors as to racial bias after petitioner's timely request therefor denied petitioner a fair trial in violation of the Due Process Clause of the Fourteenth Amendment. Its refusal to inquire as to particular bias against beards, after it had made inquiries as to bias in general, was not constitutional error. *Ham v. South Carolina*, p. 524.

**CONSTITUTIONAL LAW**—Continued.

3. *Trial court's admonition—Intimidation of prisoner witness.*—Trial court's extended admonition to petitioner's only witness to refrain from lying, coupled with threats of dire consequences if witness did lie, effectively discouraged the witness from testifying at all and deprived petitioner of due process of law by denying him the opportunity to present witnesses in his own defense. *Webb v. Texas*, p. 95.

4. *Trial before mayor who was responsible for village finances—Right to impartial proceeding.*—Petitioner was denied a trial before a disinterested and impartial judicial officer as guaranteed by the Due Process Clause of the Fourteenth Amendment where he was compelled to stand trial for traffic offenses before the mayor, who was responsible for village finances and whose court, through fines, forfeitures, costs, and fees, provided a substantial portion of village funds. *Ward v. Village of Monroeville*, p. 57.

5. *Vehicle forfeiture proceedings—Mailing notice to home though accused known to be in jail.*—The procedure followed here did not comport with due process requirements as the State made no effort to provide appellant with notice "reasonably calculated" to apprise him of the pendency of the forfeiture proceedings. *Robinson v. Hanrahan*, p. 38.

6. *Visual and voice identification—Station-house showup—No other identification of suspects.*—While the station-house identification may have been suggestive, under the totality of the circumstances the victim's identification of respondent was reliable and was properly allowed to go to the jury. *Neil v. Biggers*, p. 188.

**V. Equal Protection of the Laws.**

1. *Illegitimate child—Natural father's duty to support.*—Texas law denying right of paternal support to illegitimate children while granting it to legitimate children violates the Equal Protection Clause of the Fourteenth Amendment. Cf. *Levy v. Louisiana*, 391 U. S. 68; *Weber v. Aetna Casualty & Surety Co.*, 406 U. S. 164. *Gomez v. Perez*, p. 535.

2. *Prisoners unable to make bail or held on nonbailable offenses—Denial of access to registration and voting facilities.*—*McDonald v. Board of Election Comm'rs*, 394 U. S. 31, unlike the situation alleged here, did not deal with an absolute prohibition against voting by the prisoners there involved, and that decision does not "foreclose the subject" of petitioners' challenge to the Pennsylvania statutory scheme. The case must therefore be heard by a three-judge district court. *Goosby v. Osser*, p. 512.



**CONSTITUTIONAL LAW**—Continued.

3. *Voluntary bankruptcy—Indigent petitioner—Filing fees.*—Access to courts is not the only conceivable relief available to bankrupts; the filing-fee requirement does not deny an indigent the equal protection of the laws, since there is no constitutional right to obtain a discharge of one's debts in bankruptcy; the right to a discharge in bankruptcy is not a "fundamental" right demanding a compelling governmental interest as a precondition to regulation; and there is a rational basis for the fee requirement. *United States v. Kras*, p. 434.

**VI. Fifth Amendment**

*Internal Revenue summons—Production of records by accountant hired to prepare returns.*—On the facts of this case, where petitioner had effectively surrendered possession of the records to the accountant, there was no personal compulsion against petitioner to produce the records. The Fifth Amendment therefore constitutes no bar to their production by the accountant, even though the Internal Revenue Service tax investigation may entail possible criminal as well as civil consequences. *Couch v. United States*, p. 322.

**VII. First Amendment.**

*Newspaper reporter—Trial court order barring publicity—Refusal to disclose sources.*—Commitment for civil contempt of applicant, a reporter who, despite an order of trial judge barring litigants or their attorneys from giving certain information to the press, published news story based on information obtained from attorneys and one other person and who refused post-trial disclosure to trial judge of informants' names, involves substantial issues not settled by *Branzburg v. Hayes*, 408 U. S. 665, or otherwise, and applicant's release pending Court of Appeals' decision of applicant's habeas corpus petition is therefore warranted. *Farr v. Pitchess* (DOUGLAS, J., in chambers), p. 1243.

**VIII. Fourteenth Amendment.**

*Persons awaiting trial—Misdemeanants.*—Applicants, who are imprisoned after misdemeanor convictions or while awaiting trial (groups not disfranchised under New York law), challenge the constitutionality of absentee voting statute applicable to those whose confinement in state institutions is because of physical disability, but not to persons in applicants' situation. Applicants' delays in submitting their registration statements to election officials and in filing their application for stay, together with the absence of information as to whether a state court stay was sought, compel denial of the application. *O'Brien v. Skinner* (MARSHALL, J., in chambers), p. 1240.

**CONSTITUTIONAL LAW—Continued.****IX. Fourth Amendment.**

*Information disclosed in tax returns—Expectation of privacy.*—Petitioner, who was aware that much of the information in the summoned records had to be disclosed in her tax returns, has no legitimate expectation of privacy that would bar production under either the Fourth or Fifth Amendment. *Couch v. United States*, p. 322.

**X. Just Compensation.**

1. *Condemnation—Leased adjacent lands—Revocable Government permits.*—The Fifth Amendment requires no compensation for any value added to the fee lands by the permits, which are revocable and, by the terms of the Taylor Grazing Act, create no property rights. *United States v. Fuller*, p. 488.

2. *Improvements by lessee—Government condemnation of leasehold.*—In a condemnation proceeding, the concept of "just compensation" is measured by what a willing buyer would have paid for the improvements, taking into account the possibility that the lease might be renewed as well as that it might not. *Almota Farmers Elevator & Whse. Co. v. United States*, p. 470.

3. *Indian reservation—Oil and gas wells—Royalties benefiting Aneth Extension (Navajo Reservation) residents.*—As the earlier statute did not create constitutionally protected property rights in the residents of the Aneth Extension, the statutory change enlarging the class of beneficiaries did not constitute a taking of property without just compensation. *United States v. Jim*, p. 80.

**XI. Sixth Amendment.**

1. *Criminal trial—Interception of counsel's conversations.*—Where District Court in *in camera* proceeding ruled that intercepted conversations of counsel were not relevant to trial issues and Court of Appeals in affirming held applicants lacked standing to raise relevancy issue, the issue of relevancy, the resolution of which determined the issue of standing, required an adversary hearing, and a stay of the criminal trial is appropriate pending the filing of a petition for a writ of certiorari in this Court and the Court's action thereon. *Russo v. Byrne* (DOUGLAS, J., in chambers), p. 1219.

2. *Exculpatory testimony of accomplice—Instructions.*—Trial court's "accomplice instruction," in effect requiring the jury to decide that a defense witness' testimony was "true beyond a reasonable doubt" before considering that testimony in relation to the case, impermissibly obstructed the right of a criminal defendant to present exculpatory testimony of an accomplice; and it unfairly reduced the prosecution's burden of proof, since it is possible that the testimony



**CONSTITUTIONAL LAW**—Continued.

would have created a reasonable doubt in the minds of the jury, but that it was not considered because the testimony itself was not believable beyond a reasonable doubt. *Cool v. United States*, p. 100.

3. *Interception of attorney's conversations—Civil contempt.*—Where applicants, who were found in civil contempt after refusing to testify before a grand jury, applied for a stay, contending that they and their attorneys were subjected to illegal electronic surveillance, and where the Government denied such surveillance as to the applicants and asserted its unawareness thereof as to the attorneys but did not show that diligent inquiry had been made, a stay is granted until the matter can be presented to, and acted on by, the full Court. *In re Berg* (DOUGLAS, J., in chambers), p. 1238.

4. *Interception of attorney's conversations—Civil contempt.*—Where the Government contended there was no attorney-client privilege to be protected from surveillance of attorney's telephone under search warrant because clients were testifying under "use" immunity until bugging was discovered, when they were committed for civil contempt for refusing further answers, and where clients applied for bail pending disposition of their appeals, bail should be granted under standard applicable under 28 U. S. C. § 1826 (b), since the issues are not frivolous and the appeals are not taken for delay. *Tierney v. United States* (DOUGLAS, J., in chambers), p. 1232.

**XII. Twenty-first Amendment.**

*Licensed bars and nightclubs—Sexual entertainment—Regulation by Department of Alcoholic Beverage Control.*—In the context, not of censoring dramatic performances in a theater, but of licensing bars and nightclubs to sell liquor by the drink, the States have broad latitude under the Twenty-first Amendment to control the manner and circumstances under which liquor may be dispensed, and here the conclusion that sale of liquor by the drink and lewd or naked entertainment should not take place simultaneously in licensed establishments was not irrational nor was the prophylactic solution unreasonable. *California v. LaRue*, p. 109.

**CONTEMPT.** See also **Bail**; **Constitutional Law**, VII; XI, 3-4.

*Newspaper reporter—Trial court order barring publicity—Refusal to disclose sources.*—Commitment for civil contempt of applicant, a reporter who, despite an order of trial judge barring litigants or their attorneys from giving certain information to the press, published news story based on information obtained from attorneys and one other person and who refused post-trial disclosure to trial judge of informants' names, involves substantial issues not settled by



**CONTEMPT**—Continued.

*Branzburg v. Hayes*, 408 U. S. 665, or otherwise, and applicant's release pending Court of Appeals' decision of applicant's habeas corpus petition is therefore warranted. *Farr v. Pitchess* (DOUGLAS, J., in chambers), p. 1243.

**CONTINENTAL UNITED STATES.** See **Admiralty**, 1, 3; **Jurisdiction**, 1, 7.

**CONTRACT MARKETS.** See **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Judicial Review**, 1-2; **Procedure**, 1-2.

**CONTRACTS.** See **Constitutional Law**, II, 1; **National Labor Relations Act**, 2; **Taxes**, 1; **Unions**.

**CONTROL OF AIR CARRIERS.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3.

**CONVERSATIONS.** See **Bail**; **Constitutional Law**, XI, 4.

**COOK COUNTY.** See **Constitutional Law**, IV, 5.

**CORRECTIONAL OFFICIALS.** See **Constitutional Law**, VIII.

**COUNTY WELFARE BOARDS.** See **Social Security Act**.

**COURTS.** See **Abstention**; **Constitutional Law**, IV, 1, 4; **Judicial Review**, 4; **Procedure**, 3; **Trials**, 4-5.

**COURTS OF APPEALS.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**CRASHES OF AIRCRAFT.** See **Admiralty**, 1, 3; **Jurisdiction**, 1, 7.

**CREDENTIALS COMMITTEE.** See **Federal-State Relations**; **Judicial Review**, 3; **Stays**, 1.

**CREDITORS.** See **Social Security Act**.

**CRIMINAL LAW.** See also **Appeals**, 2; **Collateral Estoppel**; **Constitutional Law**, III, 1-2; IV, 1-4, 6; V, 1; VII; XI, 1-2; **Contempt**; **Evidence**; **Gambling**; **Judicial Review**, 4, 6; **Perjury**; **Procedure**, 5; **Standing**; **Trials**, 1-5.

*Travel Act*—*Rail delivery of racing publication*—*Bookmaking operations*.—Causing a publication to be carried by a facility of interstate commerce with an intent to facilitate the operation of an illegal gambling business is a violation of 18 U. S. C. § 1952. The exception for "any newspaper or similar publication" contained in 18 U. S. C. § 1953, which prohibits the interstate shipment of certain gambling paraphernalia, was not intended to be read into § 1952. *Erlenbaugh v. United States*, p. 239.

- CUSTOMERS.** See Constitutional Law, II, 1; Taxes, 1.
- CUSTOMS.** See Collateral Estoppel; Constitutional Law, III, 2.
- DAMAGES.** See Admiralty, 1, 3; Jurisdiction, 1, 7.
- DATA PROCESSING.** See Patents.
- DEATH ON THE HIGH SEAS ACT.** See Admiralty, 1, 3; Jurisdiction, 1, 7.
- DEBTS.** See Bankruptcy Act; Constitutional Law, V, 3.
- DECIMAL SYSTEMS.** See Patents.
- DECLARATORY JUDGMENTS.** See Federal-State Relations; Judicial Review, 5.
- DE FACTO SEGREGATION.** See Education Amendments of 1972; School Desegregation.
- DEFAULT JUDGMENTS.** See Administrative Procedure, 3; Antitrust Acts, 3.
- DELAYS.** See Bail; Constitutional Law, XI, 4.
- DELEGATES.** See Federal-State Relations; Judicial Review, 3, 5; Stays, 1.
- DELIBERATE BYPASS OF STATE PROCEDURES.** See Appeals, 2; Procedure, 5.
- DEMOCRATIC NATIONAL CONVENTION.** See Federal-State Relations; Judicial Review, 3; Stays, 1.
- DE NOVO TRIALS.** See Constitutional Law, IV, 4; Trials, 4-5.
- DEPARTMENT OF JUSTICE.** See Recusal.
- DEPRIVATION OF CIVIL RIGHTS.** See Civil Rights; Jurisdiction, 2.
- DESEGREGATION.** See Education Amendments of 1972; School Desegregation.
- DIGITAL COMPUTERS.** See Patents.
- DIRECT REVIEW.** See Appeals, 1; Expediting Act, 1-2; Jurisdiction, 3, 5.
- DISABILITY INSURANCE.** See Social Security Act.
- DISCHARGES.** See National Labor Relations Act, 1.
- DISCHARGES IN BANKRUPTCY.** See Bankruptcy Act; Constitutional Law, V, 3.

- DISCIPLINARY PROCEEDINGS.** See Administrative Procedure, 1-2; Antitrust Acts, 1-2; Judicial Review, 1-2; Procedure, 1-2.
- DISCLOSURE OF SOURCES.** See Constitutional Law, VII; Contempt.
- DISCRETION.** See Interstate Commerce Commission; Judicial Review, 7.
- DISCRIMINATION.** See Civil Rights Act of 1968; Constitutional Law, V, 1; Standing to Sue.
- DISCRIMINATORY DISCHARGES.** See National Labor Relations Act, 1.
- DISFRANCHISEMENT.** See Constitutional Law, VIII.
- DISQUALIFICATION.** See Recusal.
- DISTRICT OF COLUMBIA.** See Civil Rights; Jurisdiction, 2.
- DIVESTMENT OF POSSESSION.** See Constitutional Law, VI; IX; Taxes, 2-3.
- DOCUMENTS.** See Constitutional Law, VI; IX; Taxes, 2-3.
- DOMESTIC SURVEILLANCE.** See Constitutional Law; XI, 1; Standing.
- DOUBLE JEOPARDY.** See Collateral Estoppel; Constitutional Law, III, 1-2.
- DRIVERS' LICENSES.** See Mootness, 2.
- DRUGS.** See Constitutional Law, IV, 2; Jurisdiction, 8; Trials, 2.
- DUAL SOVEREIGNTY DOCTRINE.** See Constitutional Law, III, 1.
- DUE PROCESS.** See Bankruptcy Act; Constitutional Law, I; IV, 1-6; V, 2-3; Evidence; Federal-State Relations; Judicial Review, 3-6; Justiciability, 1-2; Stays, 1; Trials, 2-5.
- DUES CHECKOFFS.** See National Labor Relations Act, 2; Unions.
- DURESS.** See Constitutional Law, IV, 3; Trials, 3.
- DUTY TO SUPPORT.** See Constitutional Law, V, 1.
- ECONOMIC DAMAGE.** See Civil Rights Act of 1968; Standing to Sue.
- ECONOMIC STRIKERS.** See National Labor Relations Act, 1.
- EDUCATIONAL PROGRAMS.** See Constitutional Law, II, 1; Taxes, 1.



**EDUCATION AMENDMENTS OF 1972.** See also **School Desegregation.**

*Desegregation of elementary schools—Busing.*—Where the lower courts held that an order for the transportation of students was entered to accomplish desegregation of the elementary school system of Atlanta, Georgia, an application for stay premised solely on that portion of § 803 of the Education Amendments of 1972 prohibiting effectuation of an order for student busing to achieve a racial balance among students until all appeals have been exhausted is denied. *Drummond v. Acree* (POWELL, J., in chambers), p. 1228.

**ELECTION OF REMEDIES.** See **Appeals, 2; Procedure, 5.**

**ELECTIONS.** See **Constitutional Law, I; V, 2; VIII; Federal-State Relations; Injunctions; Judicial Review, 3; Justiciability, 1-2; Stays, 1-2.**

**ELECTORAL VOTES.** See **Judicial Review, 5.**

**ELECTRONIC SURVEILLANCE.** See **Bail; Constitutional Law, XI, 1, 3-4; Standing.**

**ELEMENTARY SCHOOLS.** See **Education Amendments of 1972; School Desegregation.**

**EMINENT DOMAIN.** See also **Constitutional Law, X, 1-2.**

1. *Condemnation—Leased adjacent lands—Revocable Government permits.*—The Fifth Amendment requires no compensation for any value added to the fee lands by the permits, which are revocable and, by the terms of the Taylor Grazing Act, create no property rights. *United States v. Fuller*, p. 488.

2. *Improvements by lessee—Government condemnation of leasehold.*—In a condemnation proceeding, the concept of “just compensation” is measured by what a willing buyer would have paid for the improvements, taking into account the possibility that the lease might be renewed as well as that it might not. *Almota Farmers Elevator & Whse. Co. v. United States*, p. 470.

**EMPLOYEES.** See **Constitutional Law, VI; IX; Taxes, 2-3.**

**EMPLOYER AND EMPLOYEES.** See **National Labor Relations Act, 1-2; Unions.**

**ENHANCED VALUES.** See **Constitutional Law, X, 1-2; Eminent Domain, 1-2.**

**ENTERTAINMENT.** See **Constitutional Law, XII.**

**ENVIRONMENTAL GROUPS.** See **Interstate Commerce Commission; Judicial Review, 7.**

**EQUALLY DIVIDED COURT.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**EQUAL PROTECTION OF THE LAWS.** See **Bankruptcy Act**; **Constitutional Law**, I; V, 1-3; VIII; **Education Amendments of 1972**; **Justiciability**, 1-2; **School Desegregation**.

**EQUITABLE RELIEF.** See **Jurisdiction**, 4.

**ERROR.** See **Constitutional Law**, IV, 2; **Trials**, 2.

**ESCAPE PERIODS.** See **National Labor Relations Act**, 2; **Unions**.

**EVARTS ACT.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**EVASIVE ANSWERS.** See **Perjury**; **Trials**, 1.

**EVIDENCE.** See also **Constitutional Law**, IV, 1, 6; VI; IX; XI, 2; **Judicial Review**, 4, 6; **Taxes**, 2-3.

*Visual and voice identification—Station-house showup—No other identification of suspects.*—While the station-house identification may have been suggestive, under the totality of the circumstances the victim's identification of respondent was reliable and was properly allowed to go to the jury. *Neil v. Biggers*, p. 188.

**EVIDENTIARY HEARINGS.** See **Mootness**, 2.

**EXAMINATION OF JURORS.** See **Constitutional Law**, IV, 2; **Trials**, 2.

**EXCESSIVE SPEEDS.** See **Admiralty**, 2.

**EXCLUSION OF EVIDENCE.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**EXCLUSIVE JURISDICTION.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**EXPECTANCIES.** See **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**EXPECTATION OF PRIVACY.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.

**EXPEDITED REVIEW.** See **Judicial Review**, 3; **Stays**, 1.

**EXPEDITING ACT.** See also **Appeals**, 1; **Jurisdiction**, 3, 5.

1. *Civil antitrust action—Appeals from interlocutory orders of federal district court.*—The legislative history of 28 U. S. C. §§ 1292 (a) and (b) contains no indication of a congressional intent to impair the original exclusivity of this Court's jurisdiction under the *Expediting Act*. *Tidewater Oil Co. v. United States*, p. 151.

**EXPEDITING ACT**—Continued.

2. *Civil antitrust action—United States as plaintiff—Certification of order for purpose of interlocutory appeal.*—The Expediting Act, providing that in a civil antitrust action brought by the United States in a federal district court an appeal from that court's final judgment will lie only to this Court, lodged exclusive appellate jurisdiction over such actions in this Court and thus bars the courts of appeals from asserting jurisdiction over interlocutory orders covered by 28 U. S. C. § 1292 (b), as well as over other interlocutory orders specified in § 1292 (a). *Tidewater Oil Co. v. United States*, p. 151.

**EXPERT WITNESSES.** See *Recusal*.

**EXPLICITLY SEXUAL ENTERTAINMENT.** See *Constitutional Law*, XII.

**EXTRAORDINARY REMEDIES.** See *Stays*, 2.

**FAIR HOUSING.** See *Civil Rights Act of 1968*; *Standing to Sue*.

**FAIR MARKET VALUE.** See *Constitutional Law*, X, 1-2; *Eminent Domain*, 1-2.

**FAIR TRIALS.** See *Constitutional Law*, IV, 2-3; VII; XI, 2; *Contempt*; *Trials*, 2-3.

**FALSE ANSWERS.** See *Perjury*; *Trials*, 1.

**FEDERAL ADMIRALTY JURISDICTION.** See *Admiralty*, 1, 3; *Jurisdiction*, 1, 7.

**FEDERAL AVIATION ACT.** See *Administrative Procedure*, 3; *Antitrust Acts*, 3.

**FEDERAL FUNDS.** See *Education Amendments of 1972*; *School Desegregation*.

**FEDERAL HABEAS CORPUS.** See *Appeals*, 2; *Procedure*, 5.

**FEDERAL PAYMENTS.** See *Social Security Act*.

**FEDERAL RULES OF CIVIL PROCEDURE.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**FEDERAL-STATE RELATIONS.** See also *Constitutional Law*, II, 1-2; *Criminal Law*; *Gambling*; *Taxes*, 1, 4.

*Primary election—Delegates to national convention.*—Where state court's injunction against interference with elected delegates at Democratic National Convention was enjoined by District Court, but Court of Appeals stayed enforcement of District Court's injunction, and where the state courts are available to applicants for



**FEDERAL-STATE RELATIONS**—Continued.

vindication of their constitutional claims, the application for a stay of the Court of Appeals order is denied. *Cousins v. Wigoda* (REHNQUIST, J., in chambers), p. 1201.

**FEDERAL TAXATION.** See *Constitutional Law*, VI; IX; *Taxes*, 2-3.

**FEE LANDS.** See *Constitutional Law*, X, 1; *Eminent Domain*, 1.

**FEEES.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**FIFTH AMENDMENT.** See *Bankruptcy Act*; *Collateral Estoppel*; *Constitutional Law*, III, 1-2; V, 3; VI; IX; X, 1-3; *Eminent Domain*, 1-2; *Indian Lands*; *Taxes*, 2-3.

**FILING FEES.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**FILMS.** See *Constitutional Law*, XII.

**FINAL JUDGMENTS.** See *Appeals*, 1; *Expediting Act*, 1-2; *Jurisdiction*, 3, 5.

**FINANCIAL ASSISTANCE.** See *Social Security Act*.

**FINES.** See *Constitutional Law*, IV, 4; *National Labor Relations Act*, 2; *Trials*, 5-6; *Unions*.

**FIRINGS.** See *National Labor Relations Act*, 1.

**FIRST AMENDMENT.** See *Constitutional Law*, VII; *Contempt*.

**FOG SIGNALS.** See *Admiralty*, 2.

**FORCED BUSING.** See *Education Amendments of 1972*; *School Desegregation*.

**FOREIGN CORPORATIONS.** See *Constitutional Law*, II, 2; *Taxes*, 4.

**FOREIGN SURVEILLANCE.** See *Constitutional Law*, XI, 1; *Standing*.

**FORFEITURES.** See *Collateral Estoppel*; *Constitutional Law*, III, 2; IV, 5.

**FOURTEENTH AMENDMENT.** See *Civil Rights*; *Constitutional Law*, III, 1; IV, 1-5; V, 1-2; VIII; XII; *Education Amendments of 1972*; *Judicial Review*, 3-4; *Jurisdiction*, 2, 8; *Justiciability*, 1-2; *School Desegregation*; *Stays*; *Trials*, 2-5.

**FOURTH AMENDMENT.** See *Bail*, *Constitutional Law*, VI; IX; XI, 1, 3-4; *Jurisdiction*, 8; *Standing*; *Taxes*, 2-3.

**FRANCHISE.** See *Constitutional Law*, I; V, 2; *Justiciability*, 1-2.

- FREEDOM OF SPEECH.** See Constitutional Law, VII.
- FREEDOM OF THE PRESS.** See Constitutional Law, VII; Contempt.
- FREEDOM TO RESIGN.** See National Labor Relations Act, 2; Unions.
- FREIGHT RATES.** See Interstate Commerce Commission; Judicial Review, 7.
- FRIVOLOUS ISSUES.** See Bail; Constitutional Law, XI, 4.
- FUTURES.** See Administrative Procedure, 1-2; Antitrust Acts, 1-2; Judicial Review, 1-2; Procedure, 1-2.
- GAMBLING.** See also Criminal Law.  
*Travel Act—Rail delivery of racing publication—Bookmaking operations.*—Causing a publication to be carried by a facility of interstate commerce with an intent to facilitate the operation of an illegal gambling business is a violation of 18 U. S. C. § 1952. The exception for “any newspaper or similar publication” contained in 18 U. S. C. § 1953, which prohibits the interstate shipment of certain gambling paraphernalia, was not intended to be read into § 1952. *Erlenbaugh v. United States*, p. 239.
- GAS LEASES.** See Constitutional Law, X, 3; Indian Lands.
- GENERAL-PURPOSE COMPUTERS.** See Patents.
- GEORGIA.** See Education Amendments of 1972; School Desegregation.
- GRAIN ELEVATORS.** See Constitutional Law, X, 2; Eminent Domain, 2.
- GRAND JURIES.** See Bail; Constitutional Law, XI, 3-4.
- GRAZING PERMITS.** See Constitutional Law, X, 1; Eminent Domain, 1.
- GRIEVANCES.** See National Labor Relations Act, 1.
- GROSS RECEIPTS TAX.** See Constitutional Law, II, 1; Taxes, 1.
- GROSS SEXUALITY.** See Constitutional Law, XII.
- HABEAS CORPUS.** See Appeals; Constitutional Law, III, 1; IV, 1, 6; Evidence; Judicial Review, 4, 6; Procedure, 5.
- HALF-DISTANCE RULE.** See Admiralty, 2.
- HEARINGS.** See Constitutional Law, IV, 1; Judicial Review, 4.
- HOME ADDRESSES.** See Constitutional Law, IV, 5.
- HORSE RACING.** See Criminal Law; Gambling.

- HOUSING AND URBAN DEVELOPMENT.** See *Civil Rights Act of 1968*; *Standing to Sue*.
- HUMAN ENVIRONMENT.** See *Interstate Commerce Commission*; *Judicial Review*, 7.
- IDENTIFICATIONS.** See *Constitutional Law*, IV, 6; *Evidence*; *Judicial Review*, 6.
- ILLEGITIMATE CHILDREN.** See *Constitutional Law*, V, 1; *Jurisdiction*, 4.
- ILLINOIS.** See *Administrative Procedure*, 1-2; *Antitrust Acts*, 1-2; *Constitutional Law*, IV, 5; *Criminal Law*; *Gambling*; *Judicial Review*, 1-3; *Procedure*, 1-2, 4; *Stays*, 1.
- ILLINOIS SPORTS NEWS.** See *Criminal Law*; *Gambling*.
- IMMUNITY.** See *Bail*; *Constitutional Law*, XI, 4.
- IMPACT STATEMENTS.** See *Interstate Commerce Commission*; *Judicial Review*, 7.
- IMPARTIALITY.** See *Recusal*.
- IMPARTIAL JUDICIAL OFFICERS.** See *Constitutional Law*, IV, 4; *Trials*, 4-5.
- IMPROVEMENTS.** See *Constitutional Law*, X, 2; *Eminent Domain*, 2.
- IN CAMERA PROCEEDINGS.** See *Bail*; *Constitutional Law*, XI, 1, 4; *Standing*.
- INCOME TAXES.** See *Constitutional Law*, II, 1-2; VI; IX; *Taxes*, 1-4.
- IN-COURT IDENTIFICATIONS.** See *Constitutional Law*, IV, 6; *Evidence*; *Judicial Review*, 6.
- INDEPENDENT CONTRACTORS.** See *Constitutional Law*, VI; IX; *Taxes*, 2-3.
- INDIANA.** See *Constitutional Law*, XI, 2; *Criminal Law*; *Gambling*; *Mootness*, 1; *Stays*, 2.
- INDIAN LANDS.** See also *Constitutional Law*, X, 3.

*Just Compensation—Indian reservation—Oil and gas wells—Royalties benefiting Aneth Extension (Navajo Reservation) residents.—* As the earlier statute did not create constitutionally protected property rights in the residents of the Aneth Extension, the statutory change enlarging the class of beneficiaries did not constitute a taking of property without just compensation. *United States v. Jim*, p. 80.



- INDICTMENTS.** See **Constitutional Law**, III, 1.
- INDIGENTS.** See **Bankruptcy Act**; **Constitutional Law**, V, 3.
- INDIVIDUAL GRIEVANCES.** See **Jurisdiction**, 6; **Procedure**, 4.
- INDIVIDUAL INJURIES.** See **Civil Rights Act of 1968**; **Standing to Sue**.
- INFORMANTS.** See **Constitutional Law**, VII; **Contempt**.
- INJUNCTIONS.** See also **Federal-State Relations**; **Interstate Commerce Commission**; **Judicial Review**, 5, 7; **Jurisdiction**, 4; **Stays**, 2.
- Party on ballot—Complaint dismissed—Tardiness of application for relief.*—The motion for injunction pending appeal of candidates who failed to secure ballot placement for the November 7, 1972, election in Arizona is denied because orderly election processes would likely be disrupted by granting so tardy an application. *Westermann v. Nelson* (DOUGLAS, J., in chambers), p. 1236.
- INLAND RULES OF NAVIGATION.** See **Admiralty**, 2.
- IN PARI MATERIA.** See **Criminal Law**; **Gambling**.
- IN REM PROCEEDINGS.** See **Constitutional Law**, IV, 5.
- INSOLVENCY.** See **Bankruptcy Act**; **Constitutional Law**, V, 3.
- INSTALLMENT PAYMENTS.** See **Bankruptcy Act**; **Constitutional Law**, V, 3.
- INSTRUCTIONAL MATERIALS.** See **Constitutional Law**, II, 1; **Taxes**, 1.
- INSTRUCTIONS.** See **Constitutional Law**, XI, 2.
- INSURANCE.** See **Jurisdiction**, 6; **Procedure**, 4.
- INTEGRATED COMMUNITIES.** See **Civil Rights Act of 1968**; **Standing to Sue**.
- INTENT TO DEFRAUD.** See **Collateral Estoppel**; **Constitutional Law**, III, 2.
- INTERCEPTED CONVERSATIONS.** See **Bail**; **Constitutional Law**, XI, 1, 3-4; **Standing**.
- INTERLOCUTORY APPEALS.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.
- INTERNAL REVENUE.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.
- INTERRACIAL ASSOCIATIONS.** See **Civil Rights Act of 1968**; **Standing to Sue**.

**INTERSECTING COURSES.** See **Admiralty**, 2.

**INTERSTATE COMMERCE.** See **Constitutional Law**, II, 1-2;  
**Criminal Law**; **Gambling**; **Taxes**, 1, 4.

**INTERSTATE COMMERCE COMMISSION.** See also **Judicial Review**, 7.

*Transportation of recyclable goods—Temporary freight surcharge—Adverse environmental impact.*—Where District Court enjoined railroads' temporary across-the-board freight surcharge since ICC had not prepared an "impact statement" as required by § 102 (2) (C) of the National Environmental Policy Act, and determined that the certain damage to the environment outweighed the probable damage to the railroads so that its injunction ought not be stayed, since it cannot be said that the District Court's factual evaluation of the necessity for a stay constituted an abuse of discretion, the application for stay must be denied. *Aberdeen & Rockfish R. Co. v. SCRAP* (BURGER, C. J., in chambers), p. 1207.

**INTERSTATE COMPACTS.** See **Jurisdiction**, 6; **Procedure**, 4.

**INTERVENTION.** See **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Collateral Estoppel**; **Constitutional Law**, III, 2; VI; IX; **Judicial Review**, 1-2; **Procedure**, 1-2; **Taxes**, 2-3.

**INTIMIDATION.** See **Constitutional Law**, IV, 3; **Trials**, 3.

**INTOXICATING LIQUORS.** See **Constitutional Law**, II, 2;  
**Taxes**, 4.

**INVENTIONS.** See **Patents**.

**INVESTIGATIONS.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.

**INVIDIOUS DISCRIMINATION.** See **Constitutional Law**, V, 1.

**INVOLUNTARY CONFESSIONS.** See **Constitutional Law**, IV, 1;  
**Judicial Review**, 4.

**JAILS.** See **Constitutional Law**, IV, 5.

**JET AIRCRAFT.** See **Administrative Procedure**, 3; **Admiralty**, 1, 3; **Antitrust Acts**, 3; **Jurisdiction**, 1, 7.

**JEWELRY.** See **Collateral Estoppel**; **Constitutional Law**, III, 2.

**JUDGES.** See **Constitutional Law**, IV, 1, 3-4; **Judicial Review**, 4;  
**Recusal**; **Trials**, 3-5.

**JUDGMENTS.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3; **Jurisdiction**, 4.

**JUDICIAL INQUIRIES.** See **Constitutional Law**, XI, 3.

**JUDICIAL OFFICERS.** See **Constitutional Law**, IV, 4; **Trials**, 4-5.

**JUDICIAL REVIEW.** See also **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Appeals**, 1; **Constitutional Law**, IV, 1-2, 6; **Evidence**; **Expediting Act**, 1-2; **Federal-State Relations**; **Interstate Commerce Commission**; **Jurisdiction**, 3, 5, 8; **Procedure**, 1-2; **Stays**, 1, 3; **Trials**, 1.

1. *Commodity Exchange Commission—Determination respecting Exchange's rules violations—Bearing on antitrust laws.*—Though the Commission cannot decide whether the Commodity Exchange Act and rules immunize conduct from the antitrust laws, the Commission's determination of whether the Chicago Mercantile Exchange's rules were violated as petitioner claims or were followed requires a factual determination that is within the special competence of the Commission, and such a determination will greatly aid the antitrust court in arriving at the essential accommodation between the antitrust and regulatory regimes. *Ricci v. Chicago Mercantile Exchange*, p. 289.

2. *Conspiracy charge—Judicial abstention—Factual determination by administrative agency.*—The Court of Appeals correctly determined that the antitrust proceedings should be stayed until the Commodity Exchange Commission can pass on the validity of respondents' conduct under the Commodity Exchange Act. *Ricci v. Chicago Mercantile Exchange*, p. 289.

3. *Credentials Committee unseating of delegates—Request for expedited review one week before convention—Availability of convention as forum.*—In view of the probability that the Court of Appeals erred in deciding on the merits the cases involving seating of delegates and in view of the traditional right of a political convention to review and act upon the recommendations of a Credentials Committee, the judgments of the Court of Appeals must be stayed. The important constitutional issues cannot be resolved within the limited time available, and no action is now taken on the petitions for certiorari. *O'Brien v. Brown*, p. 1.

4. *Due process—Confession—Trial judge's finding of voluntariness.*—The trial court's *Jackson v. Denno*, 378 U. S. 368, error, if any, was remedied by the constitutionally adequate evidentiary hearing given respondent on the voluntariness issue by the St. Louis court, which the Missouri Supreme Court upheld after concluding from its independent examination of the record that the confession was voluntary. The Court of Appeals in this habeas corpus proceeding therefore erred in holding that respondent was entitled to



**JUDICIAL REVIEW**—Continued.

still another voluntariness hearing in the state court. *Swenson v. Stidham*, p. 224.

5. *Republican Convention—Allocation of delegates.*—District Court's injunction prohibiting the 1972 Republican National Convention from allocating six "bonus" delegates to its 1976 convention to each State casting its electoral votes for the Republican presidential nominee in 1972, or electing a Republican senator, governor, or majority of its congressional delegation at any election within four years previous to 1976 stayed in light of criteria set forth in *O'Brien v. Brown*, ante, p. 1, and to preserve the issues for judicial review. *Republican Committee v. Ripon Society* (REHNQUIST, J., in chambers), p. 1222.

6. *State prisoner's appeal—Affirmance by equally divided Court—Federal habeas corpus proceeding.*—This Court's equally divided affirmance of respondent's state court conviction does not, under 28 U. S. C. § 2244 (c), bar further federal relief by habeas corpus, since such an affirmance merely ends the process of direct review but settles no issue of law. *Neil v. Biggers*, p. 188.

7. *Transportation of recyclable goods—Temporary freight surcharge—Adverse environmental impact.*—Where District Court enjoined railroads' temporary across-the-board freight surcharge since Interstate Commerce Commission had not prepared an "impact statement" as required by § 102 (2) (C) of the National Environmental Policy Act, and determined that the certain damage to the environment outweighed the probable damage to the railroads so that its injunction ought not be stayed, since it cannot be said that the District Court's factual evaluation of the necessity for a stay constituted an abuse of discretion, the application for stay must be denied. *Aberdeen & Rockfish R. Co. v. SCRAP* (BURGER, C. J., in chambers), p. 1207.

**JURIES.** See **Constitutional Law**, IV, 3; XI, 2; **Perjury**; **Trials**, 1, 3.

**JURISDICTION.** See also **Abstention**; **Administrative Procedure**, 1-2; **Admiralty**, 1, 3; **Antitrust Acts**, 1-2; **Appeals**, 1; **Civil Rights**; **Expediting Act**, 1-2; **Judicial Review**, 1-2; **Procedure**, 1-4.

1. *Aircraft crash in navigable waters—Lack of significant relationship to traditional maritime activity.*—Federal admiralty jurisdiction does not extend to aviation tort claims arising from flights like the one involved here between points within the continental United States. *Executive Jet Aviation v. City of Cleveland*, p. 249.

**JURISDICTION**—Continued.

2. *Arrest—Alleged beating by District of Columbia police officer—Civil action for damages.*—The District of Columbia is not a “State or Territory” within the meaning of 42 U. S. C. § 1983, and the Court of Appeals therefore erred insofar as that court sustained respondent’s claims for deprivation of civil rights pursuant to that statute. *District of Columbia v. Carter*, p. 418.

3. *Civil antitrust action—United States as plaintiff—Certification of order for purpose of interlocutory appeal.*—The Expediting Act, providing that in a civil antitrust action brought by the United States in a federal district court an appeal from that court’s final judgment will lie only to this Court, lodged exclusive appellate jurisdiction over such actions in this Court and thus bars the courts of appeals from asserting jurisdiction over interlocutory orders covered by 28 U. S. C. § 1292 (b), as well as over other interlocutory orders specified in § 1292 (a). *Tidewater Oil Co. v. United States*, p. 151.

4. *Class action—Injunctive remedy.*—District Court, which granted appellees an injunction against enforcement of § 203 (a) of the Social Security Act, erred in assuming jurisdiction under Tucker Act, which does not authorize suits for equitable relief. *Richardson v. Morris*, p. 464.

5. *Expediting Act—Civil antitrust action—Appeals from interlocutory orders of federal district court.*—The legislative history of 28 U. S. C. §§ 1292 (a) and (b) contains no indication of a congressional intent to impair the original exclusivity of this Court’s jurisdiction under the Expediting Act. *Tidewater Oil Co. v. United States*, p. 151.

6. *Litigation between States over workmen’s compensation insurance—Failure to seek appellate review.*—The failure of the State of Illinois to petition for a writ of certiorari with respect to an adverse Michigan Supreme Court decision in a case to which Illinois was a party “vindicat[ing] . . . grievances of particular individuals” precludes recourse to this Court’s original jurisdiction as an alternative to normal appellate review. *Illinois v. Michigan*, p. 36.

7. *Takeoff from Cleveland airport—Crash-landing in Lake Erie.*—Neither the fact that an aircraft goes down on navigable waters nor that the negligence “occurs” while the aircraft is flying over such waters is sufficient to confer federal admiralty jurisdiction over aviation tort claims, and in the absence of legislation to the contrary such jurisdiction exists only when there is a significant relationship to traditional maritime activity. *Executive Jet Aviation v. City of Cleveland*, p. 249.

**JURISDICTION**—Continued.

8. *Warrantless search—Doubt as to basis for state court's dismissal.*—It not being clear whether the judgment of the California Supreme Court affirming the lower court is based on federal or state constitutional grounds, or both, and whether this Court has jurisdiction on review, the judgment is vacated and the cause remanded. *California v. Krivda*, p. 33.

**JURORS.** See **Constitutional Law**, IV, 2; **Trials**, 2.

**JURY TRIALS.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**JUST COMPENSATION.** See **Constitutional Law**, X, 1-3; **Eminent Domain**, 1-2; **Indian Lands**.

**JUSTICIABILITY.** See also **Constitutional Law**, I; V, 2; **Federal-State Relations**; **Judicial Review**, 3.

1. *Principal defendants—Other defendants.*—Pennsylvania officials' concession that Pennsylvania Election Code provisions were invalid did not foreclose the existence of an Art. III case or controversy since the municipal officials continued to assert the right to enforce the challenged provisions. *Goosby v. Osser*, p. 512.

2. *Prisoners unable to make bail or held on nonbailable offenses—Denial of access to registration and voting facilities.*—*McDonald v. Board of Election Comm'rs*, 394 U. S. 31, unlike the situation alleged here, did not deal with an absolute prohibition against voting by the prisoners there involved, and that decision does not "foreclose the subject" of petitioners' challenge to the Pennsylvania statutory scheme. The case must therefore be heard by a three-judge district court. *Goosby v. Osser*, p. 512.

**KU KLUX KLAN ACT OF 1871.** See **Civil Rights**; **Jurisdiction**, 2.

**LABOR.** See **National Labor Relations Act**, 1; **Unions**.

**LAKE ERIE.** See **Admiralty**, 1, 3; **Jurisdiction**, 1, 7.

**LANDLORDS.** See **Civil Rights Act of 1968**; **Constitutional Law**, X, 2; **Eminent Domain**, 2; **Standing to Sue**.

**LAWFUL STRIKES.** See **National Labor Relations Act**, 1.

**LAWYERS.** See **Perjury**; **Trials**, 1.

**LEASES.** See **Constitutional Law**, X, 1-3; **Eminent Domain**, 1-2; **Indian Lands**.

**LEGITIMATE CHILDREN.** See **Constitutional Law**, V, 1.



- LEGITIMATE EXPECTATION OF PRIVACY.** See Constitutional Law, VI; IX; Taxes, 2-3.
- LEWD ENTERTAINMENT.** See Constitutional Law, XII.
- LIABILITY.** See Admiralty, 2.
- LICENSES.** See Constitutional Law, XII; Mootness, 2.
- LINEUPS.** See Constitutional Law, IV, 6; Evidence; Judicial Review, 6.
- LIQUOR BUSINESSES.** See Constitutional Law, II, 2; Taxes, 4.
- LIQUOR BY THE DRINK.** See Constitutional Law, XII.
- LIVESTOCK PERMITS.** See Constitutional Law, X, 1; Eminent Domain, 1.
- LOCALITY TEST.** See Admiralty, 1, 3; Jurisdiction, 1, 7.
- MAILING NOTICE.** See Constitutional Law, IV, 5.
- MAINE.** See Appeals, 2; Procedure, 5.
- MAINTENANCE-OF-MEMBERSHIP CLAUSES.** See National Labor Relations Act, 2; Unions.
- MAJORITY STOCKHOLDERS.** See Administrative Procedure, 3; Antitrust Acts, 3.
- MANDATORY INJUNCTIONS.** See Stays, 2.
- MANUALS.** See Constitutional Law, II, 1; Taxes, 1.
- MANUFACTURERS.** See Constitutional Law, II, 2; Taxes, 4.
- MARIHUANA.** See Constitutional Law, IV, 2; Jurisdiction, 8; Trials, 2.
- MARITIME NEXUS.** See Admiralty, 1, 3; Jurisdiction, 1, 7.
- MARITIME TORTS.** See Admiralty, 1, 3; Jurisdiction, 1, 7.
- MARKET VALUE.** See Constitutional Law, X, 1-2; Eminent Domain, 1-2.
- MATERIAL WITNESSES.** See Recusal.
- MATHEMATICAL PROCEDURES.** See Patents.
- MAYORS' COURTS.** See Constitutional Law, IV, 4; Trials, 4-5.
- MEMBERS.** See National Labor Relations Act, 2; Unions.
- MEMBERSHIPS.** See Administrative Procedure, 1-2; Antitrust Acts, 1-2; Judicial Review, 1-2; Procedure, 1-2.
- "MERE SOLICITATION."** See Constitutional Law, II, 2; Taxes, 4.

- MERGERS.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3.
- METROPOLITAN POLICE DEPARTMENT.** See **Civil Rights; Jurisdiction**.
- MICHIGAN.** See **Jurisdiction**, 6; **Procedure**, 4.
- MINERAL LEASES.** See **Constitutional Law**, X, 3; **Indian Lands**.
- MINORITIES.** See **Civil Rights Act of 1968; Standing to Sue**.
- MINORS.** See **Constitutional Law**, V, 1.
- MISDEMEANANTS.** See **Constitutional Law**, VIII.
- MISIDENTIFICATION.** See **Constitutional Law**, IV, 6; **Evidence; Judicial Review**, 6.
- MISSOURI.** See **Constitutional Law**, IV, 1; **Judicial Review**, 4.
- MISTRIALS.** See **Constitutional Law**, IV, 3; **Trials**, 3.
- MODERATE SPEEDS.** See **Admiralty**, 2.
- MONETARY PENALTIES.** See **Collateral Estoppel; Constitutional Law**, III, 2.
- MONOPOLIES.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3.
- MOOTNESS.** See also **Judicial Review**, 3; **Stays**, 1.
1. *Ineligible beneficiary—Reversal of initial determination—Retrospective payment of compensation.*—There being no named representative of the class except appellee, settlement of appellee's claim for benefits in this class action challenging Indiana's system of administering unemployment insurance raises a question as to whether this case has become moot. *Indiana Employment Division v. Burney*, p. 540.
2. *Revocation of driver's license—Supervening decision.*—Supervening decision regarding whether persons similarly situated are entitled to evidentiary hearing prior to revocation of driver's license being given retroactive effect by state courts, case remanded to determine whether it has become moot. *Rivas v. Cozens*, p. 55.
- MUNICIPAL JUDGES.** See **Constitutional Law**, IV, 4; **Trials**, 4-5.
- MUNICIPAL OFFICIALS.** See **Constitutional Law**, I; V, 2; **Justiciability**, 1-2.
- MUNICIPAL PROSECUTIONS.** See **Constitutional Law**, III, 1.
- NAKED ENTERTAINMENT.** See **Constitutional Law**, XII.

**NATIONAL ENVIRONMENTAL POLICY ACT.** See *Interstate Commerce Commission*; *Judicial Review*, 7.

**NATIONAL LABOR RELATIONS ACT.** See also *Unions*.

1. *Refusal to cross picket line—Discharges before replacements hired—Unfair labor practices.*—The unconditional reinstatement of the employees was proper since their discriminatory discharges prior to the time their places were filled constituted unfair labor practices regardless of whether they were economic strikers or unfair labor practice strikers. *NLRB v. International Van Lines*, p. 48.

2. *Strike—Resignations from union—Resumption of work.*—Where neither the Union-employer contract nor the Union's constitution or bylaws defined or limited the circumstances under which a member could resign from the Union, it was an unfair labor practice for the Union to fine employees who had been Union members in good standing but who had resigned during a lawful strike authorized by the members and thereafter returned to work during that strike. *NLRB v. Textile Workers*, p. 213.

**NATURAL PARENTS.** See *Constitutional Law*, V, 1.

**NATURAL RESOURCES.** See *Interstate Commerce Commission*; *Judicial Review*, 7.

**NAVAJO INDIANS.** See *Constitutional Law*, X, 3; *Indian Lands*.

**NAVIGABLE WATERS.** See *Admiralty*, 1, 3; *Jurisdiction*, 1, 7.

**NAVIGATION.** See *Admiralty*, 2.

**NEGATIVE IMPLICATIONS.** See *Perjury*; *Trials*, 1.

**NEGLIGENCE.** See *Admiralty*, 1, 3; *Jurisdiction*, 1, 7.

**NEGROES.** See *Constitutional Law*, IV, 2; *Trials*, 2.

**NET INCOME TAX.** See *Constitutional Law*, II, 2; *Taxes*, 4.

**NEW JERSEY.** See *Abstention*; *Procedure*, 3; *Social Security Act*.

**NEW MEXICO.** See *Constitutional Law*, II, 1; *Taxes*, 1.

**NEWSPAPER REPORTERS.** See *Constitutional Law*, VII; *Contempt*.

**NEWSPAPERS.** See *Criminal Law*; *Gambling*.

**NEW YORK.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**NIGHTCLUBS.** See *Constitutional Law*, XII.

**NOMINAL PARTIES.** See *Jurisdiction*, 6; *Procedure*, 4.

**NOMINATING CONVENTIONS.** See *Judicial Review*, 5.



- NONBAILABLE OFFENSES.** See Constitutional Law, I; V, 2; Justiciability, 1-2.
- NONFEDERAL GROUNDS.** See Jurisdiction, 8.
- NONJUDICIAL REMEDIES.** See Bankruptcy Act; Constitutional Law, V, 3.
- NONRENEWAL OF LEASES.** See Constitutional Law, X, 2; Eminent Domain, 2.
- NOTICE.** See Constitutional Law, IV, 5.
- NUDITY.** See Constitutional Law, XII.
- NUMERICAL INFORMATION.** See Patents.
- OATHS.** See Stays, 2.
- OHIO.** See Admiralty, 1, 3; Constitutional Law, IV, 4; Jurisdiction, 1, 7; Trials, 4-5.
- OIL LEASES.** See Constitutional Law, X, 3; Indian Lands.
- ORDINANCES.** See Constitutional Law, IV, 4; Trials, 4-5.
- OREGON.** See Admiralty, 2.
- ORGANIZED CRIME.** See Criminal Law; Gambling.
- ORIGINAL JURISDICTION.** See Jurisdiction, 6; Procedure, 4.
- OUT-OF-STATE PURCHASERS.** See Constitutional Law, II, 1; Taxes, 1.
- PARENTS.** See Constitutional Law, V, 1.
- PARI MATERIA.** See Criminal Law; Gambling.
- PARTIALITY.** See Constitutional Law, IV, 2; Trials, 2.
- PARTIES.** See Jurisdiction, 6; Procedure, 4.
- PARTY RULES.** See Judicial Review, 3; Stays, 1.
- PATENTS.**

*Programmed conversion of numerical information—Patentability vel non—Digital computers.*—Respondents' method for converting numerical information from binary-coded decimal numbers into pure binary numbers, for use in programming conventional general-purpose digital computers, is merely a series of mathematical calculations or mental steps and does not constitute a patentable "process" within the meaning of the Patent Act, 35 U. S. C. § 100 (b). *Gottschalk v. Benson*, p. 63.

**PAUPERS.** See Bankruptcy Act; Constitutional Law, V, 3.

**PAYMENT OF DUES.** See **National Labor Relations Act**, 2; **Unions**.

**PAYMENTS.** See **Social Security Act**.

**PENAL INSTITUTIONS.** See **Constitutional Law**, I; V, 2; **Justiciability**, 1-2.

**PENALTIES.** See **National Labor Relations Act**, 2; **Unions**.

**PENNSYLVANIA.** See **Constitutional Law**, I; V, 2; **Justiciability**, 1-2.

**PERFORMANCES.** See **Constitutional Law**, XII.

**PERJURY.** See also **Constitutional Law**, IV, 3; **Trials**, 1, 3.

*Cross-examination—True, but unresponsive, answers—Attorney's framing of questions.*—Federal perjury statute, 18 U. S. C. § 1621, does not reach a witness' answer that is literally true, but unresponsive, even assuming the witness intends to mislead his questioner by the answer, and even assuming the answer is arguably "false by negative implication." A perjury prosecution is not, in our adversary system, the primary safeguard against errant testimony; given the incongruity of an unresponsive answer, it is the questioner's burden to frame his interrogation acutely to elicit the precise information he seeks. *Bronston v. United States*, p. 352.

**PERMANENT DISABILITY.** See **Social Security Act**.

**PERMANENT REPLACEMENTS.** See **National Labor Relations Act**, 1.

**PERMIT LANDS.** See **Constitutional Law**, X, 1; **Eminent Domain**, 1.

**PERSONAL PRIVILEGE.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.

**PERSONAL PROPERTY.** See **Constitutional Law**, II, 1; **Taxes**, 1.

**PERSONAL RECOGNIZANCE.** See **Constitutional Law**, VII; **Contempt**.

**PHILADELPHIA.** See **Constitutional Law**, I; V, 2; **Justiciability**, 1-2.

**PHYSICAL DISABILITIES.** See **Constitutional Law**, VIII.

**PICKET LINES.** See **National Labor Relations Act**, 1.

**PIECEMEAL LITIGATION.** See **Appeals**, 1-2; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5; **Procedure**, 5.

**POLICE.** See **Jurisdiction**, 8.

- POLICE BRUTALITY.** See Civil Rights; Jurisdiction, 2.
- POLITICAL CONVENTIONS.** See Federal-State Relations; Judicial Review, 3; Stays, 1.
- POLITICAL PARTIES.** See Injunctions; Stays, 2.
- POLLING PLACES.** See Constitutional Law, I; V, 2; Justiciability, 1-2.
- POLLS.** See Constitutional Law, VIII.
- POST-CONVICTION RELIEF.** See Appeals, 2; Procedure, 5.
- POVERTY.** See Bankruptcy Act; Constitutional Law, V, 3.
- PRECEDENTS.** See Constitutional Law, IV, 6; Evidence; Judicial Review, 4.
- PRECIOUS STONES.** See Collateral Estoppel; Constitutional Law, III, 2.
- PREJUDICE.** See Constitutional Law, IV, 2; Trials, 2.
- PREJUDICIAL PUBLICITY.** See Constitutional Law, VII; Contempt.
- PRESIDENTIAL ELECTIONS.** See Constitutional Law, VIII; Injunctions; Judicial Review, 3, 5; Stays, 1.
- PRETRIAL IDENTIFICATIONS.** See Constitutional Law, IV, 6; Evidence; Judicial Review, 6.
- PRETRIAL PUBLICITY.** See Constitutional Law, IV, 2; Trials, 2.
- PRIMARIES.** See Federal-State Relations; Judicial Review, 3; Stays, 1.
- PRINCIPAL DEFENDANTS.** See Constitutional Law, I; V, 2; Justiciability, 1-2.
- PRIOR ACQUITTALS.** See Collateral Estoppel; Constitutional Law, III, 2.
- PRISONERS.** See Appeals, 2; Constitutional Law, I; IV, 3, 5-6; V, 2; VIII; Evidence; Judicial Review, 6; Justiciability, 1-2; Procedure, 5; Trials, 3.
- PRIVATE ATTORNEYS GENERAL.** See Civil Rights Act of 1968; Standing to Sue.
- PRIVATE LITIGANTS.** See Jurisdiction, 6; Procedure, 4.
- PRIVATE PAPERS.** See Constitutional Law, VI; IX; Taxes, 2-3.



**PRIVILEGE.** See **Bail**; **Constitutional Law**, VI; IX; XI, 3-4; **Taxes**, 2-3.

**PROCEDURE.** See also **Abstention**; **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Appeals**, 2; **Constitutional Law**, IV, 4, 6; **Evidence**; **Judicial Review**, 1-2, 4; **Jurisdiction**, 6; **Removal**; **Stays**, 2; **Trials**, 4-5.

1. *Commodity Exchange Commission—Determination respecting Exchange's rules violations—Bearing on antitrust laws.*—Though the Commission cannot decide whether the Commodity Exchange Act and rules immunize conduct from the antitrust laws, the Commission's determination of whether the Chicago Mercantile Exchange's rules were violated as petitioner claims or were followed requires a factual determination that is within the special competence of the Commission, and such a determination will greatly aid the antitrust court in arriving at the essential accommodation between the antitrust and regulatory regimes. *Ricci v. Chicago Mercantile Exchange*, p. 289.

2. *Conspiracy charge—Judicial abstention—Factual determination by administrative agency.*—The Court of Appeals correctly determined that the antitrust proceedings should be stayed until the Commodity Exchange Commission can pass on the validity of respondents' conduct under the Commodity Exchange Act. *Ricci v. Chicago Mercantile Exchange*, p. 289.

3. *Federal court's abstention—Dismissal without prejudice.*—In abstaining so as to permit a state court to pass on an issue of state law, a district court should retain jurisdiction pending the state proceeding so that appellants may preserve their right to litigate their federal claims in federal court at the conclusion of the state proceeding. *American Trial Lawyers v. N. J. Supreme Court*, p. 467.

4. *Litigation between States over workmen's compensation insurance—Failure to seek appellate review.*—The failure of the State of Illinois to petition for a writ of certiorari with respect to an adverse Michigan Supreme Court decision in a case to which Illinois was a party "vindicat[ing] . . . grievances of particular individuals" precludes recourse to this Court's original jurisdiction as an alternative to normal appellate review. *Illinois v. Michigan*, p. 36.

5. *Post-conviction relief—Piecemeal collateral attack—Waiver of right to raise constitutional issue.*—Maine could properly provide that a prisoner seeking post-conviction relief must assert all known constitutional claims in a single proceeding, and a state prisoner may not "elect" not to comply with a state court's interpretation of the statute and claim, as respondent (who had received fair warning)

**PROCEDURE**—Continued.

did here, that he did not have the subjective intent to waive his constitutional claims. *Murch v. Mottram*, p. 41.

**PROCEEDS OF SALES.** See *Constitutional Law*, II, 1; *Taxes*, 1.

**PROCESS CLAIMS.** See *Patents*.

**PRODUCERS.** See *Constitutional Law*, II, 2; *Taxes*, 4.

**PROPHYLACTIC RULES.** See *Constitutional Law*, IV, 4; XII; *Trials*, 4-5.

**PROPOSED TARIFFS.** See *Interstate Commerce Commission*; *Judicial Review*, 7.

**PROSECUTIONS.** See *Constitutional Law*, III, 1; *Perjury*; *Trials*, 1.

**PROSECUTORS.** See *Constitutional Law*, XI, 3.

**PUBLIC ASSISTANCE.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**PUBLICATIONS.** See *Criminal Law*; *Gambling*.

**PUBLIC DOMAIN.** See *Constitutional Law*, X, 3; *Indian Lands*.

**PUBLIC INTEREST.** See *Administrative Procedure*, 3; *Anti-trust Acts*, 3.

**PUBLICITY.** See *Constitutional Law*, VII; *Contempt*.

**PUBLIC MORALS.** See *Constitutional Law*, XII.

**PUBLIC SCHOOLS.** See *Education Amendments of 1972*; *School Desegregation*.

**PUBLIC STATEMENTS.** See *Recusal*.

**PURE BINARY NUMERALS.** See *Patents*.

**QUALIFICATION OF VOTERS.** See *Constitutional Law*, VIII.

**QUALITY OF ENVIRONMENT.** See *Interstate Commerce Commission*; *Judicial Review*, 7.

**QUASI IN REM PROCEEDINGS.** See *Constitutional Law*, V, 5.

**QUESTIONS.** See *Perjury*; *Trials*, 1.

**QUOTA SYSTEM.** See *Judicial Review*, 3; *Stays*, 1.

**RACIAL DISCRIMINATION.** See *Civil Rights Act of 1968*; *Standing to Sue*.

**RACIAL IMBALANCE.** See *Education Amendments of 1972*; *School Desegregation*.

**RACIAL PREJUDICE.** See Constitutional Law, IV, 2; Trials, 2.

**RACING.** See Criminal Law; Gambling.

**RAILROADS.** See Constitutional Law, X, 2; Eminent Domain, 2; Interstate Commerce Commission; Judicial Review, 7.

**RANCHES.** See Constitutional Law, X, 1; Eminent Domain, 1.

**RATES.** See Interstate Commerce Commission; Judicial Review, 7.

**REASONABLE DOUBT.** See Constitutional Law, XI, 2.

**RECORDS.** See Constitutional Law, VI; IX; Taxes, 2-3.

**RECUSAL.**

*Motion that Justice disqualify himself—Public statements made before appointment to Court.*—Controlling statute, 28 U. S. C. § 455, does not require Supreme Court Justice to recuse himself since he did not participate in the case, either of record or in an advisory capacity, in any court or in the Government's conduct of case in which motion to recuse was made. *Laird v. Tatum* (REHNQUIST, J., denial of motion), p. 824.

**RECYCLABLE GOODS.** See Interstate Commerce Commission; Judicial Review, 7.

**RE-EMPLOYMENT.** See National Labor Relations Act, 1.

**REFEREES.** See Bankruptcy Act; Constitutional Law, V, 3.

**REGISTERED BRANDS.** See Constitutional Law, II, 2; Taxes, 4.

**REGISTRATION STATEMENTS.** See Constitutional Law, VIII.

**REGULATORY AGENCIES.** See Interstate Commerce Commission; Judicial Review, 7.

**REGULATORY SCHEMES.** See Constitutional Law, II, 2; Taxes, 4.

**REIMBURSEMENTS.** See Social Security Act.

**REINSTATEMENT.** See National Labor Relations Act, 1.

**RELIEF.** See Federal-State Relations; Injunctions; Judicial Review, 3; Stays, 1-2.

**REMEDIAL SANCTIONS.** See Collateral Estoppel; Constitutional Law, III, 2.

**REMEDIES.** See Appeals, 2; Bankruptcy Act; Constitutional Law, V, 3; Procedure, 5.



**REMOVAL.**

*Case before state court—Removal to federal court.*—Case remanded to United States Court of Appeals for reconsideration of its order of dismissal in light of 28 U. S. C. § 1447 (c). *Givens v. Grant Co.*, p. 56.

**RENEWAL OF LEASES.** See **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**REPLACEMENTS.** See **National Labor Relations Act**, 1.

**REPORTERS.** See **Constitutional Law**, VII; **Contempt**.

**REPUBLICAN NATIONAL CONVENTION.** See **Judicial Review**, 5.

**RESIGNATIONS FROM UNIONS.** See **National Labor Relations Act**, 2; **Unions**.

**RES JUDICATA.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**RESPONSIVE REPLIES.** See **Perjury**; **Trials**, 1.

**RESTRAINING ORDERS.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**RETAILERS.** See **Constitutional Law**, II, 2; **Taxes**, 4.

**RETROACTIVE BENEFITS.** See **Social Security Act**.

**RETROACTIVITY.** See **Constitutional Law**, III, 1; **Mootness**, 2.

**RETURNS.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.

**REVENUES.** See **Constitutional Law**, IV, 4; **Trials**, 4-5.

**REVERSIBLE ERROR.** See **Constitutional Law**, IV, 2; **Trials**, 2.

**REVOCATIONS.** See **Mootness**, 2.

**RIGHT OF APPEAL.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**RIGHT OF FRANCHISE.** See **Constitutional Law**, VIII.

**RIGHT TO COUNSEL.** See **Bail**; **Constitutional Law**, XI, 1, 3-4; **Standing**.

**RIGHT TO REFRAIN FROM UNION MEMBERSHIP.** See **National Labor Relations Act**, 2; **Unions**.

**RIGHT TO VOTE.** See **Constitutional Law**, I; V, 2; **Justiciability**, 1-2.

**ROYALTIES.** See **Constitutional Law**, X, 3; **Indian Lands**.

**RULE OF LOCALITY.** See Admiralty, 1, 3; Jurisdiction, 1, 7.

**RULE OF SIGHT.** See Admiralty, 2.

**SALES.** See Constitutional Law, II, 1-2; Taxes, 1, 4.

**SALVAGE VALUE.** See Constitutional Law, X, 2; Eminent Domain, 2.

**SANCTIONS.** See Collateral Estoppel; Constitutional Law, III, 2.

**SCHOOL DESEGREGATION.** See also Education Amendments of 1972.

*Desegregation of elementary schools—Busing—Education Amendments of 1972.*—Where the lower courts held that an order for the transportation of students was entered to accomplish desegregation of the elementary school system of Augusta, Georgia, an application for stay premised solely on that portion of § 803 of the Education Amendments of 1972 prohibiting effectuation of an order for student busing to achieve a racial balance among students until all appeals have been exhausted is denied. *Drummond v. Acree* (POWELL, J., in chambers), p. 1228.

**SCHOOLS.** See Education Amendments of 1972; School Desegregation.

**SCRATCH SHEETS.** See Criminal Law; Gambling.

**SEAGULLS.** See Admiralty, 1, 3; Jurisdiction, 1, 7.

**SEARCHES AND SEIZURES.** See Constitutional Law, VI; IX; XI, 3; Jurisdiction, 8; Taxes, 2-3.

**SEARCH WARRANTS.** See Bail; Constitutional Law, XI, 4.

**SEATING OF DELEGATES.** See Federal-State Relations; Judicial Review, 3; Stays, 1.

**SECRETARY OF AGRICULTURE.** See Administrative Procedure, 1, 2; Antitrust Acts, 1, 2; Judicial Review, 1-2; Procedure, 1-2.

**SEGREGATION.** See Education Amendments of 1972; School Desegregation.

**SELF-INCRIMINATION.** See Constitutional Law, VI; IX; Taxes, 2-3.

**SELF-REGULATORY GOALS.** See Administrative Procedure, 1-2; Antitrust Acts, 1-2; Judicial Review, 1-2; Procedure, 1-2.

**SERVICE OF NOTICE.** See Constitutional Law, IV, 5.

**SERVICES.** See **Constitutional Law**, II, 1; **Taxes**, 1.

**SETTLEMENT OF CLAIMS.** See **Mootness**, 1.

**SEXUAL ENTERTAINMENT.** See **Constitutional Law**, XII.

**SHERMAN ACT.** See **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Judicial Review**, 1-2; **Procedure**, 1-2.

**SHIPPING CHANNELS.** See **Admiralty**, 2.

**SHOWUPS.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**SIXTH AMENDMENT.** See **Bail**; **Constitutional Law**, XI, 1-4; **Standing**.

**SLATE-MAKING GUIDELINES.** See **Judicial Review**, 3; **Stays**, 1.

**SMUGGLING.** See **Collateral Estoppel**; **Constitutional Law**, III, 2.

**SOCIAL SECURITY ACT.** See also **Jurisdiction**, 4; **Mootness**, 1.

*Permanent disability—State financial assistance—Agreement to reimburse.*—A provision in the Social Security Act, 42 U. S. C. § 407, that prohibits subjecting federal disability insurance benefits and other benefits to any legal process, bars a State from recovering such benefits retroactively paid to a beneficiary, and in this case no exception can be implied on the ground that if the federal payments had been made monthly there would have been a corresponding reduction in the state payments. *Philpott v. Essex County Welfare Board*, p. 413.

**SOURCES OF INFORMATION.** See **Constitutional Law**, VII; **Contempt**.

**SOUTH CAROLINA.** See **Constitutional Law**, II, 2; IV, 2; **Taxes**, 4; **Trials**, 2.

**SOVEREIGN IMMUNITY.** See **Civil Rights**; **Jurisdiction**, 2.

**SPECIAL TERMS OF COURT.** See **Federal-State Relations**.

**STANDARDS OF JUDICIAL CONDUCT.** See **Recusal**.

**STANDING.** See also **Constitutional Law**, XI, 1.

*Criminal trial—Interception of counsel's conversations.*—Where District Court in *in camera* proceeding ruled that intercepted conversations of counsel were not relevant to trial issues and Court of Appeals in affirming held applicants lacked standing to raise relevancy issue, the issue of relevancy, the resolution of which determined the



**STANDING**—Continued.

issue of standing, required an adversary hearing, and a stay of the criminal trial is appropriate pending the filing of a petition for a writ of certiorari in this Court and the Court's action thereon. *Russo v. Byrne* (DOUGLAS, J., in chambers), p. 1219.

**STANDING TO SUE.** See also **Civil Rights Act of 1968**; **Inter-state Commerce Commission**; **Judicial Review**, 7.

*Token integration of apartment complex—Racial discrimination allegation by tenants under Civil Rights Act of 1968—Complaint of individual injuries.*—The definition in § 810 (a) of the Act of "person aggrieved," as "any person who claims to have been injured by a discriminatory housing practice," shows a congressional intention to define standing as broadly as is permitted by Art. III of the Constitution, and petitioners, being tenants of the apartment complex, have standing to sue under § 810 (a). *Trafficante v. Metropolitan Life Ins.*, p. 205.

**STATE COURTS.** See **Constitutional Law**, IV, 1; **Federal-State Relations**; **Judicial Review**, 4; **Removal**.

**STATE INSTITUTIONS.** See **Constitutional Law**, VIII.

**STATE LAW ISSUES.** See **Abstention**; **Procedure**, 3.

**STATE PAYMENTS.** See **Social Security Act**.

**STATE PRISONERS.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**STATE PROSECUTIONS.** See **Constitutional Law**, III, 1.

**STATES.** See **Civil Rights**; **Jurisdiction**, 2.

**STATE TAXATION.** See **Constitutional Law**, II, 1-2; **Taxes**, 1, 4.

**STATE TERRITORIAL LIMITS.** See **Admiralty**, 1, 3; **Jurisdiction**, 1, 7.

**STATUTORY CONSTRUCTION.** See **Criminal Law**; **Gambling**.

**STATUTORY FAULT.** See **Admiralty**, 2.

**STAYS.** See also **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Constitutional Law**, VIII; **Judicial Review**, 1-3, 5; **Procedure**, 1-2.

1. *Credentials Committee unseating of delegates—Request for expedited review less than one week before convention—Availability of convention as forum.*—In view of the probability that the Court of Appeals erred in deciding on the merits the cases involving seating

**STAYS**—Continued.

of delegates and in view of the traditional right of a political convention to review and act upon the recommendations of a Credentials Committee, the judgments of the Court of Appeals must be stayed. The important constitutional issues cannot be resolved within the limited time available, and no action is now taken on the petitions for certiorari. *O'Brien v. Brown*, p. 1.

2. *Party on ballot—State oath requirements.*—Motion denominated an application for stay but intended to secure a partial summary reversal of the District Court's order denied, since the applicants' right to such relief is not indisputably clear. *Communist Party of Indiana v. Whitcomb* (REHNQUIST, J., in chambers), p. 1235.

3. *Republican Convention—Allocation of delegates.*—District Court's injunction prohibiting the 1972 Republican National Convention from allocating six "bonus" delegates to its 1976 convention to each State casting its electoral votes for the Republican presidential nominee in 1972, or electing a Republican senator, governor, or majority of its congressional delegation at any election within four years previous to 1976 stayed in light of criteria set forth in *O'Brien v. Brown*, ante, p. 1, and to preserve the issues for judicial review. *Republican Committee v. Ripon Society* (REHNQUIST, J., in chambers), p. 1222.

**STOCK CONTROL.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3.

**STRIKES.** See **National Labor Relations Act**, 2; **Unions**.

**STRUCTURES.** See **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**STUDENT BUSING.** See **Education Amendments of 1972**; **School Desegregation**.

**STUDENT ENVIRONMENTAL ASSOCIATION.** See **Interstate Commerce Commission**; **Judicial Review**, 7.

**SUBJECTIVE INTENT.** See **Appeals**, 2; **Procedure**, 5.

**SUBSTITUTED SERVICE.** See **Constitutional Law**, IV, 5.

**SUGGESTIVE IDENTIFICATION PROCEDURES.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**SUMMARY REVERSALS.** See **Stays**, 2.

**SUMMONSES.** See **Constitutional Law**, VI; IX; **Taxes**, 2-3.

**SUPERVENING DECISIONS.** See **Mootness**, 2.

**SUPPORT.** See **Constitutional Law**, V, 1.

**SUPREMACY CLAUSE.** See **Social Security Act.**

**SUPREME COURT.** See also **Appeals**, 1; **Constitutional Law**, IV, 6; **Evidence**; **Expediting Act**, 1-2; **Judicial Review**, 6; **Jurisdiction**, 3, 5-6; **Procedure**, 4; **Recusal**.

1. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Second Circuit, p. 1119.

2. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Eighth Circuit, p. 1119.

3. Assignment of Mr. Justice Clark (retired) to the United States Court of Customs and Patent Appeals, p. 1131.

4. Appointment of Librarian, p. 1030.

5. Proceedings in memory of Mr. Justice Harlan, p. v.

6. Proceedings in memory of Mr. Justice Byrnes, p. xxxi.

**SURCHARGES.** See **Interstate Commerce Commission**; **Judicial Review**, 7.

**SURVEILLANCE.** See **Bail**; **Constitutional Law**, XI, 1, 3-4; **Standing**.

**SWISS BANK ACCOUNTS.** See **Perjury**; **Trials**, 1.

**TANGIBLE PROPERTY.** See **Constitutional Law**, II, 1; **Taxes**, 1.

**TANKERS.** See **Admiralty**, 2.

**TARDY APPLICATIONS.** See **Injunctions**.

**TARIFFS.** See **Collateral Estoppel**; **Constitutional Law**, III, 2; **Interstate Commerce Commission**; **Judicial Review**, 7.

**TAXES.** See also **Constitutional Law**, III, 1-2; VI; IX.

1. *Commerce Clause—Gross receipts tax—Local manufacturer—Out-of-state customers.*—Proceeds from transactions whereby petitioner creates and designs reproducible instructional materials in New Mexico for delivery under contract to out-of-state clients, which the state court found involved sales of tangible personal property and not services performed in New Mexico, may not be subjected to New Mexico's gross receipts tax, the imposition of which upon such proceeds constitutes an impermissible burden on interstate commerce. *Evco v. Jones*, p. 91.

2. *Information disclosed in tax returns—Expectation of privacy.*—Petitioner, who was aware that much of the information in the summoned records had to be disclosed in her tax returns, has no legitimate expectation of privacy that would bar production under either the Fourth or Fifth Amendment. *Couch v. United States*, p. 322.

3. *Internal Revenue summons—Production of records by accountant hired to prepare returns.*—On the facts of this case, where peti-



**TAXES**—Continued.

tioner had effectively surrendered possession of the records to the accountant, there was no personal compulsion against petitioner to produce the records. The Fifth Amendment therefore constitutes no bar to their production by the accountant, even though the Internal Revenue Service tax investigation may entail possible criminal as well as civil consequences. *Couch v. United States*, p. 322.

4. *Out-of-state manufacturer—Shipment to local representative—Transfer to local wholesaler.*—Incident to South Carolina's valid scheme of regulating the sale of liquor within the State, a requirement that a manufacturer do more, as a condition of doing business, than merely solicit sales is not impermissible even though it has the effect of requiring the out-of-state manufacturer to undertake activities that eliminate its protection under 15 U. S. C. § 381 (a) from the state income tax. *Heublein, Inc. v. South Carolina Tax Comm'n*, p. 275.

**TAYLOR GRAZING ACT.** See **Constitutional Law**, X, 1; **Eminent Domain**, 1.

**TELEPHONE INTERCEPTIONS.** See **Bail**; **Constitutional Law**, XI, 1, 3-4; **Standing**.

**TEMPORARY SURCHARGES.** See **Interstate Commerce Commission**; **Judicial Review**, 7.

**TENANTS.** See **Civil Rights Act of 1968**; **Constitutional Law**, X, 2; **Eminent Domain**, 2; **Standing to Sue**.

**TENNESSEE.** See **Constitutional Law**, IV, 6; **Evidence**; **Judicial Review**, 6.

**TERMINATION OF LITIGATION.** See **Appeals**, 1; **Expediting Act**, 1-2; **Jurisdiction**, 3, 5.

**TERRITORIAL LIMITS.** See **Admiralty**, 1, 3; **Jurisdiction**, 1, 7.

**TERRITORIES.** See **Civil Rights**; **Jurisdiction**, 2.

**TESTIMONIAL COMPULSIONS.** See **Constitutional Law**, VI; **IX**; **Taxes**, 2-3.

**TESTIMONY.** See **Perjury**; **Trials**, 1.

**TEXAS.** See **Constitutional Law**, IV, 3; **V**, 1; **Trials**, 3.

**THIRTEENTH AMENDMENT.** See **Civil Rights**; **Jurisdiction**, 2.

**THREE-JUDGE COURTS.** See **Constitutional Law**, I; **V**, 2; **Interstate Commerce Commission**; **Judicial Review**, 7; **Justiciability**, 1-2; **Mootness**, 1.

**TORTS.** See **Admiralty**, 1, 3; **Civil Rights**; **Jurisdiction**, 1-2, 7.

**TOTAL DISABILITY.** See **Social Security Act.**

**TRADING IN FUTURES.** See **Administrative Procedure**, 1-2;  
**Antitrust Acts**, 1-2; **Judicial Review**, 1-2; **Procedure**, 1-2.

**TRADITIONAL MARITIME ACTIVITIES.** See **Admiralty**, 1, 3;  
**Jurisdiction**, 1, 7.

**TRAFFIC OFFENSES.** See **Constitutional Law**, IV, 4; **Trials**,  
4-5.

**TRANSACTIONAL IMMUNITY.** See **Bail**; **Constitutional Law**,  
XI, 4.

**TRANSFERS OF MEMBERSHIPS.** See **Administrative Procedure**, 1-2; **Antitrust Acts**, 1-2; **Judicial Review**, 1-2; **Procedure**, 1-2.

**TRANSOCEANIC CROSSINGS.** See **Admiralty**, 1, 3; **Jurisdiction**,  
1, 7.

**TRANSPORTATION OF STUDENTS.** See **Education Amendments of 1972**; **School Desegregation**.

**TRASH.** See **Jurisdiction**, 8.

**TRAVEL ACT.** See **Criminal Law**; **Gambling**.

**TREBLE DAMAGES.** See **Administrative Procedure**, 3; **Antitrust Acts**, 3.

**TRIALS.** See also **Constitutional Law**, IV, 1-4, 6; VII; **Contempt**;  
**Evidence**; **Judicial Review**, 6; **Perjury**.

1. *Cross-examination—True, but unresponsive, answers—Attorney's framing of questions.*—Federal perjury statute, 18 U. S. C. § 1621, does not reach a witness' answer that is literally true, but unresponsive, even assuming the witness intends to mislead his questioner by the answer, and even assuming the answer is arguably "false by negative implication." A perjury prosecution is not, in our adversary system, the primary safeguard against errant testimony; given the incongruity of an unresponsive answer, it is the questioner's burden to frame his interrogation acutely to elicit the precise information he seeks. *Bronston v. United States*, p. 352.

2. *Due process—Juror examination on voir dire—Racial prejudice—Beards.*—The trial court's refusal to make any inquiry of the jurors as to racial bias after petitioner's timely request therefor denied petitioner a fair trial in violation of the Due Process Clause of the Fourteenth Amendment. Its refusal to inquire as to particular bias against beards, after it had made inquiries as to bias in general, was not constitutional error. *Ham v. South Carolina*, p. 524.

**TRIALS**—Continued.

3. *Due process*—*Trial court's admonition*—*Intimidation of prisoner witness*.—Trial court's extended admonition to petitioner's only witness to refrain from lying, coupled with threats of dire consequences if witness did lie, effectively discouraged the witness from testifying at all and deprived petitioner of due process of law by denying him the opportunity to present witnesses in his own defense. *Webb v. Texas*, p. 95.

4. *Traffic offenses*—*Conviction*—*Appeal*.—A statutory provision for the disqualification of interested or biased judges did not afford petitioner a sufficient safeguard, and it is of no constitutional relevance that petitioner could later be tried *de novo* in another court, as he was entitled to an impartial judge in the first instance. *Ward v. Village of Monroeville*, p. 57.

5. *Trial before mayor who was responsible for village finances*—*Right to impartial proceeding*.—Petitioner was denied a trial before a disinterested and impartial judicial officer as guaranteed by the Due Process Clause of the Fourteenth Amendment where he was compelled to stand trial for traffic offenses before the mayor, who was responsible for village finances and whose court, through fines, forfeitures, costs, and fees, provided a substantial portion of village funds. *Ward v. Village of Monroeville*, p. 57.

**TRIBAL LEASES.** See **Constitutional Law**, X, 3; **Indian Lands**.

**TRUSTEES.** See **Bankruptcy Act**; **Constitutional Law**, V, 3.

**TRUTHFULNESS.** See **Perjury**; **Trials**, 1.

**TUCKER ACT.** See **Jurisdiction**, 4.

**TUGBOATS.** See **Admiralty**, 2.

**TWENTY-FIRST AMENDMENT.** See **Constitutional Law**, II, 2; XII; **Taxes**, 4.

**UNCONDITIONAL REINSTATEMENT.** See **National Labor Relations Act**, 1.

**UNDERLYING FEES.** See **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**UNEMPLOYMENT INSURANCE.** See **Mootness**, 1.

**UNFAIR LABOR PRACTICES.** See **National Labor Relations Act**, 2; **Unions**.

**UNFAIR LABOR PRACTICE STRIKERS.** See **National Labor Relations Act**, 1.



**UNIFORM INSURERS LIQUIDATION ACT.** See *Jurisdiction*, 6; *Procedure*, 4.

**UNIONS.** See also *National Labor Relations Act*, 1-2.

*Strike—Resignations from union—Resumption of work.*—Where neither the Union-employer contract nor the Union's constitution or bylaws defined or limited the circumstances under which a member could resign from the Union, it was an unfair labor practice for the Union to fine employees who had been Union members in good standing but who had resigned during a lawful strike authorized by the members and thereafter returned to work during that strike. *NLRB v. Textile Workers*, p. 213.

**UNLAWFUL CONSPIRACIES.** See *Administrative Procedure*, 1-2; *Antitrust Acts*, 1-2; *Judicial Review*, 1-2; *Procedure*, 1-2.

**UNORTHODOX MANEUVERS.** See *Admiralty*, 2.

**UNREASONABLE SEARCHES AND SEIZURES.** See *Constitutional Law*, VI; IX; *Taxes*, 2-3.

**UNRESPONSIVE ANSWERS.** See *Perjury*; *Trials*, 1.

**UNSEATED DELEGATES.** See *Federal-State Relations*; *Judicial Review*, 3; *Stays*, 1.

**USEFUL LIFE.** See *Constitutional Law*, X, 2; *Eminent Domain*, 2.

**USE IMMUNITY.** See *Bail*; *Constitutional Law*, XI, 4.

**UTAH.** See *Constitutional Law*, X, 3; *Indian Lands*.

**VEHICLE FORFEITURE STATUTE.** See *Constitutional Law*, IV, 5.

**VILLAGE FINANCES.** See *Constitutional Law*, IV, 4; *Trials*, 4-5.

**VIRGINIA.** See *Constitutional Law*, VI; IX; *Taxes*, 2-3.

**VISIBILITY.** See *Admiralty*, 2.

**VOIR DIRE.** See *Constitutional Law*, IV, 2; *Trials*, 2.

**VOLUNTARY BANKRUPTCY.** See *Bankruptcy Act*; *Constitutional Law*, V, 3.

**VOLUNTARY CONFESSIONS.** See *Constitutional Law*, IV, 1; *Judicial Review*, 4.

**VOTERS.** See *Constitutional Law*, VIII.

**VOTING.** See **Constitutional Law**, I; V, 2; VIII; **Justiciability**, 1-2.

**WAIVERS.** See **Appeals**, 2; **Procedure**, 5.

**WARRANTLESS SEARCHES.** See **Constitutional Law**, XI, 1; **Jurisdiction**, 8; **Standing**.

**WASHINGTON.** See **Admiralty**, 2; **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**WELFARE.** See **Social Security Act**.

**WHOLESALEERS.** See **Constitutional Law**, II, 2; **Taxes**, 4.

**WILLING BUYERS.** See **Constitutional Law**, X, 2; **Eminent Domain**, 2.

**WINNER-TAKE-ALL SYSTEMS.** See **Judicial Review**, 3; **Stays**, 1.

**WITNESSES.** See **Bail**; **Constitutional Law**, IV, 3, 6; XI, 2-4; **Evidence**; **Judicial Review**, 6; **Perjury**; **Recusal**; **Trials**, 1, 3.

**WORDS.**

1. "*Person aggrieved.*" § 810 (a), **Civil Rights Act of 1968**. *Trafficante v. Metropolitan Life Ins.*, p. 205.

2. "*State or Territory.*" 42 U. S. C. § 1983. *District of Columbia v. Carter*, p. 418.

**WORKERS.** See **National Labor Relations Act**, 2; **Unions**.

**WORKMEN'S COMPENSATION.** See **Jurisdiction**, 6; **Procedure**, 4.





























