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Approval of agreements—Shipping Act, 1916—Exemption from antitrust laws.—In enacting § 15 of the Act, Congress conferred on the FMC the power to exempt from the antitrust laws agreements, or those portions of agreements, between carriers that create an ongoing arrangement in which both parties undertake continuing responsibilities, and which therefore necessitate continuous FMC supervision, but not one-time acquisition-of-assets agreements that result in one of the contracting parties ceasing to exist. *FMC v. Seatrain Lines, Inc.*, p. 726.

FEDERAL POWER ACT. See Administrative Procedure, 2-3; Federal Power Commission; Judicial Review, 3.

FEDERAL POWER COMMISSION. See also **Administrative Procedure**, 2-4; Judicial Review, 3; Taxes, 4.
Authorization to issue bonds—Anticompetitive effects—Electric utility companies.—The FPC, as a general rule, must consider the anticompetitive consequences of a security issue under § 204 of the Federal Power Act, as the Act did not render antitrust policy irrelevant to the FPC's regulation of the electric power industry. *Gulf States Utilities Co. v. FPC*, p. 747.

FEDERAL RESERVE BOARD. See Administrative Procedure, 5; Constitutional Law, III; Penalties.

FEDERAL RULES OF APPELLATE PROCEDURE. See Appeals, 2; Judgments; Procedure, 6.

FEDERAL RULES OF CIVIL PROCEDURE. See Appeals, 2; Judgments; Procedure, 6.

FEDERAL RULES OF CRIMINAL PROCEDURE. See **Pleas**, 1; **Procedure**, 2, 10; **Waivers**.

FEDERAL-STATE RELATIONS. See also **Civil Rights Act of 1871**, 3; **Constitutional Law**, VI; **Habeas Corpus**, 2; **Indians**, 1-2; **Pollution**; **Procedure**, 9; **Taxes**, 1-3.

1. *Florida Oil-Spill Prevention and Pollution Control Act—No pre-emption by Federal Water Quality Improvement Act.*—Florida's Act, providing for State's recovery of cleanup costs and imposing strict, no-fault liability on waterfront oil-handling facilities and ships destined for or leaving such facilities for any oil-spill damage, does not, in context of action by shipping interests to enjoin application of Florida statute, invade regulatory area pre-empted by Federal Water Quality Improvement Act. Nor is State's police power over sea-to-shore pollution pre-empted by Admiralty Extension Act. *Askew v. American Waterways Operators, Inc.*, p. 325.

2. *Regulation of aircraft noise—City ordinance—Federal Aviation Administration.*—In light of pervasive nature of scheme of federal regulation of aircraft noise, as reaffirmed and reinforced by the Noise Control Act of 1972, the FAA, now in conjunction with the Environmental Protection Agency, has full control over aircraft noise, pre-empting state and local control. *City of Burbank v. Lockheed Air Terminal*, p. 624.

FEES. See **Appeals**, 1; **Elections**; **Procedure**, 7.

FIFTH AMENDMENT. See **Administrative Procedure**, 5; **Armed Forces**; **Constitutional Law**, III; **Entrapment**; **Penalties**.

FILING FEES. See **Appeals**, 1; **Elections**; **Procedure**, 7.

FINAL JUDGMENTS. See **Appeals**, 2; **Judgments**; **Procedure**, 6.

FINANCE CHARGES. See **Administrative Procedure**, 5; **Constitutional Law**, III; **Penalties**.

FINANCIAL ASSISTANCE. See **Constitutional Law**, II, 1.

FINANCING EDUCATION. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

FIRST AMENDMENT. See **Aid to Education**; **Constitutional Law**, IV; **Schools**, 1.

FISCAL PLANNING. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

FLORIDA OIL-SPILL PREVENTION AND POLLUTION CONTROL ACT. See **Federal-State Relations**, 1; **Pollution**.

“FLOW THROUGH.” See **Administrative Procedure**, 4; **Taxes**, 4.

"FOUR INSTALLMENT RULE." See **Administrative Procedure**, 5; **Constitutional Law**, III; **Penalties**.

FOURTEENTH AMENDMENT. See **Constitutional Law**, I, 2; II, 1-3; **Elections**; **Judicial Review**, 2; **Pleas**, 2; **Probation**; **Procedure**, 3; **Schools**, 2; **Voting Rights Act**, 1-4.

FOURTH AMENDMENT. See **Constitutional Law**, V; **Evidence**; **Standing**.

FUNDAMENTAL RIGHTS. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

GEORGIA. See **Voting Rights Act**, 1-4.

GOOD-BEHAVIOR-TIME CREDITS. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 2; **Procedure**, 9.

GOOD-FAITH RELIANCE. See **Aid to Education**; **Constitutional Law**, IV; **Rivers and Harbors Act of 1899**, 1-2; **Schools**, 1.

GOVERNMENT AGENTS. See **Entrapment**.

GOVERNMENT SUPPLYING CONTRABAND. See **Entrapment**.

GRAND JURIES. See **Pleas**, 2; **Procedure**, 3, 10; **Waivers**.

GROSS RECEIPTS TAX. See **Indians**, 2; **Taxes**, 3.

GUILTY PLEAS. See **Pleas**, 1-2; **Procedure**, 2-3.

HABEAS CORPUS. See also **Civil Rights Act of 1871**, 3; **Pleas**, 2; **Procedure**, 3-4, 9-10; **Waivers**.

1. *Release on recognizance—In custody.*—Restraints imposed on petitioner who was released on his own recognizance constitute "custody" within meaning of federal habeas corpus statute. *Hensley v. Municipal Court*, p. 345.

2. *State prisoners—Speedier release—Civil Rights actions.*—When state prisoner challenges the fact or duration of his physical imprisonment and by way of relief seeks a determination that he is entitled to immediate release or speedier release, his sole remedy is a writ of habeas corpus. *Preiser v. Rodriguez*, p. 475.

HARMLESS ERROR. See **Civil Rights Act of 1964**, 1; **Constitutional Law**, V; **Evidence**; **Standing**.

HEARINGS. See **Administrative Procedure**, 1-3; **Constitutional Law**, I, 2; **Federal Power Commission**; **Judicial Review**, 1; **Pleas**, 1; **Probation**; **Procedure**, 2, 8.

HIRING PRACTICES. See **Civil Rights Act of 1964**, 1-3.

HOLLYWOOD-BURBANK AIRPORT. See **Constitutional Law**, VI; **Federal-State Relations**, 2.

HOUSEHOLDS. See Constitutional Law, II, 1.

HUSBANDS OF WOMEN IN ARMED FORCES. See Armed Forces; Constitutional Law, I, 1.

ILLEGAL CONDUCT. See Civil Rights Act of 1964, 1-3.

ILLEGAL SEARCHES. See Constitutional Law, V; Evidence; Standing.

ILLEGAL WIRETAPPING. See Appeals, 1; Procedure, 7.

ILLEGITIMATE CHILDREN. See Constitutional Law, II, 1.

IMMUNITY OF STATE. See Fair Labor Standards Act.

IMPRISONMENT. See Civil Rights Act of 1871, 3; Habeas Corpus, 2; Procedure, 9.

INABILITY TO PAY FILING FEES. See Appeals, 1; Procedure, 7.

INCOME TAXES. See Indians, 1; Taxes, 1.

INCOME TAX EXPENSES. See Administrative Procedure, 4; Taxes, 4.

INDETERMINATE SENTENCES. See Civil Rights Act of 1871, 3; Habeas Corpus, 2; Procedure, 9.

INDIAN REORGANIZATION ACT. See Indians, 2; Taxes, 3.

INDIANS. See also Taxes, 1, 3.

1. *Arizona income tax—Navajo Indians—Income from reservation sources.*—Arizona has no jurisdiction to impose tax on income of Navajo Indians residing on the Navajo Reservation and whose income is wholly derived from reservation sources, as is clear from the relevant treaty with the Navajos and federal statutes. *McClanahan v. Arizona State Tax Comm'n*, p. 164.

2. *Operation of ski resort—State gross receipts and use taxes—Exemptions.*—New Mexico may impose gross receipts tax on ski resort operated by petitioner Tribe on off-reservation land leased from Federal Government under § 5 of the Indian Reorganization Act, 25 U. S. C. § 465. Though § 465 exempts the land from state and local taxation, neither it nor the federal-instrumentality doctrine bars taxing income from the land. But § 465 bars use tax that State seeks to impose on personality bought by Tribe out of State and which, having been installed as a permanent improvement at the resort, became so intimately connected with the land as to be covered by the statutory exemption. *Mescalero Apache Tribe v. Jones*, p. 145.

INDIGENT PROBATIONERS. See **Constitutional Law**, I, 2; **Probation**; **Procedure**, 8.

INDUSTRIAL POLLUTANTS. See **Rivers and Harbors Act of 1899**, 1-2.

IN FORMA PAUPERIS APPEALS. See **Appeals**, 1; **Procedure**, 7.

INJUNCTIONS. See also **Abstention**; **Civil Rights Act of 1871**, 2; **Elections**; **Optometry**; **Procedure**, 5; **Voting Rights Act**, 1-4.

Anti-injunction statute—Civil Rights Act—Alabama Board of Optometry.—Anti-injunction statute did not bar District Court from issuing injunction since appellees brought their suit, to enjoin scheduled hearings by the Alabama Board of Optometry, under the Civil Rights Act. Nor did the rule of *Younger v. Harris*, 401 U. S. 37, or principles of comity require the District Court to dismiss appellees' suit in view of pending Board proceeding since appellees alleged and the court concluded that the Board's bias rendered it incompetent to adjudicate the issues. *Gibson v. Berryhill*, p. 564.

IN-PRISON DISCIPLINE. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 2; **Procedure**, 9.

INSIDER'S PROFITS. See **Securities Exchange Act of 1934**.

INSTALLMENT SALES. See **Administrative Procedure**, 5; **Constitutional Law**, III; **Penalties**.

INTENTIONAL AND FLAGRANT CONDUCT. See **Administrative Procedure**, 6; **Judicial Review**, 4.

INTERIM RELIEF. See **Elections**.

INTERNAL REVENUE CODE. See **Administrative Procedure**, 4; **Taxes**, 2, 4.

INTERSTATE COMMERCE. See **Constitutional Law**, V; **Evidence**; **Standing**.

INTERVENTION BY CITIES. See **Administrative Procedure**, 2-3; **Federal Power Commission**; **Judicial Review**, 3.

INVALIDATION OF STATUTORY PROGRAM. See **Aid to Education**; **Constitutional Law**, IV; **Schools**, 1.

INVESTIGATIONS. See **Administrative Procedure**, 2-3; **Federal Power Commission**; **Judicial Review**, 3.

INVESTIGATORS. See **Entrapment**.

INVESTMENT COMPANY ACT OF 1940. See **Taxes**, 2.

INVESTMENTS. See **Securities Exchange Act of 1934**.

ISSUANCE OF SECURITIES. See **Administrative Procedure**, 2-3; **Federal Power Commission**; **Judicial Review**, 3.

JET AIRCRAFT. See **Constitutional Law**, VI; **Federal-State Relations**, 2.

JUDGES. See **Constitutional Law**, II, 2; **Courts**; **District of Columbia Code**; **Procedure**, 1.

JUDGMENTS. See also **Appeals**, 2; **Procedure**, 6.

Certainty of date—Timeliness of appeals.—Provision in Fed. Rule Civ. Proc. 58 that “[e]very judgment” of a district court “shall be set forth on a separate document” which, *inter alia*, starts the time limit for appeals and post-trial motions running, is a mechanical provision that must be mechanically applied to render certain the date on which a judgment is entered. *United States v. Indrelunas*, p. 216.

JUDICIAL REVIEW. See also **Administrative Procedure**, 2-3; **Appeals**, 1; **Constitutional Law**, II, 3; **Federal Power Commission**; **Procedure**, 7; **Schools**, 2.

1. *Comptroller of the Currency—Denial of national bank charter—Standard of review by district courts.*—Standard of judicial review of Comptroller of Currency's denial of national bank charter is whether his adjudication was “arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.” District Court is to review the administrative record already in existence, supplemented if necessary by affidavits or testimony amplifying reasons for Comptroller's decision, and is not authorized to conduct a *de novo* hearing in which the “substantial evidence” test is to be applied. *Camp v. Pitts*, p. 138.

2. *Strict judicial scrutiny—Discrimination—Fundamental constitutional rights.*—This case, concerning the Texas school-financing system, is not a proper one in which to examine a State's laws under standards of strict judicial scrutiny, since that test is reserved for cases involving laws that operate to the disadvantage of suspect classes or interfere with the exercise of fundamental rights and liberties explicitly protected by the Constitution. *San Antonio School District v. Rodriguez*, p. 1.

3. *Summary administrative action—Federal Power Commission—Hearings.*—Though the FPC is not necessarily required to hold a hearing or make a full investigation in all cases, its summary disposition of proffered objections to the security issue requires strict scrutiny by a reviewing court in light of the FPC's obligation to protect the public interest and enforce the antitrust laws. Unexplained summary action is incompatible with the requirements of § 204 of

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the Federal Power Act and precludes appropriate judicial review. *Gulf States Utilities Co. v. FPC*, p. 747.

4. *Suspension of stockyard operator—Packers and Stockyards Act—Court of Appeals.*—In setting aside 20-day suspension order against stockyard operator for short-weighting, Court of Appeals exceeded scope of proper judicial review of administrative sanctions, since Secretary of Agriculture had full authority to make the suspension order as a deterrent to violations whether intentional or negligent, and issuance of order against respondent, who had ignored previous warnings against short-weighting, was not an abuse of administrative discretion. *Butz v. Glover Livestock Comm'n Co.*, p. 182.

JURISDICTION. See also **Antitrust Acts**; **Appeals**, 2; **Civil Rights Act of 1871**, 1; **Courts**; **District of Columbia Code**; **Federal Maritime Commission**; **Indians**, 1; **Judgments**; **Procedure**, 6; **Taxes**, 1.

1. *Diversity of citizenship—State law claims—Political subdivisions.*—District Court erred in rejecting petitioner's state law claim against the County, which under California law has an independent status, on the basis of diversity of citizenship, since diversity jurisdiction extends to a State's political subdivision that is not simply the arm or *alter ego* of the State, *Cowles v. Mercer County*, 7 Wall. 118. *Moor v. County of Alameda*, p. 693.

2. *Pendent jurisdiction—Claims against a county—Civil Rights Act suit.*—Even assuming, *arguendo*, that the District Court had judicial power to exercise pendent jurisdiction over petitioners' state law claims which would require that the County be brought in as new party defendant, against which petitioners could not state a federally cognizable claim, in addition to the individual defendants against whom they could assert such a claim, the court did not abuse its discretion in not exercising that power in view of unsettled questions of state law that it would have been called upon to resolve and the likelihood of jury confusion resulting from the special defenses to a county available under the state tort claims law. *Moor v. County of Alameda*, p. 693.

JURY SELECTION. See **Pleas**, 2; **Procedure**, 3, 10; **Waivers**.

LABOR. See **Fair Labor Standards Act**.

LAW ENFORCEMENT OFFICERS. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

LAWYERS. See **Constitutional Law**, 1, 2; **Pleas**, 2; **Probation**; **Procedure**, 3, 8.

LEASED LANDS. See Indians, 2; Taxes, 3.

LEGISLATIVE REAPPORTIONMENT. See Voting Rights Act, 1-4.

LEGITIMATE STATE PURPOSES. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

LICENSED OPTOMETRISTS. See Abstention; Civil Rights Act of 1871, 2; Injunctions; Optometry; Procedure, 5.

LIVESTOCK DEALERS. See Administrative Procedure, 6; Judicial Review, 4.

LOAD FUNDS. See Taxes, 2.

LOCAL CONTROL OF SCHOOLS. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

LOCAL TAXATION. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

"LOCK-IN" DEMONSTRATIONS. See Civil Rights Act of 1964, 1-3.

MAGAZINE SUBSCRIPTIONS. See Administrative Procedure, 5; Constitutional Law, III; Penalties.

MAJORITY RUNOFF ELECTIONS. See Voting Rights Act, 1-4.

MANUFACTURING DRUGS. See Entrapment.

MARITIME DAMAGE. See Federal-State Relations, 1; Pollution.

MARKET AGENCIES. See Administrative Procedure, 6; Judicial Review, 4.

MARKET VALUE. See Taxes, 2.

MARRIED PARENTS. See Constitutional Law, II, 1.

MARRIED WOMEN. See Armed Forces; Constitutional Law, I, 1.

MEDICAL AND DENTAL BENEFITS. See Armed Forces; Constitutional Law, I, 1.

MERCHANT SHIPPING. See Antitrust Acts; Federal Maritime Commission.

MERCHANT SHIPS. See Federal-State Relations, 1; Pollution.

MERGERS. See Antitrust Acts; Federal Maritime Commission; Securities Exchange Act of 1934.

MESCALERO APACHE TRIBE. See Indians, 2; Taxes, 3.

METHAMPHETAMINES. See Entrapment.

METHOD OF JURY SELECTION. See **Pleas, 2; Procedure, 3, 10; Waivers.**

METHODS OF DEPRECIATION. See **Administrative Procedure, 4; Taxes, 4.**

MEXICAN-AMERICANS. See **Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.**

MILITARY DEPENDENTS. See **Armed Forces; Constitutional Law, I, 1.**

MINORITY EMPLOYEES. See **Civil Rights Act of 1964, 1-3.**

MINORITY GROUPS. See **Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.**

MINORITY STOCKHOLDERS. See **Securities Exchange Act of 1934.**

MISSOURI. See **Fair Labor Standards Act.**

MOOTNESS. See **Voting Rights Act, 1-4.**

MOTIONS. See **Appeals, 2; Judgments; Procedure, 6.**

MOTIONS TO SUPPRESS. See **Constitutional Law, V; Evidence; Standing.**

MULTIMEMBER DISTRICTS. See **Voting Rights Act, 1-4.**

MUNICIPAL JUDGES. See **Constitutional Law, II, 2.**

MUNICIPAL LIABILITY UNDER STATE LAW. See **Civil Rights Act of 1871, 1; Jurisdiction, 1-2.**

MUTUAL FUNDS. See **Taxes, 2.**

NARCOTICS AGENTS. See **Entrapment.**

NATIONAL BANKING ACT. See **Administrative Procedure, 1; Judicial Review, 1.**

NATIONAL BANKS. See **Administrative Procedure, 1; Judicial Review, 1.**

NATURAL CHILDREN. See **Constitutional Law, II, 1.**

NATURAL GAS ACT. See **Administrative Procedure, 4; Taxes, 4.**

NAVAJO RESERVATION. See **Indians, 1; Taxes, 1.**

NAVIGABLE WATERS. See **Rivers and Harbors Act of 1899, 1-2.**

NAVIGATION OBSTRUCTIONS. See **Rivers and Harbors Act of 1899, 1-2.**

NEGROES. See Civil Rights Act of 1964, 1-3; Pleas, 2; Procedure, 3; Voting Rights Act, 1-4; Waivers.

NET ASSET VALUE. See Taxes, 2.

NEW JERSEY. See Constitutional Law, II, 1.

NEW MEXICO. See Indians, 2; Taxes, 3.

NEW YORK. See Civil Rights Act of 1871, 3; Habeas Corpus, 2; Procedure, 9.

NO-FAULT LIABILITY. See Federal-State Relations, 1; Pollution.

NOISE CONTROL ACT OF 1972. See Constitutional Law, VI; Federal-State Relations, 2.

NONPUBLIC SCHOOLS. See Aid to Education; Constitutional Law, IV; Schools, 1.

NORMALIZATION. See Administrative Procedure, 4; Taxes, 4.

NUMBERED POSTS. See Voting Rights Act, 1-4.

OBJECTIONS BY ATTORNEY GENERAL. See Voting Rights Act, 1-4.

OBSTRUCTING NAVIGATION. See Rivers and Harbors Act of 1899, 1-2.

OHIO CONSTITUTION. See Constitutional Law, II, 2.

OIL SPILLS. See Federal-State Relations, 1; Pollution.

OPEN-END INVESTMENT COMPANIES. See Taxes, 2.

OPTICAL COMPANY EMPLOYEES. See Abstention; Civil Rights Act of 1871, 2; Injunctions; Optometry; Procedure, 5.

OPTIONS TO SELL. See Securities Exchange Act of 1934.

OPTOMETRY. See also Abstention; Civil Rights Act of 1871, 2; Injunctions; Procedure, 5.
Alabama Board of Optometry—Private practitioners—Bias.—Since the Board was composed solely of private practitioners, and the corporate employees it sought to bar from practice constituted half the optometrists in the State, the District Court was warranted in concluding that the Board members' pecuniary interest disqualified them from passing on the issues. *Gibson v. Berryhill*, p. 564.

ORDINANCES. See Constitutional Law, VI; Federal-State Relations, 2.

OVERTIME PAY. See Fair Labor Standards Act.

PACKERS AND STOCKYARDS ACT. See Administrative Procedure, 6; Judicial Review, 4.

PARENTS. See **Constitutional Law**, II, 1.

PAROLE. See **Civil Rights Act of 1871**, 3; **Constitutional Law**, I, 2; **Habeas Corpus**, 2; **Probation**; **Procedure**, 8-9.

PAUPERS. See **Appeals**, 1; **Procedure**, 7.

PECUNIARY INTERESTS. See **Abstention**; **Civil Rights Act of 1871**, 2; **Injunctions**; **Optometry**; **Procedure**, 5.

PENALTIES. See also **Administrative Procedure**, 5-6; **Constitutional Law**, III; **Judicial Review**, 4.

Truth in Lending Act—Nondisclosure of finance charges.—Imposition, pursuant to § 130 of the Act, of a minimum penalty of \$100 in cases such as this where the finance charge is nonexistent or undetermined, but where disclosure has not been made, is a permissible sanction. *Mourning v. Family Publications Service, Inc.*, p. 356.

PENDENT JURISDICTION. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

PERMANENT IMPROVEMENTS. See **Indians**, 2; **Taxes**, 3.

PERMITS. See **Rivers and Harbors Act of 1899**, 1-2.

PER-PUPIL EXPENDITURES. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

PERSONALTY. See **Indians**, 2; **Taxes**, 3.

“PERSONS” SUABLE. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

PILFERAGE. See **Constitutional Law**, V; **Evidence**; **Standing**.

PLEAS. See also **Procedure**, 2-3.

1. *Collateral attack—Evidentiary hearing—Not “conclusively show[n]” that petitioner was entitled to no relief.*—Petitioner, who made uncounseled guilty plea in open court and was sentenced to prison, may collaterally attack plea and is entitled to evidentiary hearing under 28 U. S. C. § 2255 since his motion under that provision set out detailed factual allegations, in part documented by records, supporting his claim that plea was coerced, and since it cannot be said that the record before the District Court “conclusively show[ed]” that petitioner was entitled to no relief. *Fontaine v. United States*, p. 213.

2. *Guilty pleas on advice of counsel—Federal habeas corpus—Grand jury discrimination.*—Where state criminal defendant, on advice of counsel, pleads guilty, he cannot in federal habeas corpus proceeding raise independent claims relating to deprivation of constitutional rights that antedated the plea, such as infirmities in grand

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jury selection process, but may only attack voluntary and intelligent character of the guilty plea by showing that counsel's advice was not within standards of *McMann v. Richardson*, 397 U. S. 759. *Tollett v. Henderson*, p. 258.

POLICE POWER OF STATES. See **Federal-State Relations**, 1; **Pollution**.

POLITICAL SUBDIVISIONS. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

POLLUTION. See also **Federal-State Relations**, 1; **Rivers and Harbors Act of 1899**, 1-2.

Florida Oil-Spill Prevention and Pollution Control Act—Federal-state relations—No pre-emption by Federal Water Quality Improvement Act.—Florida's Act, providing for State's recovery of cleanup costs and imposing strict, no-fault liability on waterfront oil-handling facilities and ships destined for or leaving such facilities for any oil-spill damage, does not, in context of action by shipping interests to enjoin application of Florida statute, invade regulatory area pre-empted by Federal Water Quality Improvement Act. Nor is State's police power over sea-to-shore pollution pre-empted by Admiralty Extension Act. *Askew v. American Waterways Operators, Inc.*, p. 325.

POOR PERSONS. See **Appeals**, 1; **Constitutional Law**, II, 3; **Judicial Review**, 2; **Procedure**, 7; **Schools**, 2.

POSSESSORY INTERESTS. See **Constitutional Law**, V; **Evidence**; **Standing**.

POST-CONVICTION RELIEF. See **Pleas**, 2; **Procedure**, 3, 10; **Waivers**.

POST-TRIAL MOTIONS. See **Appeals**, 2; **Judgments**; **Procedure**, 6.

PRACTICE OF OPTOMETRY. See **Abstention**; **Civil Rights Act of 1871**, 2; **Injunctions**; **Optometry**; **Procedure**, 5.

PREDISPOSITION TO COMMIT OFFENSES. See **Entrapment**.

PRE-EMPTION. See **Constitutional Law**, VI; **Federal-State Relations**, 1-2; **Pollution**.

PRELIMINARY INJUNCTIONS. See **Elections**.

PRESUMPTIONS. See **Administrative Procedure**, 5; **Constitutional Law**, III; **Penalties**.

PRICES. See **Taxes**, 2.

PRIMA FACIE CASE. See **Civil Rights Act of 1964**, 2-3.

PRISON DISCIPLINE. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 2; **Procedure**, 9.

PRIVACY. See **Constitutional Law**, V; **Evidence**; **Standing**.

PROBATION. See also **Constitutional Law**, I, 2; **Procedure**, 8.

Revocation of probation—Hearings—Appointment of counsel.—Body conducting revocation of probation hearings should decide in each individual case whether due process requires that an indigent probationer be represented by counsel. In every case where a request for counsel is refused, the grounds for refusal should be stated succinctly in the record. *Gagnon v. Scarpelli*, p. 778.

PROCEDURE. See also **Abstention**; **Administrative Procedure**, 1-3, 6; **Appeals**, 1-2; **Civil Rights Act of 1871**, 2-3; **Civil Rights Act of 1964**, 1-3; **Constitutional Law**, I, 2; **Courts**; **District of Columbia Code**; **Entrapment**; **Evidence**; **Habeas Corpus**, 1-2; **Injunctions**; **Judgments**; **Judicial Review**, 1, 3-4; **Optometry**; **Pleas**, 1-2; **Probation**; **Rivers and Harbors Act of 1899**, 1-2; **Standing**; **Voting Rights Act**, 1-4; **Waivers**.

1. *Appeals—District of Columbia Code not state statute—Certiorari.*—The District of Columbia Code is not a state statute for purposes of 28 U. S. C. § 1257 (2), and the lower court's upholding of the federal statute is therefore not reviewable by appeal but by certiorari. *Palmore v. United States*, p. 389.

2. *Guilty plea—Collateral attack—Evidentiary hearing.*—Petitioner, who made uncounseled guilty plea in open court and was sentenced to prison, may collaterally attack plea and is entitled to evidentiary hearing under 28 U. S. C. § 2255 since his motion under that provision set out detailed factual allegations, in part documented by records, supporting his claim that plea was coerced, and since it cannot be said that the record before the District Court "conclusively show[ed]" that petitioner was entitled to no relief. *Fontaine v. United States*, p. 213.

3. *Habeas corpus—Grand jury discrimination—Guilty pleas.*—Where state criminal defendant, on advice of counsel, pleads guilty, he cannot in federal habeas corpus proceeding raise independent claims relating to deprivation of constitutional rights that antedated the plea, such as infirmities in grand jury selection process, but may only attack voluntary and intelligent character of the guilty plea by showing that counsel's advice was not within standards of *McMann v. Richardson*, 397 U. S. 759. *Tollett v. Henderson*, p. 258.

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4. *Habeas corpus*—*Release on recognizance*—*In custody*.—Restraints imposed on petitioner who was released on his own recognizance constitute “custody” within meaning of federal habeas corpus statute. *Hensley v. Municipal Court*, p. 345.

5. *Injunction by Federal District Court*—*Abstention*—*Action pending in state court*.—Though the District Court did not abuse its discretion in not abstaining until the *Lee Optical* decision was rendered by the Alabama Supreme Court, the principles of equity, comity, and federalism warrant reconsideration of this case in the light of that decision. *Gibson v. Berryhill*, p. 564.

6. *Judgments*—*Certainty of date*—*Timeliness of appeals*.—Provision in Fed. Rule Civ. Proc. 58 that “[e]very judgment” of a district court “shall be set forth on a separate document” which, *inter alia*, starts the time limit for appeals and post-trial motions running, is a mechanical provision that must be mechanically applied to render certain the date on which a judgment is entered. *United States v. Indrelunas*, p. 216.

7. *Reinstatement of appeal*—*Dismissal for failure to pay filing fee*.—Reinstatement, unopposed by Solicitor General, of *in forma pauperis* appeal that had been dismissed for failure to pay filing fee, directed in exercise of Court’s supervisory powers. *Gaca v. United States*, p. 618.

8. *Revocation of probation*—*Hearings*—*Appointment of counsel*.—Body conducting revocation of probation hearings should decide in each individual case whether due process requires that an indigent probationer be represented by counsel. In every case where a request for counsel is refused, the grounds for refusal should be stated succinctly in the record. *Gagnon v. Scarpelli*, p. 778.

9. *State prisoners*—*Speedier release*—*Remedy*.—When state prisoner challenges the fact or duration of his physical imprisonment and by way of relief seeks a determination that he is entitled to immediate release or speedier release, his sole remedy is a writ of habeas corpus. *Preiser v. Rodriguez*, p. 475.

10. *Waivers*—*Composition of grand jury*—*Untimely claim*.—Waiver standard in Fed. Rule Crim. Proc. 12 (b)(2) governs untimely claim of grand jury discrimination, not only during the criminal proceeding but also later on collateral review. *Davis v. United States*, p. 233.

PROFESSIONAL ASSOCIATIONS. See *Abstention*; *Civil Rights Act of 1871*, 2; *Injunctions*; *Optometry*; *Procedure*, 5.

PROFITS. See *Securities Exchange Act of 1934*.

PROOF. See Civil Rights Act of 1964, 1-3.

PROPERTY TAXES. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

PROTESTING EMPLOYMENT CONDITIONS. See Civil Rights Act of 1964, 1-3.

PUBLIC INTEREST. See Administrative Procedure, 2-3; Federal Power Commission; Judicial Review, 3.

PUBLIC OFFERING PRICES. See Taxes, 2.

PUBLIC SCHOOLS. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935. See Administrative Procedure, 2-3; Federal Power Commission; Judicial Review, 3.

PURCHASE OF MAGAZINE SUBSCRIPTIONS. See Administrative Procedure, 5; Constitutional Law, III; Penalties.

QUARTERS ALLOWANCES. See Armed Forces; Constitutional Law, I, 1.

RACIAL DISCRIMINATION. See Civil Rights Act of 1964, 1-3; Procedure, 3, 10; Voting Rights Act, 1-4.

RATEMAKING. See Administrative Procedure, 4; Taxes, 4.

RATIONAL BASIS. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

REAPPORTIONMENT. See Voting Rights Act, 1-4.

REASONABLE-CAUSE FINDING. See Civil Rights Act of 1964, 1-3.

REBUTTAL. See Civil Rights Act of 1964, 2-3.

RECOGNIZANCE. See Habeas Corpus, 1; Procedure, 4.

RECORDS OF THE CASE. See Pleas, 1; Procedure, 2.

RECOVERY OF PROFITS. See Securities Exchange Act of 1934.

REDEMPTION PRICES. See Taxes, 2.

REDISTRICTING. See Voting Rights Act, 1-4.

REGULATION OF AIRCRAFT NOISE. See Constitutional Law, VI; Federal-State Relations, 2.

REGULATIONS. See Rivers and Harbors Act of 1899, 1-2; Voting Rights Act, 1-4.

"REGULATION Z." See Administrative Procedure, 5; Constitutional Law, III; Penalties.

REIMBURSEMENT FOR EDUCATIONAL SERVICES. See Aid to Education; Constitutional Law, IV; Schools, 1.

REINSTATEMENT OF APPEALS. See Appeals, 1; Procedure, 7.

RELEASE FROM PRISON. See Civil Rights Act of 1871, 3; Habeas Corpus, 2; Procedure, 9.

RELEASE ON RECOGNIZANCE. See Habeas Corpus, 1; Procedure, 4.

RELIANCE ON REGULATIONS. See Rivers and Harbors Act of 1899, 1-2.

RELIANCE ON STATUTORY SCHEME. See Aid to Education; Constitutional Law, IV; Schools, 1.

RELIEF. See Constitutional Law, II, 2; Civil Rights Act of 1871, 3; Elections; Habeas Corpus, 2; Pleas, 1; Procedure, 3, 9-10; Waivers.

RELIGION CLAUSES. See Aid to Education; Constitutional Law, IV; Schools, 1.

REMEDIES. See Administrative Procedure, 6; Civil Rights Act of 1871, 3; Fair Labor Standards Act; Habeas Corpus, 2; Judicial Review, 4; Procedure, 9.

REPLACEMENT PROPERTY. See Administrative Procedure, 4; Taxes, 4.

REQUEST FOR COUNSEL. See Constitutional Law, I, 2; Probation; Procedure, 8.

RESERVATION INCOME. See Indians, 1; Taxes, 1.

RESERVATION LANDS. See Indians, 1; Taxes, 1.

RESTRAINTS. See Habeas Corpus, 1; Procedure, 4.

RETAIL STORES. See Constitutional Law, V; Evidence; Standing.

RETROACTIVITY. See Aid to Education; Constitutional Law, IV; Schools, 1.

REVOCATION OF PROBATION. See Constitutional Law, I, 2; Probation; Procedure, 8.

RIGHT TO COUNSEL. See Constitutional Law, I, 2; Probation; Procedure, 8.

RIGHT TO VOTE. See Voting Rights Act, 1-4.

RIVERS AND HARBORS ACT OF 1899.

1. *Discharge of industrial pollutants—Administrative construction—Permit procedures.*—The prohibitions of § 13 of the Act apply without regard to formalized permit procedures that it authorizes but does not mandate, and Congress did not intend to permit discharges specifically prohibited by § 13 when it enacted the 1965 and 1970 Water Quality Acts directing States to create pollution prevention and abatement programs. *United States v. Pennsylvania Chem. Corp.*, p. 655.

2. *Pollutants—Corps of Engineers—Obstructions to navigation.*—Although § 13 of the Act bars all discharges of pollutants and not only those that constitute obstructions to navigation, the Corps of Engineers consistently limited its regulations to such obstructions and thus may have deprived respondent of fair warning as to what conduct the Government intended to make criminal. *United States v. Pennsylvania Chem. Corp.*, p. 655.

ROBBERY. See **Pleas**, 1; **Procedure**, 2.

ROMAN CATHOLIC SCHOOLS. See **Aid to Education**; **Constitutional Law**, IV; **Schools**, 1.

RULEMAKING. See **Administrative Procedure**, 5; **Constitutional Law**, III; **Penalties**.

RULES OF APPELLATE PROCEDURE. See **Appeals**, 2; **Judgments**; **Procedure**, 6.

RULES OF CIVIL PROCEDURE. See **Appeals**, 2; **Judgments**; **Procedure**, 6.

RULES OF CRIMINAL PROCEDURE. See **Pleas**, 1; **Procedure**, 2, 10; **Waivers**.

SALES CHARGES. See **Taxes**, 2.

SALES OF STOCK. See **Securities Exchange Act of 1934**.

SAN ANTONIO. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

SANCTIONS. See **Administrative Procedure**, 5-6; **Constitutional Law**, III; **Judicial Review**, 4; **Penalties**.

SCHOOL-FINANCING SYSTEM. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

SCHOOLS. See also **Aid to Education**; **Constitutional Law**, II, 3; IV; **Judicial Review**, 2.

1. *Religion Clauses—Aid to nonpublic sectarian schools—Payments after invalidation of program.*—District Court's decree on remand

SCHOOLS—Continued.

following this Court's invalidation in *Lemon v. Kurtzman*, 403 U. S. 602, of Pennsylvania's statutory program to reimburse nonpublic sectarian schools for secular educational services, enjoining any payments for services rendered after that opinion but permitting Pennsylvania to reimburse the schools for services prior thereto, is affirmed. *Lemon v. Kurtzman*, p. 192.

2. *Texas school-financing system—Equal protection of the laws.*—The Texas school-financing system does not violate the Equal Protection Clause of the Fourteenth Amendment. Though concededly imperfect, the system bears a rational relationship to a legitimate state purpose. While assuring basic education for every child in the State, it permits and encourages participation in and significant control of each district's schools at the local level. *San Antonio School District v. Rodriguez*, p. 1.

SEARCH WARRANTS. See **Constitutional Law**, V; **Evidence**; **Standing**.

SEA-TO-SHORE POLLUTION. See **Federal-State Relations**, 1; **Pollution**.

SECONDARY SCHOOLS. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

SECRETARY OF AGRICULTURE. See **Administrative Procedure**, 6; **Judicial Review**, 4.

SECRETARY OF LABOR. See **Fair Labor Standards Act**.

SECTARIAN SCHOOLS. See **Aid to Education**; **Constitutional Law**, IV; **Schools**, 1.

SECULAR EDUCATIONAL SERVICES. See **Aid to Education**; **Constitutional Law**, IV; **Schools**, 1.

SECURITIES. See **Administrative Procedure**, 2-3; **Federal Power Commission**; **Judicial Review**, 3; **Securities Exchange Act of 1934**; **Taxes**, 2.

SECURITIES EXCHANGE ACT OF 1934.

Tender offer for shares of stock—Defensive merger—Option to surviving company to purchase exchanged shares.—Where the target of a tender offer defends itself by merging into a third company and the tender offeror then exchanges its stock for that of the surviving company and grants an option to the latter to purchase the exchanged stock that is not exercisable within the statutory six months' period, the transactions, which were not based on a statutory in-

SECURITIES EXCHANGE ACT OF 1934—Continued.

sider's information and were not susceptible of the speculative abuse that § 16 (b) of the Act was designed to prevent, did not constitute "sales" within the meaning of that provision. *Kern County Land Co. v. Occidental Petroleum*, p. 582.

SELECTION OF JURIES. See **Pleas**, 2; **Procedure**, 3, 10; **Waivers**.

SENTENCES. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 1-2; **Procedure**, 4, 9.

SEPARATE DOCUMENTS. See **Appeals**, 2; **Judgments**; **Procedure**, 6.

SEX DISCRIMINATION. See **Armed Forces**; **Constitutional Law**, I, 1.

SHARES IN MUTUAL FUNDS. See **Taxes**, 2.

SHARES OF STOCK. See **Securities Exchange Act of 1934**.

SHERIFF'S DEPUTIES. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

SHIPPING ACT, 1916. See **Antitrust Acts**; **Federal Maritime Commission**.

SHIPPING LINES. See **Antitrust Acts**; **Federal Maritime Commission**.

SHIPS. See **Federal-State Relations**, 1; **Pollution**.

SHORT-SWING SPECULATIONS. See **Securities Exchange Act of 1934**.

SHORT-WEIGHTING. See **Administrative Procedure**, 6; **Judicial Review**, 4.

SKI RESORTS. See **Indians**, 2; **Taxes**, 3.

SOVEREIGNTY. See **Indians**, 1; **Taxes**, 1.

SPECULATIVE ABUSE. See **Securities Exchange Act of 1934**.

SPEEDIER RELEASE FROM PRISON. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 2; **Procedure**, 9.

SPOUSES OF MILITARY PERSONNEL. See **Armed Forces**; **Constitutional Law**, I, 1.

"STALL-IN" DEMONSTRATIONS. See **Civil Rights Act of 1964**, 1-3.

STANDARDS. See **Administrative Procedure**, 1; **Constitutional Law**, II, 3; **Judicial Review**, 1; **Schools**, 2.

STANDARDS, PRACTICES, OR PROCEDURES. See **Voting Rights Act**, 1-4.

STANDING. See also **Constitutional Law**, V; **Evidence**.

Admission of evidence—Defective warrants—No interest in premises searched or goods seized.—Petitioners had no standing to contest admission of evidence seized under defective warrant since they alleged no legitimate expectation of privacy or interest of any kind in the premises searched or the goods seized; and they could not vicariously assert the personal Fourth Amendment right of the store owner in contesting admission of the seized goods. *Brown v. United States*, p. 223.

STATE AID TO EDUCATION. See **Aid to Education**; **Constitutional Law**, II, 3; IV; **Judicial Review**, 2; **Schools**, 1-2.

STATE EMPLOYEES. See **Fair Labor Standards Act**.

STATE LAW CLAIMS. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

STATE LEGISLATURES. See **Voting Rights Act**, 1-4.

STATE POLICE POWER. See **Federal-State Relations**, 1; **Pollution**.

STATE PRISONERS. See **Civil Rights Act of 1871**, 3; **Habeas Corpus**, 2; **Pleas**, 2; **Procedure**, 3, 9.

STATE PURPOSES. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

STATE STATUTES. See **Courts**; **District of Columbia Code**; **Procedure**, 1.

STATE TAXES. See **Indians**, 1-2; **Taxes**, 1, 3.

STATE TORT CLAIMS STATUTE. See **Civil Rights Act of 1871**, 1; **Jurisdiction**, 1-2.

STATUTORY EXEMPTIONS FROM STATE TAXES. See **Indians**, 2; **Taxes**, 3.

STATUTORY INSIDERS. See **Securities Exchange Act of 1934**.

STATUTORY VIOLATIONS. See **Administrative Procedure**, 6; **Judicial Review**, 4.

STAY OF EXECUTION OF SENTENCE. See **Habeas Corpus**, 1; **Procedure**, 4.

STAY ORDERS. See Voting Rights Act, 1-4.

STOCK PURCHASES. See Securities Exchange Act of 1934.

STOCKYARD OPERATORS. See Administrative Procedure, 6; Judicial Review, 4.

STOLEN GOODS. See Constitutional Law, V; Evidence; Standing.

STRAIGHT-LINE DEPRECIATION. See Administrative Procedure, 4; Taxes, 4.

STRICT JUDICIAL SCRUTINY. See Administrative Procedure, 2-3; Constitutional Law, II, 3; Federal Power Commission; Judicial Review, 2-3; Schools, 2.

SUABLE "PERSONS." See Civil Rights Act of 1871, 1; Jurisdiction, 1-2.

SUBSTANTIAL-EVIDENCE TEST. See Administrative Procedure, 1; Judicial Review, 1.

SUITS AGAINST STATES. See Fair Labor Standards Act.

SUMMARY DISPOSITION. See Administrative Procedure, 2-3; Federal Power Commission; Judicial Review, 3.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. See Courts; District of Columbia Code; Procedure, 1.

SUPERVISION OF AGREEMENTS. See Antitrust Acts; Federal Maritime Commission.

SUPERVISORY POWERS. See Appeals, 1; Procedure, 7.

SUPPRESSION OF EVIDENCE. See Constitutional Law, V; Evidence; Standing.

SUPREMACY CLAUSE. See Constitutional Law, VI; Federal-State Relations, 2.

SUPREME COURT. See also Appeals, 1; Courts; District of Columbia Code; Procedure, 1, 7.

1. Tribute to MR. JUSTICE DOUGLAS, p. v.
2. Bankruptcy Rules and Official Bankruptcy Forms, p. 989.

SUSPECT CLASSIFICATIONS. See Armed Forces; Constitutional Law, I, 1.

SUSPENSIONS. See Administrative Procedure, 6; Judicial Review, 4.

TAKEOVER OF CORPORATION. See Securities Exchange Act of 1934.

TAXES. See also **Administrative Procedure**, 4; **Constitutional Law**, II, 3; **Indians**, 1-2; **Judicial Review**, 2; **Schools**, 2.

1. *Arizona income taxes—Navajo Indians—Income from reservation sources.*—Arizona has no jurisdiction to impose tax on income of Navajo Indians residing on the Navajo Reservation and whose income is wholly derived from reservation sources, as is clear from the relevant treaty with the Navajos and federal statutes. *McClanahan v. Arizona State Tax Comm'n*, p. 164.

2. *Estate taxes—Valuation of mutual fund shares—Treasury Regulations.*—Shares in mutual funds can be “sold” by the shareholder only back to the fund and only at a set redemption price. Treas. Reg. § 20.2031-8 (b), requiring that such shares be valued for federal estate tax purposes at the current public offering (“asked”) price, which is determined by adding a load or sales charge to the net asset value, is clearly inconsistent with the Investment Company Act of 1940, and is therefore invalid. *United States v. Cartwright*, p. 546.

3. *Ski resort operated by Indians—Off-reservation land—Permanent improvements.*—New Mexico may impose gross receipts tax on ski resort operated by petitioner Tribe on off-reservation land leased from Federal Government under § 5 of the Indian Reorganization Act, 25 U. S. C. § 465. Though § 465 exempts the land from state and local taxation, neither it nor the federal-instrumentality doctrine bars taxing income from the land. But § 465 bars use tax that State seeks to impose on personality bought by Tribe out of State and which, having been installed as a permanent improvement at the resort, became so intimately connected with the land as to be covered by the statutory exemption. *Mescalero Apache Tribe v. Jones*, p. 145.

4. *Tax Reform Act of 1969—Federal Power Commission—Change in depreciation for utility companies.*—Section 441 of the Act does not deprive the FPC of the authority to permit a utility subject to its Natural Gas Act jurisdiction to change depreciation method that it uses for ratemaking from accelerated depreciation with “flow through” of the utility’s tax savings to customers to accelerated depreciation with normalization, with respect to pre-1970 property as well as replacement property. *FPC v. Memphis Light, Gas & Water Div.*, p. 458.

TAX IMMUNITY. See **Indians**, 1; **Taxes**, 1.

TAX REFORM ACT OF 1969. See **Administrative Procedure**, 4; **Taxes**, 4.

TENDER OFFERS. See **Securities Exchange Act of 1934**.

TENNESSEE. See Pleas, 2; Procedure, 3.

TESTIMONY. See Constitutional Law, V; Evidence; Standing.

TEXAS. See Constitutional Law, II, 3; Judicial Review, 2; Schools, 2.

TIMELINESS OF APPEALS. See Appeals, 2; Judgments; Procedure, 6.

TORT CLAIMS. See Civil Rights Act of 1871, 1; Jurisdiction, 1-2.

TRANSFER OF ASSETS. See Antitrust Acts; Federal Maritime Commission.

TRANSPORTING STOLEN GOODS. See Constitutional Law, V; Evidence; Standing.

TREASURY REGULATIONS. See Taxes, 2.

TREATIES. See Indians, 1; Taxes, 1.

TRIBAL SELF-GOVERNMENT. See Indians, 1; Taxes, 1.

TRUTH IN LENDING ACT. See Administrative Procedure, 5; Constitutional Law, III; Penalties.

UNCONSTITUTIONALITY OF STATUTE. See Aid to Education; Constitutional Law, IV; Schools, 1.

UNCOUNSELED GUILTY PLEAS. See Pleas, 1; Procedure, 2.

UNDERCOVER AGENTS. See Entrapment.

UNPROFESSIONAL CONDUCT. See Abstention; Civil Rights Act, 3; Injunctions; Optometry; Procedure, 5.

UNTIMELINESS OF APPEALS. See Appeals, 2; Judgments; Procedure, 6.

UNTIMELY CLAIMS. See Procedure, 10; Waivers.

USE TAXES. See Indians, 2; Taxes, 3.

UTILITY COMPANIES. See Administrative Procedure, 2-4; Federal Power Commission; Judicial Review, 3; Taxes, 4.

VALUATION OF MUTUAL FUND SHARES. See Taxes, 2.

VICARIOUS LIABILITY. See Civil Rights Act of 1871, 1; Jurisdiction, 1-2.

VIOLATIONS OF STATUTE. See Administrative Procedure, 6; Judicial Review, 4.

VOLUNTARINESS. See Pleas, 1; Procedure, 2.

VOTING RIGHTS ACT.

1. *Georgia Legislature reapportionment—Diluting Negro voting power—Standards, practices, or procedures.*—Georgia's 1972 reapportionment changes, which have the potential for diluting Negro voting power, are "standards, practices, or procedures with respect to voting" within the meaning of § 5 of the Act. *Georgia v. United States*, p. 526.

2. *Georgia reapportionment—Objections by Attorney General—Mootness.*—Georgia's claim that the Attorney General did not seasonably object to the 1971 apportionment plan may well be moot in view of his timely objection to the superseding 1972 plan, but in any event that claim lacks merit as the Attorney General's regulation that the statutory 60-day period begins to run from the time that necessary information is furnished is reasonable and conforms with the Act. *Georgia v. United States*, p. 526.

3. *Georgia reapportionment—Racially discriminatory purpose—Burden of proof.*—The Attorney General, applying a permissible regulation, placed the burden of proof on Georgia as the submitting party to establish that its 1972 reapportionment plan did not have a racially discriminatory purpose or effect on voting, and the State failed to meet that burden. *Georgia v. United States*, p. 526.

4. *Georgia reapportionment plan—Elections—Injunctions.*—Elections having been conducted under the 1972 legislative reapportionment plan under this Court's stay order, new elections are not required, but future elections under that plan will be enjoined until a plan notwithstanding § 5 clearance procedures is submitted. *Georgia v. United States*, p. 526.

WAIVER OF COUNSEL. See **Pleas**, 1; **Procedure**, 2.

WAIVERS. See also **Procedure**, 10.

Composition of grand jury—Untimely claim—Fed. Rule Crim. Proc. 12 (b)(2).—Waiver standard in Fed. Rule Crim. Proc. 12 (b)(2) governs untimely claim of grand jury discrimination, not only during the criminal proceeding but also later on collateral review. The District Court, in light of record of this case, did not abuse its discretion in denying petitioner relief from the application of the waiver provision. *Davis v. United States*, p. 233.

WARRANTS. See **Constitutional Law**, V; **Evidence**; **Standing**.

WATER POLLUTION. See **Federal-State Relations**, 1; **Pollution**; **Rivers and Harbors Act of 1899**, 1-2.

WATER POLLUTION PREVENTION AND CONTROL ACT AMENDMENTS OF 1972. See **Federal-State Relations**, 1; **Pollution**.

WATER QUALITY IMPROVEMENT ACT. See **Federal-State Relations**, 1; **Pollution**.

WEALTH. See **Constitutional Law**, II, 3; **Judicial Review**, 2; **Schools**, 2.

WELFARE PROGRAMS. See **Constitutional Law**, II, 1.

WIRETAPPING. See **Appeals**, 1; **Procedure**, 7.

WORDS.

1. *"In custody."* 28 U. S. C. §§ 2241 (c)(3), 2254 (a). *Hensley v. Municipal Court*, p. 345.

2. *"Sale."* § 16 (b), *Securities Exchange Act of 1934*, 15 U. S. C. § 78p (b). *Kern County Land Co. v. Occidental Petroleum*, p. 582.

3. *"Standards, practices, or procedures with respect to voting."* § 5, *Voting Rights Act*, 42 U. S. C. § 1973c. *Georgia v. United States*, p. 526.





















