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2. *Regulation of liquor in Indian country.*—Congress has authority under Art. I, § 8, of Constitution to regulate distribution of alcoholic beverages by establishments such as respondents' bar, which was located on non-Indian land on outskirts of an unincorporated village within an Indian reservation. Such authority is adequate, even though land was held in fee by non-Indians and persons regulated were non-Indians. *United States v. Mazurie*, p. 544.

3. *Regulation of liquor in Indian country—Delegation of authority.*—Congress could validly delegate to an Indian reservation's tribal council its authority under Art. I, § 8, of Constitution to regulate distribution of alcoholic beverages by establishments such as respondents' bar, which was located on non-Indian land on outskirts of an unincorporated village within a reservation. Independent authority of Indian tribes over matters that affect internal and social relations of tribal life is sufficient to protect Congress' decision to vest in tribal councils this portion of its own authority "to regulate Commerce . . . with the Indian tribes" under Art. I, § 8. *United States v. Mazurie*, p. 544.

4. *Washington business and occupation tax.*—Washington's business and occupation tax is not repugnant to Commerce Clause, appellant out-of-state manufacturer, upon whose unapportioned gross receipts from sale of aerospace fasteners to its principal Washington customer tax was imposed, having made no showing of multiple taxation on its interstate business, tax being apportioned to activities taxed, all of which are intrastate. *Standard Steel Co. v. Wash. Revenue Dept.*, p. 560.

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2. *Male naval officers—Mandatory discharge.*—Challenged legislative classification, whereby naval officer with more than nine years of active service, who failed for a second time to be selected for promotion, was subject to a mandatory discharge under 10 U. S. C. § 6382 (a), whereas if he had been a woman officer he would have been entitled under 10 U. S. C. § 6401 to 13 years of commissioned service before a mandatory discharge for want of promotion, is completely rational and does not violate Due Process Clause of Fifth Amendment. *Schlesinger v. Ballard*, p. 498.

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bar's location on non-Indian land on outskirts of an unincorporated village within Indian reservation and surrounding largely Indian population, statute was sufficient to advise respondents that their bar was not excepted from tribal regulation by virtue of being located in a non-Indian community. *United States v. Mazurie*, p. 544.

6. *Washington business and occupation tax*.—Imposition of Washington's business and occupation tax on appellant out-of-state manufacturer's unapportioned gross receipts from its sale of aerospace fasteners to its principal Washington customer, does not violate due process as measure of tax bears a relationship to benefits conferred on appellant by State. *Standard Steel Co. v. Wash. Revenue Dept.*, p. 560.

7. *Writ of garnishment—Lack of hearing*.—Georgia statute permitting a writ of garnishment to be issued in pending suits on an affidavit of plaintiff or his attorney containing only conclusory allegations, prescribing filing of a bond as only method of dissolving garnishment, which deprives defendant of use of property in garnishee's hands pending litigation, and making no provision for an early hearing, violates Due Process Clause of Fourteenth Amendment. *North Georgia Finishing, Inc. v. Di-Chem, Inc.*, p. 601.

IV. Equal Protection of the Laws.

Durational residency requirement—Divorce.—Iowa durational residency requirement for divorce is not unconstitutional on alleged ground that it establishes two classes of persons and discriminates against those who have recently exercised their right to travel to Iowa. Appellant was not irretrievably foreclosed from obtaining some part of what she sought, and such requirement may reasonably be justified on grounds of State's interest in requiring those seeking divorce from its courts to be genuinely attached to State, as well as of State's desire to insulate its divorce decrees from likelihood of successful collateral attack. *Sosna v. Iowa*, p. 393.

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lated, not that respondent's employees supervised operation of unloading automobiles from respondent's railroad car to trucking company's auto trailer, and consequently FELA's "while employed" requirement remains unsatisfied even under proper test. *Kelley v. Southern Pacific Co.*, p. 318.

2. "*While employed*"—*Lack of requirements*.—"While employed" language of FELA requires not only that FELA plaintiff be an agent of rail carrier but carrier's servant, and here District Court erred in holding that petitioner employee of trucking company (who according to court's findings was neither a borrowed servant of respondent railroad nor a dual servant of respondent and trucking company) came within coverage of FELA, since those findings also did not establish a master-servant relationship between respondent and trucking company that would be necessary to render petitioner a subservant of railroad. Nor was District Court's conclusion that respondent was "responsible" for operation of unloading automobiles from respondent's railroad car to trucking company's auto trailer tantamount to a finding that railroad controlled or had right to control physical conduct of trucking company employees like petitioner in unloading operation. *Kelley v. Southern Pacific Co.*, p. 318.

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"IN COMMERCE." See Antitrust Acts, 2, 4.

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INDICTMENTS. See Procedure, 4.

INFORMANTS. See Stays, 4.

INJUNCTIONS. See Appeals, 2; Constitutional Law, VI; Federal-State Relations; Internal Revenue Code.

INSTALLMENT CONTRACTS. See Appeals, 2.

INTERIM RELIEF. See Stays, 1.

INTERNAL REVENUE CODE. See also Bankruptcy Act.

Anti-Injunction Act—Withholding—Conscientious objectors.—Anti-Injunction Act, 26 U. S. C. § 7421 (a), which prohibits suits "for the purpose of restraining the assessment or collection of any tax," bars injunctive relief on First Amendment grounds against withholding income taxes from portion of appellee conscientious

INTERNAL REVENUE CODE—Continued.

objectors' wages deemed allocable to military expenditures; and since appellees concededly cannot show that Government would not prevail in a refund action, they do not qualify for judicial exception from § 7421 (a) under rules prescribed by *Enochs v. Williams Packing & Navigation Co.*, 370 U. S. 1. United States v. American Friends Service Com., p. 7.

INTERSTATE COMMERCE. See **Antitrust Acts**, 1, 4; **Constitutional Law**, II, 1, 4; III, 6; **Federal-State Relations**; **Jurisdiction**.

INTERSTATE COMMERCE ACT. See **Interstate Commerce Commission**; **Judicial Review**.

INTERSTATE COMMERCE COMMISSION. See also **Appeals**, 1; **Judicial Review**.

Motor carriers—Certificates of public convenience and necessity—ICC's approach—Divergence from hearing examiners.—In granting appellant motor carriers' applications for certificates of public convenience and necessity over opposition of appellee competing carriers, ICC was entitled to take an approach, divergent from that of its hearing examiners, favoring added competition among carriers. *Bowman Transp. v. Ark.-Best Freight System*, p. 281.

INTERSTATE HIGHWAYS. See **Antitrust Acts**, 1, 3-4.

INTERVENING CHANGES IN LAW. See **Appeals**, 3.

INTERVENING DECISIONS. See **Constitutional Law**, V; **Procedure**, 3.

INTOXICATING LIQUORS. See **Constitutional Law**, II, 2-3; III, 5.

INTRASTATE COMMERCE. See **Constitutional Law**, II, 1, 4; III, 6; **Jurisdiction**.

INTRASTATE SALES. See **Antitrust Acts**.

INVASION OF PRIVACY. See **Privacy**; **Procedure**, 5.

IRREPARABLE INJURIES. See **Constitutional Law**, III, 7; **Internal Revenue Code**; **Stays**, 2.

JUDICIAL DISCRETION. See **Stays**, 3.

JUDICIAL REVIEW. See also **Appeals**, 1; **Interstate Commerce Commission**.

1. *Interstate Commerce Commission order—Motor carriers—Certificates of public convenience and necessity.*—District Court erred in refusing to enforce ICC's order authorizing issuance of

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certificates of public convenience and necessity to appellant motor carriers on ground that ICC had acted arbitrarily in refusing to credit certain evidence introduced by appellee competing carriers. *Bowman Transp. v. Ark.-Best Freight System*, p. 281.

2. *Lapse of time—Evidentiary hearings—Ultimate agency decision—Reopening of record.*—Lapse of time between conclusion of evidentiary hearings on appellant motor carriers' applications for certificates of public convenience and necessity and ultimate agency decision by Interstate Commerce Commission authorizing such certificates, does not justify a reviewing court's requiring that record be reopened. *Bowman Transp. v. Ark.-Best Freight System*, p. 281.

JURIES. See **Constitutional Law**, VII; **Standing to Object**.

JURISDICTION. See also **Antitrust Acts**; **Appeals**, 2; **Constitutional Law**, II, 1; **Federal-State Relations**.

Supreme Court—Appeal—Decision below on federal question.—On appeal from Mississippi Supreme Court's dismissal of appellant Tennessee cotton merchant's suit against appellee Mississippi farmer for refusal to deliver cotton under a "forward" contract on grounds that contract was wholly intrastate and that Mississippi courts could not be used to enforce contract as appellant was doing business in State without requisite certificate, certificate executed by Chief Justice of Mississippi Supreme Court makes it clear that federal question was raised and decided by that court on validity of state statute as applied to facts under Commerce Clause of Federal Constitution, and this Court has jurisdiction over appeal. *Allenberg Cotton Co. v. Pittman*, p. 20.

JURISDICTIONAL DISPUTES. See **National Labor Relations Act**, 1.

JURY SELECTION PROCEDURES. See **Constitutional Law**, VII; **Standing to Object**.

JURY TRIALS. See **Constitutional Law**, VII; **Standing to Object**.

JUST COMPENSATION. See **Justiciability**, 2; **Tucker Act**.

JUSTICIABILITY. See also **Appeals**, 2; **Constitutional Law**, I; **Stays**, 4; **Tucker Act**.

1. *Regional Rail Reorganization Act of 1973 (Rail Act)*—"Conveyance taking" issues.—In action attacking constitutionality of Rail Act, certain basic "conveyance taking" issues are now ripe for adjudication. *Regional Rail Reorganization Act Cases*, p. 102.

JUSTICIABILITY—Continued.

2. *Regional Rail Reorganization Act of 1973 (Rail Act)*—"Erosion taking"—*Availability of Tucker Act remedy*.—In action attacking constitutionality of Rail Act, issue of availability of a Tucker Act remedy if Rail Act effects an "erosion taking" is ripe for adjudication in view of distinct possibility that compelled continued rail operations by Penn Central, which in past several years has sustained great losses and is not "reorganizable on an income basis within a reasonable time under § 77" of Bankruptcy Act, would injure plaintiffs below without any assurance before Final System Plan is implemented of their being compensated. *Regional Rail Reorganization Act Cases*, p. 102.

JUVENILE OFFENDERS. See *Stays*, 2.

KNOWING FALSEHOODS. See *Privacy*; *Procedure*, 5.

LABOR. See *Constitutional Law*, VI; *Evidence*; *Federal-State Relations*; *National Labor Relations Act*.

LABOR REGULATIONS. See *Stays*, 1.

LABOR UNIONS. See *Constitutional Law*, VI; *Evidence*; *Federal-State Relations*; *National Labor Relations Act*.

LACK OF HEARING OR NOTICE. See *Constitutional Law*, III, 3-4, 7.

LAWYERS. See *Contempt*.

LESSENING OF COMPETITION. See *Antitrust Acts*.

LIBERTY INTERESTS. See *Constitutional Law*, III, 3-4.

LIFE IMPRISONMENT. See *Constitutional Law*, V.

LIMITATION OF ACTIONS. See *Procedure*, 1.

LIQUID ASPHALT. See *Antitrust Acts*, 1, 3-4.

LIQUOR LICENSES. See *Constitutional Law*, II, 2-3; III, 5.

LOUISIANA. See *Stays*, 2.

MALE NAVAL OFFICERS. See *Constitutional Law*, III, 2.

MALICE. See *Procedure*, 5.

MANDATORY DISCHARGES FOR WANT OF PROMOTION.
See *Constitutional Law*, III, 2.

MARITIME OPERATIONS. See *Federal-State Relations*.

MARITIME UNIONS. See *Constitutional Law*, VI; *Evidence*; *Federal-State Relations*.

MASTER-SERVANT RELATIONSHIP. See **Federal Employers' Liability Act.**

MATERIAL USED IN INTERSTATE HIGHWAYS. See **Anti-trust Acts**, 1, 3-4.

MEDIA COVERAGE OF CRIMINAL TRIALS. See **Stays**, 2-3.

MEN NAVAL OFFICERS. See **Constitutional Law**, III, 2.

MERGERS. See **Procedure**, 1.

MEXICO. See **Immigration and Nationality Act.**

MILITARY EXPENDITURES. See **Internal Revenue Code.**

MISCONDUCT OF STUDENTS. See **Constitutional Law**, III, 3-4.

MISSISSIPPI. See **Constitutional Law**, II, 1; **Jurisdiction.**

MONITORING OF NATIONAL CONVENTION. See **Stays**, 4.

MOOTNESS. See also **Federal Rules of Civil Procedure.**

Satisfaction of residency requirement for divorce—Live controversy—Class action.—Fact that appellant had long since satisfied durational residency requirement for divorce in Iowa by time class action challenging constitutionality of such requirement reached this Court does not moot case, since controversy remains very much alive for class of unnamed persons whom she represents and who, upon certification of class action, acquired legal status separate from her asserted interest. *Sosna v. Iowa*, p. 393.

MOTOR CARRIERS. See **Appeals**, 1; **Interstate Commerce Commission**; **Judicial Review.**

MOTOR VEHICLES. See **Appeals**, 2.

MULTIPLE TAXATION. See **Constitutional Law**, II, 4; III, 6.

MUNICIPAL EMPLOYEES. See **Stays**, 1.

MURDER. See **Constitutional Law**, V.

NATIONAL CONVENTIONS. See **Stays**, 4.

NATIONAL DEMOCRATIC PARTY. See **Elections**; **Procedure**, 2.

NATIONAL LABOR RELATIONS ACT. See also **Constitutional Law**, VI; **Federal-State Relations.**

1. *Jurisdiction dispute—Unfair labor practice—§ 10 (k) determination—Applicability of § 5 of Administrative Procedure Act.*—Section 5 of APA, which prohibits commingling prosecutorial and adjudicatory functions in agency proceedings, and generally applies to "every case of adjudication required by statute to be determined

NATIONAL LABOR RELATIONS ACT—Continued.

on the record after opportunity for an agency hearing" (§ 2 (d) of APA defining "adjudication" as "agency process for formulation of an order," and "order" as "the whole or a part of a final disposition . . . of an agency in a matter other than rule making"), does not govern proceedings conducted under § 10 (k) of NLRA. Section 10 (k) determination is not itself a "final disposition" within the meaning of "order" and "adjudication" in § 2 (d) of APA, nor is it "agency process for the formulation of an order" within meaning of § 2 (d). *ITT v. Electrical Workers*, p. 428.

2. *Union's majority status—Authorization cards—Refusal of recognition—National Labor Relations Board election procedure—Union's burden.*—An employer who has not engaged in an unfair labor practice impairing electoral process does not commit a violation of § 8 (a) (5) of NLRA simply because he refuses to accept evidence of union's majority status other than results of NLRB election. At least in absence of any agreement to permit majority status to be determined by means other than NLRB election, a union that is refused recognition despite authorization cards or other evidence purporting to show that it represents a majority of employees has burden of taking next step and invoking NLRB's election procedure. *Linden Lumber Division v. NLRB*, p. 301.

NATIONAL LABOR RELATIONS BOARD. See **Federal-State Relations; National Labor Relations Act.**

NATIONAL PARTY CONVENTIONS. See **Elections; Procedure**, 2.

NATIONAL RAIL CRISIS. See **Constitutional Law, I; Justiciability; Tucker Act.**

NAVAL OFFICERS. See **Constitutional Law, III, 2.**

NEGLIGENCE. See **Federal Employers' Liability Act.**

NEW ORLEANS. See **Stays, 2.**

NEWSPAPERS. See **Privacy; Procedure, 5; Stays, 2.**

NEW YORK CITY ADMINISTRATIVE CODE. See **Bankruptcy Act, 1-4.**

"NEXUS TO COMMERCE" THEORY. See **Antitrust Acts.**

1974 AMENDMENTS TO FAIR LABOR STANDARDS ACT. See **Stays, 1.**

NON-INDIAN COMMUNITIES. See **Constitutional Law, II, 2-3; III, 5.**

- NONPAYMENT OF UTILITY BILLS.** See **Civil Rights Act of 1871.**
- NOTICE.** See **Constitutional Law, III, 3-4, 7.**
- OHIO.** See **Constitutional Law, III, 3-4.**
- PARDONS.** See **Constitutional Law, V.**
- PAROLE.** See **Constitutional Law, V.**
- PAYMENT OF WAGES.** See **Bankruptcy Act.**
- PEACEFUL PICKETING.** See **Constitutional Law, VI; Evidence; Federal-State Relations.**
- PENNSYLVANIA.** See **Civil Rights Act of 1871.**
- PERSONAL INJURIES.** See **Federal Employers' Liability Act.**
- PETIT JURIES.** See **Constitutional Law, VII; Standing to Object.**
- PICKETING.** See **Constitutional Law, VI; Evidence; Federal-State Relations.**
- POLICE.** See **Stays, 1.**
- POLITICAL PARTIES.** See **Elections; Procedure, 2; Stays, 4.**
- POWER TO COMMUTE SENTENCE.** See **Constitutional Law, V.**
- PRE-EMPTION.** See **Federal-State Relations.**
- PREPARATION FOR TRIAL.** See **Stays, 3.**
- PRESIDENTIAL COMMUTATION OF SENTENCE.** See **Constitutional Law, V.**
- PRESIDENTIAL NOMINATING CONVENTIONS.** See **Elections; Procedure, 2.**
- PRESIDENTIAL PARDONS.** See **Constitutional Law, V.**
- PRETRIAL PUBLICITY.** See **Stays, 2-3.**
- PRICE DISCRIMINATION.** See **Antitrust Acts, 2.**
- PRIMARY ELECTIONS.** See **Elections.**
- PRIOR HEARINGS.** See **Constitutional Law, III, 3-4.**
- PRIORITY OF TAX OR WAGE CLAIMS.** See **Bankruptcy Act, 5.**
- PRIOR NOTICE.** See **Constitutional Law, III, 3-4.**
- PRIOR RESTRAINTS.** See **Stays, 2.**

PRISON SECURITY PERSONNEL. See **Stays**, 1.

PRIVACY. See also **Procedure**, 5.

Invasion of privacy—Newspaper story—Sufficiency of evidence—Knowing or reckless falsehoods—Scope of reporter's employment.—In petitioners' diversity action against respondent newspaper publisher and reporter for invasion of privacy based on feature story in newspaper discussing impact upon petitioners' family of father's death in a bridge collapse, evidence was sufficient to support jury finding that respondents had published knowing or reckless falsehoods about petitioners, particularly with respect to "calculated falsehoods" about petitioner mother's being present when story was being prepared, and that respondent reporter's writing of story was within scope of his employment at newspaper so as to render respondent publisher vicariously liable under *respondeat superior* for knowing falsehoods in story. *Cantrell v. Forest City Publishing Co.*, p. 245.

PRIVATE ACTION. See **Civil Rights Act of 1871**.

PRIVATELY OWNED PUBLIC UTILITIES. See **Civil Rights Act of 1871**.

PRIVILEGE AGAINST SELF-INCRIMINATION. See **Contempt**.

PROCEDURE. See also **Appeals**, 2-3.

1. *Clayton Act suit—Bank acquisition—Stay.*—Where Government's Clayton Act suit to enjoin appellee's acquisition of banks was brought within 30 days after Federal Reserve Board's approval of acquisition as required by Bank Holding Company Act but before Comptroller of Currency had approved it as required by Bank Merger Act, District Court erred in dismissing suit without prejudice and ruling that Government should bring a new suit if and when Comptroller approved acquisition, but should stay suit until Comptroller acts. Such procedure will conserve judicial resources and fully protect both parties, and avoid possible prejudice to Government, which by being required to wait for Comptroller's approval before filing suit would risk having complete relief barred by time limitation of Bank Holding Company Act. *United States v. Michigan National Corp.*, p. 1.

2. *Court of Appeals judgment—Supreme Court stay—Res judicata—Political convention credentials contest.*—This Court's *per curiam*, staying Court of Appeals judgment affirming District Court's dismissal of action by purported Illinois delegate to 1972 Democratic National Convention challenging constitutionality of Democratic Party's guidelines for selecting delegates, and granting Party's counterclaim for injunction against Illinois state-court action

PROCEDURE—Continued.

to enjoin seating of rival delegates, unqualifiedly suspended operative effects of Court of Appeals judgment without resolving merits of controversy; and rival delegates' contention that this Court's action in staying such judgment left it as a *res judicata* bar to injunction is not open for consideration, not having been pleaded and proved in state court as required by state law. *Cousins v. Wigoda*, p. 477.

3. *Federal habeas corpus—State courts' opportunity to decide federal constitutional question—No resubmission.*—Since state courts had a full opportunity to determine federal constitutional issue before petitioner resorted to federal forum in habeas corpus action filed after State Supreme Court held unconstitutional criminal statute challenged in federal action, no substantial state interest would be served by requiring petitioner to resubmit his constitutional claim to state courts. *Francisco v. Gathright*, p. 59.

4. *Indictment—Dropping of counts against witness—Required disclosure.*—Where Assistant United States Attorney prosecuting petitioner denied during trial that two counts of three-count indictment against Government's chief witness involving same events for which petitioner was convicted had been dropped in return for witness' cooperation and testimony, but United States Attorney's records indicated that Assistant had agreed to drop two counts in return for guilty plea to third count, Court of Appeals' judgment affirming petitioner's conviction is vacated and case is remanded to that court so that if on basis of Government's documentation it is unable to decide whether Assistant "failed to make any required disclosure," it can remand case to District Court for further proceedings. *Ring v. United States*, p. 18.

5. *Setting aside verdict—Error—Privacy action.*—Court of Appeals erred in setting aside jury's verdict for compensatory damages in petitioners' diversity action against respondent newspaper publisher and reporter for invasion of privacy based on a feature story in newspaper discussing impact upon petitioners' family of father's death in a bridge collapse and containing a number of inaccuracies and false statements about family. The record discloses that District Judge when he dismissed punitive damages claim was not referring to "actual malice" standard of *New York Times Co. v. Sullivan*, 376 U. S. 254, but to common-law standard of malice that is generally required under state tort law to support punitive damages award and that in a "false light" case would focus on defendant's attitude toward plaintiff's privacy and not on truth or falsity of material published, and thus was not determining that

PROCEDURE—Continued.

petitioners had failed to introduce evidence of knowing falsity or reckless disregard of truth. *Cantrell v. Forest City Publishing Co.*, p. 245.

PROHIBITED PURPOSE OF PICKETING. See *Constitutional Law*, VI; *Federal-State Relations*.

PROMOTIONS. See *Constitutional Law*, III, 2.

PROOFS OF CLAIM. See *Bankruptcy Act*, 2.

PROPERTY INTERESTS. See *Constitutional Law*, III, 3-4.

PROPERTY RIGHTS. See *Constitutional Law*, III, 3, 7.

PUBLIC CONVENIENCE AND NECESSITY. See *Appeals*, 1; *Interstate Commerce Commission*; *Judicial Review*.

PUBLIC POLICY. See *Constitutional Law*, VI; *Federal-State Relations*.

PUBLIC SCHOOLS. See *Constitutional Law*, III, 3-4.

PUBLIC UTILITIES. See *Civil Rights Act of 1871*.

PUNITIVE DAMAGES. See *Procedure*, 5.

QUALIFICATIONS FOR DOING BUSINESS. See *Constitutional Law*, II, 1; *Jurisdiction*.

RAIL ACT. See *Constitutional Law*, I; *Justiciability*; *Tucker Act*.

RAILROADS. See *Constitutional Law*, I; *Federal Employers' Liability Act*; *Justiciability*; *Tucker Act*.

RATIONAL CLASSIFICATIONS. See *Constitutional Law*, III, 2.

RECKLESS DISREGARD OF TRUTH. See *Privacy*; *Procedure*, 5.

REFUND ACTIONS. See *Internal Revenue Code*.

REFUSAL TO RECOGNIZE UNION. See *National Labor Relations Act*, 2.

REGIONAL RAIL REORGANIZATION ACT OF 1973. See *Constitutional Law*, I; *Justiciability*; *Tucker Act*.

REGULATION OF ALCOHOLIC BEVERAGES. See *Constitutional Law*, II, 2-3; III, 5.

REGULATION OF UTILITIES. See *Civil Rights Act of 1871*.

REGULATIONS OF SECRETARY OF LABOR. See *Stays*, 1.

RELIGIOUS CORPORATIONS. See *Internal Revenue Code*.

- REMAND.** See Appeals, 1; Procedure, 4.
- REMEDIES.** See Justiciability, 2; Tucker Act.
- REOPENING OF AGENCY PROCEEDINGS.** See Judicial Review, 2.
- REORGANIZATIONS.** See Constitutional Law, I; Justiciability; Tucker Act.
- REPORTERS.** See Privacy; Procedure, 5.
- REPOSSESSION.** See Appeals, 2.
- REPRESENTATION ELECTIONS.** See National Labor Relations Act, 2.
- REPRESENTATIVE CROSS SECTION OF THE COMMUNITY.** See Constitutional Law, VII; Standing to Object.
- REPUTATION OF STUDENTS.** See Constitutional Law, III, 3-4.
- REQUIRED DISCLOSURES BY PROSECUTION.** See Procedure, 4.
- RESALES.** See Appeals, 2.
- RES JUDICATA.** See Procedure, 2.
- RESPONDEAT SUPERIOR.** See Privacy.
- RETAIL INSTALLMENT CONTRACTS.** See Appeals, 2.
- RETROACTIVITY.** See Constitutional Law, V.
- RIGHTS OF ASSOCIATION.** See Elections; Stays, 4.
- RIGHTS TO EDUCATION.** See Constitutional Law, III, 3.
- RIGHTS TO LIBERTY.** See Constitutional Law, III, 3.
- RIGHTS TO PROPERTY.** See Constitutional Law, III, 3, 7.
- RIGHT TO FAIR TRIAL.** See Stays, 2-3.
- RIGHT TO JURY TRIAL.** See Constitutional Law, VII; Standing to Object.
- RIGHT TO TRAVEL.** See Constitutional Law, III, 1; IV.
- RIPENESS FOR ADJUDICATION.** See Justiciability.
- ROBINSON-PATMAN ACT.** See Antitrust Acts, 2-4.
- RULES OF CIVIL PROCEDURE.** See Federal Rules of Civil Procedure; Mootness.
- SALES.** See Antitrust Acts, 1, 3-4.
- SCHOOLS.** See Constitutional Law, III, 3-4.
- SCOPE OF EMPLOYMENT.** See Privacy.

- SCOPE OF REVIEW.** See *Judicial Review*, 1.
- SEAMEN.** See *Constitutional Law*, VI; *Evidence*; *Federal-State Relations*.
- SEASONAL ALIEN COMMUTERS.** See *Immigration and Nationality Act*.
- "SEATED INTERVIEW" PROCEDURES.** See *Appeals*, 3.
- SECONDARY BOYCOTTS.** See *Constitutional Law*, VI; *Federal-State Relations*.
- SECURITY AGREEMENTS.** See *Appeals*, 2.
- SELECTION FOR PROMOTION.** See *Constitutional Law*, III, 2.
- SELECTION OF JURIES.** See *Constitutional Law*, VII; *Standing to Object*.
- SETTING ASIDE VERDICTS.** See *Procedure*, 5.
- SEX DISCRIMINATION.** See *Constitutional Law*, III, 2; VII.
- SHERMAN ACT.** See *Antitrust Acts*.
- SHIPPERS.** See *Constitutional Law*, VI; *Evidence*; *Federal-State Relations*.
- SIXTH AMENDMENT.** See *Constitutional Law*, VII; *Standing to Object*.
- SOCIAL SECURITY TAXES.** See *Bankruptcy Act*.
- SPECIAL COURT.** See *Constitutional Law*, I; *Justiciability*; *Tucker Act*.
- SPECIAL IMMIGRANTS.** See *Immigration and Nationality Act*.
- SPIRITUOUS BEVERAGES.** See *Constitutional Law*, II, 2-3; III, 5.
- STANDARD FOR FELA LIABILITY.** See *Federal Employers' Liability Act*.
- STANDING TO OBJECT.** See also *Constitutional Law*, VII.
Male criminal defendant—Challenge to jury-selection scheme—Exclusion of women.—Appellant, a convicted male criminal defendant, had standing to make claim that state jury-selection scheme whereby women were systematically excluded from jury panels is unconstitutional, there being no rule that such a claim may be asserted only by defendants who are members of group excluded from jury service. *Taylor v. Louisiana*, p. 522.
- STANDING TO SUE.** See *Appeals*, 2.
- STATE ACTION.** See *Civil Rights Act of 1871*.

STATE COURTS. See **Constitutional Law**, II, 1; III, 1; IV; VI; **Evidence**; **Federal-State Relations**; **Procedure**, 3.

STATE EMPLOYEES. See **Stays**, 1.

STATE REGULATION OF UTILITIES. See **Civil Rights Act of 1871**.

STATE TAXES. See **Constitutional Law**, II, 4; III, 6.

STATUTE OF LIMITATIONS. See **Procedure**, 1.

STAYS. See also **Procedure**, 1-2.

1. *Fair Labor Standards Act—1974 Amendments.*—In view of various factors, including concern of District Court, which, while dismissing applicants' complaint challenging constitutionality of 1974 Amendments to FLSA, characterized it as involving "a difficult and substantial question of law," pervasive impact of that court's judgment on all state and municipal governments, and brevity of time, an order is entered granting stay of provisions that go into effect January 1, 1975, until application can be presented to full Court at earliest convenient date. *National League of Cities v. Brennan* (BURGER, C. J., in chambers), p. 1321.

2. *Order restricting media coverage of criminal trials.*—Application for stay of Louisiana trial court's order restricting media coverage of trials of defendants accused of committing highly publicized rape and murder is granted, pending timely filing and disposition of petition for certiorari in this Court, where order imposed pervasive restraints of uncertain duration, and alternative means for protecting defendants' rights to fair trial appear to have been available to trial court. *Times-Picayune Pub. Corp. v. Schulingkamp* (POWELL, J., in chambers), p. 1301.

3. *Order setting criminal trial date.*—Application for stay of District Court's order setting applicant's criminal trial date, on alleged grounds that pretrial publicity precluded applicant's receiving fair trial in venue at time set and that he lacks sufficient time to prepare his defense, is denied. Responsibility for passing on claim for change of venue or delay in trial because of prejudicial pretrial publicity calls for exercise of highest order of sound judicial discretion by District Court, and doubts about correctness of order, particularly after Court of Appeals has reviewed it and denied mandamus, do not constitute sufficient basis for contrary action by individual Circuit Justice absent most extraordinary circumstances. *Ehrlichman v. Sirica* (BURGER, C. J., in chambers), p. 1310.

4. *Order vacating injunction against FBI attendance at convention.*—Although applicants' allegations of a "chilling effect" if FBI

STAYS—Continued.

agents and informants were allowed to attend youth organization's national convention are sufficiently specific to satisfy Art. III's jurisdictional requirements, nevertheless a stay of Court of Appeals' order vacating District Court's injunction barring FBI agents and informants from attending or otherwise monitoring such convention would be improper, since FBI has represented that it plans no disruptive activity at convention and will not transmit information to nongovernmental entities, and since interim relief against disclosure of delegates' names to Civil Service Commission has been granted. *Socialist Workers Party v. Attorney General* (MARSHALL, J., in chambers), p. 1314.

STEVEDORES. See **Constitutional Law, VI; Evidence; Federal-State Relations.**

SUBPOENAS DUCES TECUM. See **Contempt.**

SUBSTANDARD WAGES. See **Constitutional Law, VI; Evidence; Federal-State Relations.**

SUFFICIENCY OF EVIDENCE. See **Antitrust Acts, 1; Evidence; Privacy.**

SUPREME COURT. See also **Appeals, 2; Jurisdiction.**

1. Assignments of Mr. Justice Clark (retired) to the United States Court of Appeals for the Seventh Circuit, pp. 954, 987.

2. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Eighth Circuit, p. 1061.

3. Assignments of Mr. Justice Clark (retired) to the United States Court of Appeals for the Second Circuit, p. 1081.

4. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Fourth Circuit, p. 1117.

5. Amendments to Federal Rules of Civil Procedure, p. 1134.

6. Amendments to Federal Rules of Criminal Procedure, p. 1136.

SUSPENSIONS FROM SCHOOL. See **Constitutional Law, III, 3-4.**

SYSTEMATIC EXCLUSION OF WOMEN FROM JURIES. See **Constitutional Law, VII; Standing to Object.**

TAKING OF PROPERTY FOR PUBLIC USE. See **Justiciability, 2; Tucker Act.**

TAX CLAIMS. See **Bankruptcy Act, 2, 5.**

TAXES. See **Bankruptcy Act; Constitutional Law, II, 4; III, 6; Internal Revenue Code.**

- TAX REFUND ACTIONS.** See Internal Revenue Code.
- TAX REPORTS OR RETURNS.** See Bankruptcy Act, 3-4.
- TEMPORARY SUSPENSIONS FROM SCHOOL.** See Constitutional Law, III, 3-4.
- TERMINATION OF ELECTRIC SERVICE.** See Civil Rights Act of 1871.
- THREE-JUDGE COURTS.** See Appeals, 2-3.
- TIE-IN SALES.** See Antitrust Acts, 1, 3-4.
- TIME LIMITATIONS.** See Procedure, 1.
- TORTS.** See Privacy; Procedure, 5.
- TRANSPORTATION.** See Appeals, 1; Interstate Commerce Commission; Judicial Review.
- TRIAL BY JURY.** See Constitutional Law, VII; Standing to Object.
- TRIBAL REGULATION.** See Constitutional Law, II, 2-3.
- TRUCKING COMPANIES.** See Federal Employers' Liability Act.
- TRUSTEES IN BANKRUPTCY.** See Bankruptcy Act.
- TUCKER ACT.** See also Constitutional Law, I; Justiciability, 2.
1. *Adequate remedy—Taking of railroad property—Regional Rail Reorganization Act of 1973 (Rail Act).*—Tucker Act guarantees an adequate remedy at law for any taking of railroad property that might occur as a result of final conveyance provisions of Rail Act. Regional Rail Reorganization Act Cases, p. 102.
 2. *Remedy—Continuance of rail operations—"Erosion taking"—Regional Rail Reorganization Act of 1973 (Rail Act).*—Tucker Act remedy is not barred by Rail Act, but is available to provide just compensation for any "erosion taking" effected by Rail Act with respect to compelled continuation of rail operations by Penn Central pending Final System Plan's implementation. Regional Rail Reorganization Act Cases, p. 102.
 3. *Remedy—"Conveyance taking"—Regional Rail Reorganization Act of 1973 (Rail Act).*—For same reasons as obtained with respect to "erosion taking" issue, a suit in Court of Claims is available under Tucker Act for a cash award to cover any shortfall between consideration that railroads receive for their rail properties finally conveyed under Rail Act and constitutional minimum. Regional Rail Reorganization Act Cases, p. 102.

- UNDERCOVER INVESTIGATIONS.** See Stays, 4.
- UNEMPLOYMENT COMPENSATION.** See Appeals, 3.
- UNFAIR LABOR PRACTICES.** See Federal-State Relations; National Labor Relations Act.
- UNIFORM CODE OF MILITARY JUSTICE.** See Constitutional Law, V.
- UNIFORMITY REQUIREMENT OF BANKRUPTCY CLAUSE.** See Constitutional Law, I.
- UNION ELECTIONS.** See National Labor Relations Act, 2.
- UNIONS.** See Constitutional Law, VI; Evidence; Federal-State Relations; National Labor Relations Act.
- UNITED STATES NAVY.** See Constitutional Law, III, 2.
- UNITED STATES RAILWAY ASSOCIATION.** See Constitutional Law, I; Justiciability; Tucker Act.
- UNLOADING OPERATIONS.** See Federal Employers' Liability Act.
- UTILITIES.** See Civil Rights Act of 1871.
- VAGUENESS.** See Constitutional Law, III, 5.
- VENIRES.** See Constitutional Law, VII; Standing to Object.
- VENUE.** See Stays, 3.
- VERDICTS.** See Procedure, 5.
- VICARIOUS LIABILITY.** See Privacy.
- WAGE CLAIMS.** See Bankruptcy Act.
- WAGES.** See Constitutional Law, VI; Evidence; Federal-State Relations.
- WANT OF PROOF.** See Antitrust Acts, 1; Evidence; Federal Employers' Liability Act, 1.
- WASHINGTON.** See Constitutional Law, II, 4; III, 6.
- "WHILE EMPLOYED" REQUIREMENT OF FELA.** See Federal Employers' Liability Act.
- WITHHOLDING TAXES.** See Bankruptcy Act; Internal Revenue Code.
- WITNESSES.** See Procedure, 4.
- WOMEN NAVAL OFFICERS.** See Constitutional Law, III, 2.

WORDS AND PHRASES.

1. "*Agency process for the formulation of an order.*" § 2 (d), Administrative Procedure Act, 5 U. S. C. § 551 (7). *ITT v. Electrical Workers*, p. 428.

2. "*Engaged in or affecting commerce.*" §§ 2 (6) and (7), National Labor Relations Act, 29 U. S. C. §§ 152 (6) and (7). *American Radio Assn. v. Mobile S. S. Assn.*, p. 215.

3. "*Final disposition.*" § 2 (d), Administrative Procedure Act, 5 U. S. C. § 551 (6). *ITT v. Electrical Workers*, p. 428.

4. "*In commerce.*" § 2 (a), Robinson-Patman Act, 15 U. S. C. § 13; §§ 3, 7, Clayton Act, 15 U. S. C. §§ 14, 18. *Gulf Oil Corp. v. Copp Paving Co.*, p. 186.

5. "*Lawfully admitted for permanent residence.*" 8 U. S. C. § 1101 (a) (27) (B) (Immigration and Nationality Act). *Saxbe v. Bustos*, p. 65.

6. "*Payment of wages.*" § 3402 (a), Internal Revenue Code of 1954, 26 U. S. C. § 3402 (a). *Otte v. United States*, p. 43.

7. "*Returning from temporary visit abroad.*" 8 U. S. C. § 1101 (a) (27) (B) (Immigration and Nationality Act). *Saxbe v. Bustos*, p. 65.

8. "*Wages.*" § 3102 (a), Internal Revenue Code of 1954, 26 U. S. C. § 3102 (a). *Otte v. United States*, p. 43.

9. "*While . . . employed.*" 45 U. S. C. § 51 (Federal Employers' Liability Act). *Kelley v. Southern Pacific Co.*, p. 318.

WRIT OF GARNISHMENT. See **Constitutional Law**, III, 7.

WRONGFUL INTERFERENCE WITH BUSINESS. See **Constitutional Law**, VI; **Evidence**; **Federal-State Relations**.

YOUTH SOCIALIST ALLIANCE. See **Stays**, 4.













