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malicious intention to cause a deprivation of such rights or other injury to student. But a compensatory award will be appropriate only if school officials acted with such an impermissible motivation or with such disregard of student's clearly established constitutional rights that their action cannot reasonably be characterized as being in good faith. Wood v. Strickland, p. 308.

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ing Organized Crime Control Act of 1970 intended to retain each offense as an independent curb in combating organized crime. Iannelli v. United States, p. 770.

2. *Conspiracy as separate offense—Wharton's Rule as exception.*—Traditionally conspiracy and completed offense have been considered to constitute separate crimes, and this Court has recognized that a conspiracy poses dangers quite apart from substantive offense. Wharton's Rule, under which an agreement by two persons to commit a particular crime cannot be prosecuted as a conspiracy when crime is of such a nature as necessarily to require participation of two persons for its commission, is an exception to general principle that a conspiracy and substantive offense that is its immediate end do not merge upon proof of latter. Iannelli v. United States, p. 770.

3. *Conspiracy to assault federal officers—Proof of knowledge of intended victim's identity.*—Where knowledge of facts giving rise to federal jurisdiction is not necessary for conviction of a substantive offense embodying a *mens rea* requirement, such knowledge is equally irrelevant to questions of responsibility for conspiring to commit offense. Thus, in this case where proof of knowledge that intended victims were federal officers was not necessary to convict for assault on federal officers under 18 U. S. C. § 111, such knowledge did not have to be proved to convict of conspiring to commit that offense under 18 U. S. C. § 371. United States v. Feola, p. 671.

4. *Wharton's Rule—Judicial presumption.*—Wharton's Rule (under which an agreement by two persons to commit a particular crime cannot be prosecuted as a conspiracy when crime is of such a nature as necessarily to require participation of two persons for its commission, and which traditionally has been applied to offenses such as adultery where harm attendant upon commission of substantive offense is confined to parties to agreement and where offenses *require* concerted criminal activity) has current vitality only as a judicial presumption to be applied in absence of a contrary legislative intent. Iannelli v. United States, p. 770.

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I. Due Process.

Prison disciplinary proceedings—Retroactivity.—In state prisoner's

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action against prison officials seeking damages and expunction of records for alleged due process violations in summarily placing him in solitary confinement, relief cannot be based on rules requiring notice and a hearing in connection with serious prison discipline determinations announced in nonretroactive decision, *Wolff* v. *McDonnell,* 418 U. S. 539, or in *Landman* v. *Royster,* 333 F. Supp. 621, where discipline determinations in question all occurred before dates of those decisions. Cox v. Cook, p. 734.

II. Equal Protection of the Laws.

1. *Court-ordered legislative reapportionment—Impermissible population deviation.*—A population deviation of such magnitude as 20% variance involved here in court-ordered reapportionment plan for North Dakota Legislature is constitutionally impermissible absent significant state policies or other acceptable considerations requiring its adoption. Burden is on District Court to elucidate reasons necessitating any departure from approximate population equality and to articulate clearly relationship between variance and state policy furthered. Here District Court's allowance of 20% variance is not justified, as court claimed, by absence of "electorally victimized minorities," by sparseness of North Dakota's population, by division of State caused by Missouri River, or by asserted state policy of observing geographical boundaries and existing political subdivisions, especially when it appears that other, less statistically offensive, reapportionment plans already devised are feasible. Chapman v. Meier, p. 1.

2. *Court-ordered legislative reapportionment—Multimember districts vis-à-vis single-member districts.*—Absent persuasive justification, a federal district court in ordering state legislative reapportionment should refrain from imposing multimember districts upon a State. Here District Court has failed to articulate a significant state interest supporting its departure from general preference for single-member districts in court-ordered reapportionment plans that this Court recognized in *Connor* v. *Johnson,* 402 U. S. 690, and unless District Court can articulate such a "singular combination of unique factors" as was found to exist in *Mahan* v. *Howell,* 410 U. S. 315, 333, or unless 1975 North Dakota Legislative Assembly appropriately acts, court should proceed expeditiously to reinstate single-member districts. Chapman v. Meier, p. 1.

3. *Escaped felon—Automatic dismissal of appeal.*—Texas statute providing for automatic dismissal of an appeal by a felony defendant if he escapes from custody pending appeal, except that appeal will be reinstated if he voluntarily surrenders within 10 days of his

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escape, or if he is under sentence of life imprisonment or death appellate court in its discretion may reinstate appeal if he returns to custody within 30 days of his escape, does not violate Equal Protection Clause of Fourteenth Amendment. Estelle v. Dorrough, p. 534.

4. *Social Security Act—Survivors' benefits—Gender-based distinction.*—Gender-based distinction mandated by provisions of Social Security Act, 42 U. S. C. § 402 (g), that grant survivors' benefits based on earnings of a deceased husband and father covered by Act both to his widow and to couple's minor children in her care, but that grant benefits based on earnings of a covered deceased wife and mother only to minor children and not to widower, violates right to equal protection secured by Due Process Clause of Fifth Amendment, since it unjustifiably discriminates against women wage earners required to pay social security taxes by affording them less protection for their survivors than is provided for men wage earners. Weinberger v. Wiesenfeld, p. 636.

III. Fifth Amendment.

1. *Double jeopardy—Attachment of jeopardy.*—Concept of "attachment of jeopardy" defines a point in criminal proceedings at which purposes and policies of Double Jeopardy Clause are implicated. Jeopardy does not attach until a defendant is put to trial, which in a jury trial occurs when jury is empaneled and sworn and in a nonjury trial when court begins to hear evidence. Serfass v. United States, p. 377.

2. *Double jeopardy—Post guilty-verdict ruling—Government appeal.*—When a trial judge rules in favor of defendant after a guilty verdict has been entered by trier of fact, Government may appeal from that ruling without contravening Double Jeopardy Clause. United States v. Wilson, p. 332.

3. *Double jeopardy—Post-trial ruling—Government appeal.*—Although it is not clear whether or not District Court's judgment "dismissing" indictment and "discharging" respondent following a bench trial on a charge of failing to report for induction was a resolution of factual issues against Government, it suffices for double jeopardy purposes, and therefore for determining appealability under 18 U. S. C. § 3731, that further proceedings of some sort, devoted to resolving factual issues going to elements of offense charged and resulting in supplemental findings, would have been required upon reversal and remand. Trial, which could have resulted in conviction, has long since terminated in respondent's favor, and to subject him to any further proceedings, even if District Court were to receive

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no additional evidence, would violate Double Jeopardy Clause. United States v. Jenkins, p. 358.

4. *Double jeopardy—Postverdict rulings—Government appeals.*—Double Jeopardy Clause protects against Government appeals only where there is a danger of subjecting defendant to a second trial for same offense, and hence such protection does not attach to a trial judge's postverdict correction of an error of law which would not grant prosecution a new trial or subject defendant to multiple prosecutions. United States v. Wilson, p. 332.

5. *Double jeopardy—Pretrial dismissal of indictment.*—Jeopardy has not attached in this case when District Court prior to trial dismissed indictment for failure to report for induction, because petitioner had not then been put to trial. There had been no waiver of a jury trial; court had no power to determine petitioner's guilt or innocence; and petitioner's motion was premised on belief that its consideration before trial would serve "expeditious administration of justice." Serfass v. United States, p. 377.

6. *Double jeopardy—Pretrial dismissal of indictment—Government appeal.*—Double Jeopardy Clause does not bar an appeal by United States under 18 U. S. C. § 3731 from a pretrial order dismissing an indictment since in that situation criminal defendant has not been "put to trial before the trier of facts, whether the trier be a jury or a judge." Serfass v. United States, p. 377.

IV. First Amendment.

1. *Freedom of press—Publication of rape victim's name.*—State may not, consistently with First and Fourteenth Amendments, impose sanctions on accurate publication of a rape victim's name obtained from judicial records that are maintained in connection with a public prosecution and that themselves are open to public inspection. Here, under circumstances where appellant reporter based his televised news report of a rape case upon notes taken during court proceedings and obtained rape victim's name from official court documents open to public inspection, protection of freedom of press provided by First and Fourteenth Amendments bars Georgia from making reporter's and appellant broadcasting company's broadcast of rape victim's name basis of civil liability in cause of action by victim's father for invasion of privacy that penalizes pure expression—content of a publication. Cox Broadcasting Corp. v. Cohn, p. 469.

2. *Freedom of speech—Prior restraint—Procedural safeguards—Theatrical production.*—A system of prior restraint "avoids constitutional infirmity only if it takes place under procedural safeguards

CONSTITUTIONAL LAW—Continued.

designed to obviate the dangers of a censorship system," *viz.*, (1) burden of instituting judicial proceedings, and of proving that material is unprotected, must rest on censor; (2) any restraint before judicial review can be imposed only for a specified brief period and only to preserve status quo; and (3) a prompt judicial determination must be assured. Since those safeguards in several respects were lacking here, respondent municipal board members' denial to petitioner promoter of use of municipal facilities for musical production violated petitioner's First Amendment rights. Southeastern Promotions, Ltd. v. Conrad, p. 546.

3. *Freedom of speech—Prior restraint—Theatrical production.*—Respondent municipal board members' denial to petitioner promoter of use of municipal facilities for musical production, which was based on respondents' judgment of musical's content, constituted a prior restraint. Southeastern Promotions, Ltd. v. Conrad, p. 546.

V. Fourth Amendment.

1. *Detention of arrested person—Probable cause—Judicial determination.*—Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest. Accordingly, Florida procedures challenged here whereby a person arrested without a warrant and charged by information may be jailed or subjected to other restraints pending trial without any opportunity for a probable cause determination are unconstitutional. Gerstein v. Pugh, p. 103.

2. *Detention of arrested person—Probable cause—Prosecution by information—Judicial oversight.*—Constitution does not require judicial oversight of decision to prosecute by information, and a conviction will not be vacated on ground that defendant was detained pending trial without a probable cause determination. Gerstein v. Pugh, p. 103.

3. *Detention of arrested person—Probable cause—Prosecutor's assessment.*—Prosecutor's assessment of probable cause for detention of arrested person, standing alone, does not meet requirements of Fourth Amendment and is insufficient to justify restraint of liberty pending trial. Gerstein v. Pugh, p. 103.

VI. Privileges and Immunities Clause.

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comes and is not offset even approximately by other taxes imposed upon residents alone. Austin v. New Hampshire, p. 656.

VII. Sixth Amendment.

Jury selection—Exclusion of women—Retroactivity.—Decision in *Taylor* v. *Louisiana,* 419 U. S. 522, wherein it was held that Sixth and Fourteenth Amendments require petit juries to be selected from a source fairly representative of community and that such requirement is violated by systematic exclusion of women from jury panels, is not to be applied retroactively, as a matter of federal law, to convictions obtained by juries empaneled prior to date of that decision. Daniel v. Louisiana, p. 31.

VIII. Supremacy Clause.

1. *State game laws—Applicability to Indians.*—In ratifying, pursuant to its plenary constitutional powers, 1891 Agreement by which Indian tribe had ceded reservation to Government, Congress manifested no purpose of subjecting rights conferred upon Indians to state regulation, and in view of unqualified ratification of Art. 6 of such Agreement specifying that Indians' hunting rights in common with other persons would not be taken away or abridged, any state qualification of those rights is precluded by Supremacy Clause. Antoine v. Washington, p. 194.

2. *State game laws—Applicability to Indians.*—Supremacy Clause precludes application of state game laws to violations of such laws allegedly committed by appellant Indians in area of former Indian reservation that tribe had ceded to Government by 1891 Agreement, since federal statutes ratifying such Agreement are "Laws of the United States . . . made in Pursuance" of Constitution and therefore like all "Treaties made" are made binding upon affected States. Nor does fact that Congress had abolished contract-by-treaty method of dealing with Indian tribes affect Congress' power to *legislate* on problems of Indians, including legislation ratifying contracts between Executive Branch with Indian tribes to which affected States were not parties. Antoine v. Washington, p. 194.

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Authorized appeals—Double jeopardy.—In light of language of present version of 18 U. S. C. § 3731 and of its legislative history, it is clear that Congress intended to authorize a Government appeal to a court of appeals so long as further prosecution would not be barred by Double Jeopardy Clause. Serfass v. United States, p. 377.

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CRIMINAL LAW. See **Conspiracies**; **Constitutional Law**, I; II, 3; III; VII; VIII, 2; **Criminal Appeals Act**; **Evidence**; **Habeas Corpus**; **Jury Selection and Service Act of 1968.**

1. *Assault on federal officer—Proof of intent.*—Title 18 U. S. C. § 111, making it an offense to assault a federal officer in performance of his official duties, which was enacted both to protect federal officers and federal functions and to provide a federal forum in which to try alleged offenders, requires no more than proof of an intent to assault, not of an intent to assault a federal officer; and it was not necessary under statute to prove that respondent and his confederates knew that their victims were federal officers. United States v. Feola, p. 671.

2. *Detention of arrested person—Probable cause—Judicial determination—Hearing.*—Determination of probable cause for detention of arrested person, as an initial step in criminal justice process, may be made by a judicial officer without an adversary hearing. The sole issue is whether there is probable cause for detaining arrested person pending further proceedings, and this issue can be determined reliably by use of informal procedures. Because of its limited function and its nonadversary character, probable cause determination is not a "critical stage" in prosecution that would require appointed counsel. Gerstein v. Pugh, p. 103.

3. *Incompetence to stand trial—Consideration of evidence as to incompetency.*—In prosecution of petitioner and others for rape of petitioner's wife, Missouri courts failed to accord proper weight to evidence suggesting petitioner's incompetence to stand trial. When considered together with information available prior to trial contained in psychiatrist's report suggesting psychiatric treatment and testimony of petitioner's wife at trial repeating and confirming such report and stating that he had tried to kill her shortly before trial,

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information concerning petitioner's suicide attempt during trial created sufficient doubt of his competence to stand trial to require further inquiry. Drope v. Missouri, p. 162.

4. *Mental illness—Incompetence to stand trial—Suicide attempt—Suspension of trial.*—Whatever relationship between mental illness and incompetency to stand trial, bearing of former on latter was sufficiently likely in prosecution of petitioner and others for rape of petitioner's wife, that, in light of evidence of petitioner's behavior including his suicide attempt and resultant hospitalization during trial, and there being no opportunity without his presence to evaluate that bearing in fact, correct course was to suspend trial until such an evaluation could be made. Drope v. Missouri, p. 162.

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FEDERAL OFFICERS. See **Conspiracies**, 3; **Criminal Law**, 1.

FEDERAL POWER ACT.

1. *Federal Power Commission—Licensing—Thermal-electric power plants.*—Sections 4 (e) and 23 (b) of Part I of Act giving FPC licensing jurisdiction over hydroelectric facilities do not also confer such jurisdiction over thermal-electric power plants. Chemehuevi Tribe of Indians v. FPC, p. 395.

2. *Licensing—Project works—Thermal-electric power plants.*—Structures constituting thermal-electric power plants are not "project works" within meaning of § 4 (e) of Part I of Act, as is clear from language of that provision when read together with rest of Act (none of whose provisions refers to development or conservation of steam power), Act's legislative history (which manifests congressional intent to regulate only hydroelectric generating facilities), Federal Power Commission's consistent interpretation of its authority as not including jurisdiction over thermal-electric power plants, and this Court's decision in *FPC* v. *Union Electric Co.*, 381 U. S. 90. Chemehuevi Tribe of Indians v. FPC, p. 395.

3. *Licensing—Surplus water—Thermal-electric power plants.*—Surplus water clause of § 4 (e) of Part I of Act does not authorize Federal Power Commission licensing of water used for cooling purposes in thermal-electric power plants, nothing in Act's language or legislative history disclosing any congressional intent that that clause should serve any broader interests than project works clause of § 4 (e). And, contrary to Court of Appeals' holding, Act does not vest FPC with all responsibilities that prior legislation had given to Waterways Commission, responsibilities that in any case did not include licensing use of surplus water by steam plants. Chemehuevi Tribe of Indians v. FPC, p. 395.

FEDERAL-QUESTION JURISDICTION. See **Jurisdiction**, 3.

FEDERAL RULES OF CIVIL PROCEDURE. See **Mootness**, 1.

FEDERAL-STATE RELATIONS. See **Appeals**, 2; **Constitutional Law**, VIII; **Federal Water Pollution Control Act Amendments of 1972**; **Indians**, 1–2; **Social Security Act**, 1; **Water Rights.**

1. *Enjoining state civil proceeding—Nuisance—Closure of theater.*—Where state court ordered theater closed under Ohio's public nuisance statute which provides that a place exhibiting obscene films

FEDERAL-STATE RELATIONS—Continued.

is a nuisance, and appellee theater operator filed suit in Federal District Court for injunctive and declaratory relief, alleging that appellant officials' use of nuisance statute constituted a deprivation of constitutional rights under color of state law, principles of *Younger* v. *Harris,* 401 U. S. 37, are applicable even though state proceeding is civil in nature. District Court should have applied tests laid down in *Younger* in determining whether to proceed to merits and should not have entertained action unless appellee established that early intervention was justified under exceptions recognized in *Younger,* where state proceeding is conducted with an intent to harass or in bad faith, or challenged statute is flagrantly and patently unconstitutional. Huffman v. Pursue, Ltd., p. 592.

2. *Rights to seabed and subsoil—United States as against coastal States.*—United States, to exclusion of defendant Atlantic Coastal States, has sovereign rights over seabed and subsoil underlying Atlantic Ocean, lying more than three geographical miles seaward from ordinary low-water mark and from outer limits of inland coastal waters, extending seaward to outer edge of Continental Shelf, that area, like seabed adjacent to coastline, being in domain of Nation rather than of separate States. United States v. Maine, p. 515.

FEDERAL TRADE COMMISSION. See **Antitrust Acts.**

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972.

1. *Municipal sewage treatment—Allotment of federal funds.*—Since holding in *Train* v. *City of New York, ante,* p. 35, that Administrator of Environmental Protection Agency has no authority to allot less than full amounts authorized to be appropriated under § 207 of 1972 Amendments for municipal waste treatment plants, is at odds with Court of Appeals' premise that there was discretion to control or delay allotments, that court's judgment that further proceedings in respondent's action to compel Administrator to allot full sums authorized by § 207 were essential to determine whether that discretion had been abused, is vacated and case is remanded for further proceedings consistent with *Train* v. *City of New York.* Train v. Campaign Clean Water, p. 136.

2. *Municipal sewers and sewage treatment—Allotment of federal funds.*—1972 Amendments do not permit Administrator of Environmental Protection Agency to allot to States under § 205 (a), which provides that "[s]ums authorized to be appropriated pursuant to

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972—Continued.

§ 207 . . . shall be allotted by the Administrator," less than entire amounts authorized to be appropriated by § 207, which authorizes appropriation of "not to exceed" specified amounts for each of three fiscal years. Train v. City of New York, p. 35.

FELONIES. See **Constitutional Law**, II, 3.

FICTITIOUS NAME. See **Internal Revenue Code.**

FIFTH AMENDMENT. See **Constitutional Law**, II, 4; III; **Criminal Appeals Act.**

FILMS. See **Federal-State Relations**, 1.

FINALITY CLAUSES. See **Jurisdiction**, 3.

FINAL JUDGMENT OR DECREE. See **Appeals**, 1.

FIRST AMENDMENT. See **Constitutional Law**, IV.

FLORIDA. See **Constitutional Law**, V; **Criminal Law**, 2.

FOURTEENTH AMENDMENT. See **Constitutional Law**, II, 3; IV; VII.

FOURTH AMENDMENT. See **Constitutional Law**, V.

FREEDOM OF SPEECH. See **Constitutional Law**, IV, 2–3.

FREEDOM OF THE PRESS. See **Constitutional Law**, IV, 1.

FREIGHT CAR SHORTAGE. See **Interstate Commerce Commission.**

GAMBLING. See **Conspiracies**, 1.

GAME LAWS. See **Constitutional Law**, VIII; **Indians**, 1.

GENDER-BASED DISTINCTIONS. See **Constitutional Law**, II, 4.

GOVERNMENT APPEALS. See **Constitutional Law**, III, 2–4, 6; **Criminal Appeals Act.**

GRADUATION FROM SCHOOL. See **Mootness**, 1.

GRAND JURIES. See **Jury Selection and Service Act of 1968.**

GRAND JURY TRANSCRIPTS. See **Stays.**

GREAT SALT LAKE. See **Water Rights.**

GRIEVANCE PROCEDURES. See **National Labor Relations Act**, 2.

GUILTY PLEAS. See **Habeas Corpus.**

HABEAS CORPUS.

Constitutional issues—State post-guilty plea review—Availability of federal habeas corpus.—When state law permits a defendant to plead guilty without forfeiting his right to judicial review of specified constitutional issues, such as lawfulness of a search or voluntariness of a confession, defendant is not foreclosed from pursuing those constitutional claims in a federal habeas corpus proceeding. Thus, where a New York statute permitted an appeal from an adverse decision on a motion to suppress evidence allegedly obtained as a result of unlawful search and seizure though conviction was based on a guilty plea, respondent, who had been convicted in state court on a guilty plea to a drug charge and who had unsuccessfully presented to state courts on direct appeal his federal constitutional claim that evidence seized incident to an unlawful arrest should have been suppressed, was not precluded from raising such claim in a federal habeas corpus proceeding. Lefkowitz v. Newsome, p. 283.

"HAIR." See **Constitutional Law,** IV, 2–3.

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

HEARINGS. See **Constitutional Law,** I; **Criminal Law,** 2; **Interstate Commerce Commission.**

HIGH SCHOOLS. See **Civil Rights Act of 1871; Judicial Review; Procedure.**

HOLDING TIME FOR FREIGHT CARS. See **Interstate Commerce Commission.**

HUNTING RIGHTS OF INDIANS. See **Constitutional Law,** VIII, 2; **Indians,** 1.

HYDROELECTRIC GENERATING FACILITIES. See **Federal Power Act.**

IDENTIFICATION OF CLASS. See **Mootness,** 1.

IMMIGRATION AND NATIONALITY ACT.

Deportation—Entry without inspection.—Petitioners, husband and wife who had entered United States after falsely representing themselves to be United States citizens, and who thereafter had two children who were born in this country, were deportable under § 241 (a)(2) of Act, which establishes as a separate ground for deportation, quite independently of whether alien was excludable at time of his arrival, failure of an alien to present himself for inspection at time he made his entry. Aliens like petitioners who accomplish entry into this country by making a willfully false representation of United

IMMIGRATION AND NATIONALITY ACT—Continued.
States citizenship are not only excludable under § 212 (a) (19) but have also so significantly frustrated process for inspecting incoming aliens that they are also deportable as persons who have "entered the United States without inspection." Reid v. INS, p. 619.

IMMUNITY OF SCHOOL OFFICIALS FROM LIABILITY. See **Civil Rights Act of 1871.**

IMPARTIAL JURY TRIALS. See **Constitutional Law,** VII.

IMPEACHMENT OF WITNESSES. See **Evidence.**

INCOME TAXES. See **Constitutional Law,** VI; **Internal Revenue Code.**

INCULPATORY INFORMATION. See **Evidence.**

INDIANS. See also **Constitutional Law,** VIII.

1. *Agreements with Indians—Ratifying legislation—Construction.*—Although State is free to regulate non-Indian hunting rights in area of former Indian reservation that Indian tribe had ceded to Government by 1891 Agreement, legislation ratifying such Agreement must be construed to exempt Indians from like state control or Congress would have preserved nothing that Indians would not have had without legislation, which would have been "an impotent outcome to [the] negotiations." Antoine v. Washington, p. 194.

2. *Agreements with Indians—Ratifying legislation—Construction.*—Legislation ratifying 1891 Agreement whereby Indian tribe had ceded reservation to Government must be construed in light of longstanding canon of construction that wording of treaties and statutes ratifying agreements with Indians is not to be construed to their prejudice. Antoine v. Washington, p. 194.

3. *Indian reservation—Termination by legislation.*—Lake Traverse Indian Reservation in South Dakota, created by an 1867 treaty, was terminated and returned to public domain by an 1891 Act which, in ratification of a previously negotiated 1889 agreement between affected Indian tribe and United States, not only opened all unallotted lands to settlement but also appropriated and vested in tribe a sum certain per acre in payment for express cession and relinquishment of "all" of tribe's "claim, right, title, and interest" in unallotted lands; and therefore South Dakota state courts have civil and criminal jurisdiction over conduct of members of tribe on non-Indian, unallotted lands within 1867 Reservation borders. DeCoteau v. District County Court, p. 425.

INDICTMENTS. See **Constitutional Law,** III, 2–3, 5–6; IV, 1.

INDUCTION. See **Constitutional Law**, III, 3, 5.

INFORMAL PROCEDURES. See **Criminal Law**, 2.

INFORMATIONS. See **Constitutional Law**, V, 1–2.

INJUNCTIONS. See **Appeals**, 2; **Federal-State Relations**, 1; **Jurisdiction.**

INSPECTION OF ALIENS. See **Immigration and Nationality Act.**

INSPECTION OF JURY LISTS. See **Jury Selection and Service Act of 1968.**

INTENT TO ASSAULT. See **Conspiracies**, 3; **Criminal Law**, 1.

INTERFERENCE WITH LIBERTY. See **Constitutional Law**, V.

INTERNAL REVENUE CODE.

1. *"John Doe" summons—Bank—Identity of person—Tax liability.*—Internal Revenue Service has authority under §§ 7601 and 7602 of Code to issue a "John Doe" summons to a bank or other depository to discover identity of person who has had bank transactions suggesting possibility of liability for unpaid taxes, in this instance a summons to respondent bank officer during an investigation to identify person or persons who deposited 400 deteriorated $100 bills with bank within space of a few weeks. United States v. Bisceglia, p. 141.

2. *Summonses—Tax investigations—Cash transactions.*—Language of § 7601 of Code permitting Internal Revenue Service to investigate and inquire after "*all* persons . . . who *may* be liable to pay *any* internal revenue tax . . ." and of § 7602 authorizing summoning of "*any* . . . person" for taking of testimony and examination of books and witnesses that may be relevant for "ascertaining the correctness of *any* return, . . . determining the liability of *any* person . . . or collecting *any* such liability . . . ," is inconsistent with an interpretation that would limit issuance of summonses to investigations which have already focused upon a particular return, a particular named person, or a particular potential tax liability, and moreover such a reading of summons power of IRS ignores agency's legitimate interest in large or unusual financial transactions, especially those involving cash. United States v. Bisceglia, p. 141.

INTERSTATE COMMERCE COMMISSION.

Emergency powers—Service order—Freight car shortage.—Service Order No. 1134, promulgated by ICC without notice or hearing pursuant to its emergency powers under § 1 (15) of Interstate Commerce Act, which limited holding time of lumber cars at reconsignment points to five working days and subjected shipper holding car

INTERSTATE COMMERCE COMMISSION—Continued.

at such points for more than that period to sum of rates from origin, to hold point, to destination, was within ICC's power under § 1 (15) to avoid undue detention of freight cars used as places of storage, during an emergency freight car shortage that ICC, exercising its expertise, found to exist. ICC v. Oregon Pacific Industries, Inc., p. 184.

INTERVENING LEGISLATION. See **Mootness**, 2; **Social Security Act**, 1.

INTOXICATING LIQUORS. See **Civil Rights Act of 1871**; **Judicial Review.**

INVASION OF LIBERTY. See **Constitutional Law**, V.

INVASION OF PRIVACY. See **Appeals**, 1; **Constitutional Law**, IV, 1.

INVESTIGATORY INTERVIEWS OF EMPLOYEES. See **National Labor Relations Act**, 3–4.

IOWA. See **Social Security Act**, 2.

"JOHN DOE" SUMMONSES. See **Internal Revenue Code**, 1.

JUDICIAL DETERMINATION OF PROBABLE CAUSE. See **Constitutional Law**, V, 1; **Criminal Law**, 2.

JUDICIAL RECORDS. See **Constitutional Law**, IV, 1.

JUDICIAL REVIEW. See also **Civil Rights Act of 1871**; **Habeas Corpus**; **Procedure.**

School disciplinary proceedings—Relitigation of evidentiary questions—School regulation—Interpretation.—When regulation in question is construed, as it should have been and as record shows it was construed by responsible school officials, to prohibit use and possession of beverages containing any alcohol at school or school activities, rather than as erroneously construed by Court of Appeals to refer only to beverages containing in excess of a certain alcoholic content, there was no absence of evidence to prove charge against respondent students, who were expelled for violating regulation, and who sued petitioner school officials under 42 U. S. C. § 1983 claiming such expulsion infringed respondents' due process rights, and hence Court of Appeals' contrary judgment is improvident. Section 1983 does not extend right to relitigate in federal court evidentiary questions arising in school disciplinary proceedings or proper construction of school regulations and was not intended to be a vehicle for federal-court correction of errors in exercise of school officials' discretion that do not rise to level of violations of specific constitutional guarantees. Wood v. Strickland, p. 308.

JURIES. See **Constitutional Law**, VII; **Jury Selection and Service Act of 1968.**

JURISDICTION. See also **Appeals**; **Federal Power Act**, 1–2; **Indians**, 3.

1. *District Court—Tucker Act—Injunction—Appeal.*—District courts' jurisdiction under Tucker Act over "any civil action or claim against United States . . . founded either upon the Constitution or any Act of Congress," did not give District Court here jurisdiction over appellants' claims to enjoin enforcement of certain challenged provisions of customs laws, since Tucker Act empowers a district court only to award damages. Therefore, a three-judge court was improperly convened, and this Court has no jurisdiction over appeal based on District Court's refusal to grant injunctive relief founded on certain constitutional claims. Lee v. Thornton, p. 139.

2. *Enjoining court-martial proceedings—Equitable jurisdiction—Avoidance of intervention.*—When a serviceman charged with crimes by military authorities can show no harm other than that attendant to resolution of his case in military court system, federal district courts must refrain from intervention, by way of injunction or otherwise. There is nothing in circumstances of this case, where respondent Army captain sued in District Court to enjoin court-martial proceedings on allegedly non-service-connected marihuana charges, to outweigh strong considerations favoring exhaustion of remedies within military court system or to warrant intruding on integrity of military court processes, which were enacted by Congress in Uniform Code of Military Justice in an attempt to balance unique necessities of military system against equally significant interest of ensuring fairness to servicemen charged with military offenses. Schlesinger v. Councilman, p. 738.

3. *Enjoining court-martial proceedings—Subject-matter jurisdiction.*—Article 76 of Uniform Code of Military Justice, which provides that court-martial proceedings "are final and conclusive" and that "all action taken pursuant to those proceedings [is] binding upon all . . . courts of the United States," does not stand as a jurisdictional bar to respondent Army captain's suit in District Court to enjoin petitioner military authorities from proceeding with court-martial proceedings against him on allegedly non-service-connected marihuana charges, and District Court had subject-matter jurisdiction under 28 U. S. C. § 1331, assuming requisite jurisdictional amount. Schlesinger v. Councilman, p. 738.

JURY SELECTION AND SERVICE ACT OF 1968.

Challenge to jury-selection procedures—Right to inspect jury lists.—An unqualified right of a litigant to inspect jury lists is re-

JURY SELECTION AND SERVICE ACT OF 1968—Continued.
quired not only by plain text of provisions of Act, 28 U. S. C. § 1867 (f), allowing parties in a case "to inspect" such lists at all reasonable times during "preparation" of a motion challenging compliance with jury-selection procedures, but also by Act's overall purpose of insuring "grand and petit juries selected at random from a fair cross section of the community," 28 U. S. C. § 1861. Hence, where District Court denied petitioner's motion, prior to his trial and conviction on a federal drug charge, to inspect jury lists in connection with his challenge to grand and petit juries-selection procedures, Court of Appeals' judgment affirming his conviction is vacated, and case is remanded so that he may attempt to support his challenge. Test v. United States, p. 28.

JURY-SELECTION PROCEDURES. See **Constitutional Law**, VII; **Jury Selection and Service Act of 1968.**

JUSTICES OF THE PEACE. See **Abstention.**

JUSTICIABILITY. See **Mootness.**

KNOWLEDGE OF VICTIM'S OFFICIAL IDENTITY. See **Conspiracies**, 3; **Criminal Law**, 1.

LABOR UNIONS. See **National Labor Relations Act.**

LACK OF NOTICE OR HEARING. See **Interstate Commerce Commission.**

LAKE BEDS. See **Water Rights.**

LAKE TRAVERSE INDIAN RESERVATION. See **Indians**, 3.

LARGE CASH TRANSACTIONS. See **Internal Revenue Code**, 2.

LEGISLATIVE REAPPORTIONMENT. See **Appeals**, 3; **Constitutional Law**, II, 1–2.

LIABILITY FOR TAXES. See **Internal Revenue Code.**

LIBERTY RIGHTS. See **Constitutional Law**, V.

LICENSING JURISDICTION OF FEDERAL POWER COMMISSION. See **Federal Power Act.**

LICENSING OF THEATRICAL PRODUCTIONS. See **Constitutional Law**, IV, 2–3.

LOTTERIES. See **Mootness**, 2.

MAINE. See **Constitutional Law**, VI.

MANAGING EDITORS. See **Stays.**

MARGINAL SEA. See **Federal-State Relations**, 2.

MARIHUANA. See **Jurisdiction**, 2–3.

MARITIME BOUNDARIES. See **Federal-State Relations**, 2.

MENS REA. See **Conspiracies**, 3; **Criminal Law**, 1.

MENTAL ILLNESS. See **Criminal Law**, 3–4.

MEN WAGE EARNERS. See **Constitutional Law**, II, 4.

MILITARY COURT SYSTEM. See **Jurisdiction**, 2–3.

MILITARY SELECTIVE SERVICE ACT.

Re-employment of veteran—Vacation benefits.—Provisions of Act that a serviceman who applies for re-employment if still qualified shall be restored to his former position "or a position of like seniority, status, and pay," and that benefits and advancements that would necessarily have accrued by virtue of continued employment will not be denied merely because of veteran's absence in military service, do not apply to claimed benefits requiring more than simple continued status as an employee. In this case these provisions do not entitle petitioner employee to full vacation benefits for years he was in military service, under terms of collective-bargaining agreement that conditioned award of such benefits on receipt of earnings during 25 weeks of previous year, since vacation scheme was intended as a form of short-term deferred compensation for work performed and not as accruing automatically as a function of continued association with company. Foster v. Dravo Corp., p. 92.

MINORITY EMPLOYEES. See **National Labor Relations Act**, 1–2.

MIRANDA WARNINGS. See **Evidence.**

MOOTNESS.

1. *Constitutionality of school rules—Students' class action—Effect of graduation.*—A purported class action by six named plaintiffs, who at time were high school students, challenging constitutionality of certain school rules and regulations, is moot, where all six have graduated from school and District Court neither properly certified class action under Fed. Rule Civ. Proc. 23 (c)(1) nor properly identified class under Rule 23 (c)(3). Indianapolis School Comm'rs v. Jacobs, p. 128.

2. *Intervening legislation—legality of lottery broadcasts.*—In view of enactment, subsequent to Court of Appeals' reversal of Federal

MOOTNESS—Continued.

Communications Commission's denial of relief to licensed New Jersey radio station against application of 18 U. S. C. § 1304 to broadcast of winning numbers in a lawful state-run lottery such as New Jersey has, of 18 U. S. C. § 1307 (a)(2) making § 1304 inapplicable to information concerning a state-authorized lottery broadcast in that State or an adjacent State having such a lottery, case is remanded to Court of Appeals so that it may consider whether case is moot as Government contends, or is not moot because, as intervenor State of New Hampshire contends, § 1307 in violation of First Amendment rights would still not allow broadcasters in Vermont, which has no lottery, to broadcast winning numbers in New Hampshire lottery. United States v. N. J. State Lottery Comm'n, p. 371.

MOTION PICTURES. See **Federal-State Relations**, 1.

MOTIONS CHALLENGING JURY-SELECTION PROCEDURES. See **Jury Selection and Service Act of 1968.**

MULTIMEMBER DISTRICTS. See **Constitutional Law**, II, 2.

MUNICIPAL FACILITIES. See **Constitutional Law**, IV, 2–3.

MUNICIPAL SEWAGE TREATMENT. See **Federal Water Pollution Control Act Amendments of 1972.**

MUSICAL PRODUCTIONS. See **Constitutional Law**, IV, 2–3.

NATIONAL LABOR RELATIONS ACT.

1. *Discriminatory discharge of employees—Remedy under Civil Rights Act of 1964—Unfair labor practice.*—If discharges of minority employees for attempting to bargain with employer over terms and conditions of employment as they affected racial minorities, violate Title VII of Civil Rights Act of 1964, its remedial provisions are available to discharged employees, but it does not follow that discharges also violated § 8 (a)(1) of NLRA, which makes it an unfair labor practice for an employer to interfere with an employee's right under § 7 to engage in concerted action "for the purpose of collective bargaining or other mutual aid or protection." Emporium Capwell Co. v. Community Org., p. 50.

2. *Minority employees—Concerted activity—Employment discrimination—Bypassing union.*—Though national labor policy accords highest priority to nondiscriminatory employment practices, NLRA does not protect concerted activity by minority employees to bargain with their employer over issues of employment discrimination, thus bypassing their exclusive bargaining representative. Emporium Capwell Co. v. Community Org., p. 50.

NATIONAL LABOR RELATIONS ACT—Continued.

3. *Unfair labor practice—Investigatory interview of employee—Denial of union representative's presence.*—Employer violated § 8 (a) (1) of Act because it interfered with, restrained, and coerced individual right of employee, protected by § 7, "to engage in . . . concerted activities for mutual aid or protection . . . ," when it denied employee's request for presence of her union representative at investigatory interview that employee reasonably believed would result in disciplinary action. NLRB v. Weingarten, Inc., p. 251.

4. *Unfair labor practice—Investigatory interview of employee—Denial of union representative's presence.*—Respondent employer's denial of employee's request that her union representative be present at investigatory interview that employee reasonably believed might result in disciplinary action constituted unfair labor practice violative of § 8 (a) (1) of Act because it interfered with, restrained, and coerced individual right of employees protected by § 7 of Act. Garment Workers v. Quality Mfg. Co., p. 276.

NATIONAL SOVEREIGNTY. See **Federal-State Relations**, 2.

NATURAL RESOURCES. See **Federal-State Relations**, 2.

NAVIGABLE WATERS. See **Federal Power Act.**

NEW HAMPSHIRE COMMUTERS INCOME TAX. See **Constitutional Law**, VI.

NEWSPAPER REPORTERS. See **Stays.**

NEWS REPORTS. See **Appeals**, 1; **Constitutional Law**, IV, 1.

NEW YORK. See **Habeas Corpus.**

NEW YORK SOCIAL SERVICES LAW. See **Social Security Act**, 1.

NON-INDIAN LANDS. See **Indians**, 3.

NONRESIDENT TAXPAYERS. See **Constitutional Law**, VI.

NON-SERVICE-CONNECTED OFFENSES. See **Jurisdiction**, 2–3.

NORTH DAKOTA. See **Appeals**, 3; **Constitutional Law**, II, 1–2.

NOTICE. See **Constitutional Law**, I; **Interstate Commerce Commission.**

NUISANCES. See **Appeals**, 2; **Federal-State Relations**, 1.

OBSCENITY. See **Constitutional Law**, IV, 2–3; **Federal-State Relations**, 1.

OCEAN WATERS. See **Federal-State Relations**, 2.

OFFICIAL COURT DOCUMENTS. See **Constitutional Law**, IV, 1.

OFFSHORE SEABED. See **Federal-State Relations**, 2.

OHIO. See **Federal-State Relations**, 1.

OIL RIGHTS. See **Federal-State Relations**, 2.

ONE PERSON, ONE VOTE. See **Constitutional Law**, II, 1–2.

ORDERS OF FEDERAL TRADE COMMISSION. See **Antitrust Acts.**

ORDERS OF INTERSTATE COMMERCE COMMISSION. See **Interstate Commerce Commission.**

ORGANIZED CRIME CONTROL ACT OF 1970. See **Conspiracies**, 1.

OUTER CONTINENTAL SHELF LANDS ACT OF 1953. See **Federal-State Relations**, 2.

OWNERSHIP OF LAKE BEDS. See **Water Rights.**

PATERNITY OF CHILDREN. See **Social Security Act**, 1.

PENALTIES. See **Antitrust Acts.**

PERMITS FOR THEATRICAL PRODUCTIONS. See **Constitutional Law**, IV, 2–3.

PETIT JURIES. See **Constitutional Law**, VII; **Jury Selection and Service Act of 1968.**

PICKETING. See **National Labor Relations Act**, 1–2.

POLLUTION. See **Federal Water Pollution Control Act Amendments of 1972.**

PORNOGRAPHY. See **Federal-State Relations**, 1.

POST-GUILTY PLEA APPELLATE REVIEW. See **Habeas Corpus.**

POST-TRIAL DISMISSAL OF INDICTMENTS. See **Constitutional Law**, III, 2–4.

POST-VERDICT RULINGS. See **Constitutional Law**, III, 2–4.

POWERS OF INTERSTATE COMMERCE COMMISSION. See **Interstate Commerce Commission.**

PREGNANT WOMEN. See **Social Security Act**, 2.

PRESENCE OF UNION REPRESENTATIVE AT INVESTIGATORY INTERVIEW. See **National Labor Relations Act**, 3–4.

PRESIDENT. See **Federal Water Pollution Control Act Amendments of 1972**, 2.

PRETRIAL DISMISSAL OF INDICTMENTS. See **Constitutional Law**, III, 1, 5–6; **Criminal Appeals Act.**

PRETRIAL PSYCHIATRIC EXAMINATION. See **Criminal Law**, 3.

PRIOR NOTICE OR HEARING. See **Interstate Commerce Commission.**

PRIOR RESTRAINTS. See **Constitutional Law**, IV, 2–3.

PRISON DISCIPLINE DETERMINATIONS. See **Constitutional Law**, I.

PRIVACY. See **Appeals**, 1; **Constitutional Law**, IV, 1.

PRIVILEGES AND IMMUNITIES CLAUSE. See **Constitutional Law**, VI.

PROBABLE CAUSE FOR DETENTION. See **Constitutional Law**, V; **Criminal Law**, 2.

PROCEDURAL DUE PROCESS. See **Procedure.**

PROCEDURAL SAFEGUARDS. See **Constitutional Law**, IV, 2.

PROCEDURE. See also **Abstention; Federal-State Relations**, 1; **Judicial Review.**

Question not decided below—First consideration.—Since District Court in respondent students' action under 42 U. S. C. § 1983, claiming their expulsions for violating school regulation infringed their rights to due process, did not discuss whether there was a procedural due process violation, and Court of Appeals did not decide issue, Court of Appeals, rather than this Court, should consider that question in first instance. Wood v. Strickland, p. 308.

PROHIBITION AGAINST "ACQUIRING" ASSETS. See **Antitrust Acts.**

PROJECT WORKS. See **Federal Power Act**, 2–3.

PROOF OF INTENT TO ASSAULT. See **Conspiracies**, 3; **Criminal Law**, 1.

PROPOSED DECREES. See **Water Rights.**

PROSECUTOR'S INFORMATIONS. See **Constitutional Law**, V.

PSYCHIATRIC TREATMENT. See **Criminal Law**, 3–4.

PUBLICATION OF RAPE VICTIM'S NAME. See **Appeals**, 1; **Constitutional Law**, IV, 1.

PUBLIC DOMAIN. See **Indians**, 3.

PUBLIC NUISANCES. See **Federal-State Relations**, 1.

PUBLIC OFFICIALS. See **Civil Rights Act of 1871; Judicial Review; Procedure.**

PUBLIC RECORDS. See **Constitutional Law**, IV, 1.

PUBLIC SCHOOLS. See **Civil Rights Act of 1871; Judicial Review; Procedure.**

PUBLIC UTILITIES. See **Federal Power Act.**

QUALIFIED GOOD-FAITH IMMUNITY FROM LIABILITY. See **Civil Rights Act of 1871.**

RACIAL DISCRIMINATION. See **National Labor Relations Act**, 1–2.

RADIO BROADCASTS OF LOTTERY INFORMATION. See **Mootness**, 2.

RAILROADS. See **Interstate Commerce Commission.**

RAPE VICTIM'S NAME. See **Appeals**, 1; **Constitutional Law**, IV, 1.

RATIFICATION OF AGREEMENTS WITH INDIANS. See **Constitutional Law**, VIII; **Indians**, 1–2.

RATIONAL BASIS. See **Constitutional Law**, II, 3.

REAPPORTIONMENT PLANS. See **Appeals**, 3; **Constitutional Law**, II, 1–2.

RECONSIGNMENT POINTS. See **Interstate Commerce Commission.**

RECORDS OPEN TO PUBLIC INSPECTION. See **Constitutional Law**, IV, 1.

REDISTRICTING OF PRECINCTS. See **Abstention.**

RE-EMPLOYMENT OF VETERANS. See **Military Selective Service Act.**

REFUSAL TO REPORT FOR INDUCTION. See **Constitutional Law**, III, 3, 5.

REINSTATEMENT OF APPEALS. See **Constitutional Law**, II, 3.

REMAND. See **Mootness**, 2.

REMOVAL OF OFFICEHOLDERS. See **Abstention.**

REPORTERS. See **Stays.**

REPRESENTATIVE CROSS SECTION OF THE COMMUNITY. See **Constitutional Law,** VII.

RESTRAINTS ON LIBERTY. See **Constitutional Law,** V.

RETROACTIVITY. See **Constitutional Law,** I; VII.

RIGHTS TO SEABED AND SUBSOIL. See **Federal-State Relations,** 2.

RIGHT TO BE PRESENT AT TRIAL. See **Criminal Law,** 4.

RIGHT TO COUNSEL. See **Criminal Law,** 2.

RIGHT TO INSPECT JURY LISTS. See **Jury Selection and Service Act of 1968.**

RIGHT TO JURY TRIAL. See **Constitutional Law,** VII; **Jury Selection and Service Act of 1968.**

RIGHT TO LIBERTY. See **Constitutional Law,** V.

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SOCIAL SECURITY ACT. See also **Constitutional Law**, II, 4.

1. *Aid to Families with Dependent Children—Amendment—Resolution of conflict with state law.*—Amendment, subsequent to this Court's noting probable jurisdiction of appeal from judgment of three-judge District Court, of § 402 (a) of Act resolves question below of conflict between § 402 (a) and provision of New York Social Services Law requiring recipient, as a condition of eligibility for benefits under AFDC program, to cooperate to compel absent parent to contribute to child's support. Lascaris v. Shirley, p. 730.

2. *Aid to Families with Dependent Children—Dependent child—Unborn children.*—Term "dependent child," as defined by § 406 (a) of Act to be "a needy child (1) who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother," or certain other designated relatives, and (2) who is under age of 18, or under age of 21 and a student, does not include unborn children, and hence States receiving federal financial aid under AFDC program are not required to offer welfare benefits to pregnant women for their unborn children. Burns v. Alcala, p. 575.

SOLITARY CONFINEMENT. See **Constitutional Law**, I.

SOUTH DAKOTA. See **Indians**, 3.

SOVEREIGN RIGHTS. See **Federal-State Relations**, 2.

SPECIAL MASTERS. See **Water Rights.**

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STATE ELECTION LAWS. See **Appeals**, 3; **Constitutional Law**, II, 1–2.

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STATE INTERESTS. See **Constitutional Law**, II, 2.

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STATE POLICIES. See **Constitutional Law**, II, 1.

STATE PRISONERS. See **Constitutional Law**, I.

STATES' RIGHTS. See **Federal-State Relations**, 2.

STAYS.

State contempt proceedings—Newspaper reporters.—Application for stay of further state-court proceedings against applicant newspaper reporters and managing editor, who were adjudged in contempt for refusing to answer investigating judge's questions as to how they had obtained access to a certain sealed grand jury transcript, is granted pending referral of application to full Court, since applicants may be irreparably deprived of constitutional rights if proceedings continue and they have stated their intention to seek certiorari from state appellate courts' denial of extraordinary relief. Patterson v. Superior Court of California (DOUGLAS, J., in chambers), p. 1301.

STEAM POWER. See **Federal Power Act.**

STUDENT NEWSPAPERS. See **Mootness.**

STUDENTS. See **Civil Rights Act of 1871; Judicial Review; Mootness; Procedure.**

SUBMERGED LANDS ACT OF 1953. See **Federal-State Relations**, 2.

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SUPPRESSION OF EVIDENCE. See **Habeas Corpus.**

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1. Presentation of Attorney General, p. v.
2. Proceedings in memory of Mr. Justice Whittaker, p. VII.
3. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Fifth Circuit, p. 957.
4. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Third Circuit, p. 998.
5. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Seventh Circuit, p. 998.

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1. *"Concerted activities . . . for mutual aid or protection."* § 7, National Labor Relations Act, 29 U. S. C. § 157. NLRB v. Weingarten, Inc., p. 251.

2. *"Continuing failure or neglect to obey."* § 11 (*l*), Clayton Act, 15 U. S. C. § 21 (*l*); § 5 (*l*), Federal Trade Commission Act, 15 U. S. C. § 45 (*l*). United States v. ITT Continental Baking Co., p. 223.

3. *"Dependent child."* § 406 (a), Social Security Act, 42 U. S. C. § 606 (a). Burns v. Alcala, p. 575.

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4. *"Drawn in question."* 28 U. S. C. § 1257 (2). Cox Broadcasting Corp. v. Cohn, p. 469.

5. *"Entered the United States without inspection."* § 241 (a) (2), Immigration and Nationality Act, 8 U. S. C. § 1251 (a) (2). Reid v. INS, p. 619.

6. *"Final judgment or decree."* 28 U. S. C. § 1257. Cox Broadcasting Corp. v. Cohn, p. 469.

7. *"Laws of the United States . . . made in Pursuance."* Supremacy Clause, U. S. Const. Art. VI, cl. 2. Antoine v. Washington, p. 194.

8. *"Project works."* § 4 (e), Federal Power Act, 16 U. S. C. § 797 (e). Chemehuevi Tribe of Indians v. FPC, p. 395.

9. *"Sums."* § 205 (a), Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. § 1285 (a) (1970 ed., Supp. III). Train v. City of New York, p. 35.

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