INDEX

ABRIDGING RIGHT TO VOTE. See **Voting Rights Act of 1965.**

ABSENCE OF PROBABLE CAUSE. See **Constitutional Law,** VI, 2–4.

ABUSE OF DISCRETION. See **Federal-State Relations,** 6.

ACCUMULATED EARNINGS TAX. See **Internal Revenue Code.**

ACQUISITIONS OF BANK BRANCHES. See **Antitrust Acts,** 1, 9; **Bank Holding Company Act.**

ACTIONS AGAINST UNITED STATES. See **Jurisdiction,** 2.

ADMINISTRATIVE PROCEDURE. See **Judicial Review.**

ADMISSIBILITY OF ACCUSED'S PRETRIAL SILENCE. See **Criminal Law,** 4.

ADMISSIBILITY OF IN-CUSTODY STATEMENTS. See **Constitutional Law,** VI, 5; **Evidence.**

AID TO FAMILIES WITH DEPENDENT CHILDREN. See **Federal-State Relations,** 1.

AIR TRANSPORT SAFETY. See **Freedom of Information Act.**

ALASKA. See **Water Rights.**

ALIENS. See **Constitutional Law,** VI, 1, 3.

AMERICAN STOCK EXCHANGE. See **Antitrust Acts,** 10–11.

ANNEXATIONS. See **Voting Rights Act of 1965.**

ANTITRUST ACTS. See also **Bank Holding Company Act.**

1. *Clayton Act—Acquisitions of de facto bank branches.*—Proposed acquisitions by banking system of *de facto* branches will not violate § 7 of Clayton Act. Since system's program of founding and maintaining new *de facto* branches in face of Georgia's antibranching law did not violate Sherman Act, and since *de facto* branches that system proposes to acquire were all founded *ab initio* with system's sponsorship, it follows that proposed acquisitions will extinguish no present competitive conduct or relationships. As for future competition, there is no evidence of any realistic prospect that denial of acquisitions would lead defendant banks to compete against each other, Clayton Act being concerned with "probable" effects on com-

ANTITRUST ACTS—Continued.

petition, not with "ephemeral possibilities." U. S. v. Citizens & Southern National Bank, p. 86.

2. *Clayton Act—"Engaged in commerce."*—Phrase "engaged in commerce" as used in § 7 of Clayton Act means engaged in flow of interstate commerce, and was not intended to reach all corporations engaged in activities subject to federal commerce power; hence, phrase does not encompass corporations engaged in intrastate activities substantially affecting interstate commerce, and § 7 can be applicable only when both acquiring corporation and acquired corporation are engaged in interstate commerce. U. S. v. American Bldg. Maintenance Industries, p. 271.

3. *Clayton Act—"In commerce"—Janitorial services.*—Since janitorial service firms, which were acquired by appellee, one of largest suppliers of such services in country, and which supplied about 7% of such services in Southern California, did not participate directly in sale, purchase, or distribution of goods or services in interstate commerce, they were not "engaged in commerce" within meaning of § 7 of Clayton Act. And neither supplying local services to corporations engaged in interstate commerce nor using locally bought supplies manufactured outside California sufficed to satisfy § 7's "in commerce" requirement. U. S. v. American Bldg. Maintenance Industries, p. 271.

4. *Clayton Act—"In commerce"—Sherman Act.*—Precise "in commerce" language of § 7 of Clayton Act is not coextensive with reach of power under Commerce Clause and is thus not to be equated with § 1 of Sherman Act which reaches impact of intrastate conduct on interstate commerce. U. S. v. American Bldg. Maintenance Industries, p. 271.

5. *Clayton Act—Jurisdictional requirements.*—Jurisdictional requirements of § 7 of Clayton Act cannot be satisfied merely by showing that allegedly anticompetitive acquisitions and activities *affect* commerce. U. S. v. American Bldg. Maintenance Industries, p. 271.

6. *Purchase and sale of mutual-fund shares—Secondary market—Effect of Investment Company Act of 1940—Statutory "brokers."*—Neither language nor legislative history of § 22 (d) of Investment Company Act of 1940—which provides that "no dealer shall sell [mutual-fund shares] to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus"—justifies extending section's price maintenance mandate beyond its literal terms to encompass transactions by broker-dealers acting as statutory "brokers." To con-

ANTITRUST ACTS—Continued.

strue § 22 (d) to cover all broker-dealer transactions would displace antitrust laws by implication and also would impinge on Securities and Exchange Commission's more flexible authority under § 22 (f). Implied antitrust immunity can be justified only by a convincing showing of clear repugnancy between antitrust laws and regulatory system, and here no such showing has been made. U. S. v. National Assn. Securities Dealers, p. 694.

7. *Purchase and sale of mutual-fund shares—Secondary market—Horizontal combination and conspiracy—Implied immunity from antitrust liability.*—Horizontal combination and conspiracy among appellee National Association of Securities Dealers' members to prevent growth of a secondary dealer market in purchase and sale of mutual-fund shares charged in Count I of Government's complaint against appellees for alleged violations of Sherman Act, are neither required by § 22 (d) of Investment Company Act of 1940 nor authorized under § 22 (f) of that Act, and therefore cannot find antitrust shelter therein. Securities and Exchange Commission's exercise of regulatory authority under Maloney and Investment Company Acts is sufficiently pervasive, however, to confer implied immunity from antitrust liability for such activities. U. S. v. National Assn. Securities Dealers, p. 694.

8. *Purchase and sale of mutual-fund shares—Secondary market—Vertical restrictions—Immunity from antitrust liability.*—Vertical restrictions on secondary market activities in mutual-fund shares sought to be enjoined in Counts II–VIII of Government's complaint against appellees for alleged violations of Sherman Act are among kinds of agreements authorized by § 22 (f) of Investment Company Act of 1940, and hence such restrictions are immune from liability under Sherman Act. U. S. v. National Assn. Securities Dealers, p. 694.

9. *Sherman Act—Bank branching—State restrictions—De facto branches.*—In face of stringent state restrictions on bank branching, appellees' program of founding new *de facto* branches, and maintaining them as such, did not infringe § 1 of Sherman Act. U. S. v. Citizens & Southern National Bank, p. 86.

10. *Stock exchanges—Commission rates—Regulation by Securities and Exchange Commission—Antitrust immunity.*—Section 19 (b) (9) of Securities Exchange Act of 1934 authorizing regulation of stock exchange commission rates, SEC's long regulatory practice in reviewing proposed rate changes and in making detailed studies of rates, culminating in adoption of a rule requiring a transition to competitive rates, and continued congressional approval of SEC's

ANTITRUST ACTS—Continued.

authority over rates, all show that Congress intended Securities Exchange Act to leave supervision of fixing of reasonable rates to SEC. To interpose antitrust law, which would bar fixed commission rates as *per se* violations of Sherman Act, in face of positive SEC action, would unduly interfere with intended operation of Securities Exchange Act. Hence, implied repeal of antitrust laws is necessary to make that Act work as intended, since failure to imply repeal would render § 19 (b) (9) nugatory. Gordon v. New York Stock Exchange, p. 659.

11. *Stock exchanges—Fixed commission rates—Antitrust immunity.*—System of fixed commission rates utilized by New York and American Stock Exchanges, which is under active supervision of Securities and Exchange Commission, is beyond reach of antitrust laws. Gordon v. New York Stock Exchange, p. 659.

APPEALS. See also **Judicial Review; Jurisdiction, 1.**

1. *Direct appeal—Three-judge District Court—Declaratory judgment and injunction—State obscenity statute—Supreme Court's jurisdiction.*—This Court has jurisdiction under 28 U. S. C. § 1253 over appeal from three-judge District Court's judgment declaring California obscenity statute unconstitutional and injunction against its enforcement and requiring return of seized copies of allegedly obscene film, and injunction, as well as declaratory judgment, are properly before Court. Hicks v. Miranda, p. 332.

2. *Direct appeals—Three-judge District Court order re Interstate Commerce Commission order—"Injunction"—Supreme Court's jurisdiction.*—In environmental groups' action challenging an ICC order terminating a general revenue proceeding without declaring certain railroad freight rate increases on recyclables unlawful, allegedly without preparing an environmental impact statement required by National Environmental Policy Act, this Court has jurisdiction over appeals by railroads, United States, and ICC from three-judge District Court's order under 28 U. S. C. § 1253, which gives this Court jurisdiction to determine appeals from "an order granting or denying . . . an . . . injunction in any civil action . . . required . . . to be heard and determined" by a three-judge district court, since District Court's order, which not only declared that ICC had failed to comply with NEPA but also *directed* ICC to perform certain acts, was an "injunction" within meaning of § 1253, and since, moreover, such order restrained "the enforcement, operation or execution" of ICC order within meaning of 28 U. S. C. § 2325, and hence could have been issued only by a three-judge court. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

APPORTIONMENT. See **Elections**, 5.

APPROVAL OF ANNEXATIONS. See **Voting Rights Act of 1965.**

ARRESTS WITHOUT WARRANT OR PROBABLE CAUSE. See **Constitutional Law**, VI, 5; **Evidence.**

ASSISTANCE OF COUNSEL. See **Constitutional Law**, VII, 4.

ATLANTA. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

AT-LARGE ELECTIONS. See **Voting Rights Act of 1965.**

ATTORNEY GENERAL'S APPROVAL OF ANNEXATIONS. See **Voting Rights Act of 1965.**

ATTORNEY WORK-PRODUCT DOCTRINE. See **Criminal Law**, 2.

AUTOMOBILE SEARCHES NEAR BORDER. See **Constitutional Law**, VI, 1–4.

AVOIDANCE OF INCOME TAX AS TO SHAREHOLDERS. See **Internal Revenue Code.**

BACKPAY. See **Civil Rights Act of 1964**, 2–3, 5.

BANK HOLDING COMPANY ACT. See also **Antitrust Acts**, 1, 9.

Sherman Act—De facto branch banks—Effect of grandfather provision of Bank Holding Company Act.—Since Attorney General took no action by July 1966 against three 5-percent *de facto* branch banks that were formed by appellee bank holding company prior to that date, transactions by which these banks became 5-percent banks fall within terms of grandfather provision of Bank Holding Company Act that "[a]ny acquisition, merger, or consolidation of the kind described in [12 U. S. C. §] 1842 (a) . . . which was consummated at any time prior or subsequent to May 9, 1956, and as to which no litigation was initiated by the Attorney General prior to July 1, 1966, shall be conclusively presumed not to have been in violation of any antitrust laws other than" § 2 of Sherman Act, and therefore correspondent associate programs in force at these banks are immune from attack under § 1 of Sherman Act. While appellee holding company's formation of a *de facto* branch was a unique type of transaction, it may fairly be characterized as an "acquisition, merger, or consolidation of the kind described in [12 U. S. C. §] 1842 (a)," and clearly falls within class of dealings by bank holding companies that Congress intended, in grandfather provision, to shield from

BANK HOLDING COMPANY ACT—Continued.

retroactive challenge under antitrust laws. U. S. v. Citizens & Southern National Bank, p. 86.

BANK MERGER ACT OF 1966. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

BENCH CRIMINAL TRIALS. See **Constitutional Law**, VII, 4.

BORDER SEARCHES. See **Constitutional Law**, VI, 1–4.

BOUNDARY CHANGES. See **Voting Rights Act of 1965.**

BROADCASTING. See **Copyright Act of 1909.**

BROKERS. See **Antitrust Acts**, 6, 10–11.

BURDEN OF SHOWING ADMISSIBILITY OF IN-CUSTODY STATEMENTS. See **Evidence.**

CALIFORNIA. See **Antitrust Acts**, 2–5; **Appeals**, 1; **Federal-State Relations**, 2.

CASE OR CONTROVERSY. See **Constitutional Law**, I; **Standing to Sue.**

CENSORSHIP. See **Constitutional Law**, V.

CERTIORARI. See **Jurisdiction**, 5.

CHECKPOINT SEARCHES. See **Constitutional Law**, VI, 2–3.

CHILDREN'S SOCIAL SECURITY BENEFITS. See **Constitutional Law**, III; **Jurisdiction**, 2–4.

CIVIL RIGHTS. See **Standing to Sue.**

CIVIL RIGHTS ACT OF 1871.

Confinement of mental patient—State hospital superintendent's liability.—Since Court of Appeals did not consider whether trial judge erred in refusing to give instruction requested by petitioner state hospital superintendent concerning his claimed reliance on state law as authorization for continued confinement of respondent as mental patient, and since neither court below had benefit of this Court's decision in *Wood* v. *Strickland*, 420 U. S. 308, on scope of a state official's qualified immunity under 42 U. S. C. § 1983, case is vacated and remanded for consideration of petitioner's liability *vel non* for monetary damages for violating respondent's constitutional right. O'Connor v. Donaldson, p. 563.

CIVIL RIGHTS ACT OF 1964.

1. *Employment tests—Job relatedness—Validation study—Defects.*—Measured against standard that employment tests are im-

permissible unless shown, by professionally acceptable methods, to be "predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated," petitioner employer's validation study is materially defective in that (1) it would not, because of odd patchwork of results from its application, have "validated" two general ability tests used by petitioner for all skilled lines of progression for which two tests are, apparently, now required; (2) it compared test scores with subjective supervisorial rankings, affording no means of knowing what job-performance criteria supervisors were considering; (3) it focused mostly on job groups near top of various lines of progression, but fact that test of those employees working near top of a line of progression score well on a test does not necessarily mean that test permissibly measures qualifications of new workers entering lower level jobs; and (4) it dealt only with job-experienced, white workers, but tests themselves are given to new job applicants, who are younger, largely inexperienced, and in many instances nonwhite. Albemarle Paper Co. v. Moody, p. 405.

2. *Title VII—Discrimination—Backpay.*—Given a finding of unlawful discrimination, backpay should be denied only for reasons that, if applied generally, would not frustrate central statutory purposes manifested by Congress in enacting Title VII of Act of eradicating discrimination throughout economy and making persons whole for injuries suffered through past discrimination. Albemarle Paper Co. v. Moody, p. 405.

3. *Title VII—Discrimination—Backpay—Absence of bad faith.*—Absence of bad faith is not a sufficient reason for denying backpay, Title VII of Act not being concerned with employer's "good intent or absence of discriminatory intent," for "Congress directed the thrust of the Act to the *consequences* of employment practices, not simply the motivation." Albemarle Paper Co. v. Moody, p. 405.

4. *Title VII—Discrimination—Employment tests—Validation—Relief.*—In view of facts that during appellate stages of litigation wherein respondent employees charged petitioner employer and union with violations of Title VII of Act employer has apparently been amending its departmental organization and use made of its employment tests; that issues of standards of proof for job relatedness and of evidentiary procedures involving validation tests have not until now been clarified; and that provisional use of tests pending new validation efforts may be authorized, District Court on remand

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CIVIL RIGHTS ACT OF 1964—Continued.

should initially fashion necessary relief. Albemarle Paper Co. v. Moody, p. 405.

5. *Title VII—Discrimination—Tardy backpay demand.*—Whether respondent employees' tardiness and inconsistency in making their backpay demand in their suit initially seeking injunctive relief against alleged violations of Title VII of Act were excusable and whether they actually prejudiced petitioners, employer and union, are matters that will be open to review by Court of Appeals if District Court, on remand, decides again to decline a backpay award. Albemarle Paper Co. v. Moody, p. 405.

CLASS ACTIONS. See **Jurisdiction**, 2–4.

CLAYTON ACT. See **Antitrust Acts**, 1–5; **Bank Holding Company Act.**

CLOSING ARGUMENTS IN CRIMINAL TRIALS. See **Constitutional Law**, VII, 4.

COMMERCE CLAUSE. See **Antitrust Acts**, 2, 4.

COMMERCIAL AIRLINES. See **Freedom of Information Act.**

COMMISSION RATES. See **Antitrust Acts**, 10–11.

COMMUNICATIONS BETWEEN JUDGE AND JURY. See **Criminal Law**, 1.

COMPENSATION FOR DISABILITY. See **Longshoremen's and Harbor Workers' Compensation Act.**

COMPETITION. See **Antitrust Acts**, 1, 5.

COMPULSORY PROCESS. See **Constitutional Law**, VII, 2.

CONFESSIONS. See **Constitutional Law**, VI, 5; **Evidence.**

CONFINEMENT OF MENTAL PATIENT. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

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

CONSTITUTIONAL LAW. See also **Contempt**; **Criminal Law**, 3–4; **Evidence**; **Federal Rules of Criminal Procedure**; **Federal-State Relations**, 6; **Standing to Sue.**

I. Case or Controversy.

Mootness.—In light of respondent's return from maximum security to medium security prison and later transfer to a minimum security prison, his suit seeking declaratory and injunctive relief because of his transfer, without explanation or hearing, from a medium security to a maximum security prison, does not present a case or controversy

CONSTITUTIONAL LAW—Continued.

as required by Art. III of Constitution but is now moot and must be dismissed, since as to original complaint there is now no reasonable expectation that wrong will be repeated and question presented does not fall within category of harm capable of repetition, yet evading review. Preiser v. Newkirk, p. 395.

II. Due Process.

Right to liberty—Mental patient.—A State cannot constitutionally confine, without more, a nondangerous individual who is capable of surviving safely in freedom by himself or with help of willing and responsible family members or friends, and since jury found, upon ample evidence, that petitioner state hospital superintendent did so confine respondent as a mental patient, it properly concluded that petitioner had violated respondent's right to liberty. O'Connor v. Donaldson, p. 563.

III. Equal Protection of the Laws.

Social Security Act—Duration-of-relationship requirements.—Duration-of-relationship requirements of 42 U. S. C. §§ 416 (c)(5) and (e)(2) (1970 ed. and Supp. III), which define "widow" and "child" so as to exclude from social security insurance benefits surviving wives and stepchildren who had their respective relationships to a deceased wage earner for less than nine months prior to his death, are not unconstitutional. A statutory classification in area of social welfare such as Social Security program is constitutional if it is rationally based and free from invidious discrimination. Weinberger v. Salfi, p. 749.

IV. Fifth Amendment.

Privilege against self-incrimination—Testimony or statements of third parties.—Fifth Amendment privilege against compulsory self-incrimination, being personal to defendant, does not extend to testimony or statements of third parties called as witnesses at trial. In this instance fact that statements of third parties were elicited by a defense investigator on respondent's behalf does not convert them into respondent's personal communications, and requiring their production would in no sense compel respondent to be a witness against himself or extort communications from him. United States v. Nobles, p. 225.

V. First Amendment.

Freedom of speech—Ordinance prohibiting drive-in theaters from showing films containing nudity—Facial invalidity.—A Jacksonville, Fla., ordinance making it a public nuisance and a punishable offense

CONSTITUTIONAL LAW—Continued.

for a drive-in theater to exhibit films containing nudity, when screen is visible from a public street or place, is facially invalid as an infringement of First Amendment rights. Ordinance cannot be justified either as an exercise of city's police power for protection of children against viewing films or as a traffic regulation. Erznoznik v. City of Jacksonville, p. 205.

VI. Fourth Amendment.

1. *Searches and seizures—Border Patrol—Roving patrol—Authority to stop vehicle and question occupants.*—Fourth Amendment does not allow a roving patrol of Border Patrol to stop a vehicle near Mexican border and question its occupants about their citizenship and immigration status, when only ground for suspicion is that occupants appear to be of Mexican ancestry. Except at border and its functional equivalents, patrolling officers may stop vehicles only if they are aware of specific articulable facts, together with rational inferences therefrom, reasonably warranting suspicion that vehicles contain aliens who may be illegally in country. United States v. Brignoni-Ponce, p. 873.

2. *Searches and seizures—Border Patrol—Roving patrols—Traffic checkpoints—Nonretroactivity.*—Principles of *Almeida-Sanchez* v. *United States,* 413 U. S. 266, that Fourth Amendment prohibits Border Patrol from using roving patrols to search vehicles, without a warrant or probable cause, at points removed from border and its functional equivalents, will not be applied retroactively to invalidate searches that occurred prior to date of that decision. As Court of Appeals in this case correctly decided that *Almeida-Sanchez* did not apply retroactively, petitioner is not entitled to benefit of that court's further but unnecessary ruling that *Almeida-Sanchez* extended to searches at traffic checkpoints. Bowen v. United States, p. 916.

3. *Searches and seizures—Border Patrol—Traffic checkpoints.*—Fourth Amendment forbids Border Patrol officers, in absence of consent or probable cause, to search private vehicles at traffic checkpoints removed from border and its functional equivalents, and for this purpose there is no difference between a checkpoint and a roving patrol. United States v. Ortiz, p. 891.

4. *Searches and seizures—Border Patrol automobile search—Retroactivity of exclusionary rule.*—This Court's decision in *Almeida-Sanchez* v. *United States,* 413 U. S. 266, which held that a warrantless automobile search, conducted about 25 air miles from Mexican border by Border Patrol agents acting without probable cause,

CONSTITUTIONAL LAW—Continued.
contravened Fourth Amendment, does not apply to Border Patrol searches like one in this case, which, though concededly unconstitutional under *Almeida-Sanchez* standards, was conducted prior to June 21, 1973, date of that decision. Policies underlying exclusionary rule do not require retroactive application of *Almeida-Sanchez* where, as here, agents were acting in reliance upon a federal statute supported by longstanding administrative regulations and continuous judicial approval. United States v. Peltier, p. 531.

5. *Searches and seizures—Illegal arrest—Inculpatory statements—Effect of Miranda warnings.*—Illinois courts erred in adopting a *per se* rule that *Miranda* v. *Arizona*, 384 U. S. 436, warnings in and of themselves broke causal chain between petitioner's illegal arrest and his giving of in-custody inculpatory statements after such warnings so that any such statement, even one induced by continuing effects of unconstitutional custody, was admissible so long as, in traditional sense, it was voluntary and not coerced in violation of Fifth and Fourteenth Amendments. When exclusionary rule is used to effectuate Fourth Amendment, it serves interests and policies that are distinct from those it serves under Fifth, being directed at all unlawful searches and seizures, and not merely those that happen to produce incriminating material or testimony as fruits. Thus, even if statements in this case were found to be voluntary under Fifth Amendment, Fourth Amendment issue remains. *Wong Sun* v. *United States*, 371 U. S. 471, requires not merely that a statement meet Fifth Amendment voluntariness standard but that it be "sufficiently an act of free will to purge the primary taint" in light of distinct policies and interests of Fourth Amendment. Brown v. Illinois, p. 590.

VII. Sixth Amendment.

1. *Right to jury trial—Labor union—Violation of National Labor Relations Act injunction—Contempt.*—Petitioner labor union, which was charged with criminal contempt for violating temporary injunctions issued pursuant to § 10 (*l*) of NLRA against picketing of an employer pending National Labor Relations Board's final disposition of employer's unfair labor practice charge against such picketing, and which upon being adjudged guilty was fined $10,000, does not have a right to a jury trial under Art. III, § 2, of Constitution, and Sixth Amendment. Despite 18 U. S. C. § 1 (3), which defines petty offenses as those crimes "the penalty for which does not exceed imprisonment for a period of six months, or a fine of not more than $500, or both," a contempt need not be considered a

CONSTITUTIONAL LAW—Continued.
serious crime under all circumstances where punishment is a fine of more than $500, unaccompanied by imprisonment. Here, where it appears that petitioner union collects dues from some 13,000 persons, $10,000 fine imposed was not of such magnitude that union was deprived of whatever right to a jury trial it might have under Sixth Amendment. Muniz v. Hoffman, p. 454.

2. *Rights to compulsory process and cross-examination—Defense investigator's testimony.*—It was within District Court's discretion to assure that jury would hear defense investigator's full testimony rather than a truncated portion favorable to respondent, and court's ruling that investigator could not testify about his interviews with key prosecution witnesses unless investigator's report, as edited by court to excise irrelevant matters, was submitted to prosecution for inspection at completion of investigator's testimony, did not deprive respondent of Sixth Amendment rights to compulsory process and cross-examination. That Amendment does not confer right to present testimony free from legitimate demands of adversary system and cannot be invoked as a justification for presenting what might have been a half-truth. United States v. Nobles, p. 225.

3. *State criminal trial—Defendant's right to self-representation.*—Sixth Amendment as made applicable to States by Fourteenth guarantees that a defendant in a state criminal trial has an independent constitutional right of self-representation and that he may proceed to defend himself *without* counsel when he voluntarily and intelligently elects to do so; and in this case state courts erred in forcing petitioner against his will to accept a state-appointed public defender and in denying his request to conduct his own defense. Faretta v. California, p. 806.

4. *State criminal trial—Right to make defense—Denial of final summation.*—A total denial of opportunity for final summation in a nonjury criminal trial as well as in a jury trial deprives accused of basic right to make his defense, and a New York statute granting every judge in a nonjury criminal trial power to deny such summation before rendition of judgment violates Sixth Amendment as applied against States by Fourteenth. Herring v. New York, p. 853.

CONTEMPT. See also **Constitutional Law**, VII, 1.

1. *Violation of National Labor Relations Act injunction—Right to jury trial.*—Petitioner labor union officer and union, who were charged with criminal contempt for violating temporary injunctions

CONTEMPT—Continued.

issued pursuant to § 10 (*l*) of NLRA against picketing of an employer pending National Labor Relations Board's final disposition of employer's unfair labor practice charge against such picketing, are not entitled to a jury trial under 18 U. S. C. § 3692, which provides for jury trial in contempt cases arising under any federal law governing issuance of injunctions "in any case" growing out of a labor dispute. Muniz v. Hoffman, p. 454.

2. *Violation of National Labor Relations Act injunction—Right to jury trial—Exemption from Norris-LaGuardia Act.*—It is clear from § 10 (*l*) of NLRA, as added by Labor Management Relations Act, and related sections, particularly § 10 (h) (which provides that courts' jurisdiction to grant temporary injunctive relief or to enforce or set aside a National Labor Relations Board unfair labor practice order shall not be limited by Norris-LaGuardia Act), and from legislative history of such sections, that Congress not only intended to exempt injunctions authorized by NLRA and LMRA from Norris-LaGuardia Act's limitations, including original § 11 of Act (now repealed) requiring jury trials in contempt acts arising out of that Act, but also intended that civil and criminal contempt proceedings enforcing those injunctions were not to afford contemnors right to a jury trial. By providing for labor Act injunctions outside Norris-LaGuardia Act's framework, Congress necessarily contemplated that there would be no right to a jury trial in such contempt proceedings. Muniz v. Hoffman, p. 454.

COOK INLET. See **Water Rights.**

COPYRIGHT ACT OF 1909.

Receipt of copyrighted songs on food shop radio.—Respondent's receipt of petitioners' copyrighted songs in his food shop from local broadcasting station, which, as opposed to respondent, was licensed by American Society of Composers, Authors and Publishers to perform songs, did not infringe upon petitioners' exclusive right, under Act, "[t]o perform the copyrighted work publicly for profit," since radio reception did not constitute a "performance" of copyrighted songs. Twentieth Century Corp. v. Aiken, p. 151.

CORPORATIONS. See **Elections**, 1–3; **Internal Revenue Code.**

"CORRESPONDENT ASSOCIATE" BANKS. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

CRIMINAL CONTEMPT. See **Constitutional Law**, VII, 1; **Contempt.**

CRIMINAL LAW. See also **Constitutional Law,** IV; V; VI; VII, 2–4; **Elections,** 1; **Evidence; Federal Rules of Criminal Procedure.**

1. *Accused's right to be present at trial—Effect of absence during judge's communication to jury*—"[T]he orderly conduct of a trial by jury, essential to the proper protection of the right to be heard, entitles the parties . . . to be present in person or by counsel at all proceedings from the time the jury is impaneled until it is discharged after rendering the verdict," and, as *Shields* v. *United States,* 273 U. S. 583, and Fed. Rule Crim. Proc. 43 make clear, a criminal defendant has the right to be present "at every stage of the trial including the impaneling of the jury and the return of the verdict." Although a violation of Rule 43 may in some circumstances be harmless error, that conclusion cannot be reached in this case where trial judge, through marshal, answered affirmatively jury's question whether he would accept a verdict of "Guilty as charged with extreme mercy of the Court." At very least, trial court should have reminded jury that its recommendation would not in any way be binding and should have admonished jury to reach its verdict without regard to what sentence might be imposed. In circumstances of this case, trial court's errors were such as to warrant this Court's taking cognizance of them regardless of petitioner's failure to raise issue in Court of Appeals or in this Court. Rogers v. United States, p. 35.

2. *Disclosure of investigative report—Effect of attorney work-product doctrine—Waiver.*—Qualified privilege derived from attorney work-product doctrine is not available to prevent disclosure to prosecution of report of respondent's defense investigator, since respondent, by electing to present investigator as a witness, waived privilege with respect to matters covered in his testimony. United States v. Nobles, p. 225.

3. *Production of witness statements—Defense investigator's report.*—In a proper case, prosecution, as well as defense, can invoke federal judiciary's inherent power to require production of previously recorded witness statements that facilitate full disclosure of all relevant facts. Here report of defense investigator, who had obtained statements from key prosecution witnesses, might provide critical insight into issue of witness' credibility that investigator's testimony would raise and hence was highly relevant to such issues. United States v. Nobles, p. 225.

4. *Reference in trial to accused's silence during police interrogation—Prejudicial impact.*—Respondent's silence during police inter-

CRIMINAL LAW—Continued.
rogation following his arrest for robbery and after he had been advised of his right to remain silent, lacked significant probative value and under these circumstances any reference during cross-examination of him to such silence carried with it an intolerably prejudicial impact. This Court, exercising its supervisory authority over lower federal courts, therefore concludes that respondent is entitled to a new trial. United States v. Hale, p. 171.

CROSS-EXAMINATION. See **Constitutional Law**, VII, 2; **Criminal Law**, 4.

CUSTODIAL CONFINEMENT OF MENTAL PATIENT. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

DAMAGES. See **Civil Rights Act of 1871.**

DEALERS. See **Antitrust Acts**, 6–8.

DECLARATORY JUDGMENTS. See **Appeals**, 1; **Federal-State Relations**, 2–3, 5.

DE FACTO BANK BRANCHES. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

DEFENSE INVESTIGATORS. See **Constitutional Law**, IV; VII, 2; **Criminal Law**, 2–3; **Federal Rules of Criminal Procedure.**

DEFENSE WITHOUT COUNSEL. See **Constitutional Law**, VII, 3.

DE JURE BANK BRANCHES. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

DENIAL OF RIGHT TO VOTE. See **Voting Rights Act of 1965**, 2.

DENIAL OF SUMMATIONS IN CRIMINAL TRIALS. See **Constitutional Law**, VII, 4.

DEPRIVATION OF LIBERTY. See **Constitutional Law**, II.

DIRECT APPEALS. See **Appeals.**

DISABILITY COMPENSATION. See **Longshoremen's and Harbor Workers' Compensation Act.**

DISCLOSURE OF INFORMATION. See **Freedom of Information Act.**

DISCLOSURE OF STOCK OWNERSHIP. See **Securities Exchange Act of 1934.**

DISCRETION OF TRIAL COURT. See **Constitutional Law**, VII, 2; **Federal-State Relations**, 6.

DISCRIMINATION. See **Civil Rights Act of 1964; Standing to Sue; Voting Rights Act of 1965**, 2.

DISCRIMINATORY EMPLOYMENT PRACTICES. See **Civil Rights Act of 1964.**

DISTRICT COURTS. See **Appeals; Federal-State Relations**, 2–6; **Judicial Review; Jurisdiction**, 1–4.

DRIVE-IN MOVIE THEATERS. See **Constitutional Law**, V.

DUE PROCESS. See **Constitutional Law**, II; III.

DURATION-OF-RELATIONSHIP REQUIREMENTS. See **Constitutional Law**, III; **Jurisdiction**, 2–4.

EFFECT ON INTERSTATE COMMERCE. See **Antitrust Acts**, 2, 4–5.

ELECTIONS. See also **Voting Rights Act of 1965.**

1. *Prohibition against political contributions by corporation—Violation—No implied private right of action.*—With respect to whether respondent stockholder has an implied right of action for a violation of 18 U. S. C. § 610, which prohibits corporations from making contributions or expenditures in connection with specified federal elections, § 610 was primarily concerned, not with internal relations between corporations and stockholders, but with corporations as a source of aggregated wealth and therefore of potential corrupting influence; thus this statute differs from other criminal statutes in which private causes of action have been inferred because of a clearly articulated federal right in plaintiff, or a pervasive legislative scheme governing relationship between plaintiff class and defendant class in a particular regard. Cort v. Ash, p. 66.

2. *Prohibition against political contributions by corporation—Violation—Stockholder's remedy.*—Respondent stockholder's derivative suit with regard to alleged violation by petitioner directors of petitioner Delaware corporation in connection with 1972 Presidential election, of 18 U. S. C. § 610, which prohibits corporations from making contributions or expenditures in connection with specified federal elections, cannot be implied under § 610, and respondent's remedy, if any, must be under Delaware's corporation law. Cort v. Ash, p. 66.

3. *Prohibition against political contributions by corporation—Violation—Stockholder's remedy—Effect of intervening law.*—Federal Election Campaign Act Amendments of 1974, under which Federal

ELECTIONS—Continued.

Election Commission can receive citizen complaints of statutory violations and where warranted request Attorney General to seek injunctive action, constitute an intervening law that relegates to Commission's cognizance respondent's complaint as citizen or stockholder for injunctive relief against any alleged violations in future elections of 18 U. S. C. § 610, which prohibits corporations from making contributions or expenditures in connection with specified federal elections, since this Court must examine this case according to law existing at time of its decision. Cort v. Ash, p. 66.

4. *Texas Election Code—Intervening legislation—Mootness.*—In light of recent amendments to Texas Election Code provision whose constitutionality is at issue, District Court's judgment is vacated, and case is remanded to that court for reconsideration and for dismissal if case is or becomes moot. Hill v. Printing Industries of Gulf Coast, p. 937.

5. *Texas election districts—Intervening legislation—Mootness.*—In light of recent Texas apportionment legislation substituting single-member election districts for multimember districts at issue, District Court's judgment is vacated, and case is remanded to that court for reconsideration and for dismissal if case is or becomes moot. White v. Regester, p. 935.

EMPLOYER AND EMPLOYEES. See **Civil Rights Act of 1964.**

EMPLOYMENT TESTS. See **Civil Rights Act of 1964,** 1, 4.

ENVIRONMENTAL IMPACT STATEMENTS. See **Appeals,** 2; **Judicial Review.**

EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972. See **Civil Rights Act of 1964,** 2–4.

EQUAL PROTECTION OF THE LAWS. See **Constitutional Law,** III.

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

EVIDENCE. See also **Constitutional Law,** VI, 5; **Water Rights.**

Voluntariness of confession—Factors considered—Admissibility—Burden of proof.—Question whether a confession is voluntary under *Wong Sun* v. *United States,* 371 U. S. 471, must be answered on facts of each case. Though *Miranda* v. *Arizona,* 384 U. S. 436, warnings are an important factor in resolving issue, other factors must be considered; and burden of showing admissibility of in-custody statements of persons who have been illegally arrested rests on prosecutor. State failed to sustain its burden in this case of

EVIDENCE—Continued.

showing that petitioner's statements made after his illegal arrest and after *Miranda* warnings were given were admissible under *Wong Sun*. Brown v. Illinois, p. 590.

EVIDENCE OF SILENCE AT TIME OF ARREST. See **Criminal Law**, 4.

EXCHANGE COMMISSION RATES. See **Antitrust Acts**, 10–11.

EXCLUSIONARY RULE. See **Constitutional Law**, VI, 4–5; **Evidence.**

EXCLUSIONARY ZONING PRACTICES. See **Standing to Sue.**

EXEMPTION 3 OF FREEDOM OF INFORMATION ACT. See **Freedom of Information Act.**

EXHAUSTION OF REMEDIES. See **Jurisdiction**, 1, 4.

FACIAL INVALIDITY. See **Constitutional Law**, V.

FAIR COMPETITION. See **Antitrust Acts**, 2–5.

FEDERAL AVIATION ACT OF 1958. See **Freedom of Information Act.**

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974. See **Elections**, 3.

FEDERAL INTERFERENCE WITH STATE PROSECUTIONS. See **Federal-State Relations**, 1–4; **Jurisdiction**, 5.

FEDERAL-QUESTION JURISDICTION. See **Jurisdiction**, 2.

FEDERAL RULES OF CRIMINAL PROCEDURE. See also **Constitutional Law**, IV; VII, 2; **Criminal Law**, 1.

Rule 16—Effect on trial court's discretion as to evidentiary questions at trial.—Rule 16, whose language and history both indicate that it addresses only pretrial discovery, imposes no constraint on District Court's power to condition impeachment testimony of respondent's witness, a defense investigator, on production of relevant portions of his report. Fact that Rule incorporates Jencks Act limitation shows no contrary intent and does not convert Rule into a general limitation on trial court's broad discretion as to evidentiary questions at trial. United States v. Nobles, p. 225.

FEDERAL-STATE RELATIONS. See also **Jurisdiction**, 5; **Water Rights.**

1. *Aid to Families with Dependent Children—Connecticut statute—Conflict with Social Security Act—Intervening amendment.*—A three-judge District Court's judgment upholding constitutionality

FEDERAL-STATE RELATIONS—Continued.
of a Connecticut statute that requires mother of an illegitimate child receiving AFDC assistance to disclose putative father's name and imposing a criminal sanction for noncompliance, and concluding that statute does not conflict with Social Security Act, is vacated and case is remanded for further consideration in light of an intervening Social Security Act amendment requiring parents, as a condition of eligibility for AFDC assistance, to cooperate with state efforts to locate and obtain support from absent parents but providing no punitive sanctions, and, also, if a relevant state criminal proceeding is pending, in light of *Younger* v. *Harris,* 401 U. S. 37, and *Huffman* v. *Pursue, Ltd.,* 420 U. S. 492. Roe v. Norton, p. 391.

2. *Federal interference with state prosecution.*—In action by appellee theater operators against appellant police officers and prosecuting attorneys, seeking an injunction against enforcement of California obscenity statute and for return of copies of allegedly obscene film seized in connection with state misdemeanor charges against theater employees, and a judgment declaring statute unconstitutional, District Court erred in reaching merits of case despite appellants' insistence that it be dismissed under *Younger* v. *Harris,* 401 U. S. 37, and *Samuels* v. *Mackell,* 401 U. S. 66. Where state criminal proceedings are begun against federal plaintiffs after federal complaint is filed but before any proceedings of substance on merits have taken place in federal court, principles of *Younger* v. *Harris* should apply in full force. Here, appellees were charged in state criminal proceedings prior to appellants' answering federal case and prior to any proceedings before three-judge court, and hence federal complaint should have been dismissed on appellants' motion absent satisfactory proof of those extraordinary circumstances warranting one of exceptions to rule of *Younger* v. *Harris* and related cases. Hicks v. Miranda, p. 332.

3. *Federal interference with state prosecution—Bar of injunctive and declaratory relief.*—In District Court action by three corporations for relief against enforcement of ordinance proscribing topless dancing, only one of which corporations was prosecuted under ordinance, *Younger* v. *Harris,* 401 U. S. 37, squarely bars injunctive relief and *Samuels* v. *Mackell,* 401 U. S. 66, bars declaratory relief for that one corporation in view of fact that when criminal summonses were issued against it on days immediately following filing of federal complaint, federal litigation was in an embryonic stage and no contested matter had been decided. Doran v. Salem Inn, Inc., p. 922.

FEDERAL-STATE RELATIONS—Continued.

4. *Federal relief against enforcement of ordinance.*—In District Court action by three corporations for relief against enforcement of ordinance proscribing topless dancing, only one of which corporations was prosecuted under ordinance, question of entitlement to relief in light of *Younger* v. *Harris*, 401 U. S. 37, and companion cases, should be considered as to each corporation separately and not in light of contradictory outcomes and other factors relied upon by Court of Appeals when it lumped three plaintiffs together for purpose of holding that *Younger* v. *Harris* and companion cases did not bar relief. Doran v. Salem Inn, Inc., p. 922.

5. *Federal relief against enforcement of ordinance.*—In District Court action by three corporations for relief against enforcement of ordinance proscribing topless dancing, two corporations against which no criminal proceedings under ordinance were pending were not subject to restrictions of *Younger* v. *Harris*, 401 U. S. 37, in seeking declaratory relief. Those two corporations could also seek preliminary injunctive relief without regard to *Younger*'s restrictions, since prior to a final judgment a declaratory remedy cannot afford relief comparable to a preliminary injunction. Doran v. Salem Inn, Inc., p. 922.

6. *Federal relief against enforcement of ordinance.*—In circumstances of case and in light of existing case law, District Court in action by three corporations for relief against enforcement of ordinance proscribing topless dancing did not abuse its discretion in granting preliminary injunctive relief to two corporations against which no prosecution under ordinance was pending. District Court was entitled to conclude that these two corporations satisfied one of two traditional requirements for securing a preliminary injunction, *viz.*, showing irreparable injury, because they made uncontested allegations that absent such relief they would suffer a substantial business loss and perhaps even bankruptcy. District Court was also entitled to conclude that those corporations satisfied other traditional requirement for interim relief by showing a likelihood that they would prevail on merits, since they were, *inter alia*, challenging (and had standing to challenge) a "topless" ordinance as being unconstitutionally overbroad in its application to protected activities at places that do not serve liquor as well as to places that do. Doran v. Salem Inn, Inc., p. 922.

FIFTH AMENDMENT. See **Constitutional Law**, III; IV; VI, 5.

FILMS. See **Appeals**, 1; **Constitutional Law**, V; **Federal-State Relations**, 2.

FINALITY. See **Jurisdiction**, 1.

FINAL SUMMATIONS IN CRIMINAL TRIALS. See **Constitutional Law**, VII, 4.

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

FISHING REGULATIONS. See **Water Rights.**

"FIVE-PERCENT" BANKS. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

FIXED COMMISSION RATES. See **Antitrust Acts**, 10–11.

FIXING PRICES OF MUTUAL-FUND SHARES. See **Antitrust Acts**, 6.

FLORIDA. See **Civil Rights Act of 1871**; **Constitutional Law**, II; V.

FLOW OF INTERSTATE COMMERCE. See **Antitrust Acts**, 2–5.

FOOD SHOPS. See **Copyright Act of 1909.**

FOURTEENTH AMENDMENT. See **Constitutional Law**, II; VI, 5; VII, 3–4.

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

FREEDOM OF INFORMATION ACT.

Exemption 3—Systemsworthiness Analysis Program (SWAP) Reports.—Federal Aviation Administration's SWAP Reports, which consist of FAA's analyses of operation and maintenance performance of commercial airlines, are exempt from public disclosure under Exemption 3 of FOIA as being "specifically exempt from disclosure by statute." Broad discretion vested by Congress in FAA under § 1104 of Federal Aviation Act of 1958 to withhold information from public is not necessarily inconsistent with Congress' intent in enacting FOIA to replace broad standard disclosure section of Administrative Procedure Act. Congress could appropriately conclude that public interest in air transport safety was better served by guaranteeing confidentiality of information necessary to secure from airlines maximum amount of information relevant to safety, and Congress' wisdom in striking such a balance is not open to judicial scrutiny. FAA Administrator v. Robertson, p. 255.

FREEDOM OF SPEECH. See **Constitutional Law**, V.

FREIGHT RATES. See **Appeals**, 2; **Judicial Review**; **Jurisdiction**, 1.

FRUITS OF ILLEGAL ARREST. See **Constitutional Law**, VI, 5; **Evidence.**

GENERAL REVENUE PROCEEDINGS. See **Appeals**, 2; **Judicial Review**, 2–3; **Jurisdiction**, 1.

GEORGIA. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

"GRANDFATHER" PROVISIONS. See **Bank Holding Company Act.**

HARMLESS MENTAL PATIENTS. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

HEALTH, EDUCATION, AND WELFARE SECRETARY. See **Jurisdiction**, 2, 4.

HISTORIC BAYS. See **Water Rights.**

HOLDING COMPANIES. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

HORIZONTAL COMBINATIONS AND CONSPIRACIES. See **Antitrust Acts**, 7.

HOSPITALS FOR MENTAL PATIENTS. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

IDENTIFICATION TESTIMONY. See **Constitutional Law**, IV; VII, 2; **Criminal Law**, 2–3; **Federal Rules of Criminal Procedure.**

ILLEGAL ARRESTS. See **Constitutional Law**, VI, 5; **Evidence.**

ILLEGAL ENTRY OF ALIENS. See **Constitutional Law**, VI, 1, 3.

ILLEGITIMATE CHILDREN. See **Federal-State Relations**, 1.

IMMUNITY FROM ANTITRUST LIABILITY. See **Antitrust Acts**, 6–8, 10–11.

IMPEACHING CREDIBILITY. See **Criminal Law**, 3–4; **Federal Rules of Criminal Procedure.**

IMPLIED PRIVATE CAUSES OF ACTION. See **Elections**, 1–2.

IMPLIED REPEAL OF ANTITRUST LAWS. See **Antitrust Acts**, 10–11.

INCOME TAXES. See **Internal Revenue Code.**

INCOMPETENT PERSONS. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

IN-CUSTODY INCULPATORY STATEMENTS. See **Constitutional Law**, VI, 5; **Evidence.**

INFRINGEMENT OF COPYRIGHTS. See **Copyright Act of 1909.**

INJUNCTIONS. See **Appeals**; **Constitutional Law**, VII, 1; **Contempt**; **Federal-State Relations**, 2–3, 5–6; **Jurisdiction**, 1, 5; **Securities Exchange Act of 1934.**

INLAND WATERS. See **Water Rights.**

INSPECTION OF WITNESS STATEMENTS. See **Constitutional Law**, IV; VII, 2; **Criminal Law**, 2–3; **Federal Rules of Criminal Procedure.**

INSTRUCTIONS TO JURY. See **Criminal Law**, 1.

INTERFERENCE WITH STATE CRIMINAL PRECEEDINGS. See **Federal-State Relations**, 1–3.

INTERNAL REVENUE CODE.

Corporation's accumulated earnings—Marketable securities—Net liquidation value.—In determining applicability of § 533 (a) of Code—which provides a rebuttable presumption that a corporation that has accumulated earnings "beyond the reasonable needs of the business" did so with "the purpose to avoid the income tax with respect to shareholders"—listed and readily marketable securities owned by corporation and purchased out of its earnings and profits, are to be taken into account, not at their cost to corporation, but at their net liquidation value. Ivan Allen Co. v. United States, p. 617.

INTERSTATE COMMERCE. See **Antitrust Acts**, 2–5.

INTERSTATE COMMERCE COMMISSION. See **Appeals**, 2; **Judicial Review**; **Jurisdiction**, 1.

INTERVENING LEGISLATION. See **Elections**, 3–5; **Federal-State Relations**, 1.

INTRASTATE ACTIVITIES. See **Antitrust Acts**, 2–3.

INVESTIGATORS' REPORTS. See **Constitutional Law**, IV; VII, 2; **Criminal Law**, 2–3; **Federal Rules of Criminal Procedure.**

INVESTIGATORY ARRESTS. See **Constitutional Law**, VI, 5; **Evidence.**

INVESTMENT COMPANY ACT OF 1940. See **Antitrust Acts**, 6–8.

INVESTORS. See **Antitrust Acts**, 10–11.

INVIDIOUS DISCRIMINATION. See **Constitutional Law**, III.

INVOLUNTARY COMMITMENT OF MENTAL PATIENT. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

IRREPARABLE INJURY. See **Federal-State Relations**, 5–6; **Securities Exchange Act of 1934.**

JACKSONVILLE, FLA. See **Constitutional Law**, V.

JANITORIAL SERVICES. See **Antitrust Acts**, 3.

JOB-RELATED EMPLOYMENT TESTS. See **Civil Rights Act of 1964**, 1, 4.

JUDGE'S COMMUNICATIONS TO JURY. See **Criminal Law**, 1.

JUDICIAL REVIEW. See also **Appeals**, 2; **Jurisdiction**, 1.

1. *District Court—Interstate Commerce Commission—Freight rate increases—Recyclables—Environmental impact statement.*—District Court erred in deciding that oral hearing that ICC held prior to its October 1972 order involving railroad freight rate increases on recyclables was an "existing agency review process" during which a final environmental impact statement should have been available. National Environmental Policy Act provides that a formal impact statement "shall accompany the proposal through the existing agency review processes," and hence does not affect time when "statement" must be prepared, but simply provides what must be done with "statement" once it is prepared. Under *this* provision time at which agency must prepare final "statement" is time at which it makes a recommendation or report on a *proposal* for federal action. Here, until October 1972 report, ICC had made no proposal, and hence earliest time at which *statute* required a statement was time of October 1972 report—some time after oral hearing. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

2. *District Court—Interstate Commerce Commission—Freight rate increases—Recyclables—Environmental impact statement.*—District Court erred in deciding that ICC in a general revenue proceeding involving railroad freight rate increases on recyclables should have "started over again" after it decided to propose a formal environmental impact statement, even assuming that ICC erred in failing to prepare a separate impact statement to accompany its October 1972 report or that consideration given to environmental factors in that report was inadequate. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

3. *District Court—Interstate Commerce Commission—Freight rate increases—Recyclables—Sufficiency of environmental impact*

JUDICIAL REVIEW—Continued.

statement.—District Court erred in concluding that final environmental impact statement issued by ICC in general revenue proceeding involving railroad freight rate increases on recyclables was deficient. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

JURISDICTION. See also **Antitrust Acts**, 2–5; **Appeals**; **Federal-State Relations**, 3–6; **Judicial Review.**

1. *District Court—Review of Interstate Commerce Commission decision—Freight rates.*—District Court had jurisdiction to review ICC's decision not to declare increased railroad freight rates unlawful, notwithstanding such decision was made in a general revenue proceeding. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

2. *District Court—Social Security claim—Bar of federal-question jurisdiction.*—District Court did not have federal-question jurisdiction under 28 U. S. C. § 1331, of appellees' class action seeking declaratory and injunctive relief brought on behalf of all widows and stepchildren denied social security insurance benefits because of nine-month duration-of-relationship requirements of 42 U. S. C. §§ 416 (c)(5) and (e)(2) (1970 ed. and Supp. III). Such jurisdiction is barred by third sentence of 42 U. S. C. § 405 (h), which provides that no action against United States, Secretary of Health, Education, and Welfare, or any officer or employee thereof shall be brought under, *inter alia*, 28 U. S. C. § 1331 to recover on any claim arising under Title II of Social Security Act, which covers old-age, survivors', and disability insurance benefits. Weinberger v. Salfi, p. 749.

3. *District Court—Social Security claim—Class action—Named parties.*—In appellees' class action seeking declaratory and injunctive relief brought on behalf of all widows and stepchildren denied social security insurance benefits because of nine-month duration-of-relationship requirements of 42 U. S. C. §§ 416 (c)(5) and (e)(2) (1970 ed. and Supp. III), District Court had jurisdiction over named appellees under 42 U. S. C. § 405 (g). Weinberger v. Salfi, p. 749.

4. *District Court—Social Security claim—Class action—Unnamed members of class.*—In appellees' class action seeking declaratory and injunctive relief brought on behalf of all widows and stepchildren denied social security insurance benefits because of nine-month duration-of-relationship requirements of 42 U. S. C. §§ 416 (c)(5) and (e)(2) (1970 ed. and Supp. III), District Court had no jurisdiction over unnamed members of class under 42 U. S. C. § 405 (g), which provides that "[a]ny individual, after any final decision of the Secretary made after a hearing to which he was a party, irrespective

JURISDICTION—Continued.

of the amount in controversy, may obtain a review of such decision by a civil action." Complaint as to such class members is deficient in that it contains no allegation that they have even filed an application for benefits with the Secretary of Health, Education, and Welfare, much less that he has rendered any decision, final or otherwise, review of which is sought. Weinberger v. Salfi, p. 749.

5. *Supreme Court—Certiorari jurisdiction.*—Issues, which were neither briefed nor argued, whether 28 U. S. C. § 1254 (2) applies to a review of affirmance of a preliminary injunction or is confined to review of a final judgment, and whether Court of Appeals in fact held challenged ordinance proscribing topless dancing unconstitutional, need not be resolved, since this Court has certiorari jurisdiction under 28 U. S. C. § 2103, under which this matter can be reviewed. Doran v. Salem Inn, Inc., p. 922.

JURY'S COMMUNICATIONS TO JUDGE. See **Criminal Law**, 1.

JURY TRIALS. See **Constitutional Law**, VII, 1–3; **Contempt; Criminal Law**, 1.

JUSTICIABILITY. See **Constitutional Law**, I; **Standing to Sue.**

KEY PROSECUTION WITNESSES. See **Constitutional Law**, VII, 2; **Criminal Law**, 3.

LABOR UNIONS. See **Constitutional Law**, VII, 1; **Contempt.**

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

LIMITATION OF ACTIONS. See **Longshoremen's and Harbor Workers' Compensation Act.**

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT.

Claim timely filed under § 13 of Act—Effect of § 22.—While language of § 22 of Act is ambiguous, section's legislative history, including history of amendment inserting phrase "whether or not a compensation order has been issued," shows that section's one-year time limit was meant to apply only to Deputy Commissioner's power to modify previously entered compensation orders, and that therefore section does not bar consideration of claim timely filed under § 13 of Act, which has not been subject of prior action by Deputy Commissioner, and with respect to which Deputy Commissioner took no action until more than one year after claimant's last receipt of a voluntary compensation payment. Taken in its historical and statutory context, phrase "whether or not a compensation order has been issued" is properly interpreted to mean merely that one-year

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT—Continued.
time limit imposed on Deputy Commissioner's power to modify existing orders runs from date of final payment of compensation even if order sought to be modified is actually entered only after such date. Intercounty Construction Corp. v. Walter, p. 1.

LOW- OR MODERATE-COST HOUSING. See **Standing to Sue.**

MALONEY ACT OF 1938. See **Antitrust Acts**, 6–8.

MARKETABLE SECURITIES. See **Internal Revenue Code.**

MAXIMUM OR MINIMUM SECURITY PRISONS. See **Constitutional Law**, I.

MENTAL PATIENTS. See **Civil Rights Act of 1871**; **Constitutional Law**, II.

MERGERS. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

MEXICAN BORDER SEARCHES. See **Constitutional Law**, VI, 1–4.

MINORITY RACE'S POLITICAL STRENGTH. See **Voting Rights Act of 1965.**

MIRANDA WARNINGS. See **Constitutional Law**, VI, 5; **Criminal Law**, 4; **Evidence.**

MONETARY DAMAGES. See **Civil Rights Act of 1871.**

MOOTNESS. See **Constitutional Law**, I; **Elections**, 4–5.

MOTHERS OF ILLEGITIMATE CHILDREN. See **Federal-State Relations**, 1.

MOTHER'S SOCIAL SECURITY BENEFITS. See **Constitutional Law**, III; **Jurisdiction**, 2–4.

MOVIES. See **Appeals**, 1; **Constitutional Law**, V; **Federal-State Relations**, 2.

MULTIMEMBER ELECTION DISTRICTS. See **Elections**, 5.

MUSICAL COMPOSITIONS. See **Copyright Act of 1909.**

MUTUAL FUNDS. See **Antitrust Acts**, 6–8.

NAMED MEMBERS OF CLASS. See **Jurisdiction**, 3.

NATIONAL ENVIRONMENTAL POLICY ACT. See **Appeals**, 2; **Judicial Review**, 1.

NATIONAL LABOR RELATIONS ACT. See **Constitutional Law**, VII, 1; **Contempt.**

NEGROES. See **Civil Rights Act of 1964**; **Voting Rights Act of 1965.**

NEW TRIAL. See **Criminal Law**, 4.

NEW YORK. See **Constitutional Law**, I; VII, 4; **Standing to Sue.**

NEW YORK STOCK EXCHANGE. See **Antitrust Acts**, 10–11.

NINE-MONTH DURATION-OF-RELATIONSHIP REQUIREMENT. See **Constitutional Law**, III; **Jurisdiction**, 2–4.

NONJURY CRIMINAL TRIALS. See **Constitutional Law**, VII, 4.

NORRIS-LAGUARDIA ACT. See **Contempt.**

NORTH HEMPSTEAD, N. Y. See **Federal-State Relations**, 3–6; **Jurisdiction**, 5.

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

OPEN-END MANAGEMENT COMPANIES. See **Antitrust Acts**, 6–8.

OPERATION AND MAINTENANCE OF AIRLINES. See **Freedom of Information Act.**

ORDINANCES. See **Federal-State Relations**, 3–6; **Jurisdiction**, 5.

OVERBREADTH. See **Constitutional Law**, V.

PENFIELD, N. Y. See **Standing to Sue.**

PERFORMANCE OF COPYRIGHTED WORKS. See **Copyright Act of 1909.**

PERMANENT DISABILITY. See **Longshoremen's and Harbor Workers' Compensation Act.**

PERSONS OF LOW OR MODERATE INCOME. See **Standing to Sue.**

PETTY OFFENSES. See **Constitutional Law**, VII, 1.

PICKETING. See **Constitutional Law**, VII, 1; **Contempt.**

POLICE POWER. See **Constitutional Law**, V.

POLITICAL CONTRIBUTIONS. See **Elections**, 1–3.

POLITICAL FUNDS REPORTING AND DISCLOSURE ACT OF 1975 (TEXAS). See **Elections**, 4.

PORTFOLIO SECURITIES. See **Internal Revenue Code.**

PREJUDICIAL ERROR. See Criminal Law, 1, 4.

PRELIMINARY INJUNCTIONS. See Federal-State Relations, 5–6; Jurisdiction, 5.

PREREQUISITES TO VOTING. See Voting Rights Act of 1965.

PRESENCE OF ACCUSED AT TRIAL. See Criminal Law, 1.

PRESIDENTIAL ELECTIONS. See Elections, 1–3.

PRISONS. See Constitutional Law, I.

PRIVATE CAUSES OF ACTION. See Elections, 1–3.

PRIVILEGE AGAINST SELF-INCRIMINATION. See Constitutional Law, IV; Criminal Law, 4.

PROBABLE CAUSE. See Constitutional Law, VI, 2–4.

PRODUCTION OF WITNESS STATEMENTS. See Constitutional Law, IV; VII, 2; Criminal Law, 2–3; Federal Rules of Criminal Procedure.

PRO SE DEFENDANTS. See Constitutional Law, VII, 3.

PROTECTED SPEECH. See Constitutional Law, V.

PRUDENTIAL STANDING RULE. See Standing to Sue.

PUBLIC DISCLOSURE OF INFORMATION. See Freedom of Information Act.

PUBLIC NUISANCES. See Constitutional Law, V.

PUNITIVE SANCTIONS. See Federal-State Relations, 1.

PURCHASE AND SALE OF MUTUAL-FUND SHARES. See Antitrust Acts, 6–8.

PUTATIVE FATHERS. See Federal-State Relations, 1.

QUALIFICATIONS FOR VOTING. See Voting Rights Act of 1965.

QUALIFIED IMMUNITY OF STATE OFFICIALS FROM LIABILITY. See Civil Rights Act of 1871.

QUESTIONING OF AUTOMOBILE OCCUPANTS. See Constitutional Law, VI, 1.

RACIAL BLOC VOTING. See Voting Rights Act of 1965.

RACIAL DISCRIMINATION. See Civil Rights Act of 1964; Standing to Sue; Voting Rights Act of 1965.

RADIO BROADCASTS. See Copyright Act of 1909.

RAILROADS. See Appeals, 2; Judicial Review; Jurisdiction, 1.

RANDOM STOPS OF MOTOR VEHICLES. See **Constitutional Law**, VI, 1, 4.

RATE INCREASES. See **Appeals**, 2; **Judicial Review**; **Jurisdiction**, 1.

RATIONAL BASES. See **Constitutional Law**, III.

READILY MARKETABLE SECURITIES. See **Internal Revenue Code.**

REASONABLE NEEDS OF BUSINESS. See **Internal Revenue Code.**

REASONABLE SUSPICION. See **Constitutional Law**, VI, 1.

REBUTTABLE PRESUMPTIONS. See **Internal Revenue Code.**

RECOMMENDATIONS OF LENIENCY. See **Criminal Law**, 1.

RECYCLABLE MATERIALS. See **Appeals**, 2; **Judicial Review**, 2–3.

RESTAURANTS. See **Copyright Act of 1909.**

RESTRAINTS OF TRADE. See **Antitrust Acts**, 1, 9; **Bank Holding Company Act.**

RESTRICTIONS ON TRANSFER OF MUTUAL-FUND SHARES. See **Antitrust Acts**, 6–8.

RETROACTIVITY. See **Constitutional Law**, VI, 2, 4.

RICHMOND, VA. See **Voting Rights Act of 1965.**

RIGHT TO BE PRESENT AT TRIAL. See **Criminal Law**, 1.

RIGHT TO COMPULSORY PROCESS. See **Constitutional Law**, VII, 2.

RIGHT TO CROSS-EXAMINATION. See **Constitutional Law**, VII, 2.

RIGHT TO JURY TRIAL. See **Constitutional Law**, VII, 1; **Contempt.**

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

RIGHT TO MAKE DEFENSE. See **Constitutional Law**, VII, 4.

RIGHT TO REMAIN SILENT. See **Criminal Law**, 4.

RIGHT TO SELF-REPRESENTATION. See **Constitutional Law**, VII, 3.

RIGHT TO VOTE. See **Voting Rights Act of 1965**, 2.

ROBBERY. See **Criminal Law**, 4.

ROCHESTER, N. Y. See **Standing to Sue.**

ROVING BORDER PATROLS. See **Constitutional Law,** VI, 1–2, 4.

RULES OF CRIMINAL PROCEDURE. See **Criminal Law,** 1; **Federal Rules of Criminal Procedure.**

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

SCHEDULES OF STOCK OWNERSHIP. See **Securities Exchange Act of 1934.**

SEARCHES AND SEIZURES. See **Constitutional Law,** VI; **Federal-State Relations,** 2.

SECONDARY MARKET TRANSACTIONS. See **Antitrust Acts,** 6–8.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE. See **Jurisdiction,** 2, 4.

SECURITIES AND EXCHANGE COMMISSION. See **Antitrust Acts,** 6–7, 10–11.

SECURITIES EXCHANGE ACT OF 1934. See also **Antitrust Acts,** 6–7, 10–11.

Right to injunctive relief based on § 13 (d) of Act—Necessity for irreparable harm.—A showing of irreparable harm, in accordance with traditional principles of equity, is necessary before a private litigant can obtain injunctive relief based upon § 13 (d) of Act, as added by Williams Act, which requires a person who has acquired more than 5% of a corporation's stock to file a disclosure statement within 10 days after such acquisition. Here Court of Appeals erred in concluding that respondent corporation suffered "harm" because of petitioner's technical default in not filing disclosure schedule until about three months after statutory filing time, since petitioner has not attempted to obtain control of respondent, has now made proper disclosure, and has given no indication that he will not report any material changes in his disclosure schedule. Persons who allegedly sold their stock to petititioner at unfairly depressed predisclosure prices have adequate remedies by an action for damages, and those who would not have invested, had they thought a takeover bid was imminent, are not threatened with injury. Rondeau v. Mosinee Paper Corp., p. 49.

SELF-INCRIMINATION. See **Criminal Law,** 4.

SELF-REPRESENTATION. See **Constitutional Law,** VII, 3.

SERIOUS CRIMES. See **Constitutional Law,** VII, 1.

SHAM MARRIAGES. See **Constitutional Law**, III.

SHERMAN ACT. See **Antitrust Acts**, 1, 4, 7–11; **Bank Holding Company Act.**

SILENCE DURING POLICE INTERROGATION. See **Criminal Law**, 4.

SINGLE-MEMBER ELECTION DISTRICTS. See **Elections**, 5.

SIXTH AMENDMENT. See **Constitutional Law**, VII.

SOCIAL SECURITY ACT. See **Constitutional Law**, III; **Federal-State Relations**, 1; **Jurisdiction**, 2–4.

SONGS. See **Copyright Act of 1909.**

STANDING TO SUE.

Action challenging exclusionary zoning practices.—Whether rules of standing are considered as aspects of constitutional requirement that a plaintiff must make out a "case or controversy" within meaning of Art. III, or, apart from such requirement, as prudential limitations on courts' role in resolving disputes involving "generalized grievances" or third parties' legal rights or interests, none of petitioners, as plaintiffs or attempted plaintiffs in action for declaratory and injunctive relief and damages claiming that town's zoning ordinance, by its terms and as enforced, effectively excluded persons of low and moderate income from living in town, in violation of petitioners' constitutional rights and of 42 U. S. C. §§ 1981, 1982, and 1983, has met threshold requirement of such rules that to have standing a complainant must clearly allege facts demonstrating that he is a proper party to invoke judicial resolution of dispute and exercise of court's remedial powers. Warth v. Seldin, p. 490.

STATE AFDC PLANS. See **Federal-State Relations**, 1.

STATE CRIMINAL TRIALS. See **Constitutional Law**, VI, 5; VII, 3–4.

STATE HOSPITALS. See **Civil Rights Act of 1871; Constitutional Law**, II.

STATEMENTS OF THIRD PARTIES. See **Constitutional Law**, IV; VII, 2; **Criminal Law**, 3; **Federal Rules of Criminal Procedure.**

STATE OFFICIALS' LIABILITY FOR VIOLATION OF CONSTITUTIONAL RIGHTS. See **Civil Rights Act of 1871.**

STATE RESTRICTIONS ON BANK BRANCHING. See **Antitrust Acts**, 1, 9.

STATE SOVEREIGNTY. See **Water Rights.**

STATUTE OF LIMITATIONS. See **Longshoremen's and Harbor Workers' Compensation Act.**

STEPCHILDREN'S SOCIAL SECURITY BENEFITS. See **Constitutional Law,** III; **Jurisdiction,** 2–4.

STOCK EXCHANGES. See **Antitrust Acts,** 10–11.

STOCKHOLDERS' DERIVATIVE SUITS. See **Elections,** 1–3.

SUBSURFACE LANDS. See **Water Rights.**

SUBURBAN BANKS. See **Antitrust Acts,** 1, 9; **Bank Holding Company Act.**

SUFFICIENCY OF EVIDENCE. See **Water Rights.**

SUMMATIONS IN CRIMINAL TRIALS. See **Constitutional Law,** VII, 4.

SUPPRESSION OF EVIDENCE. See **Constitutional Law,** VI, 5; **Evidence.**

SUPREME COURT. See also **Appeals; Criminal Law,** 4; **Jurisdiction,** 5.

1. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the District of Columbia Circuit, p. 1029.

2. Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the Seventh Circuit, p. 1058.

SYSTEMSWORTHINESS ANALYSIS REPORTS. See **Freedom of Information Act.**

TAKEOVER BIDS. See **Securities Exchange Act of 1934.**

TAXES. See **Internal Revenue Code.**

TEMPORARY DISABILITY. See **Longshoremen's and Harbor Workers' Compensation Act.**

TEMPORARY INJUNCTIONS. See **Constitutional Law,** VII, 1; **Contempt.**

TERRITORIAL SOVEREIGNTY. See **Water Rights.**

TEXAS. See **Elections,** 4–5.

THEATERS. See **Appeals,** 1; **Constitutional Law,** V; **Federal-State Relations,** 2.

THIRD PARTIES' STATEMENTS. See **Constitutional Law,** IV; VII, 2; **Criminal Law,** 3; **Federal Rules of Criminal Procedure.**

THREE-JUDGE COURTS. See **Appeals; Federal-State Relations,** 2; **Judicial Review; Jurisdiction,** 1.

TOPLESS DANCING. See **Federal-State Relations,** 3–6; **Jurisdiction,** 5.

TRAFFIC CHECKPOINT SEARCHES. See **Constitutional Law,** VI, 2–3.

TRAFFIC REGULATIONS. See **Constitutional Law,** V.

TRANSFERS OF PRISONERS. See **Constitutional Law,** I.

TRIAL BY JURY. See **Constitutional Law,** VII, 1; **Contempt; Criminal Law,** 1.

UNFAIR LABOR PRACTICES. See **Constitutional Law,** VII, 1; **Contempt.**

UNION OFFICERS. See **Contempt,** 1.

UNIONS. See **Constitutional Law,** VII, 1; **Contempt.**

UNITED STATES. See **Water Rights.**

UNLAWFUL ARRESTS. See **Constitutional Law,** VI, 5; **Evidence.**

UNNAMED MEMBERS OF CLASS. See **Jurisdiction,** 4.

VALIDATION TESTS. See **Civil Rights Act of 1964,** 1, 4.

VEHICLE SEARCHES. See **Constitutional Law,** VI, 2–4.

VERDICTS. See **Criminal Law,** 1.

VERTICAL RESTRICTIONS ON SECONDARY MARKET ACTIVITIES. See **Antitrust Acts,** 8.

VIRGINIA. See **Voting Rights Act of 1965.**

VOLUNTARINESS OF CONFESSION. See **Evidence.**

VOTING RIGHTS ACT OF 1965.

1. *Annexation—Recognition of minority race's political potential.*—An annexation reducing relative political strength of minority race in enlarged city as compared with what it was before annexation does not violate § 5 of Act as long as post-annexation system fairly recognizes, as it does in this case, minority's political potential. City of Richmond v. United States, p. 358.

2. *Racial discrimination—Denial of vote—Annexation—Further proceedings.*—Since § 5 of Act forbids voting changes made for purpose of denying vote for racial reasons, further proceedings are

VOTING RIGHTS ACT OF 1965—Continued.

necessary to update and reassess evidence bearing upon issue whether city has sound, nondiscriminatory economic and administrative reasons for retaining annexed area, it not being clear that Special Master and District Court adequately considered evidence in deciding whether there are now justifiable reasons for challenged annexation that took place January 1, 1970. City of Richmond v. United States, p. 358.

WAIVER OF RIGHT TO COUNSEL. See **Constitutional Law,** VII, 3.

WARD SYSTEM OF CHOOSING COUNCILMEN. See **Voting Rights Act of 1965.**

WARRANTLESS ARRESTS. See **Constitutional Law,** VI, 5; **Evidence.**

WARRANTLESS SEARCHES. See **Constitutional Law,** VI, 2, 4.

WATER RIGHTS.

Rights to land beneath waters—Insufficiency of proof of historic bay—United States' paramount rights.—Proof was insufficient to establish Cook Inlet as a historic bay, and hence United States, as against Alaska, has paramount rights to land beneath waters of lower, or seaward, portion of inlet. United States v. Alaska, p. 184.

WIDOWS' SOCIAL SECURITY BENEFITS. See **Constitutional Law,** III; **Jurisdiction,** 2–4.

WILLIAMS ACT. See **Securities Exchange Act of 1934.**

WITHHOLDING PUBLIC DISCLOSURE OF INFORMATION. See **Freedom of Information Act.**

WITNESSES. See **Constitutional Law,** IV; VII, 2; **Criminal Law,** 2–3; **Federal Rules of Criminal Procedure.**

WORDS AND PHRASES.

1. *"Engaged in commerce."* § 7, Clayton Act, 15 U. S. C. § 18. U. S. v. American Bldg. Maintenance Industries, p. 271.

2. *"Injunction."* 28 U. S. C. § 1253. Aberdeen & Rockfish R. Co. v. SCRAP, p. 289.

3. *"Perform."* § 1 (d), Copyright Act of 1909, 17 U. S. C. § 1 (d). Twentieth Century Corp. v. Aiken, p. 151.

4. *"Specifically exempt from disclosure by statute."* 5 U. S. C. § 552 (b)(3) (Exemption 3 of Freedom of Information Act). FAA Administrator v. Robertson, p. 255.

WORDS AND PHRASES—Continued.

5. *"Whether or not a compensation order has been issued."* § 22, Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C. § 922. Intercounty Construction Corp. v. Walter, p. 1.

WORK-PRODUCT DOCTRINE. See **Criminal Law**, 2.

ZONING. See **Standing to Sue.**

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