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3. *Summary court-martial—Right to counsel.*—Due Process Clause of Fifth Amendment does not require that counsel be provided accused in a summary court-martial. *Middendorf v. Henry*, p. 25.

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domestic corporation, with result that a domestic corporation does not have any appreciable advantage over a foreign corporation, and that thus Texas statutory procedure, though facially discriminatory, is nondiscriminatory in application. *American Motorists Ins. Co. v. Starnes*, p. 637.

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2. *Privilege against self-incrimination—Grand jury witness—Miranda warnings.*—In a perjury prosecution of respondent based on false statements he made to a grand jury investigating criminal activities in which he may have been personally involved, Court of Appeals' judgment affirming District Court's grant of respondent's motion to suppress his grand jury testimony because he was not given warnings called for by *Miranda v. Arizona*, 384 U. S. 436, he having been a "putative" or "virtual" defendant when called before grand jury, is reversed and case is remanded. *United States v. Mandujano*, p. 564.

3. *Privilege against self-incrimination—Taxpayers' accountants' workpapers in attorneys' hands.*—Compelled production from attorneys of taxpayer-clients' accountants' workpapers which taxpayer-clients transferred to attorneys, does not implicate whatever Fifth Amendment privilege taxpayer-clients might have enjoyed from being themselves compelled to produce documents. *Fisher v. United States*, p. 391.

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1. *Freedom of speech—"Commercial speech"—Ban on prescription drug price advertisements.*—"Commercial speech" is not wholly outside protection of First and Fourteenth Amendments, and Virginia statute declaring it unprofessional conduct for a licensed pharmacist to advertise prices of prescription drugs is therefore invalid. *Va. Pharmacy Bd. v. Va. Consumer Council*, p. 748.

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2. *Tax fraud prosecution—Statements made in noncustodial interview—Admissibility in evidence.*—Statements made by petitioner taxpayer to Internal Revenue Agents during course of a noncustodial interview in a criminal tax investigation were admissible against him in ensuing criminal tax fraud prosecution even though he was not given warnings required by *Miranda v. Arizona*, 384 U. S. 436. Although "focus" of investigation may have been on petitioner when he was interviewed, in sense that his tax liability was under scrutiny, that is not equivalent of "focus" for *Miranda* purposes, which involves "questioning initiated by law enforcement officers *after* a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Beckwith v. United States*, p. 341.

"**CRIMINAL PROSECUTIONS.**" See Constitutional Law, VI, 2.

**CRIMINAL TAX INVESTIGATIONS.** See Constitutional Law, III, 1, 3; Criminal Law, 2.

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2. *Authority to prohibit discriminatory employment practices—Public interest.*—FPC's asserted duty to advance public interest does not afford any basis for its prohibiting regulatees from engaging in discriminatory employment practices, as references to "public interest" in Federal Power Act and Natural Gas Act require FPC to promote orderly production of plentiful supplies of electric energy and natural gas at just and reasonable rates, and do not constitute a directive to FPC to seek to eradicate discrimination. *NAACP v. FPC*, p. 662.

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Economic Opportunity, and one of agency's centers which sponsored recreational outings for children, are not federal agencies or instrumentalities and their employees are not federal employees within meaning of FTCA. FTCA, which is a limited waiver of sovereign immunity applying to injuries caused by negligent act of any Government employee while acting within scope of his employment, but excluding from its coverage "any contractor with the United States," was never intended to reach employees or agents of all federally funded programs. *United States v. Orleans*, p. 807.

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3. *Exemption 6—Personnel files.*—Exemption 6 of FOIA exempting from disclosure “personnel . . . files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy,” does not create a blanket exemption for personnel files. With respect to such files and “similar files” Congress enunciated a policy, to be judicially enforced, involving a balancing of public and private interests. Regardless of whether documents whose disclosure is sought are in “personnel” or “similar” files, nondisclosure is not sanctioned unless there is a showing of a clearly unwarranted invasion of personal privacy, and redaction of documents to permit disclosure of nonexempt portions is appropriate under Exemption 6. *Dept. of Air Force v. Rose*, p. 352.

4. *Exemption 6—Personnel files—Case summaries of Air Force Academy Honor Code violation hearings.*—Even if “personnel files” were to be considered as wholly exempt from disclosure under Exemption 6 of FOIA without regard to whether disclosure would constitute a clearly unwarranted invasion of personal privacy, case summaries of Air Force Academy Honor Code violation hearings were not in that category although they constituted “similar files” relating as they do to discipline of cadets, and their disclosure implicating similar privacy values. *Dept. of Air Force v. Rose*, p. 352.

5. *Legislative objective—Effect of exemptions.*—Limited statutory exemptions do not obscure basic policy that disclosure, not secrecy, is dominant legislative objective of FOIA. *Dept. of Air Force v. Rose*, p. 352.

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**GRAND JURY WITNESSES.** See **Constitutional Law, III, 2.**

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*Unconstitutional grand jury indictment—Failure to challenge before trial—Necessity for prejudice.*—Court of Appeals correctly

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held that rule of *Davis v. United States*, 411 U. S. 233, which requires not only a showing of "cause" for defendant's failure to challenge composition of grand jury before trial, but also a showing of actual prejudice, applies with equal force when a federal court is asked in a habeas corpus proceeding to overturn a state-court conviction because of an allegedly unconstitutional grand jury indictment. Louisiana time limitation on making such a challenge was designed to serve same important purposes of sound judicial administration as were stressed in *Davis, supra*, at 241, and considerations of comity and federalism require that those purposes be accorded no less recognition when a federal court is asked to overturn a state conviction than when it is asked to overturn a federal conviction because of an allegedly unconstitutional grand jury indictment. *Francis v. Henderson*, p. 536.

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and that "unallotted lands" shall be "subject to the control and management thereof as Congress may deem expedient for the benefit of said Indians," did not give allottees of surface lands vested rights in mineral deposits underlying those lands. Northern Cheyenne Tribe v. Hollowbreast, p. 649.

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producible under Act, and writing is not rendered nonproducible because a Government lawyer interviewed witness and wrote statement. *Goldberg v. United States*, p. 94.

2. *Government lawyer's notes of witness interview—Producibility.*—In circumstances of this case, Court of Appeals erred in making initial determination that Government lawyers' notes of interviews with chief prosecution witness were not producible statements under Act. *Goldberg v. United States*, p. 94.

**JUDICIAL REVIEW.** See also **Civil Rights Act of 1964**, 2.

*Appropriate collective-bargaining unit—Court of Appeals' invasion of National Labor Relations Board's province.*—In respondent union's unfair labor practice complaint raising question whether two employers constituted a single "employer" for purposes of a collective-bargaining agreement so that their combined employees constituted appropriate bargaining unit under § 9 of National Labor Relations Act, Court of Appeals, on respondent union's petition for review of National Labor Relations Board's dismissal of complaint on ground that two employers were separate employers, invaded NLRB's statutory province when it proceeded to decide § 9 "unit" question in first instance, instead of remanding case to NLRB so that it could make initial determination. *South Prairie Constr. Co. v. Operating Engineers*, p. 800.

**JURISDICTION.** See also **Supreme Court**, 5.

1. *District Court—Actions by Indian tribe challenging state taxes.*—Actions by Indian tribe and some of its members residing on tribal reservation in Montana challenging Montana's cigarette sales and personal property taxes as applied to reservation Indians, and also State's vendor licensing statute as applied to tribal members who sell cigarettes at "smoke shops" on reservation, were not barred by 28 U. S. C. § 1341, which prohibits district courts from enjoining assessment, levy, or collection of any state tax where a plain, speedy, and efficient remedy may be had in state courts. *Moe v. Salish & Kootenai Tribes*, p. 463.

2. *Supreme Court—Direct appeal—Three-judge District Court.*—This Court has no jurisdiction under 28 U. S. C. § 1253 over an appeal from a three-judge District Court's order enjoining appellants from prosecuting appellee theater operator on felony charge that his motion picture projector used to exhibit an allegedly obscene film was a "criminal instrument" under § 16.01 of Texas Penal Code. Ground for injunction was not that § 16.01 was unconstitutional but that local officials had acted in bad faith and unconstitutionally in

**JURISDICTION**—Continued.

using that statute (which District Court found could “by no stretch of the imagination” be read as applying) as a pretext for forcing appellee to stop exhibiting film, without any design to convict him on felony charge. Since a three-judge court was therefore not required, appeal should have been taken to Court of Appeals. *Butler v. Dexter*, p. 262.

**JUST AND REASONABLE ELECTRIC AND GAS RATES.** See Federal Power Commission.

**LABOR.** See Judicial Review.

**LACK OF STANDING TO SUE.** See Standing to Sue.

**LAW ENFORCEMENT EMPLOYEES.** See Constitutional Law, I, 2.

**LAWYER'S WORK PRODUCT.** See Jencks Act.

**LEAVE OF ABSENCE FOR MENTALLY UNFIT CIVIL SERVICE EMPLOYEES.** See Standing to Sue.

**LEGISLATIVE REAPPORTIONMENT PLANS.** See Mandamus; Voting Rights Act of 1965.

**LENGTH OF FIREMEN'S HAIR.** See Certiorari.

**LENGTH OF POLICEMEN'S HAIR.** See Constitutional Law, I, 2.

**LESSENING OF COMPETITION.** See Antitrust Acts, 1-3.

**LIBERTY RIGHTS.** See Constitutional Law, I, 2.

**LICENSES.** See Jurisdiction, 1; Taxes.

**LOCAL GOVERNMENTS.** See Civil Rights.

**LOCAL SALES TAXES.** See National Banks.

**LOUISIANA.** See Habeas Corpus.

**LOWER-INCOME HOUSING ASSISTANCE PROGRAM.** See Civil Rights.

**MANDAMUS.**

*Legislative reapportionment plan—Mandamus to compel judgment embodying plan.*—Motion for leave to file a petition for writ of mandamus to compel District Court to enter a final judgment embodying a permanent reapportionment plan for Mississippi Legislature, is granted, there being no justification for delaying further a final decision in this 10-year litigation that complies with this Court's directive to District Court that “[s]uch proceedings should go forward and be promptly concluded.” *Connor v. Coleman*, p. 675.

**MANIPULATIVE OR DEFECTIVE DEVICES OR CONTRIVANCES.** See Securities Exchange Act of 1934.

**MARITIME LAW.** See Public Vessels Act.

**MEDICAL AND SURGICAL SERVICES.** See Antitrust Acts, 4.

**METROPOLITAN AREA REMEDIES.** See Civil Rights.

**MICROFILMS OF CHECKS.** See Constitutional Law, V.

**MINERAL DEPOSITS IN INDIAN RESERVATIONS.** See Indians.

**MIRANDA WARNINGS.** See Constitutional Law, III, 2; Criminal Law, 2; Procedure, 1.

**MISSISSIPPI.** See Mandamus.

**MONOPOLIES.** See Antitrust Acts, 4.

**MONTANA.** See Constitutional Law, I, 1; Jurisdiction, 1; Taxes.

**MOTIONS TO SUPPRESS EVIDENCE.** See Constitutional Law, III, 2; V.

**MUNICIPAL ORDINANCES REGULATING DOOR-TO-DOOR SOLICITING AND CANVASSING.** See Constitutional Law, IV, 2.

**NARCOTICS.** See Criminal Law, 1.

**NATIONAL BANK ACT.**

*Venue—Action against national bank—Waiver.*—Provision in venue section of Act, 12 U. S. C. § 94, that actions against a national banking association lie “in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases,” is not permissive but mandatory. Therefore, petitioner national banking association, which has its principal place of business in New York and has no offices or agents, and does not regularly conduct business, in Utah, could not be sued by respondent in a Utah state court, unless it can be shown that petitioner waived provisions of § 94. *National Bank v. Associates of Obstetrics*, p. 460.

**NATIONAL BANKS.** See also *National Bank Act*.

*Exemption from state and local sales taxes.*—Incidence of state and local sales taxes falls upon appellant national bank as purchaser and not upon vendors, and therefore national bank is exempt from taxes under former 12 U. S. C. § 548 (1964 ed.), which was in effect at time here pertinent. *Diamond National v. State Equalization Bd.*, p. 268.

- NATIONALIZATION OF INDUSTRY.** See *International Law*.
- NATIONAL LABOR RELATIONS BOARD.** See *Judicial Review*.
- NATURAL GAS ACT.** See *Federal Power Commission*.
- NEGLIGENCE.** See *Securities Exchange Act of 1934*.
- NEGROES.** See *Civil Rights*; *Civil Rights Act of 1964*; *Habeas Corpus*; *Voting Rights Act of 1965*.
- NEW MEXICO ELECTRICAL ENERGY TAX.** See *Supreme Court*, 5.
- NEW ORLEANS.** See *Voting Rights Act of 1965*.
- NEW YORK.** See *Abstention*; *Standing to Sue*.
- NONCUSTODIAL INTERVIEWS.** See *Criminal Law*, 2.
- NONPROFIT INSTITUTIONS ACT.** See *Antitrust Acts*, 1-3.
- NORTHERN CHEYENNE ALLOTMENT ACT OF 1926.** See *Indians*.
- OBSCENE FILMS.** See *Jurisdiction*, 2.
- OBVIOUSNESS.** See *Patents*.
- OFFICE OF ECONOMIC OPPORTUNITY.** See *Federal Tort Claims Act*.
- ORDINANCES REGULATING DOOR-TO-DOOR SOLICITING AND CANVASSING.** See *Constitutional Law*, IV, 2.
- ORIGINAL JURISDICTION.** See *Supreme Court*, 5.
- OVERNIGHT RECESSES IN TRIAL.** See *Constitutional Law*, VI, 1.
- PAROLEE'S RIGHTS.** See *Procedure*, 1.
- PATENTS.**

1. *Computer program for banks—Unpatentability—Obviousness.*—Respondent's "machine system for automatic record keeping of bank checks and deposits," under which checks and deposits are customer-labeled with code categories which are "read," and then processed by a data processor, such as a programmable electronic digital computer, having data storage files and a control system, permitting a bank to furnish a customer with an individual and categorized breakdown of his transactions during period in question, is unpatentable on grounds of obviousness. *Dann v. Johnston*, p. 219.

2. *Dairy barn—Water flush system—Obviousness.*—Respondent's patent covering a water flush system to remove cow manure from

**PATENTS**—Continued.

floor of a dairy barn is invalid for obviousness, it being a combination patent, all elements of which are old in dairy business and were well known before filing of patent application. *Sakraida v. Ag Pro, Inc.*, p. 273.

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

**PERMITS FOR DOOR-TO-DOOR SOLICITING AND CAN-VASSING.** See **Constitutional Law**, IV, 2.

**PERSONAL-APPEARANCE REGULATIONS.** See **Certiorari**; **Constitutional Law**, I, 2.

**PERSONAL PROPERTY TAXES.** See **Constitutional Law**, I, 1; **Jurisdiction**, 1; **Taxes**.

**PERSONNEL FILES.** See **Freedom of Information Act**.

**PHARMACIES.** See **Antitrust Acts**, 1-3; **Constitutional Law**, IV, 1, 3.

**POLICEMEN'S HAIR-STYLE REGULATIONS.** See **Constitutional Law**, I, 2.

**POLICE POWERS.** See **Constitutional Law**, I, 2.

**PREDISPOSITION TO COMMIT CRIME.** See **Criminal Law**, 1.

**PREJUDGMENT ATTACHMENT STATUTES.** See **Abstention**.

**PREJUDICE.** See **Habeas Corpus**.

**PRESCRIPTION DRUG PRICE ADVERTISEMENTS.** See **Constitutional Law**, IV, 1, 3.

**PRICE DISCRIMINATION.** See **Antitrust Acts**, 1-3.

**PRISON CLOTHES.** See **Constitutional Law**, I, 4.

**PRISON DISCIPLINARY PROCEEDINGS.** See **Prisoners**.

**PRISONERS.**

*Disciplinary proceedings—Required procedures.*—Various procedures required by respective Courts of Appeals with respect to prison disciplinary proceedings are either inconsistent with "reasonable accommodation" reached in *Wolff v. McDonnell*, 418 U. S. 539, between institutional needs and objectives and constitutional provisions of general application, or are premature on basis of case records. *Baxter v. Palmigiano*, p. 308.

**PRIVACY.** See **Constitutional Law**, V.

**PRIVATE CAUSES OF ACTION.** See **Securities Exchange Act of 1934**.

**PRIVILEGE AGAINST SELF-INCRIMINATION.** See **Constitutional Law, III.**

**PRIVILEGE OF CONFRONTATION IN PRISON DISCIPLINARY PROCEEDINGS.** See **Prisoners.**

**PROCEDURE.** See also **Abstention; Habeas Corpus; Mandamus.**

1. *Federal or state constitutional basis for state-court decision—Unclear record—Remand.*—When it is not clear from whole record whether Ohio Supreme Court rested its decision as to inadmissibility of evidence at criminal trial upon Fifth and Fourteenth Amendments to United States Constitution or upon Ohio Constitution, judgment is vacated and case is remanded to permit Ohio Supreme Court to explicate whether or not its judgment relies on federal law. *Ohio v. Gallagher*, p. 257.

2. *Supreme Court's consideration of issue not presented below.*—Although appellants' complaint described their action challenging foster care payment scheme provided by Illinois as part of federal Aid to Families with Dependent Children Program, as an action seeking an injunction on equal protection grounds, and it does not appear that appellants relied on Supremacy Clause or that District Court, in holding that scheme did not deny appellants equal protection, addressed relationship between scheme and Social Security Act independently of equal protection issue, nevertheless this Court is justified in dealing with question of conflict between state scheme and federal Act presented in jurisdictional statement to extent of vacating judgment below and remanding case for consideration of that question. It appears that question could have been pursued under certain allegations in complaint and that District Court, based on certain language in its opinion, would have rejected Supremacy Clause claim, if made, as a separate ground for decision. Moreover, after jurisdictional statement was filed, Department of Health, Education, and Welfare issued a "Program Instruction" indicating, and Solicitor General filed a statement in this Court urging, that State scheme was inconsistent with federal Act. *Youakim v. Miller*, p. 231.

**PROCEDURES REQUIRED IN PRISON DISCIPLINARY PROCEEDINGS.** See **Prisoners.**

**PRODUCTION OF WITNESSES' STATEMENTS.** See **Jencks Act.**

**PROPERTY RIGHTS.** See **Indians.**

**PROPERTY TAXES.** See **Constitutional Law, I, 1; Jurisdiction, 1; Taxes.**

**PROPRIETARY HOSPITALS.** See **Antitrust Acts, 4.**

**PUBLIC HOUSING PROJECTS.** See *Civil Rights*.

**PUBLIC INTEREST IN JUST AND REASONABLE ELECTRIC AND GAS RATES.** See *Federal Power Commission*.

**PUBLIC VESSELS ACT.**

*Claims within Act—Applicability of reciprocity provision—Effect of 1960 amendment to Suits in Admiralty Act.*—Claims within scope of Public Vessels Act (which authorizes suit against United States in cases involving "a public vessel of the United States," but bars such a suit by a foreign national unless his government allows a United States national to sue in its courts under similar circumstances) remain subject to its terms after 1960 amendment to Suits in Admiralty Act deleting that Act's proviso requiring that United States vessel involved in suit against United States under that Act be a merchant vessel. Since respondent Philippine corporation's claim for sinking of its fishing vessel in collision with United States naval destroyer falls within Public Vessels Act, Court of Appeals erred in concluding that that Act's reciprocity provision did not apply. *United States v. United Continental Tuna*, p. 164.

**PUTATIVE DEFENDANTS.** See *Constitutional Law*, III, 2.

**QUESTIONING OF ACCUSED BY PAROLE OFFICER.** See *Procedure*, 1.

**RACIAL DISCRIMINATION.** See *Civil Rights*; *Civil Rights Act of 1964*; *Constitutional Law*, I, 1; *Federal Power Commission*; *Habeas Corpus*; *Voting Rights Act of 1965*.

**RALEIGH, N. C.** See *Antitrust Acts*, 4.

**RATIONAL BASES.** See *Constitutional Law*, I, 2.

**REAL PROPERTY.** See *Indians*.

**REAPPORTIONMENT PLANS.** See *Mandamus*; *Voting Rights Act of 1965*.

**RECESSES IN TRIAL.** See *Constitutional Law*, VI, 1.

**RECIPROCITY AS TO SUITS INVOLVING PUBLIC VESSELS.**  
See *Public Vessels Act*.

**REGULATIONS LIMITING HAIR LENGTH.** See *Certiorari*; *Constitutional Law*, I, 2.

**REMAND.** See *Procedure*, 1.

**REMEDIES AGAINST HOUSING DISCRIMINATION.** See *Civil Rights*.

**REMEDY FOR FEDERAL EMPLOYMENT DISCRIMINATION.**  
See Civil Rights Act of 1964, 1.

**RESTRAINTS OF TRADE.** See Antitrust Acts, 4.

**RIGHTS TO MINERAL DEPOSITS IN INDIAN RESERVATIONS.** See Indians.

**RIGHT TO COUNSEL IN CRIMINAL TRIALS.** See Constitutional Law, VI, 1.

**RIGHT TO COUNSEL IN PRISON DISCIPLINARY PROCEEDING.** See Prisoners.

**RIGHT TO COUNSEL IN SUMMARY COURTS-MARTIAL.** See Constitutional Law, I, 3; VI, 2.

**RIGHT TO LIBERTY.** See Constitutional Law, I, 2.

**RIGHT TO SILENCE IN PRISON DISCIPLINARY PROCEEDINGS.** See Prisoners.

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

**ROBINSON-PATMAN ACT.** See Antitrust Acts, 1-3.

**"RULE ON WITNESSES."** See Constitutional Law, VI, 1.

**SALE OF HEROIN.** See Criminal Law, 1.

**SALES TAXES.** See Constitutional Law, I, 1; Jurisdiction, 1; National Banks; Taxes.

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

**SEARCHES AND SEIZURES.** See Constitutional Law, V.

**SECURITIES EXCHANGE ACT OF 1934.**

*Private cause of action—Absence of "scienter"—Negligence.*—A private cause of action for damages will not lie under § 10 (b) of Act and Securities and Exchange Commission Rule 10b-5 in absence of any allegation of "scienter," *i. e.*, intent to deceive, manipulate, or defraud on defendant's part. Use of words "manipulative," "device," and "contrivance" in § 10 (b) clearly shows that it was intended to proscribe a type of conduct quite different from negligence, and more particularly use of word "manipulative," virtually a term of art used in connection with securities markets, connotes intentional or willful conduct designed to deceive or defraud investors by controlling or artificially affecting price of securities. And Act's legislative history also indicates that § 10 (b) was addressed to practices involving some element of scienter and cannot be read to impose

- SECURITIES EXCHANGE ACT OF 1934**—Continued.  
liability for negligent conduct alone. *Ernst & Ernst v. Hochfelder*, p. 185.
- SELF-INCRIMINATION.** See **Constitutional Law**, III.
- SEQUESTRATION OF WITNESSES.** See **Constitutional Law**, VI, 1.
- SEX DISCRIMINATION.** See **Civil Rights Act of 1964**, 2.
- SHERMAN ACT.** See **Antitrust Acts**, 4.
- “**SINGLE EMPLOYER.**” See **Judicial Review**.
- SIXTH AMENDMENT.** See **Constitutional Law**, VI.
- “**SMOKE SHOPS.**” See **Jurisdiction**, 1; **Taxes**.
- SOCIAL SECURITY ACT.** See **Procedure**, 2.
- SOLICITING PERMITS.** See **Constitutional Law**, IV, 2.
- STANDING TO SUE.**  
*Challenge to constitutionality of state statute.*—Appellee’s complaint making a challenge to constitutionality of a New York statute governing leave of absence for mentally unfit Civil Service employees must be dismissed for lack of standing to assert such a challenge, where record discloses that statute was never in fact properly applied to appellee. *New York Civil Service Comm’n v. Snead*, p. 457.
- STATE COURTS.** See **National Bank Act**.
- STATEMENTS OF WITNESSES PREPARED BY LAWYER.**  
See **Jencks Act**.
- STATE OR FEDERAL CONSTITUTIONAL BASIS FOR STATE JUDGMENT.** See **Procedure**, 1.
- STATE PERSONAL PROPERTY TAXES.** See **Constitutional Law**, I, 1; **Jurisdiction**, 1; **Taxes**.
- STATE PRISONS.** See **Prisoners**.
- STATE SALES TAXES.** See **Constitutional Law**, I, 1; **Jurisdiction**, 1; **National Banks**; **Taxes**.
- SUBPOENAS DUCES TECUM.** See **Constitutional Law**, V.
- “**SUBSTANTIAL EFFECT**” **ON INTERSTATE COMMERCE.**  
See **Antitrust Acts**, 4.
- SUBURBAN HOUSING PROJECTS.** See **Civil Rights**.

**SUFFICIENCY OF ANTITRUST COMPLAINT.** See **Antitrust Acts**, 4.

**SUITS IN ADMIRALTY ACT.** See **Public Vessels Act**.

**SUMMARY COURTS-MARTIAL.** See **Constitutional Law**, I, 3; VI, 2.

**SUMMONSES TO PRODUCE DOCUMENTS.** See **Constitutional Law**, III, 1, 3.

**SUPPRESSION OF EVIDENCE.** See **Constitutional Law**, III, 2; V.

**SUPREMACY CLAUSE.** See **Procedure**, 2.

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

1. **Bankruptcy Rules and Official Bankruptcy Forms**, p. 1003.
2. **Amendments to Bankruptcy Rules and Official Bankruptcy Forms**, p. 1125.
3. **Amendments to Federal Rules of Criminal Procedure**, p. 1157.
4. **Rules and forms governing 28 U. S. C. §§ 2254 and 2255 cases and proceedings**, p. 1167.
5. *Denial of motion to file original complaint—Pending state action raising same constitutional issues.*—Motion by Arizona, purportedly in its proprietary capacity as a consumer of, and as *parens patriae* for its citizens who consume, electrical energy generated in New Mexico, for leave to file an original complaint in this Court against New Mexico seeking declaratory and injunctive relief on constitutional grounds against New Mexico's tax on generation of electricity in that State, is denied. Pending state-court action in New Mexico by Arizona utilities involved in case raises same constitutional issues and provides an appropriate forum for litigating such issues. *Arizona v. New Mexico*, p. 794.

**TAXES.** See also **Constitutional Law**, I, 1; **Jurisdiction**, 1; **National Banks**.

1. *Personal property and sales taxes—Vendor license fee—Indian reservation.*—Montana state tax on personal property located within Indian reservation, vendor license fee, as applied to a reservation Indian conducting a cigarette business for Tribe on reservation land, and state cigarette sales tax, as applied to on-reservation sales by Indians to Indians, conflict with federal statutes that provide basis for decision with respect to such impositions. *Moe v. Salish & Kootenai Tribes*, p. 463.

**TAXES**—Continued.

2. *Sales taxes*—“*Smoke shop*” on Indian reservation—*Sales to non-Indians*.—To extent that on-reservation “smoke shops” sell to non-Indians upon whom State has validly imposed a sales tax with respect to article sold, State may require Indian proprietor simply to add tax to sales price and thereby aid State’s collection and enforcement of tax. *Moe v. Salish & Kootenai Tribes*, p. 463.

**TAX-EXEMPT HOSPITALS.** See **Antitrust Acts**, 4.

**TAX FRAUD.** See **Criminal Law**, 2.

**TAX INVESTIGATIONS.** See **Constitutional Law**, III, 1, 3;  
**Criminal Law**, 2.

**TESTIMONIAL COMMUNICATIONS.** See **Constitutional Law**,  
III, 1, 3.

**TEXAS.** See **Constitutional Law**, II; **Jurisdiction**, 2.

**THREE-JUDGE COURTS.** See **Abstention**; **Jurisdiction**, 2.

**TORTS.** See **Federal Tort Claims Act**.

**TRIAL IN PRISON CLOTHES.** See **Constitutional Law**, I, 4.

**TRIALS DE NOVO.** See **Civil Rights Act of 1964**, 2.

**UNFAIR LABOR PRACTICES.** See **Judicial Review**.

**UNIFORM CODE OF MILITARY JUSTICE.** See **Constitutional Law**, I, 3; VI, 2.

**UNITED STATES.** See **Federal Tort Claims Act**; **Public Vessels Act**.

**UNTIMELY CLAIM OF GRAND JURY DISCRIMINATION.**  
See **Habeas Corpus**.

**UTAH.** See **National Bank Act**.

**VACATION OF JUDGMENT.** See **Procedure**, 1.

**VAGUENESS.** See **Constitutional Law**, IV, 2.

**VALIDITY OF PATENTS.** See **Patents**, 2.

**VENDOR LICENSE FEES.** See **Jurisdiction**, 1; **Taxes**.

**VENUE.** See **Constitutional Law**, II; **National Bank Act**.

**VESSELS.** See **Public Vessels Act**.

**VESTED RIGHTS TO MINERAL DEPOSITS IN INDIAN RESERVATIONS.** See **Indians**.

**VETERANS' ADMINISTRATION.** See **Civil Rights Act of 1964**, 2.

**VIRGINIA.** See **Constitutional Law**, IV, 1, 3.

**VOTING RIGHTS.** See **Mandamus**; **Voting Rights Act of 1965**.

**VOTING RIGHTS ACT OF 1965.**

1. *Reapportionment plan—Councilmanic districts—Racial discrimination—Denial of right to vote.*—A legislative reapportionment that enhances position of racial minorities with respect to their effective exercise of electoral franchise cannot violate § 5 of Act unless new apportionment itself so discriminates racially as to violate Constitution. Applying this standard here where, in contrast to 1961 apportionment of councilmanic districts in New Orleans under which none of five districts had clear Negro voting majority and no Negro had been elected to council, Negroes under reapportionment plan in question will constitute a population majority in two of five districts and a clear voting majority in one, it is predictable that by bloc voting one and perhaps two Negroes will be elected to council. District Court therefore erred in concluding that plan would have effect of denying or abridging right to vote on account of race or color within meaning of § 5. *Beer v. United States*, p. 130.

2. *Reapportionment plan—Councilmanic districts—Unchanged at-large seats—Reviewability.*—Since language of § 5 of Act clearly provides that it applies only to proposed changes in voting procedures, and since two at-large New Orleans city council seats existed without change since 1954, those seats were not subject to review under § 5. District Court consequently erred in holding that reapportionment plan for councilmanic districts could be rejected under § 5 solely because it did not eliminate two at-large seats. *Beer v. United States*, p. 130.

**WAIVER OF CLAIM OF GRAND JURY DISCRIMINATION.**

See **Habeas Corpus**.

**WAIVER OF VENUE.** See **National Bank Act**.

**WATER FLUSH SYSTEMS FOR DAIRY BARNs.** See **Patents**, 2.

**WILLFUL CONDUCT.** See **Securities Exchange Act of 1934**.

**WITNESSES.** See **Constitutional Law**, VI, 1; **Jencks Act**.

**WITNESSES BEFORE GRAND JURY.** See **Constitutional Law**, III, 2.

**WITNESSES' STATEMENTS PREPARED BY LAWYER.** See  
Jencks Act.

**WORDS AND PHRASES.**

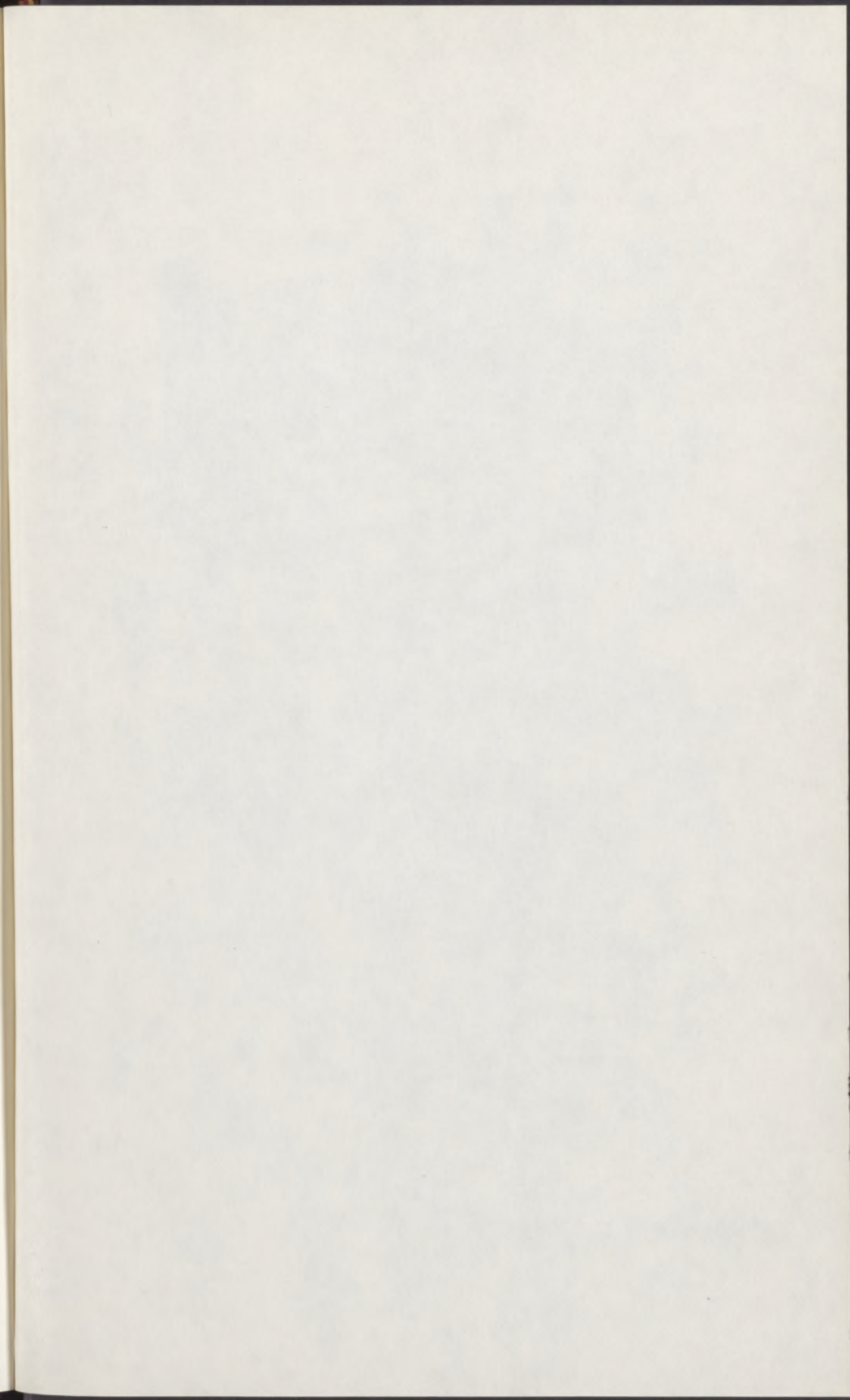
1. "*Criminal prosecution.*" U. S. Const., Amdt. 6. *Middendorf v. Henry*, p. 25.

2. "*Own use.*" 15 U. S. C. § 13c (Nonprofit Institutions Act). *Abbott Labs. v. Portland Retail Druggists*, p. 1.

3. "*Personnel . . . files and similar files.*" 5 U. S. C. § 552 (b) (6) (Exemption 6 of Freedom of Information Act). *Dept. of Air Force v. Rose*, p. 352.

4. "*Public interest.*" 15 U. S. C. § 717 (a) (Natural Gas Act); 16 U. S. C. § 824 (a) (Federal Power Act). *NAACP v. FPC*, p. 662.

**WORK-PRODUCT DOCTRINE.** See Jencks Act.



WITNESSES STATEMENTS PREPARED BY LAWYER See  
 Jurors Act

WORDS AND PHRASES

1. "Credible personage." U. S. Court, 2007 S. Matthews  
 v. Barry, p. 25
2. "Class size." 18 U. S. C. §12 (Programs conducted by  
 Abbott Labs v. Fortland Hotel/Druggist, 6-1)
3. "Personnel" ... See and under "Staff" 18 U. S. C. § 847 (b)(4)  
 (Exemption 7 of Freedom of Information Act), Dept. of Air Force  
 v. Egan, p. 22
4. "Public interest." 18 U. S. C. § 871 (a) (Federal Gas Auth.  
 18 U. S. C. § 871(a) (Federal Power Act), HAACT v. FA,  
 p. 227

WORK PRODUCT DOCTRINE See Jurors Act





