

INDEX

ABANDONED AUTOMOBILES. See **Constitutional Law**, I, 3;
IV, 2.

ABATEMENT OF AIR POLLUTION. See **Clean Air Act**.

ABATEMENT OF WATER POLLUTION. See **Federal Water
Pollution Control Act**, 1.

ABSTENTION.

Constitutionality of Puerto Rico statute.—In appellee alien civil engineers' action challenging constitutionality of Puerto Rico statute permitting only United States citizens to practice privately as civil engineers, United States District Court in Puerto Rico, upon holding citizenship requirement unconstitutional, correctly determined that abstention was unnecessary, since federal constitutional claim is not complicated by an unresolved state-law question, even though appellees might have sought relief under similar provisions of Puerto Rico Constitution. *Examining Board v. Flores de Otero*, p. 572.

ACQUISITION OF CORPORATIONS. See **Securities Exchange
Act of 1934**, 2-3.

ACTIONS AGAINST AIR CARRIERS. See **Air Carriers**.

ACTIONS AGAINST NATIONAL BANKS. See **Venue**.

ADJUSTMENT OF IMPORTS. See **Trade Expansion Act of
1962**.

ADMINISTRATIVE PROCEDURE. See **Federal Water Pollu-
tion Control Act**, 2-3.

AGENCY-SHOP AGREEMENTS. See **National Labor Relations
Act**.

AIR CARRIERS.

*Common-law tort action for "bumping" of airline passenger—
"Deceptive" practice.*—Petitioner's common-law tort action based on
alleged fraudulent misrepresentation by respondent air carrier arising
from its failure to apprise petitioner of its deliberate overbooking
practices, should not be stayed pending reference to Civil Aeronautics
Board for a determination whether practice is "deceptive" within
meaning of § 411 of Federal Aviation Act of 1958. *Nader v. Alle-
gheny Airlines*, p. 290.

AIR POLLUTION. See **Clean Air Act.**

ALIENS. See **Abstention; Constitutional Law, III, 5-6; IV, 3; Jurisdiction, 1.**

AMERICAN ANTIQUITIES PRESERVATION ACT. See **Water Rights.**

ANIMALS. See **Constitutional Law, VI.**

ANTICOMPETITIVE ELECTRIC RATES. See **Federal Power Commission.**

APPEALS.

Court of Appeals—Necessity for cross-appeal.—In a diversity action by respondent administrator against petitioner insurer for recovery under double indemnity provision of a life insurance policy issued in Michigan to respondent's decedent, who was killed in Illinois, Court of Appeals, in reversing District Court's judgment that under Michigan law petitioner was liable only for ordinary benefits, erred in holding that petitioner's failure to cross-appeal precluded it from arguing that Illinois law applied, under which it would be liable only for ordinary benefits. Petitioner's argument was no more than "an attack on the reasoning of the lower court," and as such required no cross-appeal. *Massachusetts Mut. Life Ins. Co. v. Ludwig*, p. 479.

ATOMIC ENERGY ACT. See **Federal Water Pollution Control Act, 2-3.**

AUTOMOBILE "HULKS." See **Constitutional Law, I, 3; IV, 2.**

"AUXILIARY TELLER" FACILITIES. See **Banks.**

BANKS. See also **Venue.**

"Auxiliary teller" facilities—Authority to operate—Intervening legislation.—Court of Appeals' judgment that petitioner national bank's drive-in/walk-in facility was a branch petitioner was not permitted to operate because a state bank would not be permitted to operate a like facility is vacated and case is remanded for reconsideration, in light of an intervening amendment to statute redefining "auxiliary teller" facilities that state banks may operate. *Omaha Nat. Bank v. Nebraskans for Ind. Banking*, p. 310.

BOUNDARIES. See also **Constitutional Law, II; Procedure.**

Texas and Louisiana—Exceptions to Special Master's report.—Louisiana's exception to portion of Special Master's report that marks boundary line between Louisiana and Texas in Sabine River as it

BOUNDARIES—Continued.

enters into Sabine Lake through "middle pass" rather than in geographic middle of "west pass," is overruled, where Special Master's determination is consistent with this Court's rejection of thalweg doctrine in *Texas v. Louisiana*, 410 U. S. 702; and Texas' exceptions to Special Master's delimitation of lateral seaward boundary are overruled, where Special Master, after having correctly concluded that there has never been an *established* offshore boundary between States, correctly applied Convention on Territorial Sea and Contiguous Zone, Arts. 12 and 8 of which clearly require that median line be measured with reference to jetties at mouth of Sabine River. *Texas v. Louisiana*, p. 465.

"BOUNTIES" FOR DESTRUCTION OF "HULK" AUTOMOBILES. See Constitutional Law, I, 3; IV, 2.

"BUMPING" OF AIRLINE PASSENGERS. See Air Carriers.

BURDENS ON INTERSTATE COMMERCE. See Constitutional Law, I, 3.

BURROS. See Constitutional Law, VI.

CARRIERS. See Air Carriers; Interstate Commerce Commission; Judicial Review.

CASE OR CONTROVERSY. See Standing to Sue.

CATHOLIC COLLEGES. See Constitutional Law, V, 1.

CHECKOFF OF UNION DUES. See Constitutional Law, IV, 1.

CHURCH-AFFILIATED COLLEGES. See Constitutional Law, V, 1.

CHURCH AND STATE. See Constitutional Law, V, 1-3.

CITIZENSHIP REQUIREMENT FOR FEDERAL EMPLOYMENT. See Constitutional Law, III, 5.

CITY CHARTERS. See Constitutional Law, III, 11.

CITY EMPLOYEES. See Constitutional Law, I, 1-2; III, 2-3; IV, 1.

CITY'S REFUSAL TO WITHHOLD UNION DUES FROM EMPLOYEES' PAYCHECKS. See Constitutional Law, IV, 3.

CIVIL AERONAUTICS BOARD. See Air Carriers.

CIVIL ENGINEERS. See Abstention; Constitutional Law, IV, 3.

CIVILIAN EMPLOYEES OF NATIONAL GUARD. See Constitutional Law, III, 9.

CIVIL RIGHTS. See also **Constitutional Law**, III, 4, 7.

Validity of police recruiting procedures—Statutory standards.—Statutory standards similar to those obtaining under Title VII of Civil Rights Act of 1964 were satisfied in this action challenging, on racial discrimination grounds, constitutionality of District of Columbia Police Department's recruiting procedures, including a written personnel test. District Court's conclusion that personnel test was directly related to requirements of police training program and that a positive relationship between test and that program was sufficient to validate test (wholly aside from its possible relationship to actual performance as a police officer) is fully supported on record, and no remand to establish further validation is appropriate. *Washington v. Davis*, p. 229.

CIVIL RIGHTS ACT OF 1871. See **Constitutional Law**, IV, 3; **Jurisdiction**, 2.

CIVIL RIGHTS ACT OF 1964. See **Civil Rights**; **Constitutional Law**, III, 7.

CIVIL SERVICE COMMISSION. See **Constitutional Law**, III, 5.

CLASSIFICATIONS BASED ON ALIENAGE. See **Constitutional Law**, IV, 3.

CLEAN AIR ACT.

Federally approved state implementation plan—Federal installations—Necessity for state permit.—Although § 118 of Act obligates federal installations discharging air pollutants to join with nonfederal facilities in complying with state "requirements respecting control and abatement of air pollution," obtaining a permit from a State with a federally approved implementation plan is not among such requirements. *Hancock v. Train*, p. 167.

COLLEGES. See **Constitutional Law**, V, 1.

COMMERCE CLAUSE. See **Constitutional Law**, I.

COMMON-LAW TORT ACTIONS. See **Air Carriers**.

COMMUTERS' TAXES. See **States**.

COMPACT CLAUSE. See **Constitutional Law**, II.

CONDITIONS PRECEDENT FOR RAILROAD RATE INCREASES. See **Interstate Commerce Commission**.

CONFLICT OF LAWS. See **Appeals**.

CONGRESSIONAL POWER See **Constitutional Law**, VI.

CONSENT DECREES. See **Constitutional Law**, II; **Procedure**.

CONSTITUTIONAL LAW. See also **Abstention; Civil Rights; Jurisdiction; Post-conviction Relief; Standing to Sue.**

I. Commerce Clause.

1. *Congress' authority—Extension of Fair Labor Standards Act to state employees.*—Insofar as 1974 amendments to Fair Labor Standards Act extending minimum wage and maximum hour provisions to almost all employees of States and their political subdivisions operate directly to displace States' abilities to structure employer-employee relationships in areas of traditional governmental functions, such as fire prevention, police protection, sanitation, public health, and parks and recreation, they are not within authority granted Congress by Commerce Clause. *National League of Cities v. Usery*, p. 833.

2. *Congress' authority—States' integral governmental functions.*—Congress may not exercise its power to regulate commerce so as to force directly upon States its choices as to how essential decisions regarding conduct of integral governmental functions are to be made. *National League of Cities v. Usery*, p. 833.

3. *Out-of-state scrap processors—Title documentation of abandoned automobiles.*—Amendment to Maryland "abandoned automobile" statute so as to require out-of-state scrap processors to submit either a certificate of title to an abandoned automobile, a police certificate vesting title, or a bill of sale from a police auction in order to receive a "bounty" from State for destruction of automobile, does not constitute an impermissible burden on interstate commerce in violation of Commerce Clause. *Hughes v. Alexandria Scrap Corp.*, p. 794.

II. Compact Clause.

Original action—State boundaries—Consent decree.—In an original action by New Hampshire against Maine to locate certain lateral marine boundary separating States, adoption of proposed consent decree embodying States' agreement upon meaning of terms of decree does not involve a compact under Art. I, § 10, cl. 3, requiring consent of Congress. Here litigant States are not adjusting boundary between them, which was fixed by King George II's 1740 decree; consent decree simply locates precisely already existing boundary, and neither State is enhancing its power and threatening supremacy of Federal Government. *New Hampshire v. Maine*, p. 363.

III. Due Process.

1. *Accused's silence at time of arrest—Use for impeachment purposes.*—Use for impeachment purposes of petitioners' silence, at time of arrest and after they received warnings in line with *Miranda v. Arizona*, 384 U. S. 436, violated Due Process Clause of Fourteenth

CONSTITUTIONAL LAW—Continued.

Amendment. Post-arrest silence following such warnings is insolubly ambiguous; moreover, it would be fundamentally unfair to allow an arrestee's silence to be used to impeach an explanation subsequently given at trial after he had been impliedly assured, by *Miranda* warnings, that silence would carry no penalty. *Doyle v. Ohio*, p. 610.

2. *Discharge of policeman—Liberty interest.*—Assuming that explanation given to petitioner policeman privately by respondent City Manager for petitioner's discharge was false, as this Court must do since summary judgment was entered against petitioner, such false explanation did not deprive petitioner of an interest in liberty protected by Due Process Clause of Fourteenth Amendment. *Bishop v. Wood*, p. 341.

3. *Discharge of policeman—Property interest.*—Under District Court's tenable view of state law that petitioner "held his position at the will and pleasure of the city" (which view was upheld by Court of Appeals and will be accepted by this Court in absence of any authoritative state-court interpretation of ordinance involved providing that a permanent city employee, such as petitioner, may be discharged if he fails to perform work up to standard of his classification, or if he is negligent, inefficient, or unfit to perform his duties) petitioner's discharge without a hearing did not deprive him of a property interest protected by Due Process Clause of Fourteenth Amendment. *Bishop v. Wood*, p. 341.

4. *Fifth Amendment—Equal protection component—Invidious discrimination.*—Though Due Process Clause of Fifth Amendment contains an equal protection component prohibiting Government from invidious discrimination, it does not follow that a law or other official act is unconstitutional *solely* because it has a racially disproportionate impact regardless of whether it reflects a racially discriminatory purpose. *Washington v. Davis*, p. 229.

5. *Fifth Amendment—Exclusion of noncitizens from federal employment.*—Civil Service Commission regulation barring noncitizens, including lawfully admitted resident aliens, from employment in federal competitive civil service, is unconstitutional as depriving such resident aliens of liberty without due process of law in violation of Fifth Amendment. *Hampton v. Mow Sun Wong*, p. 88.

6. *Fifth Amendment—Medicare requirements for aliens.*—Statutory classification in 42 U. S. C. § 1395 (2) (B), which denies to aliens eligibility for enrollment in Medicare supplemental medical insurance program unless they have been admitted for permanent residence and also have resided in United States for at least five years, does not deprive appellee aliens, who did not meet statutory requirements, of

CONSTITUTIONAL LAW—Continued.

liberty or property in violation of Due Process Clause of Fifth Amendment. *Mathews v. Diaz*, p. 67.

7. *Fifth Amendment—Police recruiting procedures—Racial discrimination.*—In action against petitioner District of Columbia officials and others by respondent Negroes, whose applications to become District of Columbia police officers were rejected, wherein it was claimed that Police Department's recruiting procedures, including a written personnel test, were racially discriminatory and violated Due Process Clause of Fifth Amendment, Court of Appeals, in reversing District Court's grant of summary judgment for petitioners and directing summary judgment for respondents, erred in resolving Fifth Amendment issue by applying standards applicable to cases under Title VII of Civil Rights Act of 1964. *Washington v. Davis*, p. 229.

8. *Inadequate notice of offense—Involuntary guilty plea.*—Since respondent, who by agreement with prosecution and on counsel's advice pleaded guilty to second-degree murder without being advised by counsel or state trial court that an intent to cause death was an essential element of second-degree murder, did not receive adequate notice of offense to which he pleaded guilty, his plea was involuntary and judgment of conviction was entered without due process of law. *Henderson v. Morgan*, p. 637.

9. *Termination of National Guard technician's employment.*—Where respondent's employment as a National Guard technician was terminated under 32 U. S. C. § 709 (e) when he was separated from Guard upon expiration of his enlistment, § 709 (e) (3)'s requirement of "cause" for termination has no application, and hence § 709 (e) (3) cannot provide foundation for a claim that termination of respondent's employment and allegedly arbitrary refusal to re-enlist him violated due process. *Tennessee v. Dunlap*, p. 312.

10. *Termination of striking teachers' employment—School Board's authority.*—Due Process Clause of Fourteenth Amendment did not guarantee respondent teachers (who had gone on strike in direct violation of Wisconsin law, and whose employment was terminated by petitioner School Board after individual disciplinary hearings) that decision to terminate their employment would be made or reviewed by a body other than School Board. *Hortonville Dist. v. Hortonville Ed. Assn.*, p. 482.

11. *Zoning change—Required approval by referendum.*—City charter amendment requiring that any changes in land use agreed to by city council be approved by a 55% vote in a referendum, does not violate due process rights of a landowner who applies for a zoning

CONSTITUTIONAL LAW—Continued.

change. A referendum, which is a means for direct political participation by people, allowing them what amounts to a veto power over legislative enactments, cannot be characterized as a delegation of power. In establishing legislative bodies, people can reserve to themselves power to deal directly with matters that might otherwise be assigned to legislature, and here power of referendum was specifically reserved to people under Ohio Constitution. *Eastlake v. Forest City Enterprises, Inc.*, p. 668.

IV. Equal Protection of the Laws.

1. *City's refusal to withhold union dues from firemen's paychecks.*—Petitioner city's refusal to withhold from paychecks of its firemen dues owing their union, which represents about 351 of 543 uniformed members of fire department, does not violate Equal Protection Clause of Fourteenth Amendment. Such refusal must meet only standard of reasonableness, and this standard is satisfied by city's offered justification that its practice of allowing withholding only when it benefits all city or department employees is a legitimate method for avoiding burden of withholding money for all persons or organizations that request a checkoff. *City of Charlotte v. Firefighters*, p. 283.

2. *Out-of-state scrap processors—Title documentation of abandoned automobiles.*—Amendment of Maryland "abandoned automobile" statute so as to impose on out-of-state scrap processors more stringent title documentation requirements for abandoned automobiles than on Maryland processors in order to receive a "bounty" from State for destruction of automobile, does not deny appellee out-of-state scrap processor equal protection of laws. Amendment's distinction between domestic and foreign scrap processors, complemented by reasonable assumptions that hulks delivered to Maryland processors are likely to have been abandoned in Maryland, and those delivered to non-Maryland processors are likely to have been abandoned outside Maryland, bears a rational relationship to basic statutory purpose of using state funds to clear Maryland's landscape of abandoned automobiles. *Hughes v. Alexandria Scrap Corp.*, p. 794.

3. *Prohibition against alien engineers.*—Puerto Rico's statutory prohibition of an alien's engaging in private practice of engineering deprives appellee alien civil engineers, who were denied licenses under statute to engage in private practice, of "rights, privileges, or immunities secured by the Constitution and laws," within meaning of 42 U. S. C. § 1983. Question whether it is the Fifth Amendment or Fourteenth that protects Puerto Rico residents need not be resolved since, irrespective of which Amendment applies, statutory

CONSTITUTIONAL LAW—Continued.

restriction on ability of aliens to engage in otherwise lawful private practice of civil engineering is plainly unconstitutional. If Fourteenth Amendment applies, Equal Protection Clause nullifies statutory exclusion; whereas, if Fifth Amendment and its Due Process Clause apply, statute's discrimination is so egregious as to violate due process. *Examining Board v. Flores de Otero*, p. 572.

V. First Amendment.

1. *Establishment Clause—State aid to private colleges.*—District Court's judgment upholding, against contention that it violated Establishment Clause of First Amendment, Maryland statute providing for annual noncategorical grants to private colleges, among them religiously affiliated institutions, subject only to restrictions that funds not be used for "sectarian purposes," is affirmed. *Roemer v. Maryland Public Works Bd.*, p. 736.

2. *Freedom of religion—Judicial interference with hierarchical church.*—Holding of Illinois Supreme Court that removal and defrockment of respondent Bishop by Holy Assembly of Bishops and Holy Synod of Serbian Orthodox Church had to be set aside as "arbitrary" because proceedings against him had not in court's view been conducted in accordance with Church's constitution and penal code, and that Diocesan reorganization was invalid because it exceeded scope of Church's authority to effectuate such changes without Diocesan approval, constituted improper judicial interference with decisions of a hierarchical church and in thus interposing its judgment into matters of ecclesiastical cognizance and polity, court contravened First and Fourteenth Amendments. *Serbian Orthodox Diocese v. Milivojevich*, p. 696.

3. *Freedom of religion—Judicial interference with hierarchical church.*—Though Illinois Supreme Court did not rely on "fraud, collusion, or arbitrariness" exception to rule requiring recognition by civil courts of decisions by hierarchical tribunals, but rather on purported "neutral principles" for resolving property disputes in reaching its conclusion that Serbian Orthodox Church's reorganization of American-Canadian Diocese into three Dioceses was invalid, that conclusion contravened First and Fourteenth Amendments. Reorganization of Diocese involves solely a matter of internal church government, an issue at core of ecclesiastical affairs. *Serbian Orthodox Diocese v. Milivojevich*, p. 696.

VI. Property Clause.

Wild Free-roaming Horses and Burros Act—Exercise of congressional power.—As applied to this case, wherein appellees (State of

CONSTITUTIONAL LAW—Continued.

New Mexico, its Livestock Board and director, and purchaser of unbranded burros seized by Board pursuant to New Mexico Estray Law on federal lands and sold at public auction, and whose return to public lands had been sought by Bureau of Land Management) sought injunctive relief and a declaratory judgment that Wild Free-roaming Horses and Burros Act is unconstitutional, Act is a constitutional exercise of congressional power under Property Clause of Constitution, which provides that "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." *Kleppe v. New Mexico*, p. 529.

CONTROL OF AIR POLLUTION. See **Clean Air Act.**

CONTROL OF WATER POLLUTION. See **Federal Water Pollution Control Act, 1.**

CONVENTION ON THE TERRITORIAL SEA AND CONTIGUOUS ZONE. See **Boundaries.**

CORPORATIONS. See **Securities Exchange Act of 1934, 2-3.**

COURTS OF APPEALS. See **Appeals.**

CRIMINAL LAW. See **Constitutional Law, III, 1, 8.**

CROSS-APPEALS. See **Appeals.**

DECEPTIVE PRACTICES BY AIR CARRIERS. See **Air Carriers.**

DELEGATION OF POWER. See **Constitutional Law, III, 11;**
Trade Expansion Act of 1962.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
See **National Environmental Policy Act of 1969.**

DEVIL'S HOLE. See **Water Rights.**

DISCHARGE OF EMPLOYEES. See **Constitutional Law, III,**
2-3, 9-10.

DISCHARGES OF AIR POLLUTANTS. See **Clean Air Act.**

DISCHARGES OF RADIOACTIVE MATERIALS. See **Federal**
Water Pollution Control Act, 2-3.

DISCHARGES OF WATER POLLUTANTS. See **Federal Water**
Pollution Control Act, 1.

DISCIPLINARY HEARINGS. See **Constitutional Law, III, 10.**

DISCLOSURE STATEMENTS BY REAL ESTATE DEVELOPERS. See **National Environmental Policy Act of 1969.**

- DISCOVERY.** See *Mandamus*.
- DISCRIMINATION.** See *Civil Rights*; *Constitutional Law*, III, 4, 7; IV, 3.
- DISCRIMINATORY ELECTRIC RATES.** See *Federal Power Commission*.
- DISTRICT COURTS.** See *Abstention*; *Judicial Review*; *Jurisdiction*, 1-2; *Venue*.
- DISTRICT OF COLUMBIA.** See *Civil Rights*; *Constitutional Law*, III, 4, 7.
- DIVERSITY ACTIONS.** See *Appeals*.
- DRIVE-IN/WALK-IN TELLER FACILITIES.** See *Banks*.
- DUE PROCESS.** See *Constitutional Law*, III; IV, 3; *Post-conviction Relief*.
- DURATIONAL RESIDENCE REQUIREMENTS FOR MEDICARE.** See *Constitutional Law*, III, 6; *Jurisdiction*, 1.
- ECCLESIASTICAL AFFAIRS.** See *Constitutional Law*, V, 2-3.
- ELECTRIC RATE INCREASES.** See *Federal Power Commission*.
- EMPLOYER AND EMPLOYEES.** See *Constitutional Law*, I, 1-2; III, 2-3, 9-10; IV, 1; *National Labor Relations Act*.
- ENGINEERS.** See *Abstention*; *Constitutional Law*, IV, 3.
- ENVIRONMENTAL IMPACT STATEMENTS.** See *National Environmental Policy Act of 1969*.
- ENVIRONMENTAL PROTECTION AGENCY.** See *Federal Water Pollution Control Act*, 2-3.
- EQUAL PROTECTION OF THE LAWS.** See *Constitutional Law*, I, 3; III, 4, 7; IV; *Post-conviction Relief*.
- ESTABLISHMENT CLAUSE.** See *Constitutional Law*, V, 1.
- ESTRAYS.** See *Constitutional Law*, VI.
- EXCEPTIONS TO SPECIAL MASTER'S REPORT.** See *Boundaries*.
- EXCESSIVE ENTANGLEMENT OF CHURCH AND STATE.** See *Constitutional Law*, V, 1.
- EXHAUSTION OF ADMINISTRATIVE REMEDIES.** See *Jurisdiction*, 1.
- FAIR LABOR STANDARDS ACT.** See *Constitutional Law*, I, 1-2.

FALSE OR MISLEADING PROXY STATEMENTS. See Securities Exchange Act of 1934, 2-3.

FEDERAL AVIATION ACT OF 1958. See Air Carriers.

FEDERAL COMPETITIVE CIVIL SERVICE. See Constitutional Law, III, 5.

FEDERAL INSTALLATIONS AS SUBJECT TO STATE AIR POLLUTION PERMITS. See Clean Air Act.

FEDERAL INSTALLATIONS AS SUBJECT TO STATE WATER POLLUTION PERMITS. See Federal Water Pollution Control Act, 1.

FEDERAL LANDS. See Constitutional Law, VI.

FEDERAL POWER COMMISSION.

1. *Remedial power—Unreasonable and anticompetitive difference between wholesale and retail electric rates.*—Though Federal Power Act confers jurisdiction on FPC with respect to sale of electric energy at wholesale in interstate commerce, and FPC has no authority to correct an alleged discriminatory relationship between wholesale and retail rates by regulating nonjurisdictional, retail price, § 205 (b) of Act forbids maintenance of any “unreasonable difference in rates” or service “with respect to any . . . sale” subject to FPC’s jurisdiction, and a jurisdictional sale is necessarily implicated in charge of respondent wholesale customers of public utility that difference between utility’s wholesale and retail rates is unreasonable and anticompetitive. To extent that alleged discrimination is traceable to jurisdictional rate § 205 (b) would apply, and FPC would have remedial power over jurisdictional rate under § 206. FPC v. Conway Corp., p. 271.

2. *Wholesale electric rate increase—Petition to set aside or reduce—Consideration of anticompetitive purpose.*—FPC’s jurisdiction to review a petition to set aside or reduce a public utility’s wholesale electric rate increase permits consideration of utility’s alleged purpose to forestall its customers from competing with it at retail. FPC v. Conway Corp., p. 271.

FEDERAL PRISONERS. See Post-conviction Relief.

FEDERAL-STATE RELATIONS. See Clean Air Act; Constitutional Law, I, 1-2; VI; Federal Water Pollution Control Act, 1; Indians; National Labor Relations Act; Water Rights.

FEDERAL WATER POLLUTION CONTROL ACT.

1. *Federally approved state permit program—Federal installations—Necessity for state permit.*—While federal installations dis-

FEDERAL WATER POLLUTION CONTROL ACT—Continued.

charging water pollutants are obliged, under § 313 of FWPCA Amendments of 1972, to comply to same extent as nonfederal facilities with state "requirements respecting control and abatement of pollution," obtaining a permit from a State with a federally approved permit program is not among such requirements. *EPA v. California ex rel. State Water Resources Control Board*, p. 200.

2. *Meaning of Act—Consideration of legislative history—Regulation of radioactive materials.*—To extent that Court of Appeals excluded reference to Act's legislative history in discerning meaning of Act with respect to whether Act requires Environmental Protection Agency to regulate discharges of all radioactive materials, including those covered by Atomic Energy Act, court was in error, for "[w]hen aid to construction of the meaning of words, as used in the statute, is available, there certainly can be no 'rule of law' which forbids its use, however clear the words may appear on 'superficial examination.'" *Train v. Colorado Pub. Int. Research Group*, p. 1.

3. *"Pollutants" subject to regulation—Nuclear materials covered by Atomic Energy Act.*—FWPCA's legislative history reflects a congressional intention not to alter Atomic Energy Commission's control over discharge of source, byproduct, and special nuclear materials. Therefore, "pollutants" subject to regulation under FWPCA do not include such materials, and Environmental Protection Agency Administrator acted in accordance with his statutory mandate in declining to regulate discharge of these materials. *Train v. Colorado Pub. Int. Research Group*, p. 1.

FEDERAL WATER RIGHTS. See **Water Rights**.

FIFTH AMENDMENT. See **Constitutional Law**, III, 4-7; IV, 3; **Post-conviction Relief**.

FIREMEN. See **Constitutional Law**, IV, 1.

FIRST AMENDMENT. See **Constitutional Law**, V, 1-3.

FOURTEENTH AMENDMENT. See **Constitutional Law**, I, 3; III, 1-3, 9-11; IV, 1-3; V, 2-3.

FRAUDULENT MISREPRESENTATIONS BY AIR CARRIERS.
See **Air Carriers**.

FREEDOM OF RELIGION. See **Constitutional Law**, V, 2-3.

FREE-ROAMING HORSES AND BURROS. See **Constitutional Law**, VI.

FREE TRANSCRIPTS OF CRIMINAL TRIALS. See **Post-conviction Relief**.

- FREIGHT RATES.** See Interstate Commerce Commission; Judicial Review.
- GOSPORT HARBOR.** See Constitutional Law, II; Procedure.
- GUILTY PLEAS.** See Constitutional Law, III, 8.
- HABEAS CORPUS.** See Post-conviction Relief.
- HIERARCHICAL CHURCHES.** See Constitutional Law, V, 2-3.
- HORSES.** See Constitutional Law, VI.
- HOSPITAL SERVICES FOR INDIGENTS.** See Standing to Sue, 2.
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT.** See National Environmental Policy Act of 1969.
- "HULKS" OF AUTOMOBILES.** See Constitutional Law, I, 3; IV, 2.
- ILLINOIS.** See Constitutional Law, V, 2-3.
- IMPARTIAL DECISIONMAKERS.** See Constitutional Law, III, 10.
- IMPEACHMENT USE OF ACCUSED'S POST-ARREST SILENCE.** See Constitutional Law, III, 1.
- IMPORTS OF OIL.** See Trade Expansion Act of 1962.
- INADEQUATE NOTICE OF OFFENSE.** See Constitutional Law, III, 8.
- IN CAMERA INSPECTION.** See Mandamus.
- INCOME TAXES ON COMMUTERS.** See States.
- INDIANS.**
State taxes—Reservation Indians.—Public Law 280, which granted various States with respect to all Indian country within State except as specifically exempted "jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed . . . to the same extent that such State . . . has jurisdiction over other civil causes of action," and, further provided that "those civil laws of such State . . . that are of general application to private persons or private property shall have the same force and effect within Indian country as they have elsewhere within the State . . .," did not grant States authority to impose taxes on reservation Indians. *Bryan v. Itasca County*, p. 373.
- INDIGENT PRISONERS.** See Post-conviction Relief.
- INDIGENTS.** See Standing to Sue, 2.

INOPERABLE AUTOMOBILES. See Constitutional Law, I, 3; IV, 2.

INTENT AS ELEMENT OF SECOND-DEGREE MURDER. See Constitutional Law, III, 8.

INTERNAL CHURCH GOVERNMENT. See Constitutional Law, V, 2-3.

INTERNAL REVENUE CODE. See Standing to Sue, 2.

INTERSTATE COMMERCE. See Constitutional Law, I, 3; IV, 2.

INTERSTATE COMMERCE COMMISSION. See also Judicial Review.

Proposed railroad tariff—Condition precedent.—ICC may, as condition for not suspending and subsequently investigating lawfulness of a proposed tariff, require railroads to devote additional revenues for purposes carriers invoked in support of increase. United States v. Chesapeake & Ohio R. Co., p. 476.

INTERSTATE COMPACTS. See Constitutional Law, II.

INTERSTATE ELECTRICITY SALES. See Federal Power Commission.

INTERSTATE LAND SALES FULL DISCLOSURE ACT. See National Environmental Policy Act of 1969.

INTERVENING LEGISLATION. See Banks.

INVIDIOUS DISCRIMINATION. See Constitutional Law, III, 4, 7.

INVOLUNTARY GUILTY PLEAS. See Constitutional Law, III, 8.

ISLES OF SHOALS. See Constitutional Law, II; Procedure.

JOB SITUS TEST. See National Labor Relations Act.

JUDICIAL INTERFERENCE WITH HIERARCHICAL CHURCHES. See Constitutional Law, V, 2-3.

JUDICIAL REVIEW. See also Jurisdiction, 1.

Interstate Commerce Commission order—Railroad tariffs—District Court review—Improper reweighing of testimony.—District Court, in setting aside and annulling ICC's order canceling proposed railroad tariffs for want of substantial evidence to support it, exceeded its function in reweighing testimony, and on record before it erred in differing with ICC and agreeing with railroads on impact of new tariffs on railroad revenue. Ralston Purina Co. v. Louisville & N. R. Co., p. 476.

JURISDICTION. See also **Constitutional Law**, III, 6; **Federal Power Commission**.

1. *District Court—Alien's claim of unconstitutionality of durational residence requirement for Medicare.*—District Court had jurisdiction over claim of unconstitutionality of five-year residence requirement for Medicare asserted by appellee resident alien who did not meet such requirement, since such claim (unlike claims of other appellee aliens who were disqualified from Medicare because of lack of citizenship, nonadmission for permanent residence, and inability to meet five-year residence requirement) squarely raises question of constitutionality of five-year residence requirement. *Mathews v. Diaz*, p. 67.

2. *United States District Court in Puerto Rico—Enforcement of 42 U. S. C. § 1983.*—United States District Court in Puerto Rico had jurisdiction under 28 U. S. C. § 1343 (3) to enforce provisions of 42 U. S. C. § 1983. *Examining Board v. Flores de Otero*, p. 572.

JUSTICIABILITY. See **Standing to Sue**.

KING GEORGE II. See **Constitutional Law**, II; **Procedure**.

LABOR. See **Constitutional Law**, I, 1-2; IV, 1; **National Labor Relations Act**.

LAND USE CHANGES. See **Constitutional Law**, III, 11.

LIBERTY RIGHTS. See **Constitutional Law**, III, 2-3, 5-6.

LICENSE FEES ON IMPORTED OIL. See **Trade Expansion Act of 1962**.

LICENSING OF ENGINEERS. See **Abstention**; **Constitutional Law**, IV, 3.

LOUISIANA. See **Boundaries**.

MAINE. See **Constitutional Law**, II; **Procedure**.

MANDAMUS.

Vacation of discovery order.—In circumstances of state prisoners' class action alleging constitutional violations in manner in which members of California Adult Authority and other petitioners determine length of detention and conditions of punishment for convicted offenders, and seeking declaratory and injunctive relief, issuance of writ of mandamus to vacate discovery order for production, without District Court's prior *in camera* inspection, of personnel files of members and employees of Adult Authority and files of every twentieth inmate in each state correctional institution, is inappropriate, particularly since less extreme alternatives for modification of dis-

- MANDAMUS**—Continued.
covery order were available. *Kerr v. United States District Court*, p. 394.
- MARINE BOUNDARIES.** See *Constitutional Law*, II; *Procedure*.
- MARYLAND.** See *Constitutional Law*, I, 3; IV, 2; V, 1.
- MATERIALITY OF OMITTED FACTS IN PROXY SOLICITATION.** See *Securities Exchange Act of 1934*.
- MAXIMUM HOURS.** See *Constitutional Law*, I, 1-2.
- MEDICARE.** See *Constitutional Law*, III, 6; *Jurisdiction*, 1.
- MINIMUM WAGES.** See *Constitutional Law*, I, 1-2.
- MINNESOTA.** See *Indians*.
- MIRANDA WARNINGS.** See *Constitutional Law*, III, 1.
- MISREPRESENTATIONS BY AIR CARRIERS.** See *Air Carriers*.
- MUNICIPAL CORPORATIONS.** See *Constitutional Law*, IV, 1.
- MUNICIPAL EMPLOYEES.** See *Constitutional Law*, I, 1-2; III, 2-3; IV, 1.
- NATIONAL BANKS.** See *Banks*; *Venue*.
- NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**
Environmental impact statement—Real estate developments.—NEPA's environmental impact statement requirement does not apply so as to require Department of Housing and Urban Development to prepare such a statement before it may allow a disclosure statement filed with it by a private real estate developer pursuant to Interstate Land Sales Full Disclosure Act to become effective. Even if Secretary of HUD's allowing a disclosure statement to become effective constituted "major federal action significantly affecting the quality of the human environment" within meaning of NEPA so that an environmental impact statement would ordinarily be required, there would be a clear and fundamental conflict of statutory duty, since Secretary cannot comply with duty under Disclosure Act to allow statements of record to go into effect within 30 days of filing, absent inaccurate or incomplete disclosure, and simultaneously prepare impact statements on proposed developments. *Flint Ridge Dev. Co. v. Scenic Rivers Assn.*, p. 776.
- NATIONAL GUARD TECHNICIANS ACT OF 1968.** See *Constitutional Law*, III, 9.

NATIONAL LABOR RELATIONS ACT.

1. *Union- or agency-shop agreement—Effect of state “right-to-work” laws—Job situs test.*—It is employees’ predominant job situs rather than a generalized weighing of factors or place of hiring that triggers operation of § 14 (b) of Act authorizing States to exempt themselves from § 8 (a) (3) and to enact “right-to-work” laws prohibiting union or agency shops, and under § 14 (b) right-to-work laws cannot void agreements permitted by § 8 (a) (3) when situs at which all employees covered by agreement perform most of their work is located outside of a State having such laws. *Oil Workers v. Mobil Oil Corp.*, p. 407.

2. *Validity of agency-shop agreement—Seamen—Effect of “right-to-work” laws—Job situs test.*—Under job situs test Texas’ right-to-work laws cannot govern validity of agency-shop agreement covering seamen employed on respondent’s oil tankers, because most of employees’ work is done on high seas, outside territorial bounds of Texas. It is immaterial that Texas may have more contacts than any other State with employment relationship involved, since there is no reason to conclude under § 14 (b) of Act that in every employment situation *some* State’s law with respect to union-security agreements must apply, and it is fully consistent with national labor policy to conclude, if predominant job situs is outside boundary of any State, that no State has a sufficient interest in employment relationship and that hence no State’s right-to-work laws can apply. *Oil Workers v. Mobil Oil Corp.*, p. 407.

NATIONAL MONUMENTS. See **Water Rights.**

NATIONAL SECURITY. See **Trade Expansion Act of 1962.**

NEBRASKA. See **Banks.**

NEGROES. See **Civil Rights; Constitutional Law, III, 4, 7.**

NEVADA. See **Water Rights.**

NEW HAMPSHIRE. See **Constitutional Law, II; Procedure.**

NEW HAMPSHIRE COMMUTERS TAX. See **States.**

NEW JERSEY TRANSPORTATION BENEFITS TAX ACT.
See **States.**

NEW MEXICO ESTRAY LAW. See **Constitutional Law, VI.**

NONCITIZENS. See **Constitutional Law, III, 5.**

NOTICE OF OFFENSE. See **Constitutional Law, III, 8.**

NUCLEAR MATERIALS. See **Federal Water Pollution Control Act, 2-3.**

- OHIO.** See **Constitutional Law**, III, 11.
- OIL IMPORTS.** See **Trade Expansion Act of 1962**.
- ORIGINAL ACTIONS.** See **Constitutional Law**, II; **Procedure**; **States**.
- OUT-OF-STATE SCRAP PROCESSORS.** See **Constitutional Law**, I, 3; IV, 2.
- OVERBOOKING OF AIRLINE FLIGHTS.** See **Air Carriers**.
- PARENS PATRIAE SUITS.** See **States**.
- PENNSYLVANIA.** See **States**.
- PERMANENT RESIDENCE.** See **Constitutional Law**, III, 6; **Jurisdiction**, 1.
- PERSONAL PROPERTY TAXES.** See **Indians**.
- PERSONNEL TESTS.** See **Civil Rights**; **Constitutional Law**, III, 7.
- POLICEMEN.** See **Constitutional Law**, III, 2-3.
- POLICE RECRUITING PROCEDURES.** See **Civil Rights**; **Constitutional Law**, III, 4, 7.
- POLLUTANTS.** See **Clean Air Act**; **Federal Water Pollution Control Act**, 1-3.
- PORTSMOUTH HARBOR.** See **Constitutional Law**, II; **Procedure**.
- POST-ARREST SILENCE.** See **Constitutional Law**, III, 1.
- POST-CONVICTION RELIEF.**
Right to free trial transcript—Restrictions imposed by 28 U. S. C. § 753 (f).—Court of Appeals' judgment holding that respondent federal prisoner was entitled to a free trial transcript to aid him in preparing a post-conviction motion under 28 U. S. C. § 2255 to vacate his sentence and that 28 U. S. C. § 753 (f)—which provides for a free transcript for indigent prisoners asserting a claim under § 2255 if trial judge certifies that asserted claim is "not frivolous" and that transcript is "needed to decide the issue"—does not prohibit courts from requiring Government to supply an indigent prisoner with a free transcript before he files his § 2255 motion, is reversed. *United States v. MacCollom*, p. 317.
- POWER COMPANIES.** See **Federal Power Commission**.
- PRESERVATION OF FISH.** See **Water Rights**.
- PRESIDENTIAL PROCLAMATIONS.** See **Trade Expansion Act of 1962**; **Water Rights**.

- PRETERMINATION HEARINGS.** See **Constitutional Law**, III, 2-3.
- PRISON AUTHORITIES' PERSONNEL FILES.** See **Mandamus**.
- PRISONERS:** See **Mandamus**; **Post-conviction Relief**.
- PRISONERS' PERSONNEL FILES.** See **Mandamus**.
- PRIVATE COLLEGES.** See **Constitutional Law**, V, 1.
- PROCEDURE.** See also **Abstention**; **Appeals**.
Original action—State boundaries—Consent decree.—In an original action by New Hampshire against Maine to locate certain lateral marine boundary separating States, entry of consent decree embodying States' agreement upon meaning of terms of decree proposes a wholly permissible final resolution of controversy both as to facts and law and comports with Court's Art. III functions. *New Hampshire v. Maine*, p. 363.
- PRODUCTION OF DOCUMENTS.** See **Mandamus**.
- PROHIBITION AGAINST ALIEN ENGINEERS.** See **Abstention**; **Constitutional Law**, IV, 3.
- PROPERTY CLAUSE.** See **Constitutional Law**, VI.
- PROPERTY RIGHTS.** See **Constitutional Law**, III, 2-3, 6, 11.
- PROPERTY TAXES.** See **Indians**.
- PROTECTION OF WILDLIFE.** See **Constitutional Law**, VI.
- PROXY SOLICITATIONS.** See **Securities Exchange Act of 1934**.
- PUBLIC EMPLOYEES.** See **Constitutional Law**, I, 1-2.
- PUBLIC LANDS.** See **Constitutional Law**, VI.
- PUBLIC UTILITIES.** See **Federal Power Commission**.
- PUERTO RICO.** See **Abstention**; **Constitutional Law**, IV, 3; **Jurisdiction**, 2.
- RACIAL DISCRIMINATION.** See **Civil Rights**; **Constitutional Law**, III, 4, 7.
- RADIOACTIVE MATERIALS.** See **Federal Water Pollution Control Act**, 2-3.
- RAILROAD TARIFFS.** See **Interstate Commerce Commission**; **Judicial Review**.
- RATE INCREASES FOR RAILROADS.** See **Interstate Commerce Commission**; **Judicial Review**.

- REAL ESTATE DEVELOPERS.** See Constitutional Law, III, 11; National Environmental Policy Act of 1969.
- REASONABLENESS OF RAILROAD RATES.** See Interstate Commerce Commission.
- RECRUITING OF POLICE OFFICERS.** See Civil Rights; Constitutional Law, III, 4, 7.
- REFERENDUMS.** See Constitutional Law, III, 11.
- REFUSAL TO WITHHOLD UNION DUES FROM EMPLOYEES' PAYCHECKS.** See Constitutional Law, IV, 1.
- REGULATION OF DISCHARGES OF RADIOACTIVE MATERIALS.** See Federal Water Pollution Control Act, 2-3.
- REGULATIONS OF CIVIL SERVICE COMMISSION.** See Constitutional Law, III, 5.
- RELIGIOUS FREEDOM.** See Constitutional Law, V, 2-3.
- RELIGIOUSLY AFFILIATED COLLEGES.** See Constitutional Law, V, 1.
- REPEALS BY IMPLICATION.** See Venue.
- REQUIREMENTS FOR CONTROL AND ABATEMENT OF AIR POLLUTION.** See Clean Air Act.
- RESERVATION OF WATER RIGHTS.** See Water Rights.
- RESIDENCE REQUIREMENTS FOR MEDICARE.** See Constitutional Law, III, 6; Jurisdiction, 1.
- RESIDENT ALIENS.** See Constitutional Law, III, 5-6; Jurisdiction, 1.
- REVENUE RULINGS.** See Standing to Sue, 2.
- RIGHTS TO LIBERTY.** See Constitutional Law, III, 2-3, 5-6.
- RIGHTS TO PROPERTY.** See Constitutional Law, III, 2-3, 6, 11.
- RIGHT TO FREE TRANSCRIPT OF CRIMINAL TRIAL.** See Post-conviction Relief.
- RIGHT TO PRETERMINATION HEARING.** See Constitutional Law, III, 2-3.
- "RIGHT-TO-WORK" LAWS.** See National Labor Relations Act.
- RULES OF SECURITIES AND EXCHANGE COMMISSION.** See Securities Exchange Act of 1934, 2-3.
- SABINE RIVER AND LAKE.** See Boundaries.

SALES OF ELECTRIC ENERGY. See **Federal Power Commission.**

SCHOOL BOARDS. See **Constitutional Law**, III, 10.

SCRAP PROCESSORS. See **Constitutional Law**, I, 3; IV, 2.

SEAMEN. See **National Labor Relations Act.**

SECOND-DEGREE MURDER. See **Constitutional Law**, III, 8.

SECRETARY OF THE TREASURY. See **Trade Expansion Act of 1962.**

SECTARIAN COLLEGES. See **Constitutional Law**, V, 1.

SECULAR LEGISLATIVE PURPOSES. See **Constitutional Law**, V, 1.

SECURITIES EXCHANGE ACT OF 1934. See also **Venue.**

1. *Proxy statement—Materiality of omitted fact.*—Issue of materiality of omitted fact in proxy statement is a mixed question of law and fact, involving as it does application of a legal standard to a particular set of facts, and only if established omissions are “so obviously important to an investor, that reasonable minds cannot differ on the question of materiality” is ultimate issue of materiality appropriately resolved “as a matter of law” by summary judgment. *TSC Industries, Inc. v. Northway, Inc.*, p. 438.

2. *Proxy statement—Materiality of omitted fact.*—Under standard that a fact omitted from a proxy statement is material if there is a substantial likelihood that a reasonable shareholder would consider it important in deciding how to vote, none of omissions claimed in this case to have been in violation of Rule 14a-9, promulgated under § 14 (a) of Act, were, so far as record reveals, materially misleading as a matter of law, and hence respondent shareholder was not entitled to summary judgment in its action against petitioners claiming that their joint proxy statement recommending approval of proposal to liquidate one petitioner and sell all its assets to other petitioner by exchanging certain stock, was incomplete and materially misleading in violation of § 14 (a) and Rule 14a-9 in that it omitted material facts relating to degree of one petitioner’s control over other. *TSC Industries, Inc. v. Northway, Inc.*, p. 438.

3. *Rule 14a-9—Materially misleading proxy statements—Standard of materiality.*—General standard of materiality best comports with policies of Rule 14a-9 (promulgated under § 14 (a) of Act and providing that no proxy solicitation shall be made “which . . . is false or misleading with respect to any material fact, or which omits

SECURITIES EXCHANGE ACT OF 1934—Continued.

to state any material fact necessary in order to make the statements therein not false or misleading") is not standard applied by Court of Appeals ("all facts which a reasonable shareholder *might* consider important") but is as follows: An omitted fact is material if there is a substantial likelihood that a reasonable shareholder would consider it important in deciding how to vote. *TSC Industries, Inc. v. Northway, Inc.*, p. 438.

SILENCE AT TIME OF ARREST. See **Constitutional Law**, III, 1.

SOCIAL SECURITY ACT. See **Constitutional Law**, III, 6; **Jurisdiction**, 1.

SPECIAL MASTERS. See **Boundaries**.

STANDING TO SUE.

1. *Challenge to standing—Relevant inquiry—Showing of injury—Case or controversy.*—When a plaintiff's standing is challenged relevant inquiry is whether, assuming justiciability of claim, plaintiff has shown an injury to himself that is likely to be redressed by a favorable decision, and unless such a showing is made a federal court cannot exercise its power consistent with "case or controversy" limitation of Art. III of Constitution. *Simon v. Eastern Ky. Welfare Rights Org.*, p. 26.

2. *Suit challenging validity of Revenue Ruling—Denial of hospital services to indigents.*—In class action brought on behalf of all persons unable to afford hospital services by respondents (several low-income individuals and organizations representing such individuals) against petitioners (Secretary of Treasury and Commissioner of Internal Revenue), claiming that Revenue Ruling 69-445 "encouraged" hospitals to deny services to indigents, and was invalid because it was an erroneous interpretation of Internal Revenue Code and had been issued in violation of Administrative Procedure Act, District Court should have granted petitioners' motion to dismiss because respondents failed to establish their standing to bring suit. *Simon v. Eastern Ky. Welfare Rights Org.*, p. 26.

STATE AID TO PRIVATE COLLEGES. See **Constitutional Law**, V, 1.

STATE AIR-POLLUTION-CONTROL PLANS. See **Clean Air Act**.

STATE AND CHURCH. See **Constitutional Law**, V, 1-3.

STATE BANKS. See **Banks**.

STATE BOUNDARIES. See **Boundaries; Constitutional Law, II; Procedure.**

STATE EMPLOYEES. See **Constitutional Law, I, 1-2.**

STATEMENTS OF RECORD CONCERNING LAND DEVELOPMENTS. See **National Environmental Policy Act of 1969.**

STATE PERMITS FOR AIR CONTAMINANT SOURCES. See **Clean Air Act.**

STATE PERMITS FOR WATER POLLUTANT SOURCES. See **Federal Water Pollution Control Act, 1.**

STATE PRISONERS. See **Mandamus.**

STATE "RIGHT-TO-WORK" LAWS. See **National Labor Relations Act.**

STATES.

1. *Action between States—Challenge to commuters' taxes—Lack of direct injuries.*—Motions for leave to file bills of complaint challenging commuters' taxes imposed by defendant States brought by plaintiff States on their own behalf are denied. In neither suit has defendant State directly injured plaintiff States by imposing taxes in question, but injuries to plaintiffs' fises were self-inflicted, resulting from decisions by their respective state legislatures to allow their residents credit for taxes paid to other States. *Pennsylvania v. New Jersey*, p. 660.

2. *Action between States—Challenge to commuters' taxes—Parens patriae suit.*—Pennsylvania's motion for leave to file suit challenging New Jersey's commuters' tax as *parens patriae* on behalf of its citizens is denied, since such a suit represents nothing more than a collectivity of private suits against New Jersey for taxes withheld from private parties, and no sovereign or quasi-sovereign interests of Pennsylvania are implicated. *Pennsylvania v. New Jersey*, p. 660.

STATE TAXATION OF INDIANS. See **Indians.**

STRAY HORSES AND BURROS. See **Constitutional Law, VI.**

STRIKES BY PUBLIC EMPLOYEES. See **Constitutional Law, III, 10.**

SUITS AGAINST NATIONAL BANKS. See **Venue.**

SUPREMACY OF FEDERAL GOVERNMENT. See **Constitutional Law, II.**

SUPREME COURT. See also **Procedure; States.**

Assignment of Mr. Justice Clark (retired) to the United States Court of Appeals for the First Circuit, p. 912.

SUSPENSION OF WRIT OF HABEAS CORPUS. See **Post-conviction Relief.**

TAXATION OF COMMUTERS' INCOME. See **States.**

TAXATION OF INDIANS. See **Indians.**

TEACHERS. See **Constitutional Law, III, 10.**

TERMINATION OF EMPLOYMENT. See **Constitutional Law, III, 2-3, 9.**

TERRITORIES. See **Jurisdiction, 2.**

TEXAS. See **Boundaries; National Labor Relations Act.**

TITLE DOCUMENTATION OF ABANDONED AUTOMOBILES.
See **Constitutional Law, I, 3; IV, 2.**

TORTS. See **Air Carriers.**

TRADE ACT OF 1974. See **Trade Expansion Act of 1962.**

TRADE EXPANSION ACT OF 1962.

License fees on imported oil—President's authority.—Section 232 (b) of Act, which provides that if Secretary of Treasury finds that an "article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security," President is authorized to "take such action, and for such time, as he deems necessary to adjust the imports of [the] article and its derivatives so that . . . imports [of the article] will not threaten to impair the national security," authorizes President to issue a Proclamation raising license fees on imported oil after Secretary of Treasury on basis of investigation found that crude oil and its derivatives and related products were being imported into United States in such quantities and under such circumstances as to threaten to impair national security, and accordingly recommended to President that appropriate action be taken to reduce imports. *FEA v. Algonquin SNG, Inc., p. 548.*

TRANSCRIPTS OF CRIMINAL TRIALS. See **Post-conviction Relief.**

UNAPPROPRIATED WATER. See **Water Rights.**

UNION DUES. See **Constitutional Law, IV, 1.**

UNION-SHOP AGREEMENTS. See **National Labor Relations Act.**

UNITED STATES. See **Water Rights.**

UNIVERSITIES. See **Constitutional Law, V, 1.**

UNREASONABLE DIFFERENCE IN ELECTRIC RATES. See Federal Power Commission.

USE OF POST-ARREST SILENCE FOR IMPEACHMENT PURPOSES. See Constitutional Law, III, 1.

VENUE.

Suit against national bank—Violation of Securities Exchange Act of 1934.—Venue in a suit against a national banking association charged with violating Securities Exchange Act of 1934 is governed by § 94 of National Bank Act, which provides that an action against a national banking association may be had in any federal district court within district in which such association may be established, rather than by § 27 of Securities Exchange Act, which provides that any action to enforce any liability or duty under that Act may be brought in any district where violation occurred or in district wherein defendant is found or transacts business. *Radzanower v. Touche Ross & Co.*, p. 148.

VIOLATIONS BY BANK OF SECURITIES EXCHANGE ACT OF 1934. See Venue.

WATER POLLUTION. See Federal Water Pollution Control Act, 1-3.

WATER RIGHTS.

Reservation of water rights in National Monument.—As of 1952 when United States by Presidential Proclamation issued under American Antiquities Preservation Act reserved as a National Monument Devil's Hole, a deep cavern on federal land in Nevada containing an underground pool inhabited by a unique species of desert fish, United States acquired by reservation water rights in unappropriated appurtenant water sufficient to maintain level of underground pool to preserve its scientific value and thereby implement Presidential Proclamation. *Cappaert v. United States*, p. 128.

WELFARE BENEFITS. See Constitutional Law, III, 6; Jurisdiction, 1.

WHOLESALE ELECTRIC RATE INCREASES. See Federal Power Commission.

WILD FREE-ROAMING HORSES AND BURROS ACT. See Constitutional Law, VI.

WILDLIFE. See Constitutional Law, VI.

WISCONSIN. See Constitutional Law, III, 10.

WITHHOLDING OF UNION DUES FROM PAYCHECKS. See Constitutional Law, IV, 1.

WORDS AND PHRASES.

1. "*Adjust.*" § 232 (b), Trade Expansion Act of 1962, 19 U. S. C. § 1862 (b) (1970 ed., Supp. IV). *FEA v. Algonquin SNG, Inc.*, p. 548.

2. "*Objects of historic or scientific interest.*" 16 U. S. C. § 431 (American Antiquities Preservation Act). *Cappaert v. United States*, p. 128.

3. "*Pollutants.*" 33 U. S. C. § 1362 (6) (1970 ed., Supp. IV) (Federal Water Pollution Control Act). *Train v. Colorado Pub. Int. Research Group*, p. 1.

4. "*Requirements respecting control and abatement of air pollution.*" § 118, Clean Air Act, 42 U. S. C. § 1857f. *Hancock v. Train*, p. 167.

5. "*Requirements respecting control and abatement of pollution.*" § 313, Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. § 1323 (1970 ed., Supp. IV). *EPA v. California ex rel. State Water Resources Control Board*, p. 200.

WRIT OF MANDAMUS. See *Mandamus*.

ZONING REFERENDUMS. See *Constitutional Law*, III, 11.















