INDEX TO TITLES

In this Index the type of article is designated by a letter following the title as follows: (a) leading article; (c) comment or casenote. No designation indicates a recent development.

A Critical Guide to Marbury v. Madison (a) .......................... 1
Alien Inheritance Statutes and the Foreign Relations Power (c) ........... 153
Article Two of the Uniform Commercial Code and Franchise Distribution Agreements (c) ............................................. 959
Blue Sky Restrictions on New Business Promotions .................................................. 273
Breach of Fiduciary Duty Involving Full Director Knowledge Held 10b-5 Violation [Schoenbaum v. Firstbrook, 405 F.2d 215 (2d Cir. 1968)] (a) 383
Chenery Revisited: Reflections on Reversal and Remand of Administrative Orders (a) .................................................. 199
Civil Procedure: Suit Against National Bank to Cancel Mortgage and Note Held to be Local Action Maintainable Outside District Where Bank is Established [Chateau Lafayette Apartments, Inc. v. Meadow Brook National Bank, 416 F.2d 301 (5th Cir. 1969)] ....................... 1304
Compulsory Commitment: The Rights of the Incarcerated Mentally Ill (c) ........... 677
Congressional Power Under the Civil War Amendments (c) .................. 1247
Constitutional Law: Parole Status and the Privilege Concept [Rose v. Haskins, 388 F.2d 91 (6th Cir. 1968)] (c) .......................... 139
Constitutional Limitations on Firearms Regulation (c) .......................... 773
Copyright Fair Use—Case Law and Legislation (c) .......................... 73
Counsel Fees for Discovery and Recovery of Short-Swing Profits (c) ........... 803
Criminal Procedure: Searches Incident to a Lawful Arrest Limited to the Area Within Reach of the Arrestee [Chimel v. California, 395 U.S. 752 (1969)] .................................................. 1084
Damage Measures and Economic Rationality: The Geometry of Contract Law (a) ................. 49
Extrajudicial Consumer Pressure: An Effective Impediment to Unethical Business Practices (c) ............................................. 1011
False or Suppressed Evidence: Why a Need for the Prosecutorial Tie? (a) .............................. 1171
Federal Estate Taxation: Multiple Deductions Allowed Under Section, 2055 for One Charitable Contribution [Estate of Miller v. Commissioner, 400 F.2d 407 (3d Cir. 1968)] (c) ............................................. 1059
Federal Rule of Civil Procedure 24(a)(2) and the "Interest" Necessary for Intervention as of Right on Appeal [Smuck v. Hobson, 408 F.2d 175 (D.C. Cir. 1969)] ............................ 821
Foreign Corporation Laws: Source and Support for Reform (a) ............................ 1145
Immigration Law and Rural Poverty—The Problems of the Illegal Entrant (a) ............................ 475
Inroads on the Necessity for a Consummated Purchase or Sale Under Rule 10b-5 [Commerce Reporting Co. v. Puretec, Inc., 290 F. Supp. 715 (S.D.N.Y. 1968)] (c) .......................... 349
Insurance Against Lack of Insurance? A Dissent from the Uninsured Motorist Endorsement (a) ............................ 227
Labor Relations: Racially Discriminatory Seniority System Unjustified by Business Necessity Held to Violate Title VII of the Civil Rights Act of 1964 [Local 189, Papermakers & Paperworkers v. United States, 416 F.2d 980 (5th Cir. 1969)] .......................... 1091
Metaphysics and Law (a) ............................ 897
Municipal Corporation Held to be a "Person" within Fourteenth Amendment's Due Process Clause When Action is Brought Against a Municipal Corporation in a Foreign State [River Vale v. Orangetown, 403 F.2d 684 (2d Cir. 1968)] ............................ 841
O'Callahan v. Parker—Milestone or Millstone in Military Justice? (a) ............................ 853
Open Housing: Submission of Legislatively Approved Act to Referendum Held Not Enjoinable [Spaulding v. Blair, 403 F.2d 862 (4th Cir. 1968)] ............................ 185
Public Landlords and Tenants: A Survey of the Developing Law (a) ............................ 399
Removal of Supreme Court Appellate Jurisdiction: A Weapon Against Obscenity? (c) ............................ 291
Ross v. Odom: Income Tax Treatment of Proceeds from Employer Funded and Administered Survivors' Benefit Programs [Ross v. Odom, 401 F.2d 464 (5th Cir. 1968)] (c) ............................ 367
Securities Regulation: Doctrines of In Pari Delicto and Unclean Hands Held to Bar 10b-5 Recovery by Tippee Against Corporate Insider [Kuehnert v. Texstar Corp., 412 F.2d 700 (5th Cir. 1969)] ............................ 832
Securities Regulation: Section 16(b) Short-Swing Profit Liability Applicable to Stock Purchased During Directorship but Sold After Resignation [Feder v. Martin Marietta Corp., 406 F.2d 260 (2d Cir. 1969)] ............................ 812
State Statutes Governing the Cancellation of Automobile Insurance (c) ............................ 327
The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis (a) ............................ 647
The Expanding Liability of Securities Underwriters: From BarChris to
BarChris Construction Corp., 283 F. Supp. 643 (S.D.N.Y. 1968)) (c) . . 1191

The Federal Fair Housing Requirements: Title VIII of the 1968 Civil
Rights Act (c) ........................................... 733

The Final Determination Clause: Defense to Employee Section 301(a) Suits (c) 111

The First Amendment Right to a Public Forum (a) ......................... 931

The Legal Problems of the Rural Poor (Project) .......................... 495

The Uniform Commercial Code and the Choice of Law (a) .............. 623

Wife's Purchase of Husband's Stock in Family Corporation at Involuntary
Sale Held an Intra-Family Transfer [Merritt v. Commissioner,
400 F.2d 417 (5th Cir. 1968)] .................................. 172

Workmen's Compensation Insurer as Suable Third Party (a) ...........

INDEX TO AUTHORS

Birmingham, Robert L., Damage Measures and Economic Rationality: The Geometry of Contract Law ..................... 49

Carlson, Ronald L., False or Suppressed Evidence: Why a Need for the Prosecutorial Tie? ......................................... 1171

Everett, Robinson O., O'Callahan v. Parker—Milestone or Millstone in Military Justice? ............................................. 853

Friendly, Henry J., Chenery Revisited: Reflections on Reversal and Remand of Administrative Orders .................... 199

Geisel, Martin S., The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis ..................... 647

Greene, Sheldon L., Immigration Law and Rural Poverty—The Problems of the Illegal Entrant .................................. 475


Horning, R. Allan, The First Amendment Right to a Public Forum . . . 931

Larson, Arthur, Workmen's Compensation Insurer as Suable Third Party . 1117

Laufer, Joseph, Insurance Against Lack of Insurance? A Dissent from the Uninsured Motorist Endorsement ..................... 227

Mofsky, James S., Blue Sky Restrictions on New Business Promotions . 273

Nordstrom, Robert J., The Uniform Commercial Code and the Choice of Law ........................................................... 623

Ramer, Dale B., The Uniform Commercial Code and the Choice of Law . 623

Roll, Richard, The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis .......................... 647

Schoshinski, Robert S., Public Landlords and Tenants: A Survey of the Developing Law ............................................. 399

Stone-de Montpensier, Roy L., Metaphysics and Law ........................ 897

Walker, William L., *Foreign Corporation Laws: Source and Support for Reform* ........................................ 1171
Wettick, R. Stanton, Jr., *The Effectiveness of State and Local Regulation of Handguns: A Statistical Analysis* .............. 647

INDEX TO BOOK REVIEWS
Wellington: Labor and the Legal Process (John C. Weistart) .......................... 1313
Willis, ed.: *Studies in Substantive Tax Reform* (Richard D. Hobbet) 1107

INDEX TO CASES
In this Index will be found cases which have been the subject of casenotes and recent developments as well as cases which have received extended treatment in articles and comments.
Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965) .................. 782
Alden v. Klawans, 267 F.2d 840 (2d Cir. 1959) ...................................... 815
Arnstein v. Porter, 154 F.2d 464 (2d Cir. 1946) ........................................ 85
Atlantis Development Corp. v. United States, 379 F.2d 818 (5th Cir. 1967) ........... 826
*Bene* Bailey, 11 L. & N. Dec. 466 (Bd. of Immigration App. 1966) ................. 490
Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398 (1964) ................................ 169
Bieski v. Eastern Automobile Forwarding Co., 396 F.2d 32 (2d Cir. 1968) ............. 127
Birnbaum v. Newport Steel Corp., 193 F.2d 461 (2d Cir.), cert. denied. 343 U.S. 956 (1952) ................. 350
Blau v. Lehman, 368 U.S. 403 (1962) .......................................................... 814
Bloom & Hama v. Nixon, 125 F. 977 (E.D. Pa. 1903) .................................. 91
Bolton v. Harris, 395 F.2d 642 (D.C. Cir. 1968) ....................................... 718
Bratcher v. Akron Area Board of Realtors, 381 F.2d 723 (6th Cir. 1967) ............... 1050
A.T. Brod & Co. v. Perlow, 375 F.2d 393 (2d Cir. 1967) .................................. 359
Bromberg v. Holiday Inns of America, 388 F.2d 639 (7th Cir. 1967) .................... 1004
Burlington Truck Lines, Inc. v. United States, 371 U.S. 156 (1962) ...................... 208
Bushwick-Decatur Motors, Inc. v. Ford Motor Co., 116 F.2d 675 (2d Cir. 1940)........ 989
Chateau Lafayette Apartments, Inc. v. Meadow Brook Nat'l Bank, 416 F.2d 301 (5th Cir. 1969) ..................... 1304
Jacobellis v. Ohio, 378 U.S. 184 (1964) ........ 316
Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968) ... 756
Kingsley Pictures Corp. v. Regents, 360 U.S. 684 (1959) .... 318
Konecky v. Jewish Press, 288 F. 179 (8th Cir. 1923) .......... 1052
Kuehnert v. Texstar Corp., 412 F.2d 700 (5th Cir. 1969) .......... 832
Merritt v. Commissioner, 400 F.2d 417 (5th Cir. 1968) .......... 102
Merritt v. Commissioner, 400 F.2d 407 (3d Cir. 1968) .......... 1059
Murchy v. Waterfront Commission, 378 U.S. 52 (1964) .......... 786
Nelson v. Union Wire Rope Corp., 31 Ill. 2d 69, 199 N.E.2d 769 (1964) .......... 1122
INDEX

Nuesse v. Camp, 385 F.2d 694 (D.C. Cir. 1967) ................................................................................ 825
O'Neall v. Maytag, 339 F.2d 764 (2d Cir. 1964) ............................................................................. 387
Overholser v. O'Beirne, 302 F.2d 852 (D.C. Cir. 1961) ............................................................... 729
Owenby v. Morgan, 256 U.S. 94 (1921) ................................................................................ 1288
Peevyhouse v. Garland Coal & Mining Co., 382 P.2d 109 (Okla. 1962),
aff'd on rehearing, 382 P.2d 116 (Okla.), cert. denied, 375 U.S. 906 (1963) ...........................................51
Penn-Central Merger and Norfolk & Western Inclusion Cases, 389 U.S. 486 (1968) ................................. 200
Perma-Life Mufflers, Inc. v. International Parts Corp., 392 U.S. 134 (1968) ........................................ 837
Phelps Dodge Corp. v. NLRB, 313 U.S. 177 (1941) ........................................................................... 206
Portland Oil Co. v. Commissioner, 109 F.2d 479 (1st Cir.), cert. denied, 310 U.S. 650 (1940) .............. 181
Powell v. Texas, 392 U.S. 514 (1968) ................................................................................ 717
Presser v. Illinois, 116 U.S. 252 (1886) ................................................................................ 789
Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969) ................................................................ 931
Republic Steel Corp. v. Maddox, 379 U.S. 650 (1965) ...................................................................... 117
River Vale v. Orangetown, 403 F.2d 684 (2d Cir. 1968) .............................................................. 841
Robinson v. California, 370 U.S. 660 (1962) .................................................................................. 716
Rose v. Haskins, 388 F.2d 91 (6th Cir. 1968) .................................................................................. 139
Ross v. Odom, 401 F.2d 464 (5th Cir. 1968) ................................................................................ 367
Roth v. United States, 354 U.S. 476 (1957) .................................................................................. 314
Rothlein v. Armour & Co., 391 F.2d 574 (3d Cir. 1968) ................................................................... 126
Rouse v. Cameron, 373 F.2d 451 (D.C. Cir. 1966) ........................................................................... 723
Sanders v. Cruise, 10 Misc. 2d 533, 173 N.Y.S.2d 871 (Sup. Ct. 1958) .................................................. 437
Schaffer Transportation Co. v. United States, 355 U.S. 83 (1957) ...................................................... 217
Schoenbaum v. Firstbrook, 405 F.2d 215 (2d Cir. 1968) .................................................................. 383
SEC v. Chenery Corp., 318 U.S. 80 (1943) ..................................................................................... 199
Seeman v. Philadelphia Warehouse Co., 274 U.S. 403 (1927) .......................................................... 627
Shapiro v. Thompson, 394 U.S. 618 (1969) .................................................................................... 424
Shapiro v. United States, 335 U.S. 1 (1948) ...................................................................................... 781
Sinkoff Beverage Co. v. Joseph Schlitz Brewing Co., 51 Misc. 2d 446, 273 N.Y.S.2d 364 (Sup. Ct. 1966) .............. 998
Smith v. Evening News Assoc., 371 U.S. 195 (1962) ........................................................................ 111
Smuck v. Hoban, 408 F.2d 175 (D.C. Cir. 1969) .............................................................................. 821
South Carolina v. Katzenbach, 383 U.S. 301 (1966) ........................................................................ 1249
<table>
<thead>
<tr>
<th>Citation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spaulding v. Blair, 403 F.2d 862 (4th Cir. 1968)</td>
<td>185</td>
</tr>
<tr>
<td>Specht v. Patterson, 386 U.S. 605 (1967)</td>
<td>149</td>
</tr>
<tr>
<td>The Richmond Corp., 41 S.E.C. 398 (1963)</td>
<td>1202</td>
</tr>
<tr>
<td>Thorpe v. Housing Authority, 386 U.S. 670 (1967)</td>
<td>441</td>
</tr>
<tr>
<td>Tinker v. Des Moines Independent Community School District, 393 U.S.</td>
<td></td>
</tr>
<tr>
<td>503 (1969)</td>
<td>944</td>
</tr>
<tr>
<td>Toksvig v. Bruce Publishing Co., 181 F.2d 664 (7th Cir. 1950)</td>
<td>101</td>
</tr>
<tr>
<td>United States v. Hall, 26 F. Cas. 79 (No. 15,282) (C.C.S.D. Ala. 1871)</td>
<td></td>
</tr>
<tr>
<td>United States v. Klein, 80 U.S. (13 Wall.) 128 (1871)</td>
<td>303</td>
</tr>
<tr>
<td>United States v. Pierce Auto Freight Lines, 327 U.S. 515 (1946)</td>
<td>218</td>
</tr>
<tr>
<td>Vacca v. Sipes, 386 U.S. 171 (1967)</td>
<td>118</td>
</tr>
<tr>
<td>Williams v. New York, 337 U.S. 241 (1949)</td>
<td>149</td>
</tr>
<tr>
<td>Wirta v. Alameda-Contra Costa Transit District, 68 Cal. 2d 51, 434 P.2d</td>
<td>950</td>
</tr>
<tr>
<td>Wiscart v. Dauchy, 3 U.S. (3 Dall.) 321 (1796)</td>
<td>297</td>
</tr>
<tr>
<td>Ex parte Yerger, 75 U.S. (8 Wall.) 85 (1868)</td>
<td>302</td>
</tr>
<tr>
<td>York v. Story, 324 F.2d 450 (9th Cir. 1963)</td>
<td>707</td>
</tr>
<tr>
<td>Zschemig v. Miller, 389 U.S. 429 (1968)</td>
<td>165</td>
</tr>
</tbody>
</table>

**INDEX TO SUBJECT MATTER**

**Administrative Law**

*Chenery Revisited: Reflections on Reversal and Remand of Administrative Orders (a)* .................................. 199

**Civil Procedure**

Civil Procedure: Suit Against National Bank to Cancel Mortgage and Note Held to be Local Action Maintainable Outside District Where
INDEX

Bank is Established [Chateau Lafayette Apartments, Inc. v. Meadow Brook National Bank, 415 F.2d 301 (5th Cir. 1969)] .................................... 1304
Federal Rule of Civil Procedure 24(a)(2) and the "Interest" Necessary for Intervention as of Right on Appeal [Smuck v. Hobson, 408 F.2d 175 (D.C. Cir. 1969)] ........................................ 821

CIVIL RIGHTS
Compulsory Commitment: The Rights of the Incarcerated Mentally Ill (c) ............................................. 677
Open Housing: Submission of Legislatively Approved Act to Referendum Held Not Enjoinable [Spaulding v. Blair, 403 F.2d 862 (4th Cir. 1968)] ........................................... 185
The Federal Fair Housing Requirements: Title VII of the 1968 Civil Rights Act (c) ............................................. 733

CONSTITUTIONAL LAW
A Critical Guide to Marbury v. Madison (a) ............................................. 1
Alien Inheritance Statutes and the Foreign Relations Power (c) ............................................. 153
Congressional Power Under the Civil War Amendments (c) .............................................
Constitutional Law: Parole Status and the Privilege Concept [Rose v. Haskins, 388 F.2d 91 (6th Cir. 1968)] (c) ............................................. 139
Constitutional Limitations on Firearms Regulation (c) ............................................. 773
Municipal Corporation Held to be a "Person" within Fourteenth Amendment's Due Process Clause When Action is Brought Against a Municipal Corporation in a Foreign State [River Vale v. Orange-town, 403 F.2d 684 (2d Cir. 1968)] ............................................. 841
Removal of Supreme Court Appellate Jurisdiction: A Weapon Against Obscenity? (c) ............................................. 291
The First Amendment Right to a Public Forum (a) ............................................. 931

CONSUMER PROTECTION
Extrajudicial Consumer Pressure: An Effective Impediment to Unethical Business Practices (c) ............................................. 1011

CONTRACTS
Damage Measures and Economic Rationality: The Geometry of Contract Law (a) ............................................. 49

COPYRIGHT LAW
Copyright Fair Use—Case Law and Legislation (c) ............................................. 73

CORPORATE LAW
Blue Sky Restrictions on New Business Promotions ............................................. 273
Breach of Fiduciary Duty Involving Full Director Knowledge Held 10b-5 Violation [Schoenbaum v. Firstbrook, 405 F.2d 215 (2d Cir. 1968)] (c) ............................................. 383
Foreign Corporation Laws: Source and Support for Reform (a) .............................................
Securities Regulation: Doctrines of In Pari Delicto and Unclean Hands Held to Bar 10b-5 Recovery by Tippee Against Corporate Insider [Kuehnert v. Texstar Corp., 412 F.2d 700 (5th Cir. 1969)] ............................................. 832
Securities Regulation: Section 16(b) Short-Swing Profit Liability
Applicable to Stock Purchased During Directorship but Sold After
Resignation [Feder v. Martin Marietta Corp. 406 F.2d 260
(2d Cir. 1969)] ............................. 812

Criminal Law
False or Suppressed Evidence: Why a Need for the Prosecutorial Tic? (a) 1171

Criminal Procedure
Criminal Procedure: Searches Incident to a Lawful Arrest Limited
to the Area Within Reach of the Arrestee [Chinels v. California.
395 U.S. 752 (1969)] ............................. 1084

Domestic Relations
Divorce: Standing to "Directly" Attack Sister-State Decree Does
Not Depend Upon Domicile in the Forum at Date of that Decree
[Meeker v. Meeker. 52 N.J. 59, 243 A.2d 801 (1968)] ............................. 192

Firearms Regulation
Constitutional Limitations on Firearms Regulation (c) .............. 773
The Effectiveness of State and Local Regulation of Handguns:
A Statistical Analysis (a) ..................................... 647

Foreign Relations
Alien Inheritance Statutes and the Foreign Relations Power (c) ..... 153

Insurance
Insurance Against Lack of Insurance? A Dissent from the Uninsured
Motorist Endorsement (a) ...................................... 227
State Statutes Governing the Cancellation of Automobile Insur-
ance (c) ....................................................... 327

Judicial Review
A Critical Guide to Marbury v. Madison (a) ............................. 1
Removal of Supreme Court Appellate Jurisdiction: A Weapon
Against Obscenity? (c) ..................................... 291

Jurisprudence
Metaphysics and Law (a) ...................................... 897

Labor Law
Labor Relations: Racially Discriminatory Seniority System Unjusti-
fied by Business Necessity Held to Violate Title VII of the Civil Rights
416 F.2d 980 (5th Cir. 1969)] .................................. 1091
Labor Relations: Standards Established for Issuance of Bargaining
Orders Based on Authorization Cards [VLRB v. Gissel Packing
Co.. 395 U.S. 575 (1969)] ....................................... 1075
The Final Determination Clause: Defense to Employee Section
301(a) Suits (c) ........................................... 111

Mental Illness
Compulsory Commitment: The Rights of the Incarcerated Mentally
Ill (c) ........................................................... 677

Military Law
O'Callahan v. Parker—Milestone or Millstone in Military Justice? (a) 853
MUNICIPAL CORPORATIONS
Municipal Corporation Held to be a “Person” within Fourteenth Amendment’s Due Process Clause When Action is Brought Against a Municipal Corporation in a Foreign State [River Vale v. Orangetown, 403 F.2d 684 (2d Cir. 1968)] .................... 841

OPEN HOUSING
Open Housing: Submission of Legislatively Approved Act to Referendum Held Not Enjoinable [Spaulding v. Blair, 403 F.2d 862 (4th Cir. 1968)] .................................... 185
The Federal Fair Housing Requirements: Title VII of the 1968 Civil Rights Act (c) .................................... 733

POVERTY LAW
Immigration Law and Rural Poverty—The Problems of the Illegal Entrant (a) .................................... 475
Public Landlords and Tenants: A Survey of the Developing Law (a) .................................... 399
The Legal Problems of the Rural Poor (Project) .................................... 495

SECURITIES REGULATION
Blue Sky Restrictions on New Business Promotions .................................... 273
Counsel Fees for Discovery and Recovery of Short-Swing Profits (c) .................................... 803
Inroads on the Necessity for a Consummated Purchase or Sale Under Rule 10b-5 [Commerce Reporting Co. v. Puretec, Inc., 290 F. Supp. 715 (S.D.N.Y. 1968)] (c) .................................... 349
Securities Regulation: Doctrines of In Pari Delicto and Unclean Hands Held to Bar 10b-5 Recovery by Tippee Against Corporate Insider [Kuehnert v. Texstar Corp., 412 F.2d 700 (5th Cir. 1969)] ........ 832
Securities Regulation: Section 16(b) Short-Swing Profit Liability Applicable to Stock Purchased During Directorship but Sold After Resignation [Feder v. Martin Marietta Corp., 406 F.2d 260 (2d Cir. 1969)] .................... 812

TAXATION
Federal Estate Taxation: Multiple Deductions Allowed Under Section 2055 for One Charitable Contribution [Estate of Miller v. Commissioner, 400 F.2d 407 (3d Cir. 1968)] (c) .................................... 1059
Federal Income Taxation: Interest Deduction Disallowed Brokerage House Under Section 265(2) When Loans Bear a Direct Relationship to the Carrying of Tax-Exempt Securities [Leslie v Commis-

Ross v. Odom: Income Tax Treatment of Proceeds from Employer Funded and Administered Survivors’ Benefit Programs [Ross v. Odom, 401 F.2d 464 (5th Cir. 1968)] (c) ........................................ 367

Wife’s Purchase of Husband’s Stock in Family Corporation at Involuntary Sale Held an Intra-Family Transfer [Merritt v. Commissioner, 400 F.2d 417 (5th Cir. 1968)] ......................... 172

Uniform Commercial Code

Article Two of the Uniform Commercial Code and Franchise Distribution Agreements (c) ............................................... 959

The Uniform Commercial Code and the Choice of Law (a) ........... 623

Workmen’s Compensation

Workmen’s Compensation Insurer as Suable Third Party (a) ............. 1117