BIBLIOTECA DE LA CORTE SUPREMA LA SONTE SUPREMA LA SONTE DE ORDEN LA SONTE DE LA CIÓN

# FORDHAM LAW REVIEW

Volume XLI, Number 1



October 1972

### EDITORIAL AND GENERAL OFFICES

Lincoln Center, 140 West 62nd Street, New York, N.Y. 10023

Published four times a year—October, December, March and May. Member, National Conference of Law Reviews. Printed by the Heffernan Press Inc., Worcester, Massachusetts. Second class postage paid at New York, N.Y. and at additional mailing offices.

Subscription Price \$10.00, Single Issue \$3.50. Make checks payable to Fordham Law Review. Subscription renewed automatically unless notified to contrary.

HEMEROTECA

# FORDHAM 238 LAW REVIEW



## **ARTICLES**

THE STRUCTURE OF THE SECURITIES  MARKET—PAST AND FUTURE	Thomas A. Russo William K. S. Wang
Congressional Self-Discipline: The Power to Expel, to Exclude	
AND TO PUNISH	Gerald T. McLaughlin
Contribution and Indemnification	
Among Antitrust Coconspirators	
Revisited	Röbert D. Paul
THE Gissel Doctrine: When A	
BARGAINING ORDER WILL ISSUE	Daniel M. Carson

**VOLUME XLI** 

NUMBER 1

# CONTENTS

ARTICLES	
THE STRUCTURE OF THE SECURITIES MARKET—PAST AND FUTURE Thomas A. Russo William K. S. Wang	1
Congressional Self-Discipline: The Power to Expel, to Exclude and to Punish Gerald T. McLaughlin	43
Contribution and Indemnification Among Antitrust Coconspirators Revisited Robert D. Paul	67
THE Gissel DOCTRINE: WHEN A BARGAINING ORDER WILL ISSUE Daniel M. Carson	85
COMMENT	
A CONSTITUTIONAL RENVOI: UNANIMOUS VERDICTS IN STATE CRIMINAL TRIALS	115
CASE NOTES	
Administrative Law—Immigration and Naturalization Service—Service Held Estopped from Denying Preference Classification (Gestuvo v. Immigration and Naturalization Service, District Director, 337 F. Supp. 1093 (C.D. Cal. 1971))	<b>1</b> 40
Constitutional Law—Criminal Procedure—Post-Indictment Photographic Lineup Requires Presence of Defendant's Counsel (United States v. Ash, 461 F.2d 92 (D.C. Cir. 1972), cert. granted, 40 U.S.L.W. 3588 (June 12, 1972) (No. 71-1255))	149
CONSTITUTIONAL LAW—RELIGIOUS FREEDOM—STATE MAY AUTHORIZE FORCED MEDICAL TREATMENT OF A COMPETENT ADULT TO PREVENT DEATH DESPITE RELIGIOUS OBJECTION (John F. Kennedy Memorial Hospital v. Heston, 58 N.J. 576, 279 A.2d 670 (1971))	158
Negligence—Apportionment of Damages Among Joint Tortfeasors—Right of a Party Actively Negligent to Implead a Co-Wrongdoer (Dole v. Dow Chemical Company, 30 N.Y.2d 143, 282 N.E.2d 288, 331 N.Y.S.2d 382 (1972))	167
NLRB—JURISDICTION—STANDARDS FOR DEFERRAL TO ARBITRATION WHERE NO AWARD HAS ISSUED (Collyer Insulated Wire, 192 N.L.R.B. No. 150 (Aug. 20, 1971))	175
TAXATION—EMPLOYER'S PAYMENTS TO WIDOW OF DECEASED EMPLOYEE HELD TO BE GIFTS, NOT COMPENSATION, AND EXCLUDABLE FROM GROSS INCOME UNDER I.R.C. § 102(a) (Carter v. Commissioner, 453 F.2d 61 (2d Cir. 1971))	188
BOOKS REVIEWED	
Axelrod, Berger, and Johnstone: Land Transfer and Finance: Cases and Materials  John L. Peschel	199