

ROSENBERG ET AL. V. UNITED STATES.

MOTION TO VACATE A STAY.

No. —, June 18 Special Term, 1953. Decided June 19, 1953.

After the stay granted by MR. JUSTICE DOUGLAS had been vacated by the Court, *ante*, p. 273, a motion was made for reconsideration of the question of the Court's power to vacate that stay and that the Court hear oral argument. *Held*: Motion denied.

Fyke Farmer submitted the motion.

PER CURIAM.

The motion for reconsideration of the question of the Court's power to vacate MR. JUSTICE DOUGLAS' stay order and hear oral argument is denied.

MR. JUSTICE BLACK dissents.

MR. JUSTICE FRANKFURTER desires that it be noted that he too would deny the motion to reconsider the power of this Court to review MR. JUSTICE DOUGLAS' order to stay the execution, but not because he thinks the matter is free from doubt. See his dissenting opinion in *Ex parte Peru*, 318 U. S. 578, 590, in connection with *Lambert v. Barrett*, 157 U. S. 697, and *Carper v. Fitzgerald*, 121 U. S. 87.