

ORDERS FROM FEBRUARY 29 THROUGH
MAY 23, 1960.

FEBRUARY 29, 1960.

Miscellaneous Orders.

No. 130. NIUKKANEN, ALIAS MACKIE, *v.* McALEXANDER, ACTING DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. Certiorari, 361 U. S. 808, to the United States Court of Appeals for the Ninth Circuit. The motion of the American Committee for Protection of Foreign Born for leave to file brief, as *amicus curiae*, is granted. *Blanch Freedman* for movant. Reported below: 265 F. 2d 825.

No. 689, Misc. WOLFE *v.* SACKS, WARDEN; and

No. 713, Misc. HOYLAND *v.* MADIGAN, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted.

No. 434, Misc. FERGUSON *v.* GEORGIA. Appeal from the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Case transferred to the appellate docket. *Paul James Maxwell* for appellant. *Eugene Cook*, Attorney General of Georgia, and *John T. Ferguson*, Deputy Assistant Attorney General, for appellee. Reported below: 215 Ga. 117, 109 S. E. 2d 44.

Certiorari Granted. (See also No. 667, ante, p. 58.)

No. 593. CHAUNT *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *Joseph Forer*, *David Rein* and *John W. Porter* for petitioner. *Solicitor General Rankin*, As-

February 29, 1960.

362 U. S.

Assistant Attorney General Wilkey, Beatrice Rosenberg and Jerome M. Feit for the United States. Reported below: 270 F. 2d 179.

No. 582. ARO MANUFACTURING CO., INC., ET AL. *v.* CONVERTIBLE TOP REPLACEMENT CO., INC. C. A. 1st Cir. Certiorari granted. *David Wolf* for petitioners. *Elliott I. Pollock* for respondent. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Charles H. Weston and Richard H. Stern* filed a brief for the United States, as *amicus curiae*, in support of the petition. Reported below: 270 F. 2d 200.

Certiorari Denied.

No. 492. CROSS *v.* PASLEY. C. A. 8th Cir. Certiorari denied. *Martin B. Dickinson* for petitioner. *Albert Thomson* for respondent. Reported below: 270 F. 2d 88.

No. 585. RICHARDSON *v.* BRUNNER. Court of Appeals of Kentucky. Certiorari denied. *Frank E. Haddad, Jr.* for petitioner. *Thomas Ellis Lodge* for respondent. Reported below: 327 S. W. 2d 572, 328 S. W. 2d 530.

No. 589. FARNSWORTH ET AL., EXECUTORS, *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. *James D. Carpenter* for petitioners. *Solicitor General Rankin, Assistant Attorney General Rice and A. F. Prescott* for respondent. Reported below: 270 F. 2d 660.

No. 644. SKINNER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 272 F. 2d 607.

362 U. S.

February 29, 1960.

No. 622. RUBENFIELD *v.* WATSON, COMMISSIONER OF PATENTS. United States Court of Customs and Patent Appeals. Certiorari denied. *Bruce B. Krost* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for respondent. Reported below: 47 C. C. P. A. (Pat.) 701, 270 F. 2d 391.

No. 640. TILLMAN, ADMINISTRATRIX, *v.* ANDERSON, SECRETARY OF THE TREASURY, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John Wattawa* and *Borris M. Komar* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub* and *Samuel D. Slade* for respondents. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 649. FARM AND HOME AGENCY, INC., ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 7th Cir. Certiorari denied. *Myer H. Gladstone* for petitioners. *Solicitor General Rankin, Thomas G. Meeker* and *David Ferber* for respondent. Reported below: 270 F. 2d 891.

No. 642. SAXNER ET AL., DOING BUSINESS AS PHIL'S TAVERN, ET AL. *v.* WAYNICK ET AL. C. A. 7th Cir. Certiorari denied. *Harold Orlinsky* and *Seymour J. Layfer* for petitioners. Reported below: 269 F. 2d 322.

No. 651. BERRY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *William F. Walsh* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 271 F. 2d 775.

No. 670. PEOPLES LOAN & FINANCE CORP. *v.* LAWSON. C. A. 5th Cir. Certiorari denied. *Louis Regenstein, Jr.* for petitioner. *Oscar M. Smith* for respondent. Reported below: 271 F. 2d 529.

February 29, 1960.

362 U. S.

No. 641. LASH *v.* NIGHOSIAN, REVENUE AGENT, INTERNAL REVENUE SERVICE. C. A. 1st Cir. Certiorari denied. *Jacob Spiegel* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Meyer Rothwacks* for respondent. Reported below: 273 F. 2d 185.

No. 647. UNITED PACKINGHOUSE WORKERS OF AMERICA *v.* MAURER-NEUER, INC. C. A. 10th Cir. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. *Eugene Cotton* and *Richard F. Watt* for petitioner. Reported below: 272 F. 2d 647.

No. 39, Misc. GIRON *v.* TINSLEY, WARDEN. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se.* *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *Gerald Harrison*, Assistant Attorney General, for respondent.

No. 310, Misc. TAG *v.* ROGERS, ATTORNEY GENERAL, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles Bragman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Townsend*, *Irving Jaffe* and *Paul E. McGraw* for respondents. Reported below: 105 U. S. App. D. C. 387, 267 F. 2d 664.

No. 321, Misc. KELLY ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *James J. Laughlin* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 269 F. 2d 448.

362 U. S.

February 29, 1960.

No. 403, Misc. MORRISON *v.* CALIFORNIA. District Court of Appeal of California, Second Appellate District. Certiorari denied. *David H. Caplow* for petitioner.

No. 324, Misc. MCGILL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 106 U. S. App. D. C. 136, 270 F. 2d 329.

No. 372, Misc. POWERS *v.* LANGLOIS, WARDEN. Supreme Court of Rhode Island. Certiorari denied. Reported below: — R. I. —, 153 A. 2d 535.

No. 474, Misc. BURLEY *v.* MARYLAND. Court of Appeals of Maryland. Certiorari denied. Petitioner *pro se*. *C. Ferdinand Sybert*, Attorney General of Maryland, and *James H. Norris, Jr.*, Special Assistant Attorney General, for respondent. Reported below: 220 Md. 670, 154 A. 2d 924.

No. 523, Misc. TRENT *v.* BLALOCK, SUPERINTENDENT, SOUTHWESTERN STATE HOSPITAL. C. A. 4th Cir. Certiorari denied. Reported below: 271 F. 2d 510.

No. 528, Misc. SCOTT *v.* HEHLE, SHERIFF, ET AL. Supreme Court of Appeals of West Virginia. Certiorari denied. *Fred G. Minnis* for petitioner.

No. 529, Misc. BEY *v.* MARONEY, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 682, Misc. COX *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

February 29, 1960.

362 U. S.

No. 582, Misc. *EVE v. NEW YORK*. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 642, Misc. *PHILLIPS v. CARROLL, JUDGE OF THE CIRCUIT COURT OF McHENRY COUNTY*. Supreme Court of Illinois. Certiorari denied.

No. 666, Misc. *HOBBS v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 220 Md. 685, 155 A. 2d 70.

No. 736, Misc. *BESMEL v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied.

No. 6, Misc. *BRYANT v. OHIO*. Petition for writ of certiorari to the Supreme Court of Ohio denied in the light of the representation made by respondent in its brief in opposition that "Petitioner may at this time perfect an appeal to the Supreme Court of Ohio *in forma pauperis*, which appeal will be heard by that Court." Petitioner *pro se*. *Mathias H. Heck* and *Herbert M. Jacobson* for respondent.

Rehearing Denied.

No. 495. *STUART ET AL. v. WILSON, ATTORNEY GENERAL OF TEXAS, ET AL.*, 361 U. S. 232;

No. 575. *FIRST NATIONAL CITY BANK OF NEW YORK v. INTERNAL REVENUE SERVICE*, 361 U. S. 948; and

No. 578. *MANNINA v. INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL.*, 361 U. S. 943. Petitions for rehearing denied.

No. 426. *MORRISON v. CALIFORNIA*, 361 U. S. 900. Motion for leave to file a second petition for rehearing denied.

362 U. S.

February 29, March 7, 1960.

No. 529, October Term, 1955. *DESYLVA v. BALLENTINE*, *GUARDIAN*, 351 U. S. 570. The motion for leave to file a petition for rehearing in the nature of a bill of review is denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITTAKER and MR. JUSTICE STEWART took no part in the consideration or decision of this application.

No. 291, Misc., October Term, 1953. *POLLACK v. ASPBURY ET AL.*, 347 U. S. 914;

No. 251, Misc., October Term, 1954. *POLLACK v. ASPBURY ET AL.*, 348 U. S. 903;

No. 364, Misc., October Term, 1954. *POLLACK v. ASPBURY ET AL.*, 348 U. S. 954;

No. 532, Misc., October Term, 1954. *POLLACK v. ASPBURY ET AL.*, 349 U. S. 940; and

No. 371, Misc., October Term, 1957. *POLLACK v. CITY OF NEWARK, NEW JERSEY, ET AL.*, 355 U. S. 964. Motions for leave to file petitions for rehearing denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITTAKER and MR. JUSTICE STEWART took no part in the consideration or decision of these applications.

MARCH 7, 1960.

Miscellaneous Orders.

No. 55. *UNITED STATES v. KAISER*. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit; and

No. 376. *COMMISSIONER OF INTERNAL REVENUE v. DUBERSTEIN ET AL.* Certiorari, 361 U. S. 923, to the United States Court of Appeals for the Sixth Circuit. The motion of Bernice Curry Myers for leave to file brief, as *amicus curiae*, is denied. *Bennett Boskey* for Bernice Curry Myers. Reported below: No. 55, 262 F. 2d 367; No. 376, 265 F. 2d 28.

March 7, 1960.

362 U. S.

No. 4, Original. *NEW YORK v. ILLINOIS ET AL.* The report of the Special Master is received and ordered filed. The motion of the complainant for leave to file a supplemental and amended complaint is granted and the defendants are allowed 45 days within which to file answers thereto. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, *Richard H. Shepp*, Assistant Attorney General, and *Randall J. Le Boeuf, Jr.*, Special Assistant Attorney General, for complainant. *Grenville Beardsley*, Attorney General of Illinois, *William C. Wines*, Assistant Attorney General, *Lawrence J. Fenlon*, *Peter G. Kuh*, *George A. Lane*, *Joseph B. Fleming*, *Joseph H. Pleck* and *Thomas M. Thomas* for defendants.

No. 633. *WRIGHT v. OHIO.* The motion to withhold issuance of the order (361 U. S. 964) denying certiorari to the Supreme Court of Ohio is denied. *Melvin Edward Schaengold* for petitioner. *C. Watson Hover* and *Harry C. Schoettmer* for respondent.

No. 557, Misc. *HURLEY v. HAGAN, WARDEN, ET AL.* Motion for leave to file petition for writ of habeas corpus denied.

No. 133, Misc. *MASSENGALE v. ROGERS, ATTORNEY GENERAL, ET AL.* Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application. Petitioner *pro se*. *Solicitor General Rankin*, *Acting Assistant Attorney General Ryan*, *Harold H. Greene* and *David Rubin* for respondent Rogers.

No. 451, Misc. *CULVER v. GOODMAN, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

362 U. S.

March 7, 1960.

Certiorari Granted. (See also No. 406, Misc., ante, p. 143.)

No. 659. ROBERT LAWRENCE CO., INC., *v.* DEVONSHIRE FABRICS, INC. C. A. 2d Cir. Certiorari granted. *Sigmund Timberg* for petitioner. *David I. Shivitz* for respondent. Reported below: 271 F. 2d 402.

No. 666. MICHALIC *v.* CLEVELAND TANKERS, INC. C. A. 6th Cir. Certiorari granted. *S. Eldridge Sampliner* and *Harvey Goldstein* for petitioner. *Lucian Y. Ray* for respondent. Reported below: 271 F. 2d 194.

No. 67, Misc. BAILEY *v.* ALVIS, WARDEN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Ohio granted. Case transferred to the appellate docket.

No. 423, Misc. CAMPBELL ET AL. *v.* UNITED STATES. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted limited to Question No. 5 presented by the petition which reads as follows:

"Whether production of a statement which was read and signed by a government witness is excused after a complete foundation for it is made under 18 U. S. C. 3500 on the ground that the only document in the possession of the prosecutor is a summary by an F. B. I. Agent and not the statement signed by the witness without any showing as to what became of the original statement."

The case is transferred to the appellate docket.

Lawrence F. O'Donnell, *Melvin S. Louison* and *Leonard Louison* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 269 F. 2d 688.

March 7, 1960.

362 U.S.

No. 661. *KONIGSBERG v. STATE BAR OF CALIFORNIA ET AL.* Motion to use record in No. 5, October Term, 1956, granted. Motion of American Civil Liberties Union of Southern California for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of California granted. *Edward Mosk* and *Samuel Rosenwein* for petitioner. *Frank B. Belcher* and *Ralph E. Lewis* for respondents. *A. L. Wirin* and *Hugh R. Manes* for the American Civil Liberties Union of Southern California. Reported below: 52 Cal. 2d 769, 344 P. 2d 777.

No. 319, Misc. *MCNEAL v. CULVER, STATE PRISON CUSTODIAN.* Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Florida granted. Case transferred to the appellate docket. Petitioner *pro se.* *Richard W. Ervin*, Attorney General of Florida, and *Odis M. Henderson*, Assistant Attorney General, for respondent. Reported below: 113 So. 2d 381.

Certiorari Denied. (See also No. 451, Misc., *supra.*)

No. 637. *DOESKIN PRODUCTS, INC., ET AL. v. PETTIT ET AL., TRUSTEES.* C. A. 2d Cir. Certiorari denied. *Alexander Boskoff* for petitioners. *George C. Levin* for respondents. *Solicitor General Rankin*, *Thomas G. Meeker* and *David Ferber* for the Securities and Exchange Commission in opposition. Reported below: 270 F. 2d 95, 699.

No. 653. *MEYERS ET AL. v. FAMOUS REALTY, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Richard Swan Buell* for petitioners. *Whitney North Seymour* for respondents. Reported below: 271 F. 2d 811.

362 U. S.

March 7, 1960.

No. 648. CHAN WING CHEUNG, ALIAS BILL WOO, *v.* HAGERTY, OFFICER IN CHARGE, U. S. IMMIGRATION AND NATURALIZATION SERVICE. C. A. 1st Cir. Certiorari denied. *Peyton Ford* and *J. Howard McGrath* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *J. F. Bishop* for respondent. Reported below: 271 F. 2d 903.

No. 654. DYESTUFFS & CHEMICALS, INC., *v.* FLEMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 8th Cir. Certiorari denied. *Paul C. Warnke*, *Robert L. Randall* and *Earl Susman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *William W. Goodrich* for respondent. Reported below: 271 F. 2d 281.

No. 656. HIRSCHKOWITZ ET AL. *v.* OHIO. Supreme Court of Ohio. Certiorari denied. *Jerome B. Goldman* for petitioners. *John T. Corrigan* for respondent.

No. 657. J. A. FOLGER & Co. *v.* UNITED FRUIT CO. C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch* and *René H. Himel, Jr.* for petitioner. *John W. Sims* for respondent. Reported below: 270 F. 2d 666.

No. 658. COLLINS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Edmund E. Shepherd*, *George S. Fitzgerald* and *Henry G. Singer* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 272 F. 2d 650.

No. 400, Misc. KNIGHT *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. Reported below: 113 So. 2d 835.

March 7, 1960.

362 U. S.

No. 660. TRAVELERS INDEMNITY CO. ET AL. *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari denied. *Tudor W. Hampton* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Morton Hollander and John G. Laughlin, Jr.* for the United States. Reported below: 271 F. 2d 521.

No. 145, Misc. BREST *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 266 F. 2d 879.

No. 292, Misc. MARKS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Charles W. Manning* for respondent. Reported below: 6 N. Y. 2d 67, 160 N. E. 2d 26.

No. 364, Misc. COLLINS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 269 F. 2d 745.

No. 457, Misc. MARTIN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 106 U. S. App. D. C. 233, 271 F. 2d 499.

No. 481, Misc. FERNANDEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: — F. 2d —.

362 U. S.

March 7, 1960.

No. 382, Misc. BABOURIS *v.* ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 269 F. 2d 621.

No. 429, Misc. McMORRIS *v.* MARONEY, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 461, Misc. MORICONI *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied.

No. 483, Misc. EX PARTE HOLLIS. Court of Criminal Appeals of Texas. Certiorari denied.

No. 505, Misc. TAYLOR *v.* RIVERS, DISTRICT OF COLUMBIA BOARD OF PAROLE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General Ryan and Harold H. Greene* for respondents.

No. 525, Misc. BIRCHFIELD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Eugene L. Grimm* for the United States.

No. 549, Misc. HOUSE *v.* MAYO, STATE PRISON CUSTODIAN. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Richard W. Ervin, Attorney General of Florida, and George R. Georgieff, Assistant Attorney General,* for respondent.

March 7, 1960.

362 U. S.

No. 551, Misc. *HERNANDEZ ET AL. v. WARDEN, NEW YORK CITY PRISON*. C. A. 2d Cir. Certiorari denied. Petitioners *pro se*. *Charles W. Manning* for respondent.

No. 555, Misc. *O'CONNOR v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 556, Misc. *TRINCI v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 565, Misc. *HALL v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. *Max Dean* for petitioner. Reported below: 215 Ga. 375, 110 S. E. 2d 661.

No. 578, Misc. *NELSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 17 Ill. 2d 509, 162 N. E. 2d 390.

No. 599, Misc. *BENJAMIN v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied. Reported below: 257 Minn. 1, 99 N. W. 2d 786.

No. 608, Misc. *SHOEMAKE v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied.

Rehearing Denied.

No. 580. *DONNELLY v. DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY ET AL.*, 361 U. S. 949; and

No. 419, Misc. *VAN HORN v. HOME OF THE AGED AND ORPHANS OF THE BALTIMORE CONFERENCE, METHODIST CHURCH, SOUTH, INC., ET AL.*, 361 U. S. 949. Petitions for rehearing denied.

362 U. S.

March 21, 1960.

MARCH 21, 1960.

Miscellaneous Orders.

No. —. *IN RE BRENNER*. George A. Brenner, Esquire, of New York, New York, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 139. *KIMM v. HOY*, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. *Certiorari*, 361 U. S. 807, to the United States Court of Appeals for the Ninth Circuit. The motion to substitute George K. Rosenberg, District Director, Immigration and Naturalization Service, in the place of Richard C. Hoy as the party respondent is granted. *Joseph Forer* for petitioner-movant. Reported below: 263 F. 2d 773.

No. 258. *INTERNATIONAL ASSOCIATION OF MACHINISTS ET AL. v. STREET ET AL.* Appeal from the Supreme Court of Georgia. (Probable jurisdiction noted, 361 U. S. 807.) The motions of Railway Labor Executives' Association and the American Federation of Labor and Congress of Industrial Organizations for leave to file briefs, as *amicus curiae*, are granted. *Clarence M. Mulholland*, *Edward J. Hickey, Jr.* and *James L. Highsaw* for the Railway Labor Executives' Association. *J. Albert Woll*, *Theodore J. St. Antoine* and *Thomas E. Harris* for the American Federation of Labor and Congress of Industrial Organizations. *E. Smythe Gambrell* and *W. Glen Harlan* for individual appellees in opposition.

No. 415, Misc. *JOHNSON v. UTAH*;

No. 602, Misc. *RICHARDSON v. RHAY*, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY; and

No. 658, Misc. *TWEEDY v. TAYLOR*, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

March 21, 1960.

362 U. S.

No. 187. MALOY ET UX. *v.* FIRST FEDERAL SAVINGS & LOAN ASSN. OF WEST PALM BEACH, 361 U. S. 824, 858, 898, 926. The motion for order vacating order denying motion for leave to file a second petition for rehearing is denied. The motion for order directing the District Court of Appeal, Second District of Florida, to recall and vacate mandate, etc., is denied. Petitioners-movants *pro se*.

No. 579, Misc. WYERS *v.* MICHIGAN ET AL.; and

No. 780, Misc. CURNYN *v.* WARDEN, MARYLAND PENITENTIARY, ET AL. Motions for leave to file petitions for writs of certiorari denied.

No. 342, Misc. CLAYTON *v.* CALIFORNIA ET AL. Motion for leave to file petition for writ of certiorari and other relief denied. Petitioner *pro se*. Stanley Mosk, Attorney General of California, and Doris H. Maier, Deputy Attorney General, for respondents.

No. 532, Misc. PARKS, TRUSTEE FOR GULF TRANSPORTATION Co., *v.* JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA. Motion for leave to file petition for writ of prohibition and/or mandamus denied. James E. Ross for petitioner. Eberhard P. Deutsch and Malcolm W. Monroe for B. F. Leaman & Sons, Inc., in opposition.

Certiorari Granted. (See also No. 546, Misc., ante, p. 216.)

No. 668. GOMILLION ET AL. *v.* LIGHTFOOT, MAYOR OF THE CITY OF TUSKEGEE, ET AL. C. A. 5th Cir. Certiorari granted. Robert L. Carter, Fred D. Gray and Arthur D. Shores for petitioners. Thomas B. Hill, Jr. and James J. Carter for respondents. Solicitor General Rankin filed a memorandum for the United States, as *amicus curiae*, in support of petitioners. Reported below: 270 F. 2d 594.

362 U. S.

March 21, 1960.

No. 674. *McPHAUL v. UNITED STATES*. C. A. 6th Cir. Certiorari granted. *Ernest Goodman* and *Geo. W. Crockett, Jr.* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney* and *George B. Searls* for the United States. Reported below: 272 F. 2d 627.

No. 689. *TIMES FILM CORP. v. CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari granted. *Felix J. Bilgrey* for petitioner. *John C. Melaniphy* and *Sidney R. Drebin* for respondents. Reported below: 272 F. 2d 90.

Certiorari Denied.

No. 621. *ZALCMANIS ET AL. v. UNITED STATES*. Court of Claims. Certiorari denied. *Robert H. Law, Jr.* and *Joseph T. Arenson* for petitioners. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: — Ct. Cl. —, 173 F. Supp. 355.

No. 655. *MURRELL v. WHITE*. C. A. 5th Cir. Certiorari denied. *W. O. Murrell, Sr.*, petitioner, *pro se*. *Houston White*, respondent, *pro se*. Reported below: 271 F. 2d 253.

No. 663. *GINSBURG v. GOURLEY, CHIEF JUDGE, U. S. DISTRICT COURT*. C. A. 3d Cir. Certiorari denied. *Paul Ginsburg*, petitioner, *pro se*.

No. 672. *GRUNDLER ET AL. v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. *Herbert E. Rosenberg* and *Edward Norwalk* for petitioners. *Malcolm B. Seawell*, Attorney General of North Carolina, and *Ralph Moody*, Assistant Attorney General, for respondent. Reported below: 251 N. C. 177, 111 S. E. 2d 1.

March 21, 1960.

362 U. S.

No. 669. ALBAUGH *v.* DISTRICT OF COLUMBIA ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *William A. Albaugh*, petitioner, *pro se.* *Chester H. Gray*, *Milton D. Korman* and *Hubert B. Pair* for respondents. Reported below: 106 U. S. App. D. C. 393, 273 F. 2d 518.

No. 675. FRANKENSTEIN ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Dan C. Flanagan* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Rice* and *Robert N. Anderson* for respondent. Reported below: 272 F. 2d 135.

No. 676. SHONGUT ET AL. *v.* GOLDEN. C. A. 2d Cir. Certiorari denied. *Paul Bauman* for petitioners. *Milton M. Eisenberg*, *George A. Elber* and *George Pollack* for respondent. Reported below: 270 F. 2d 238.

No. 691. REYNOLDS METALS CO. *v.* MARTIN ET AL. Supreme Court of Oregon. Certiorari denied. *Gustav B. Margraf* for petitioner. *George W. Mead* for respondents. Reported below: 221 Ore. 86, 342 P. 2d 790.

No. 464, Misc. JONES *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 106 U. S. App. D. C. 227, 271 F. 2d 493.

No. 677. MURYN *v.* NEW YORK CENTRAL RAILROAD Co. C. A. 2d Cir. Certiorari denied. *Herbert K. Kanarek* for petitioner. *Gerald E. Dwyer* for respondent. Reported below: 270 F. 2d 645.

362 U. S.

March 21, 1960.

No. 671. FITZGERALD, TRUSTEE IN BANKRUPTCY, *v.* FIDELITY & DEPOSIT COMPANY OF MARYLAND. C. A. 10th Cir. Certiorari denied. *Winston S. Howard* for petitioner. *Frank E. Horka* for respondent. Reported below: 272 F. 2d 121.

No. 680. HAMRICK, TRUSTEE, *v.* INDIANAPOLIS HUMANE SOCIETY, INC. C. A. 7th Cir. Certiorari denied. *P. Eugene Smith* for petitioner. *William M. Osborn* for respondent. Reported below: 273 F. 2d 7.

No. 681. WEYERHAEUSER STEAMSHIP CO. *v.* YANOW. C. A. 9th Cir. Certiorari denied. *Lasher B. Gallagher* for petitioner. *Ben Anderson* and *Nels Peterson* for respondent. Reported below: 274 F. 2d 274.

No. 682. NORWICH PHARMACAL CO. *v.* STERLING DRUG, INC. C. A. 2d Cir. Certiorari denied. *Lewis C. Ryan*, *Philip T. Seymour* and *George A. Elber* for petitioner. *John T. Cahill* and *James A. Fowler, Jr.* for respondent. Reported below: 271 F. 2d 569.

No. 683. INTERNATIONAL TERMINAL OPERATING CO., INC., *v.* WATERMAN STEAMSHIP CO. C. A. 2d Cir. Certiorari denied. *Lowell Wadmond* for petitioner. *Edward J. Behrens* for respondent. Reported below: 272 F. 2d 15.

No. 684. ROBINSON, ADMINISTRATRIX, *v.* GULF, COLORADO & SANTA FE RAILWAY CO. Court of Civil Appeals of Texas, Second Supreme Judicial District. Certiorari denied. *Henry D. Akin, Jr.* for petitioner. *Luther Hudson* for respondent. Reported below: 325 S. W. 2d 432.

No. 719. EVANS *v.* BRUSSEL ET AL. Supreme Court of Missouri. Certiorari denied. *Anne M. Evans*, petitioner, *pro se.* *Freeman L. Martin* for the City of St. Louis, respondent. Reported below: 330 S. W. 2d 788.

March 21, 1960.

362 U. S.

No. 685. MOHR, DOING BUSINESS AS NATIONAL RESEARCH CO., ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. Certiorari denied. *Murray M. Chotiner* for petitioners. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon, Daniel J. McCauley, Jr. and Alan B. Hobbes* for respondent. Reported below: 272 F. 2d 401.

No. 693. WILLIAMSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Wesley Asinof* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Philip R. Monahan* for the United States. Reported below: 272 F. 2d 495.

No. 673. WILLIAMS ET AL. *v.* COOPERATIVE FARM CHEMICALS ASSOCIATION ET AL. Supreme Court of Kansas. Certiorari denied. MR. JUSTICE WHITTAKER took no part in the consideration or decision of this application. *David Previant* for petitioners. *Carl E. Enggas* for respondents. Reported below: 185 Kan. 410, 345 P. 2d 709.

No. 312, Misc. YOUNG *v.* TEXAS ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

No. 355, Misc. RIVERS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 270 F. 2d 435.

No. 360, Misc. OWENS *v.* MCGEE, DIRECTOR, DEPARTMENT OF CORRECTIONS OF CALIFORNIA, ET AL. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Stanley Mosk, Attorney General of California, and Doris H. Maier, Deputy Attorney General*, for respondents.

362 U. S.

March 21, 1960.

No. 15, Misc. ARRELLANO-FLORES *v.* HOY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Fred Okrand* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *J. F. Bishop* for respondent. Reported below: 262 F. 2d 667.

No. 363, Misc. NEAL *v.* EVENSEN, CLERK, U. S. DISTRICT COURT. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Stanley Mosk, Attorney General of California, Doris H. Maier* and *Raymond M. Mamboisse, Deputy Attorneys General*, for respondent.

No. 455, Misc. EARNSHAW *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States.

No. 469, Misc. CROW *v.* GLADDEN, WARDEN. Supreme Court of Oregon. Certiorari denied.

No. 486, Misc. TORRES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Daniel G. Marshall* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 270 F. 2d 252.

No. 503, Misc. TOWNSEND *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 271 F. 2d 445.

March 21, 1960.

362 U. S.

No. 485, Misc. IN RE BUNDY ET AL. C. A. 9th Cir. Certiorari denied.

No. 510, Misc. O'BRIEN *v.* RAGEN, WARDEN. Criminal Court of Cook County, Illinois. Certiorari denied.

No. 545, Misc. POLUR *v.* KANNER ET AL., CONSTITUTING THE STATE BOARD OF BAR EXAMINERS OF THE STATE OF FLORIDA, ET AL. Supreme Court of Florida. Certiorari denied. Petitioner *pro se.* *Richard W. Ervin*, Attorney General of Florida, *Ralph M. McLane*, Assistant Attorney General, and *Irving W. Wheeler*, Special Assistant Attorney General, for respondents.

No. 550, Misc. CHAVIGNY *v.* FLORIDA. Supreme Court of Florida. Certiorari denied.

No. 558, Misc. LAWLOR ET AL., TRADING AS INDEPENDENT POSTER EXCHANGE, *v.* NATIONAL SCREEN SERVICE CORP. ET AL. C. A. 3d Cir. Certiorari denied. *Francis T. Anderson* for petitioners. *Louis Nizer* and *Walter S. Beck* for National Screen Service Corp., *W. Bradley Ward* and *Edward W. Mullinix* for Columbia Pictures Corp. et al., *Abraham L. Freedman* and *Louis J. Goffman* for Warner Bros. Pictures Distributing Corp., respondents. Reported below: 270 F. 2d 146.

No. 559, Misc. MILLER *v.* TOWN OF SUFFIELD ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 267 F. 2d 783.

No. 563, Misc. BROWN *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 575, Misc. HILL *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *John R. Snively* for petitioner. Reported below: 17 Ill. 2d 112, 160 N. E. 2d 779.

362 U. S.

March 21, 1960.

No. 580, Misc. *BAILLEAUX v. OREGON*. Supreme Court of Oregon. Certiorari denied. Reported below: 218 Ore. 356, 343 P. 2d 1108.

No. 603, Misc. *WILFONG v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 17 Ill. 2d 373, 162 N. E. 2d 256.

No. 691, Misc. *WATSON v. DICKSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 704, Misc. *GALLOWAY v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Reported below: 221 Md. 611, 157 A. 2d 284.

No. 719, Misc. *JOHNSON v. GEORGIA*. Supreme Court of Georgia. Certiorari denied. *James M. Lester* and *William M. Lester* for petitioner. *Eugene Cook*, Attorney General of Georgia, *George Hains*, Solicitor General, and *John T. Ferguson*, Deputy Assistant Attorney General, for respondent. Reported below: 215 Ga. 448, 111 S. E. 2d 45.

No. 10, Misc. *RUEDA v. COLORADO*. Petition for writ of certiorari to the Supreme Court of Colorado denied in the light of the representations by respondent that petitioner has been furnished free transcripts of the lower court proceedings for use in the Supreme Court of Colorado. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, and *John W. Patterson* and *Gerald Harrison*, Assistant Attorneys General, for respondent. Reported below: 141 Colo. 504, 348 P. 2d 958.

March 21, 1960.

362 U. S.

No. 587, Misc. *FILICE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Doub and Morton Hollander* for the United States. Reported below: 271 F. 2d 782.

No. 589, Misc. *JOHNSON, ADMINISTRATOR, v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Doub and Morton Hollander* for the United States. Reported below: 270 F. 2d 488.

No. 590, Misc. *HILL v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 591, Misc. *NEVILLE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Donald McKay* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 272 F. 2d 414.

No. 597, Misc. *SKIBA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 271 F. 2d 644.

No. 628, Misc. *CONERLY v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 669, Misc. *BELL v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

362 U. S.

March 21, 28, 1960.

No. 661, Misc. ARMSTRONG *v.* BANNAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 272 F. 2d 577.

No. 670, Misc. UNITED STATES EX REL. PELIO *v.* MARTIN, WARDEN, ET AL. C. A. 2d Cir. Certiorari denied.

No. 674, Misc. ELKSNIS *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 700, Misc. ADAMS *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 716, Misc. MILLER *v.* TEXAS ET AL. Court of Criminal Appeals of Texas. Certiorari denied.

No. 718, Misc. MAJOR *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Petitioner *pro se.* *George R. Davis* for respondent.

Rehearing Denied.

No. 585. RICHARDSON *v.* BRUNNER, *ante*, p. 902; and

No. 626. FIANO *v.* UNITED STATES, 361 U. S. 964. Petitions for rehearing denied.

MARCH 28, 1960.

Miscellaneous Orders.

No. 405, Misc. HALL *v.* ELLIS, GENERAL MANAGER, TEXAS DEPARTMENT OF CORRECTIONS, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 818, Misc. DELEVAY *v.* BRYAN, U. S. DISTRICT JUDGE, ET AL. Motion for leave to file petition for writ of prohibition and other relief denied.

March 28, 1960.

362 U. S.

No. 366, Misc. *DEVANEY v. COCHRAN*, DIRECTOR, DIVISION OF CORRECTIONS OF FLORIDA; and

No. 831, Misc. *BYRD v. WARDEN*, MARYLAND HOUSE OF CORRECTION. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied. Petitioners *pro se*. *Richard W. Ervin*, Attorney General of Florida, and *B. Clarke Nichols*, Assistant Attorney General, for respondent in No. 366, Misc. Reported below: No. 831, Misc., 222 Md. 597, 158 A. 2d 120.

Certiorari Granted. (See also No. 135, Misc., ante, p. 308, and No. 488, Misc., ante, p. 309.)

No. 703. *WILKINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari granted. *Nanette Dembitz* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Yeagley* and *George B. Searls* for the United States. Reported below: 272 F. 2d 783.

No. 712. *MONROE ET AL. v. PAPE ET AL.* C. A. 7th Cir. Certiorari granted. *Morris L. Ernst*, *Charles Liebman* and *John W. Rogers* for petitioners. *John C. Melaniphy* and *Sydney R. Drebin* for respondents. Reported below: 272 F. 2d 365.

No. 697. *WATERMAN STEAMSHIP CORP. v. DUGAN & McNAMARA, INC.* C. A. 3d Cir. Certiorari granted. *Thomas F. Mount* and *J. Welles Henderson* for petitioner. *George E. Beechwood* for respondent. Reported below: 272 F. 2d 823.

Certiorari Denied. (See also Misc. Nos. 366 and 831, supra.)

No. 684, Misc. *BURD v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

362 U. S.

March 28, 1960.

No. 179. GENERAL OUTDOOR ADVERTISING Co., INC., v. UNITED STATES. Court of Claims. Certiorari denied. *Spaulding Glass* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Heffron, I. Henry Kutz and George F. Lynch* for the United States. Reported below: 145 Ct. Cl. —, 169 F. Supp. 947.

No. 687. HUDSON, ADMINISTRATRIX, v. TRANSOCEAN AIR LINES ET AL. C. A. 9th Cir. Certiorari denied. *Joseph Edward Smith* for petitioner. *Jesse H. Steinhart* for Transocean Air Lines, respondent. Reported below: 272 F. 2d 397.

No. 690. PORTER ET AL. v. OKLAHOMA BACONE COLLEGE TRUST ET AL. Supreme Court of Oklahoma. Certiorari denied. *John W. Porter, Jr.* for petitioners. *Julian B. Fite* for respondents. Reported below: 346 P. 2d 328, 335.

No. 695. SILLIFANT v. SHERIFF OF THE CITY OF NEW YORK. Court of Appeals of New York. Certiorari denied. *Lawrence Peirez* for petitioner. Reported below: 6 N. Y. 2d 487, 160 N. E. 2d 890.

No. 701. SMITH & WESSON, INC., v. COSPER. Supreme Court of California. Certiorari denied. *Albert E. Brault and Denver H. Graham* for petitioner. *Vincent P. Di Giorgio* for respondent. Reported below: 53 Cal. 2d 77, 346 P. 2d 409.

No. 694. CATO BROTHERS, INC., ET AL. v. UNITED STATES. C. A. 4th Cir. Certiorari denied. *A. C. Epps and Charles W. Laughlin* for petitioners. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade and John G. Laughlin, Jr.* for the United States. Reported below: 273 F. 2d 153.

March 28, 1960.

362 U. S.

No. 686. KING, ADMINISTRATRIX, *v.* PAN AMERICAN WORLD AIRWAYS. C. A. 9th Cir. Certiorari denied. *Joseph Edward Smith* for petitioner. *Jesse H. Steinhart* for respondent. Reported below: 270 F. 2d 355.

No. 692. UNITED STATES *v.* WOLFF. C. A. 3d Cir. Certiorari denied. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. *George Gershenfeld* for respondent. Reported below: 270 F. 2d 422.

No. 698. CHAPMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *G. Seals Aiken* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 271 F. 2d 593.

No. 707. HARRIS *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Charles A. Bellows* for petitioner. Reported below: 17 Ill. 2d 446, 161 N. E. 2d 809.

No. 708. MILLER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Charles William Tessmer* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 273 F. 2d 279.

No. 710. AMANA REFRIGERATION, INC., *v.* COLUMBIA BROADCASTING SYSTEM, INC. C. A. 7th Cir. Certiorari denied. *L. M. McBride* and *John P. Ryan, Jr.* for petitioner. *Bruce Bromley*, *Ralph L. McAfee* and *Hammond E. Chaffetz* for respondent. Reported below: 271 F. 2d 257.

DOUGLAS, J., dissenting.

No. 662. MURPHY ET AL. v. BUTLER, AREA SUPERVISOR, PLANT PEST CONTROL DIVISION OF THE AGRICULTURAL RESEARCH SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, ET AL. The motion to substitute a party respondent is withdrawn pursuant to stipulation of counsel. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Roger Hinds* and *Frank C. Mebane, Jr.* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Alan S. Rosenthal* for Butler, and *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for the Commissioner of Agriculture and Markets of the State of New York, respondents. Reported below: 270 F. 2d 419.

MR. JUSTICE DOUGLAS, dissenting.

In my view the issues involved in this case are of such great public importance that I record my dissent to the denial of certiorari.

The petitioners in this case are residents of a heavily populated suburban area in Long Island, New York, who brought an action in 1957 to enjoin respondents, federal and state officials, from carrying out a threatened program of aerial spraying of their lands, homes, gardens and orchards with a mixture of DDT and kerosene designed to eradicate the gypsy moth, an insect injurious to forests. The program is part of a campaign embarked in 1956 by the Department of Agriculture to spray more than 3,000,000 acres of land in 10 States.

Petitioners alleged in their complaint that the threatened spraying was unauthorized by statute and so injurious to health and property as to violate the Fifth and Fourteenth Amendments.

The District Court denied a motion for preliminary injunction on May 24, 1957. 151 F. Supp. 786. Pending trial petitioners' homes, persons and lands received the spray. Respondents then contended that, because

March 28, 1960.

362 U. S.

they had completed the spraying, the request for an injunction had become moot.

At the trial numerous experts testified to the public need for the spraying and the feasible methods available for the eradication of the gypsy moth. Petitioners attempted to adduce evidence that the use of multi-engine airplanes was unnecessary, that their property had not been infested with the moths, and that the use of ground spraying equipment and helicopters was a feasible means of avoiding uninfested areas with the spray.

Expert witnesses testified that the spraying of pastures with the mixture, which consisted of one pound of DDT in one gallon of kerosene base solvent, applied at the rate of one gallon per acre, inevitably produces measurable quantities of DDT in milk from cattle which feed on the pastures, and that crops¹ which have been sprayed by DDT should not be fed to cattle. Nevertheless, dairy farms, pastures, homes, gardens, orchards, swimming pools, and fish ponds received the spray; and in some cases, it seems, they received substantially more than the planned one gallon per acre.

There was evidence that one of the petitioners who sells milk from her dairy had measurable contamination in the milk as late as five months after the spraying, which made its sale illegal under both federal and state regulations.

There was evidence that the vegetables grown by one of the petitioners for family use were rendered inedible and the leaves on some of his vines turned brown, rotted and fell off as a result of the spraying. Another petitioner, who spent \$13,000 developing her land for chemical-free food production, testified that after the planes came over her plants were damaged and the fruit was withered, making it inedible. Several other petitioners complained that their fruits, vegetables and berries were made unfit to eat.

¹ See Grass, Yearbook of Agriculture, 1948, U. S. D. A., p. 278.

Fish owned by two of the petitioners were said to have been killed by the spray; and dead birds were also reported. Predatory insects were also said to have been destroyed and as a result the quantity of red spiders and other pests increased. There was evidence that clothing was spotted and even ruined and that children coughed from the spraying and their eyes watered.

The extent of the danger of DDT to human health was a matter of sharp dispute among the numerous expert witnesses in the case. The testimony on many facets of this issue was extensive and elaborate. Yet the District Court made only one finding on the subject. It found: "The spraying program, which is the subject of this action, at the rate of one pound of DDT per gallon of solvent per acre, is not injurious to human health." No more specific findings were made on the matter and *the court refused to make any findings on the spray's effect on milk, fruits, vegetables or other crops or products*. Its only other finding on the issue of injury was that the spray "does not cause any considerable loss of birds, fish, bees or beneficial insects."

The complaint was dismissed on the ground, *inter alia*, that there was no proof of damages or that further spraying with airplanes was a likelihood. 164 F. Supp. 120.

The Court of Appeals, without reaching the merits, vacated the decision of the District Court with directions to dismiss on the ground of mootness. 270 F. 2d 419. It held that respondents' evidence that another wholesale spraying operation was unlikely precluded the petitioners from obtaining an injunction.² The respondents did

² The Court of Appeals remarked that in the event of a possible recurrence of spraying in the area, "it would seem well to point out the advisability for a district court, faced with a claim concerning aerial spraying or any other program which may cause inconvenience and damage as widespread as this 1957 spraying appears to have caused, to inquire closely into the methods and safeguards of any proposed procedures so that incidents of the seemingly unnecessary

March 28, 1960.

362 U. S.

not, however, give positive assurance that they would not spray the area again if it became necessary. In fact, it was indicated that if studies reveal that the eradication was not complete, respondents will resort to further poisoning, though perhaps only local in nature and possibly with different equipment. The program clearly was not abandoned.

In other cases we have held that the cessation of the activity complained of did not render the case moot, *e. g.*, *United States v. W. T. Grant Co.*, 345 U. S. 629, 632, and if future activity of the nature complained of is feared, the courts are not impotent to fashion a remedy which minimizes any injury from a recurrence of the practice.

The public interest in this controversy is not confined to a community in New York. Respondents' spraying program is aimed at millions of acres of land throughout the Eastern United States. Moreover, the use of DDT in residential areas and on dairy farms is thought by many to present a serious threat to human health as evidenced by the record in this case as well as alarms sounded by others on the problem. The need for adequate findings on the effect of DDT is of vital concern not only to wildlife conservationists and owners of domestic animals but to all who drink milk or eat food from sprayed gardens.

We are told by the scientists that DDT is an insoluble that cows get from barns and fields that have been sprayed with it. The DDT enters the milk and becomes stored by people in the fatty tissues of the body.³ Because it is a potential menace to health the Food and Drug

and unfortunate nature here disclosed, may be reduced to a minimum, assuming, of course, that the government will have shown such a program to be required in the public interest." 270 F. 2d, at 421, n. 1.

³ See Marth and Ellickson, *Insecticide Residues in Milk and Milk Products*, 22 *J. Milk and Food Technology*, 112, 145, 179. For an extensive bibliography see *id.*, pp. 148-149, 181.

Administration maintains that any DDT in milk in interstate commerce is illegal.⁴

The effect of DDT on birds and on their reproductive powers and on other wildlife,⁵ the effect of DDT as a factor in certain types of disease in man such as poliomyelitis, hepatitis, leukemia and other blood disorders,⁶ the mounting sterility among our bald eagles⁷ have led to increasing concern in many quarters⁸ about the wisdom

⁴ There has been no formal regulation governing DDT in milk. By informal rulings however there can be no DDT in milk. For proposed regulations on other pesticide chemicals see 23 Fed. Reg. 324 (Jan. 1958); 23 Fed. Reg. 976 (Feb. 1958).

⁵ DeWitt, H-Bomb in the Garden Patch, No. Car. Wildlife, Sept. 1957, p. 4; Springer, Insecticides, Boon or Bane? 58 Audubon Mag. 128, 176; Strother, Backfire in the War Against Insects, Reader's Digest, June 1959, p. 64.

⁶ Biskind, Public Health Aspects of the New Insecticides, 20 Am. J. Digestive Diseases (1953), p. 331; Longgood, Pesticides Poison Us, American Mercury, July 1958, p. 33.

⁷ N. Y. Times, Sept. 13, 1958, p. 21.

⁸ See the comments by Congressman Lee Metcalf, Cong. Rec. App., March 18, 1959, A2375, Sept. 2, 1959, pp. 16300-16301. Congressman Metcalf said:

"We all know of plant or wildlife loss from chemical controls--such as the death of fish in Montana trout streams in areas sprayed by DDT; the virtual wiping out of quail and rabbit populations in two areas treated with heptachlor in the South. Considerable damage to valuable fish and wildlife resources has occurred unnecessarily because chemicals were applied without sufficient knowledge of accepted procedures or without full regard to the consequences."

Rachel Carson wrote in *The Washington Post*, April 10, 1959, p. A12:

"During the past 15 years, the use of highly poisonous hydrocarbons and of organic phosphates allied to the nerve gases of chemical warfare has built up from small beginnings to what a noted British ecologist recently called 'an amazing rain of death upon the surface of the earth.' Most of these chemicals leave long-persisting residues on vegetation, in soils, and even in the bodies of earthworms and other organisms on which birds depend for food.

"The key to the decimation of the robins, which in some parts of

March 28, 1960.

362 U. S.

of the use of this and other insecticides. The alarms that many experts and responsible officials have raised about the perils of DDT underline the public importance of this case.

the country already amounts to virtual extinction, is their reliance on earthworms as food. The sprayed leaves with their load of poison eventually fall to become part of the leaf litter of the soil; earthworms acquire and store the poisons through feeding on the leaves; the following spring the returning robins feed on the worms. As few as 11 such earthworms are a lethal dose, a fact confirmed by careful research in Illinois.

"The death of the robins is not mere speculation. The leading authority on this problem, Professor George Wallace of Michigan State University, has recently reported that 'Dead and dying robins, the latter most often found in a state of violent convulsions, are most common in the spring, when warm rains bring up the earthworms, but birds that survive are apparently sterile or at least experience nearly complete reproductive failure.'

"The fact that doses that are sub-lethal may yet induce sterility is one of the most alarming aspects of the problem of insecticides. The evidence on this point, from many highly competent scientists, is too strong to question. It should be weighed by all who use the modern insecticides, or condone their use.

"I do not wish to leave the impression that only birds that feed on earthworms are endangered. To quote Professor Wallace briefly: 'Tree-top feeders are affected in an entirely different way, by insect shortages, or actual consumption of poisoned insects Birds that forage on trunks and branches are also affected, perhaps mostly by the dormant sprays.' About two-thirds of the bird species that were formerly summer residents in the area under Professor Wallace's observation have disappeared entirely or are sharply reduced.

"To many of us, this sudden silencing of the song of birds, this obliteration of the color and beauty and interest of bird life, is sufficient cause for sharp regret. To those who have never known such rewarding enjoyment of nature; there should yet remain a nagging and insistent question: If this 'rain of death' has produced so disastrous an effect on birds, what of other lives, including our own?"

The article by Dr. George J. Wallace referred to is *Insecticides and Birds*, Audubon Mag. Jan.-Feb. 1959, p. 10. See also *The Halogenated Hydrocarbons Toxicity and Potential Dangers* (U. S. Dept. Health, Education and Welfare 1955) pp. 335 *et seq.*

362 U. S.

March 28, 1960.

I express no views on the merits of this particular controversy. Nor do I now take a position on the issue of mootness. But I do believe that the questions tendered are extremely significant and justify review by this Court.

No. 713. *VASSOS v. SOCIETA TRANS-OCEANICA CANOPUS, S. A., ET AL.* C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *Victor S. Cichanowicz* for respondents. Reported below: 272 F. 2d 182.

No. 716. *MACRIS v. SOCIEDAD MARITIMA SAN NICOLAS, S. A., ET AL.* C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *John H. Dougherty* for respondents. Reported below: 271 F. 2d 956.

No. 696. *FEDERAL BROADCASTING SYSTEM, INC., v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* The motion for leave to use prior record is granted. The motion to perfect the record and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *Charles F. O'Neill* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon, John L. FitzGerald, Max D. Paglin and Ruth V. Reel* for the Federal Communications Commission, *Thomas H. Wall* for WHEC, Inc., and *Frank U. Fletcher* for Veterans Broadcasting Co., Inc., respondents. Reported below: 106 U. S. App. D. C. 162, 270 F. 2d 914.

No. 370, Misc. *YORK v. FLORIDA.* District Court of Appeal of Florida, First Appellate District. Certiorari denied. Petitioner *pro se.* *Richard W. Ervin*, Attorney General of Florida, *George R. Georgieff* and *Joseph Nesbitt*, Assistant Attorneys General, for respondent. Reported below: 114 So. 2d 448.

March 28, 1960.

362 U. S.

No. 732. LOCAL UNIONS NOS. 189, 262, 320, 546, 547, 571 AND 638, AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, AFL-CIO, ET AL. *v.* JEWEL TEA CO., INC. C. A. 7th Cir. Certiorari denied. *Lester Asher, Bernard Dunau and Robert C. Eardley* for petitioners. *George B. Christensen* for respondent. Reported below: 274 F. 2d 217.

No. 704. CAUDLE *v.* UNITED STATES; and

No. 705. CONNELLY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. MR. JUSTICE CLARK and MR. JUSTICE WHITTAKER took no part in the consideration or decision of these applications. *John J. Hooker, Eugene Gressman and C. Arthur Anderson* for petitioner in No. 704. *Jacob M. Lashly, John H. Lashly, Paul B. Rava and Alan Y. Cole* for petitioner in No. 705. *Solicitor General Rankin, Assistant Attorney General Wilkey and Kirby W. Patterson* for the United States. Reported below: 271 F. 2d 333.

No. 502, Misc. SHAPIRO *v.* JOSEPHSON ET AL. Supreme Court of New York, New York County. Certiorari denied.

No. 574, Misc. JAKALSKI *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 267 F. 2d 609.

No. 671, Misc. NANCE *v.* WARDEN, MARYLAND PENITENTIARY, ET AL. Court of Appeals of Maryland. Certiorari denied.

362 U. S.

March 28, 1960.

No. 513, Misc. JOHNSON ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 270 F. 2d 721.

No. 584, Misc. MCGLOIN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Lawrence Speiser* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

No. 422, Misc. LONGSTRETH *v.* MCGEE, DIRECTOR OF CORRECTIONS, ET AL. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. *Arthur L. Johnson* for petitioner.

Rehearing Denied.

No. 40. PHILLIPS CHEMICAL Co. *v.* DUMAS INDEPENDENT SCHOOL DISTRICT, 361 U. S. 376;

No. 43. FORMAN *v.* UNITED STATES, 361 U. S. 416;

No. 633. WRIGHT *v.* OHIO, 361 U. S. 964;

No. 648. CHAN WING CHEUNG, ALIAS BILL WOO, *v.* HAGERTY, OFFICER IN CHARGE, U. S. IMMIGRATION AND NATURALIZATION SERVICE, *ante*, p. 911;

No. 490, Misc. RYAN *v.* TINSLEY, WARDEN, 361 U. S. 538;

No. 538, Misc. FLORES *v.* ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS, ET AL., 361 U. S. 972; and

No. 649, Misc. COLLINS *v.* DICKSON, WARDEN, 361 U. S. 957. Petitions for rehearing denied.

April 1, 4, 1960.

362 U. S.

APRIL 1, 1960.

Dismissal Under Rule 60.

No. 213. *LEGERLOTZ v. ROGERS, ATTORNEY GENERAL*. Certiorari, 361 U. S. 808, to the United States Court of Appeals for the District of Columbia Circuit. Writ of certiorari dismissed pursuant to stipulation of counsel under Rule 60 of the Rules of this Court. *Robert H. Reiter* for petitioner. *Solicitor General Rankin* for respondent. Reported below: 105 U. S. App. D. C. 256, 266 F. 2d 457.

APRIL 4, 1960.

Miscellaneous Orders.

No. 208. *RICHARDSON v. FEDERAL POWER COMMISSION*. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. The motion to substitute John B. Connally, Perry R. Bass, and Howell E. Smith, Independent Executors of the Estate of S. W. Richardson, deceased, as the party petitioners in the place of S. W. Richardson is granted. *Gene M. Woodfin* on the motion. Reported below: 266 F. 2d 233.

No. 631. *POLITES v. UNITED STATES*. Certiorari, 361 U. S. 958, to the United States Court of Appeals for the Sixth Circuit. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is granted. *Geo. W. Crockett, Jr.* for petitioner. Reported below: 272 F. 2d 709.

No. 629, Misc. *KENNELLY v. CALIFORNIA ET AL.*; and No. 709, Misc. *STURDEVANT v. SETTLE, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

362 U. S.

April 4, 1960.

No. 297. GREAT NORTHERN RAILWAY Co. v. UNITED STATES ET AL. Appeal from the United States District Court for the District of Minnesota. (Probable jurisdiction noted, 361 U. S. 860.) Upon the joint motion of counsel suggesting mootness the judgment of the District Court is vacated and the case is remanded to that Court with instructions to dismiss the complaint as moot. *Solicitor General Rankin, Robert W. Ginnane, Louis E. Torinus, Jr. and Samuel J. Wettrick* were on the joint motion. Reported below: 172 F. Supp. 705.

Certiorari Granted. (See also No. 316, ante, p. 329.)

No. 650. UNITED STATES v. MISSISSIPPI VALLEY GENERATING Co. Court of Claims. *Certiorari granted.* *Solicitor General Rankin, Oscar H. Davis and Samuel D. Slade* for the United States. *John T. Cahill, William C. Chanler and Robert G. Zeller* for respondent. Reported below: — Ct. Cl. —, 175 F. Supp. 505.

No. 664. REINA v. UNITED STATES. C. A. 2d Cir. *Certiorari granted.* *Allen S. Stim and Menahem Stim* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Robert S. Erdahl and J. F. Bishop* for the United States. Reported below: 273 F. 2d 234.

No. 752. CALLANAN v. UNITED STATES. C. A. 8th Cir. *Certiorari granted.* *Morris A. Shenker and Sidney M. Glazer* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 274 F. 2d 601.

No. 733. THOMAS, EXECUTOR, v. VIRGINIA. Circuit Court of Arlington County, Virginia. *Certiorari granted.* *Cornelius Doherty* for petitioner. *A. S. Harrison, Jr., Attorney General of Virginia, and John W. Knowles, Assistant Attorney General,* for respondent.

April 4, 1960.

362 U. S.

Certiorari Denied.

No. 57. INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE 942, AFL-CIO, *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Plato E. Papps* and *Bernard Dunau* for petitioner. *Solicitor General Rankin, Jerome D. Fenton, Thomas J. McDermott, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 263 F. 2d 796.

No. 711. McMILLON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Bernard A. Golding* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 272 F. 2d 170.

No. 714. ERICKSON, DOING BUSINESS AS ERICKSON HAIR AND SCALP SPECIALISTS, *v.* FEDERAL TRADE COMMISSION. C. A. 7th Cir. Certiorari denied. *Frank E. Gettleman* and *Arthur Gettleman* for petitioner. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon, Daniel J. McCauley, Jr.* and *Alan B. Hobbes* for respondent. Reported below: 272 F. 2d 318.

No. 715. THOMPSON ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Bernard A. Golding* for petitioners. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Robert G. May-sack* for the United States. Reported below: 272 F. 2d 919.

No. 718. SPARRENBERGER, TRUSTEE IN BANKRUPTCY, *v.* NATIONAL CITY BANK OF EVANSVILLE, INDIANA. C. A. 7th Cir. Certiorari denied. *William L. Mitchell* for petitioner. *Isidor Kahn* for respondent. Reported below: 272 F. 2d 696.

362 U. S.

April 4, 1960.

No. 723. ROSE ET AL. *v.* HARRIETT COTTON MILLS ET AL. Supreme Court of North Carolina. Certiorari denied. *Benjamin Wyle* and *W. M. Nicholson* for petitioners. *Bennett H. Perry*, *Charles P. Green* and *Robert G. Kittrell, Jr.* for respondents. Reported below: 251 N. C. 218, 231, 248, 254, 335; 111 S. E. 2d 457, 465, 467, 480, 484.

No. 724. SEABOARD MACHINERY CORP. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Leo L. Foster*, *Charles M. Trammell* and *Bert B. Rand* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Morton Hollander* for the United States. Reported below: 270 F. 2d 817.

No. 725. POLICE JURY OF PLAQUEMINES PARISH ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Leander H. Perez* for Police Jury of Plaquemines Parish, and *Henry B. Curtis* for National Surety Corporation, petitioners. *Solicitor General Rankin*, *Assistant Attorney General Morton* and *Roger P. Marquis* for the United States. Reported below: 272 F. 2d 827.

No. 727. KENNEDY *v.* MICHIGAN. Supreme Court of Michigan. Certiorari denied. *George S. Fitzgerald* for petitioner.

No. 728. R. P. FARNSWORTH & Co., INC., *v.* TRI-STATE CONSTRUCTION Co. ET AL. C. A. 5th Cir. Certiorari denied. *R. Emmett Kerrigan* for petitioner. *William H. Schroder* for Tri-State Construction Co., and *John B. Miller* for American Houses, Inc., respondents. Reported below: 271 F. 2d 728.

No. 459, Misc. COOKE *v.* NEW YORK. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* for respondent.

April 4, 1960.

362 U. S.

No. 745. *INSULL v. NEW YORK WORLD-TELEGRAM CORP. ET AL.* C. A. 7th Cir. Certiorari denied. *Floyd E. Thompson* and *John J. Crown* for petitioner. *Howard Ellis, Don H. Reuben* and *Perry S. Patterson* for respondents. Reported below: 273 F. 2d 166.

No. 755. *RIEDEL v. ATLAS VAN LINES, INC., ET AL.* C. A. 8th Cir. Certiorari denied. *Dick H. Woods* for petitioner. *Frank C. Mann* and *John R. Caslavka* for respondents. Reported below: 272 F. 2d 901.

No. 428, Misc. *BURGOS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Daniel H. Greenberg* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 269 F. 2d 763.

No. 588, Misc. *KITCHENS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Rice* and *Meyer Rothwacks* for the United States. Reported below: 272 F. 2d 757.

No. 600, Misc. *WHITTINGTON v. PEGELOW, SUPERINTENDENT, DISTRICT OF COLUMBIA REFORMATORY, ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General Ryan* and *Harold H. Greene* for respondents. Reported below: 271 F. 2d 416.

No. 737, Misc. *ROSS v. RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY.* Supreme Court of Washington. Certiorari denied.

362 U. S.

April 4, 1960.

No. 750. VAUGHN *v.* ST. LOUIS-SAN FRANCISCO RAILWAY Co. Supreme Court of Mississippi. Certiorari denied. *Frank E. Everett, Jr.* for petitioner. *C. R. Bolton, D. W. Houston, Sr., James L. Homire* and *Walter W. Dalton* for respondent. Reported below: 237 Miss. 371, 115 So. 2d 62.

No. 304, Misc. BRANDON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Philip R. Monahan* for the United States. Reported below: 106 U. S. App. D. C. 118, 270 F. 2d 311.

No. 413, Misc. WRIGHT *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se.* *Grenville Beardsley, Attorney General of Illinois,* and *William C. Wines, Assistant Attorney General,* for respondent.

No. 426, Misc. RICE *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 106 U. S. App. D. C. 135, 270 F. 2d 328.

No. 465, Misc. LYLES *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: — U. S. App. D. C. —, — F. 2d —.

April 4, 1960.

362 U. S.

No. 568, Misc. *WHALEN v. PENNSYLVANIA*. Supreme Court of Pennsylvania. Certiorari denied.

No. 607, Misc. *BRATTON v. DOWD, WARDEN*. Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 162 N. E. 2d 444.

No. 609, Misc. *DEFREESE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Arthur D. Herrick* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and William J. Risteau* for the United States. Reported below: 270 F. 2d 737.

No. 610, Misc. *DEFREESE ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and William J. Risteau* for the United States. Reported below: 270 F. 2d 730.

No. 626, Misc. *WILLIAMS v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 675, Misc. *JANIEC v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied.

No. 539, Misc. *JONES v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 106 U. S. App. D. C. 228, 271 F. 2d 494.

362 U. S.

April 4, 18, 1960.

Rehearing Denied.

No. 60. *ARNOLD v. BEN KANOWSKY, INC.*, 361 U. S. 388;

No. 613. *THE DEUTSCH COMPANY v. NATIONAL LABOR RELATIONS BOARD*, 361 U. S. 963;

No. 627. *MONDAY v. UNITED STATES*, 361 U. S. 965; and

No. 635. *SLUSARZ v. CYGAN*, 361 U. S. 964. Petitions for rehearing denied.

APRIL 18, 1960.

Miscellaneous Orders.

No. 8. *SCALES v. UNITED STATES*. The order of June 29, 1959, 360 U. S. 924, setting this case for reargument is amended so as to allot one hour to each side for oral argument.

No. 342. *NOSTRAND ET AL. v. BALMER ET AL., AS THE BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON, ET AL.* Appeal from the Supreme Court of Washington. (Probable jurisdiction noted, 361 U. S. 873.) The motion to substitute Herbert Little as a party appellee in the place of Thomas Balmer, deceased, is granted. *John J. O'Connell*, Attorney General of Washington, on the motion.

No. 537. *COMMUNIST PARTY OF THE UNITED STATES v. SUBVERSIVE ACTIVITIES CONTROL BOARD*. The order of February 5, 1960, 361 U. S. 951, granting the petition for writ of certiorari is amended so as to allot two hours to each side for oral argument.

No. 592, Misc. *LARSEN v. HALBERT*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and other relief denied.

April 18, 1960.

362 U. S.

No. 765. *McNEAL v. CULVER, STATE PRISON CUSTODIAN*. Certiorari, 362 U. S. 910, to the Supreme Court of Florida. The motion of the petitioner for the appointment of counsel is granted and it is ordered that *Sam Daniels, Esquire*, of Miami, Florida, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 697, Misc. *WHITENER v. MANNING, WARDEN*; and

No. 705, Misc. *LIVESAY v. ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. Motions for leave to file petitions for writs of habeas corpus denied. *James P. Harrelson, Alex Akerman, Jr. and Roscoe Pickett* for petitioner in No. 697, Misc.

No. 581, Misc. *LEREA v. COCHRAN, DIRECTOR, DIVISION OF CORRECTIONS*;

No. 652, Misc. *WHITING v. SACKS, WARDEN*; and

No. 692, Misc. *DUKE v. ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied. *Richard W. Ervin*, Attorney General of Florida, and *Reeves Bowen*, Assistant Attorney General, for respondent in No. 581, Misc. Reported below: 115 So. 2d 545.

No. 823, Misc. *RITTER, CHIEF JUDGE, U. S. DISTRICT COURT, v. MURRAH, CHIEF JUDGE, ET AL., CONSTITUTING THE JUDICIAL COUNCIL OF THE TENTH CIRCUIT OF THE UNITED STATES*. Motion for leave to file petition for writ of certiorari or alternatively for a writ of mandamus denied. *Frederick Bernays Wiener, Norman M. Littell, Dennis McCarthy* and *Charles J. Alexander* for petitioner. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis* and *Harold S. Harrison* for respondents. Reported below: 273 F. 2d 30.

362 U. S.

April 18, 1960.

No. 542, Misc. BLACK *v.* UNITED STATES ET AL.;

No. 586, Misc. McDANIEL *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO ET AL.;

No. 637, Misc. McDANIEL *v.* CALIFORNIA ADULT AUTHORITY ET AL.; and

No. 648, Misc. IN RE WILSON. Motions for leave to file petitions for writs of mandamus denied. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for the Controller of the State of California, respondent in No. 648, Misc.

Certiorari Granted. (See also No. 760, *ante*, p. 401, and No. 504, Misc., *ante*, p. 402.)

No. 757. UNITED STATES *v.* VIRGINIA ELECTRIC & POWER Co. C. A. 4th Cir. *Certiorari granted.* *Solicitor General Rankin*, *Assistant Attorney General Morton*, *Roger P. Marquis* and *Harold S. Harrison* for the United States. *George D. Gibson*, *Ralph H. Ferrell, Jr.* and *Francis V. Lowden, Jr.* for respondent. Reported below: 270 F. 2d 707.

No. 758. EASTERN RAILROAD PRESIDENTS CONFERENCE ET AL. *v.* NOERR MOTOR FREIGHT, INC., ET AL. C. A. 3d Cir. *Certiorari granted.* *C. Brewster Rhoads*, *Philip Price*, *Hugh B. Cox*, *Cornelius C. O'Brien, Jr.*, *Arthur Littleton*, *Henry S. Drinker*, *Charles J. Biddle*, *Harry E. Sprogell*, *Lewis M. Stevens*, *T. W. Pomeroy, Jr.*, *Paul Maloney*, *Carl E. Glock*, *R. Sturgis Ingersoll* and *Powell Pierpoint* for petitioners. *Aaron M. Fine* and *Harold E. Kohn* for respondents. Reported below: 273 F. 2d 218.

No. 729. SMALL BUSINESS ADMINISTRATION *v.* McCLELLAN, TRUSTEE. C. A. 10th Cir. *Certiorari granted.* *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Morton Hollander* for petitioner. *John Q. Royce* for respondent. Reported below: 272 F. 2d 143.

April 18, 1960.

362 U. S.

No. 748. FEDERAL POWER COMMISSION *v.* TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.; and

No. 749. NATIONAL COAL ASSOCIATION ET AL. *v.* TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and a total of two hours allotted for oral argument. The motion of the Southern California Gas Company et al. for leave to file brief, as *amici curiae*, in No. 748 is granted. *Solicitor General Rankin, Assistant Attorney General Doub, Samuel D. Slade, Willard W. Gatchell, Howard S. Wahrenbrock, Robert L. Russell and David J. Bardin* for petitioner in No. 748. *Jerome J. McGrath, Robert M. Landis, Robert E. Lee Hall and Welly K. Hopkins* for petitioners in No. 749. *Richard J. Connor, John T. Miller, Jr., James B. Henderson and William N. Bonner, Jr.* for Transcontinental Gas Pipe Line Corp., *Seymour B. Quel and Francis I. Howley* for the City of New York, and *Randall J. LeBoeuf, Jr.* for Consolidated Edison Co., respondents. Briefs of *amici curiae*, in support of the petition in No. 748, were filed by *William M. Bennett* for the State of California and the Public Utilities Commission of the State of California, and by *T. J. Reynolds, Harry P. Letton, Jr., L. T. Rice, Henry F. Lippitt 2d, Milford Springer, Joseph R. Rensch and J. David Mann, Jr.* for the Southern California Gas Co. et al. Reported below: 271 F. 2d 942.

No. 756. SYSTEM FEDERATION No. 91, RAILWAY EMPLOYEES' DEPARTMENT, AFL-CIO, ET AL. *v.* WRIGHT ET AL. C. A. 6th Cir. Certiorari granted. MR. JUSTICE STEWART took no part in the consideration or decision of this application. *Robert E. Hogan and Richard R. Lyman* for petitioners. *John P. Sandidge, H. G. Bretz, W. L. Grubbs and Joseph L. Lenihan* for respondent

362 U. S.

April 18, 1960.

Louisville & Nashville Railroad Co., and *Marshall P. Eldred* for other respondents. Reported below: 272 F. 2d 56.

No. 596, Misc. *GREEN v. UNITED STATES*. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted limited to question No. 3 presented by the petition which reads as follows:

"3. Whether the judgment was invalidated where the court did not offer the petitioner an opportunity to speak before sentence was imposed."

Case transferred to the appellate docket.

Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Felicia Dubrovsky* for the United States. Reported below: 273 F. 2d 216.

Certiorari Denied. (See also No. 772, Misc., ante, p. 403, and Misc. Nos. 581, 652 and 692, supra.)

No. 632. *BJORSON v. UNITED STATES*. C. A. 9th Cir. *Certiorari denied*. *Hayden C. Covington* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 272 F. 2d 244.

No. 688. *IN RE CROW*. Supreme Court of Ohio. *Certiorari denied*. Petitioner *pro se*. *Phillip K. Folk* for respondents.

No. 730. *KICAK v. OHIO*. Supreme Court of Ohio. *Certiorari denied*. Petitioner *pro se*. *Thomas Beil* for respondent.

No. 731. *CARLIN, ADMINISTRATRIX, v. IOVINO ET AL.* C. A. 2d Cir. *Certiorari denied*. *John R. Sheneman* for petitioner. Reported below: 274 F. 2d 41.

April 18, 1960.

362 U. S.

No. 734. *WOLFE ET AL. v. NATIONAL LEAD CO.* C. A. 9th Cir. Certiorari denied. *Carl Hoppe* and *Robert B. Harmon* for petitioners. *Robert E. Burns, Milton Handler* and *John B. Henrich* for respondent. Reported below: 272 F. 2d 867.

No. 736. *TUCKER v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. *John R. Snively* for petitioner. Reported below: 18 Ill. 2d 103, 163 N. E. 2d 510.

No. 737. *STEIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *William H. Neblett* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 271 F. 2d 895.

No. 738. *KIEKHAEFER CORPORATION v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. *James I. Poole* and *Herbert P. Wiedemann* for petitioner. Reported below: 273 F. 2d 314.

No. 739. *HERTZBERG, TRUSTEE, v. ASSOCIATES DISCOUNT CORP.* C. A. 6th Cir. Certiorari denied. *Richard L. Wolk* for petitioner. *John L. Carey* for respondent. Reported below: 272 F. 2d 6.

No. 746. *HELMIG v. JONES ET AL.* C. A. 3d Cir. Certiorari denied. *Paul Ginsburg* for petitioner. Reported below: 271 F. 2d 414.

No. 761. *ITTER, CHIEF JUDGE, U. S. DISTRICT COURT, v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Norman M. Littell, Frederick Bernays Wiener, Dennis McCarthy* and *Charles J. Alexander* for petitioner. *Solicitor General Rankin, Assistant Attorney General Morton, Roger P. Marquis* and *Harold S. Harrison* for the United States. Reported below: 273 F. 2d 30.

362 U. S.

April 18, 1960.

No. 747. *HORNE v. WOOLEVER*. Supreme Court of Ohio. Certiorari denied. *Thomas F. Butler, Jr.* and *Milton Boesel* for petitioner. Reported below: 170 Ohio St. 178, 163 N. E. 2d 378.

No. 754. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *William H. Neblett* for petitioners. Reported below: 273 F. 2d 781.

No. 759. *JOHNSON ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Wayne E. Ripley* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 273 F. 2d 33.

No. 762. *BURTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Lavine* and *Arthur Sherman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 272 F. 2d 473.

No. 773. *J. A. EDWARDS & Co., INC., v. PETER REISS CONSTRUCTION Co., INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Irving Levine* for petitioner. *David Morgulas* for respondents. Reported below: 273 F. 2d 880.

No. 774. *J. A. EDWARDS & Co., INC., v. THOMPSON CONSTRUCTION CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Irving Levine* for petitioner. *Joseph Edward Davey, Jr.* for respondents. Reported below: 273 F. 2d 873.

No. 787. *CITY OF EAST DETROIT ET AL. v. DETROIT EDISON Co.* C. A. 6th Cir. Certiorari denied. *Robert E. Childs* for petitioners. *Harvey A. Fischer* for respondent. Reported below: 272 F. 2d 410.

April 18, 1960.

362 U. S.

No. 771. WALDER ET AL. *v.* PARAMOUNT PUBLIX CORP. ET AL. C. A. 2d Cir. Certiorari denied. *Claudia Pearlman* and *Edgar A. Buttle* for petitioners. *John F. Caskey*, *Myles J. Lane*, *E. Compton Timberlake* and *Leonard Kaufman* for respondents. Reported below: 272 F. 2d 349.

No. 776. CAIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Grove Stafford* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 274 F. 2d 598.

No. 793. SINCLAIR OIL & GAS CO. *v.* MASTERTON ET AL. C. A. 5th Cir. Certiorari denied. *Nat J. Harben* and *Angus A. Davidson* for petitioner. *D. H. Culton* for respondents. Reported below: 271 F. 2d 310.

No. 536, Misc. HULETT *v.* SIGLER, WARDEN. Supreme Court of Nebraska. Certiorari denied. Petitioner *pro se*. *Clarence S. Beck*, Attorney General of Nebraska, and *Clarence A. H. Meyer*, Deputy Attorney General, for respondent.

No. 543, Misc. COSTNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 271 F. 2d 261.

No. 554, Misc. SIIRONEN *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Will Wilson*, Attorney General of Texas, and *Riley Eugene Fletcher* and *Houghton Brownlee, Jr.*, Assistant Attorneys General, for respondent.

362 U. S.

April 18, 1960.

No. 436, Misc. *JEFFERSON v. ADAMS, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se*. *W. W. Barron*, Attorney General of West Virginia, and *Fred H. Caplan*, Assistant Attorney General, for respondent.

No. 489, Misc. *NOLAN v. NASH, WARDEN*. Supreme Court of Missouri. Certiorari denied. Petitioner *pro se*. *John M. Dalton*, Attorney General of Missouri, and *Calvin K. Hamilton*, Assistant Attorney General, for respondent.

No. 508, Misc. *MUMMIAMI v. NEW YORK STATE BOARD OF PAROLE*. Court of Appeals of New York. Certiorari denied. *Martin Brickman* for petitioner. Reported below: 7 N. Y. 2d 756, 162 N. E. 2d 757.

No. 512, Misc. *IN RE BLAKESLEE*. Supreme Court of Montana. Certiorari denied. Petitioner *pro se*. *Forrest H. Anderson*, Attorney General of Montana, *William F. Crowley*, First Assistant Attorney General, and *Thomas J. Hanrahan*, Assistant Attorney General, for the State of Montana, respondent. Reported below: 135 Mont. 603, 343 P. 2d 564.

No. 569, Misc. *ROBERTS v. PEPERSACK, WARDEN*. Court of Appeals of Maryland. Certiorari denied. Reported below: 221 Md. 576, 155 A. 2d 891.

No. 611, Misc. *WHITTINGTON v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

April 18, 1960.

362 U. S.

No. 601, Misc. *DOBSON v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. Petitioner *pro se*. *C. Ferdinand Sybert*, Attorney General of Maryland, and *James H. Norris, Jr.*, Special Assistant Attorney General, for respondent. Reported below: 220 Md. 689, 154 A. 2d 921.

No. 612, Misc. *McCORMICK v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 613, Misc. *ZIZZO v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 614, Misc. *SMITH ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 272 F. 2d 228.

No. 617, Misc. *FAUBERT v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 621, Misc. *BANKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

No. 622, Misc. *MORRISON v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Joseph J. Rose*, Assistant Attorney General, for respondents.

No. 634, Misc. *UNITED STATES EX REL. HELWIG v. MARONEY, SUPERINTENDENT, WESTERN STATE PENITENTIARY*. C. A. 3d Cir. Certiorari denied. Reported below: 271 F. 2d 329.

362 U. S.

April 18, 1960.

No. 616, Misc. SIMS *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 619, Misc. EPHRAIM *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. Reported below: 17 Ill. 2d 527, 162 N. E. 2d 431.

No. 620, Misc. HOLLOWAY *v.* CONNECTICUT. Supreme Court of Errors of Connecticut. Certiorari denied. Reported below: 147 Conn. 22, 156 A. 2d 466.

No. 623, Misc. KILDARE *v.* JACKSON, WARDEN, ET AL. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Petitioner *pro se.* *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondents. Reported below: 8 App. Div. 2d 876, 187 N. Y. S. 2d 70.

No. 624, Misc. HORTON *v.* INDIANA. Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 158 N. E. 2d 288.

No. 638, Misc. WHITE *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States.

No. 656, Misc. PLATER *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied. Reported below: 220 Md. 673, 154 A. 2d 811.

April 18, 1960.

362 U. S.

No. 630, Misc. *FAIOLA v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se*. *Bertram Polow* for respondent.

No. 640, Misc. *HEADS v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied.

No. 681, Misc. *NEW YORK EX REL. STANLEY v. JOHNSTON, DIRECTOR, DANNEMORA STATE HOSPITAL*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent.

No. 688, Misc. *TARPLEY v. WILKINS, WARDEN, ET AL.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondents.

No. 886, Misc. *STURDIVANT v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *Gregory J. Costano* for petitioner. Reported below: 31 N. J. 165, 155 A. 2d 771.

No. 699, Misc. *WHITING v. CHEW, DIRECTOR PAROLE BOARD*. C. A. 4th Cir. Certiorari denied. Reported below: 273 F. 2d 885.

Rehearing Denied.

No. 63. *FEDERAL POWER COMMISSION v. TUSCARORA INDIAN NATION*, *ante*, p. 99; and

No. 66. *POWER AUTHORITY OF THE STATE OF NEW YORK v. TUSCARORA INDIAN NATION*, *ante*, p. 99. Petitions for rehearing denied.

362 U. S.

April 18, 20, 25, 1960.

No. 640. TILLMAN, ADMINISTRATRIX, *v.* ANDERSON, SECRETARY OF THE TREASURY, ET AL., *ante*, p. 903;

No. 658. COLLINS *v.* UNITED STATES, *ante*, p. 911;

No. 310, Misc. TAG *v.* ROGERS, ATTORNEY GENERAL, ET AL., *ante*, p. 904; and

No. 455, Misc. EARNSHAW *v.* UNITED STATES, *ante*, p. 921. Petitions for rehearing denied.

APRIL 20, 1960.

Dismissal Under Rule 60.

No. 867, Misc. OVERTON *v.* UNITED STATES. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Robert C. Barnard* for petitioner. Reported below: 107 U. S. App. D. C. 233, 275 F. 2d 897.

APRIL 25, 1960.

Miscellaneous Orders.

No. 2, Original. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 3, Original. MICHIGAN *v.* ILLINOIS ET AL.; and

No. 4, Original. NEW YORK *v.* ILLINOIS ET AL. The petition of intervention of the United States and the answer of the State of Illinois and the Metropolitan Sanitary District of Greater Chicago are referred to the Special Master. *Solicitor General Rankin, Assistant Attorney General Morton, David R. Warner and Walter Kiechel, Jr.* for the United States. *Grenville Beardsley, Attorney General of Illinois, William C. Wines, Assistant Attorney General, Lawrence J. Fenlon, Peter G. Kuh, George A. Lane, Joseph B. Fleming, Joseph H. Pleck and Thomas M. Thomas* for the State of Illinois and the Metropolitan Sanitary District of Greater Chicago.

April 25, 1960.

362 U. S.

No. 12, Original. ILLINOIS *v.* MICHIGAN ET AL. The petition of intervention of the United States and the answer of the State of Illinois are referred to the Special Master. *Solicitor General Rankin, Assistant Attorney General Morton, David R. Warner and Walter Kiechel, Jr.* for the United States. *Grenville Beardsley, Attorney General of Illinois, William C. Wines, Assistant Attorney General, George E. Billett, Charles A. Bane and Calvin D. Trowbridge, Special Assistant Attorneys General,* for the State of Illinois.

No. 495. STUART ET AL. *v.* WILSON, ATTORNEY GENERAL OF TEXAS, ET AL. Appeal from the United States District Court for the Northern District of Texas. The motion to recall and amend the judgment is granted. The order of January 11, 1960, 361 U. S. 232, is vacated and the motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. *James L. McNees, Jr.* for appellants.

No. 541. SHELTON ET AL. *v.* MCKINLEY ET AL. Appeal from the United States District Court for the Eastern District of Arkansas. (Probable jurisdiction noted, 361 U. S. 947.) The joint motion to substitute John E. Fox as a party appellee in the place of Ralph Mitchell, Jr., and to name Charles V. Kalkbrenner as a party appellee instead of J. C. Langley is granted. The motion to substitute Everett Tucker, Jr., as President of the Board of Directors of the Little Rock Special School District, and J. H. Cottrell, B. F. Mackey and W. C. McDonald as parties appellee in the place of Ed I. McKinley, Jr., Ben D. Rowland and Robert W. Laster is granted. *J. R. Booker* for appellants, and *Louis L. Ramsay, Jr.* for appellees, on the joint motion. *Robert L. Carter* for appellants, on the motion to substitute Tucker et al. for McKinley et al. Reported below: 174 F. Supp. 351.

362 U. S.

April 25, 1960.

No. 513. UNITED STATES *v.* CANNELTON SEWER PIPE Co. Certiorari, 361 U. S. 923, to the United States Court of Appeals for the Seventh Circuit. The motion of the National Coal Association for leave to file brief, as *amicus curiae*, is granted. *Robert E. Lee Hall* and *Richard L. Hirshberg* for the National Coal Association. Reported below: 268 F. 2d 334.

No. 685, Misc. SMITH *v.* UNITED STATES. Motion for leave to file petition for writ of habeas corpus denied.

No. 812, Misc. TRI-CONTINENTAL FINANCIAL CORP. ET AL. *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. Motion for leave to file petition for writ of mandamus and other relief denied. *Mathias F. Correa* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Morton Hollander* for respondent.

No. 813, Misc. TRI-CONTINENTAL FINANCIAL CORP. *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. The motion of petitioner for leave to file supplementary appendix is granted. Motion for leave to file petition for writ of mandamus and other relief denied. *Mathias F. Correa* for petitioner. *Solicitor General Rankin* filed a memorandum for the United States, as *amicus curiae*.

Probable Jurisdiction Noted.

No. 438. MCGOWAN ET AL. *v.* MARYLAND. Appeal from the Court of Appeals of Maryland. Probable jurisdiction noted. *Harry Silbert*, *A. Jerome Diener* and *Sidney Schlachman* for appellants. Reported below: 220 Md. 117, 151 A. 2d 156.

April 25, 1960.

362 U.S.

No. 532. GALLAGHER, CHIEF OF POLICE OF THE CITY OF SPRINGFIELD, MASSACHUSETTS, ET AL. *v.* CROWN KOSHER SUPER MARKET OF MASSACHUSETTS, INC., ET AL. Appeal from the United States District Court for the District of Massachusetts. The motion of George Michaels et al. for leave to intervene is denied. Probable jurisdiction noted. *Edward J. McCormack, Jr.*, Attorney General of Massachusetts, *Joseph H. Elcock, Jr.* and *John Warren McGarry*, Assistant Attorneys General, and *S. Thomas Martinelli* for appellants. *Herbert B. Ehrmann* and *Samuel L. Fein* for appellees. *George Michaels* on the motion for leave to intervene. Reported below: 176 F. Supp. 466.

No. 699. TWO GUYS FROM HARRISON-AlLENTOWN, INC., *v.* MCGINLEY, DISTRICT ATTORNEY, COUNTY OF LEHIGH, PENNSYLVANIA, ET AL. Appeal from the United States District Court for the Eastern District of Pennsylvania. Probable jurisdiction noted. *Harold E. Kohn*, *William T. Coleman, Jr.*, *Louis Levinthal*, *Harry A. Kalish* and *Oscar Brown* for appellant. *Anne X. Alpern*, Attorney General of Pennsylvania, and *Harry J. Rubin* for appellees. *Lawrence Speiser* and *Jacob S. Richman* filed a brief for the American Civil Liberties Union, as *amicus curiae*, in support of appellant. Reported below: 179 F. Supp. 944.

Certiorari Granted.

No. 779. BRADEN *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. *John M. Coe*, *Leonard B. Boudin*, *Victor Rabinowitz* and *Conrad J. Lynn* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Yeagley* and *Kevin T. Maroney* for the United States. Reported below: 272 F. 2d 653.

362 U. S.

April 25, 1960.

Certiorari Denied.

No. 510. *MACKAY v. McALEXANDER*, ACTING DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Reuben Lenske* and *Nels Peterson* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Julia P. Cooper* for respondent. Reported below: 268 F. 2d 35.

No. 700. *TWO GUYS FROM HARRISON-AlLENTOWN, INC., v. MCGINLEY*, DISTRICT ATTORNEY, COUNTY OF LEHIGH, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. *Harold E. Kohn*, *William T. Coleman, Jr.*, *Louis E. Levinthal*, *Harry A. Kalish* and *Oscar Brown* for petitioner. *Anne X. Alpern*, Attorney General of Pennsylvania, and *Harry J. Rubin* for respondents. Reported below: 273 F. 2d 954.

No. 702. *MILLS v. PANAMA CANAL Co.* C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for respondent. Reported below: 272 F. 2d 37.

No. 717. *FLEGENHEIMER v. CALEY*. Supreme Court of Wisconsin. Certiorari denied. *Werner Gallecki* and *Arnold Davis* for petitioner. *Michael J. Anuta* for respondent. Reported below: 8 Wis. 2d 72, 98 N. W. 2d 473.

No. 741. *TRI-CONTINENTAL FINANCIAL CORP. ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. *Mathias F. Correa* and *Irwin Schneiderman* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Morton Hollander* for the United States. Reported below: — F. 2d —.

April 25, 1960.

362 U. S.

No. 753. *BENEDICT ET AL. v. HAMILTON COUNTY BOARD OF REVISION*. Supreme Court of Ohio. Certiorari denied. *Charles F. Hartsock* and *Irving Harris* for petitioners. *C. Watson Hover* for respondent. Reported below: 170 Ohio St. 62, 162 N. E. 2d 479.

No. 769. *GEMEX CORPORATION v. A. C. BECKEN Co.* C. A. 7th Cir. Certiorari denied. *Edward A. Haight* for petitioner. *Edward P. Morse* for respondent. Reported below: 272 F. 2d 1.

No. 770. *MAYO ET AL., TRUSTEES IN BANKRUPTCY, v. PIONEER BANK & TRUST Co.* C. A. 5th Cir. Certiorari denied. *Richard H. Switzer* and *Cleve Burton* for petitioners. Reported below: 270 F. 2d 823.

No. 775. *LOCAL 600, HIGHWAY & CITY FREIGHT DRIVERS, DOCKMEN & HELPERS, v. NATIONAL LABOR RELATIONS BOARD*; and

No. 794. *SPECTOR FREIGHT SYSTEM, INC., v. NATIONAL LABOR RELATIONS BOARD*. C. A. 8th Cir. Certiorari denied. *Harry H. Craig* for petitioner in No. 775. *Malcolm Frank* for petitioner in No. 794. *Solicitor General Rankin*, *Stuart Rothman*, *Dominick L. Manoli*, *Norton J. Come* and *Herman M. Levy* for respondent. Reported below: 273 F. 2d 272.

No. 778. *LOCAL 1377, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO, v. HEIN-WERNER CORP. ET AL.* Supreme Court of Wisconsin. Certiorari denied. *Robert E. Gratz* for petitioner. Reported below: 8 Wis. 2d 264, 99 N. W. 2d 132, 100 N. W. 2d 317.

No. 780. *DAVIES-YOUNG SOAP Co. v. NU-PRO MANUFACTURING Co.* C. A. 8th Cir. Certiorari denied. *Harry A. Toulmin, Jr.* and *George W. Stengel* for petitioner. Reported below: 273 F. 2d 454.

362 U. S.

April 25, 1960.

No. 783. SURFCOMBER HOTEL CORP. *v.* DESOTO HOTEL CORP. Supreme Court of Florida. Certiorari denied. *Roland W. Granat* for petitioner. Reported below: 117 So. 2d 496.

No. 784. MARCONE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 275 F. 2d 205.

No. 796. LYONS, TEMPORARY ADMINISTRATRIX, *v.* UNITED FRUIT CO. ET AL. C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *Frank A. Bull* for respondents. Reported below: 273 F. 2d 317.

No. 799. STOCKER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Robert Weiner* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 273 F. 2d 754.

No. 1, Misc. GARCIA *v.* BROWNELL, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari denied. *David C. Marcus* for petitioner. *Solicitor General Rankin, Assistant Attorney General Olney* and *Beatrice Rosenberg* for respondents. Reported below: 236 F. 2d 356.

No. 317, Misc. KREMER *v.* CLARKE, TRUSTEE. C. A. 6th Cir. Certiorari denied. *Louis Lusky* and *Marvin H. Morse* for petitioner. *Oldham Clarke* for respondent. *Solicitor General Rankin, Thomas G. Meeker, David Ferber* and *Arthur Blasberg, Jr.* for the Securities and Exchange Commission in opposition. Reported below: 268 F. 2d 170.

April 25, 1960.

362 U. S.

No. 742. TRI-CONTINENTAL FINANCIAL CORP. *v.* GLENMORE ET AL. The motion of petitioner for leave to file supplementary appendix is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Mathias F. Correa* and *Irwin Schneiderman* for petitioner. *William E. Haudek* and *Julius Levy* for Glenmore et al., respondents. *Solicitor General Rankin* filed a memorandum for the United States, as *amicus curiae*. Reported below: — F. 2d —.

No. 353, Misc. PERNO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: — F. 2d —.

No. 393, Misc. SMITH *v.* CALIFORNIA. Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. Petitioner *pro se*. *Roger Arnebergh* and *Philip E. Grey* for respondent.

No. 395, Misc. GRESHAM *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States.

No. 547, Misc. WILLIS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Julia Cooper* for the United States. Reported below: 106 U. S. App. D. C. 211, 271 F. 2d 477.

362 U. S.

April 25, 1960.

No. 537, Misc. BREWER *v.* WEST VIRGINIA. Circuit Court of Mingo County, West Virginia. Certiorari denied. *Zane Grey Staker* for petitioner. *W. W. Barron*, Attorney General of West Virginia, and *Fred H. Caplan*, Assistant Attorney General, for respondent.

No. 540, Misc. PATTERSON *v.* RAGEN, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 662, Misc. JAMES *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States.

No. 742, Misc. SCHMIDT *v.* NEW YORK. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied. *Abraham Ziegler* for petitioner. *Arthur W. Wilson* in opposition.

No. 853, Misc. MACKIEWICZ *v.* FLORIDA. Supreme Court of Florida. Certiorari denied. *Franz O. Willenbacher* for petitioner. Reported below: 114 So. 2d 684.

No. 942, Misc. CHESSMAN *v.* DICKSON, WARDEN. The application for stay of execution presented to MR. JUSTICE DOUGLAS and by him referred to the Court is denied. Petition for writ of certiorari to the Supreme Court of California denied. THE CHIEF JUSTICE took no part in the consideration or decision of these applications. *George T. Davis*, *Rosalie S. Asher* and *A. L. Wirin* for petitioner. *Stanley Mosk*, Attorney General of California, and *Arlo E. Smith*, Deputy Attorney General, for respondent.

April 25, 27, 1960.

362 U. S.

No. 3, Misc. CHAPMAN *v.* WILSON, WARDEN, ET AL. The motion to substitute Fred Dickson in the place of Lawrence E. Wilson is denied. Petition for writ of certiorari to the Supreme Court of California denied. Petitioner *pro se.* Stanley Mosk, Attorney General of California, Clarence A. Linn, Chief Assistant Attorney General, and Arlo E. Smith, Deputy Attorney General, for respondents.

No. 665, Misc. MOSES *v.* TEXAS. Court of Criminal Appeals of Texas. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. Thos. H. Dent for petitioner. Will Wilson, Attorney General of Texas, Riley Eugene Fletcher, Assistant Attorney General, and Carl E. F. Dally for respondent. Reported below: 168 Tex. Cr. R. —, 328 S. W. 2d 885.

Rehearing Denied.

No. 575, Misc. HILL *v.* ILLINOIS, *ante*, p. 922. Petition for rehearing denied.

APRIL 27, 1960.

Miscellaneous Orders.

No. —. CHESSMAN *v.* TEETS, WARDEN. The application for stay of execution presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, is denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Joseph Kadans for the applicant.

No. —. MOSS *v.* KENTUCKY. The application for a stay of execution presented to MR. JUSTICE STEWART, and by him referred to the Court, is granted pending the timely filing and disposition of a petition for writ of certiorari. Lloyd C. Emery for the applicant. John B. Breckinridge, Attorney General of Kentucky, in opposition.

362 U. S.

May 2, 1960.

MAY 2, 1960.

Miscellaneous Orders.

No. 326. METLAKATLA INDIAN COMMUNITY, ANNETTE ISLAND RESERVE, *v.* EGAN, GOVERNOR OF ALASKA, ET AL.; and

No. 327. ORGANIZED VILLAGE OF KAKE ET AL. *v.* EGAN, GOVERNOR OF ALASKA. Appeals from the District Court for Alaska. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and one-half hour is allowed for that purpose. *Solicitor General Rankin* on the motion. Reported below: 18 Alaska —, 174 F. Supp. 500.

No. 838, Misc. KORHOLZ *v.* UNITED STATES. Motion for leave to file petition for writ of habeas corpus denied. *Morris Lavine* and *Samuel Yorty* for petitioner.

No. 663, Misc. DUNBAR *v.* MCNEILL, SUPERINTENDENT, MATTEAWAN STATE HOSPITAL. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Petitioner *pro se.* *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Joseph J. Rose*, Assistant Attorney General, for respondent.

No. 778, Misc. SPARKS, ALIAS HOWLERY, *v.* CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted.

No. 709. NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. *v.* HENAGAN. C. A. 1st Cir. Certiorari granted. *Noel W. Deering* for petitioner. *Daniel J. Hanlon* for respondent. Reported below: 272 F. 2d 153.

May 2, 1960.

362 U. S.

No. 801. *IN RE ANASTAPLO*. Supreme Court of Illinois. Certiorari granted. Reported below: 18 Ill. 2d 182, 163 N. E. 2d 429.

No. 842, Misc. *BULLOCK v. SOUTH CAROLINA*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of South Carolina granted. Case transferred to the appellate docket. Petitioner *pro se*. *Daniel R. McLeod*, Attorney General of South Carolina, and *Wm. H. Smith, Jr.*, Assistant Attorney General, for respondent. Reported below: 235 S. C. 356, 111 S. E. 2d 657.

Certiorari Denied. (See also No. 663, Misc., *supra*.)

No. 792. *MOLITOR v. KANELAND COMMUNITY UNIT DISTRICT No. 302 ET AL.* Supreme Court of Illinois. Certiorari denied. *William C. Murphy* and *Frank R. Reid, Jr.* for petitioner. *David Jacker* for District No. 302, respondent. Reported below: 18 Ill. 2d 11, 163 N. E. 2d 89.

No. 657, Misc. *AMATO v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied. *Abraham Ziegler* for petitioner. *Charles J. Miller* in opposition.

No. 683, Misc. *JACKSON v. RAGEN, WARDEN*. Circuit Court of Peoria County, Illinois. Certiorari denied. Petitioner *pro se*. *Grenville Beardsley*, Attorney General of Illinois, for respondent.

No. 814. *DANIELS ET AL., DOING BUSINESS AS DANIELS CONSTRUCTION CO., v. WOODMONT, INC., ET AL.* C. A. 10th Cir. Certiorari denied. *Allan E. Mecham* for petitioners. *C. C. Parsons* for respondents. Reported below: 274 F. 2d 132.

362 U. S.

May 2, 1960.

No. 679. TRANS WORLD AIRLINES, INC., *v.* DELTA AIR LINES, INC., ET AL.; and

No. 777. EASTERN AIR LINES, INC., *v.* CIVIL AERONAUTICS BOARD ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles Pickett* and *Warren E. Baker* for petitioner in No. 679. *E. Smythe Gambrell*, *W. Glen Harlan* and *Harold L. Russell* for petitioner in No. 777. *Solicitor General Rankin*, *Acting Assistant Attorney General Bicks*, *Richard A. Solomon*, *Franklin M. Stone* and *O. D. Ozment* for the Civil Aeronautics Board. *Robert E. Redding* and *Dick L. Lansden* for the City of Nashville et al., *Dorothy F. Fardon* for the City of Kansas City, Missouri, and *Aloys P. Kaufmann* and *Thomas J. Neenan* for the City of St. Louis et al., respondents, in support of the petition in No. 679. *Joseph J. O'Connell, Jr.* and *Robert Reed Gray* for Delta Air Lines, Inc., *Howard C. Westwood* and *Peter S. Craig* for American Airlines, Inc., and *Richard A. Fitzgerald* for National Airlines, Inc., in opposition to the petitions for certiorari. Reported below: 107 U. S. App. D. C. 174, 275 F. 2d 632.

No. 800. NORWICH, CONNECTICUT PRINTING SPECIALTIES AND PAPER PRODUCTS UNION, LOCAL No. 494, ET AL. *v.* LEEDOM ET AL., CONSTITUTING THE NATIONAL LABOR RELATIONS BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Warren Woods* for petitioners. *Solicitor General Rankin*, *Stuart Rothman*, *Dominick L. Manoli* and *Norton J. Come* for respondents. Reported below: 107 U. S. App. D. C. 170, 275 F. 2d 628.

No. 818. WOOLLEY *v.* EASTERN AIR LINES, INC. C. A. 5th Cir. Certiorari denied. *William Gresham Ward* for petitioner. *E. Smythe Gambrell* and *W. Glen Harlan* for respondent. Reported below: 273 F. 2d 615.

May 2, 1960.

362 U. S.

No. 785. EASTERN AIR LINES, INC., *v.* CIVIL AERONAUTICS BOARD; and

No. 786. CAPITOL AIRWAYS, INC., *v.* CIVIL AERONAUTICS BOARD. The motions of Northwest Airlines, Inc., and Delta Air Lines, Inc., to be named parties respondent and for leave to file briefs in opposition to the petitions for certiorari are granted. The motion of Capital Airlines, Inc., to be named a party respondent and for leave to file brief in opposition to the petition for certiorari in No. 785 is granted. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. *E. Smythe Gambrell, W. Glen Harlan* and *Harold L. Russell* for petitioner in No. 785. *Coates Lear* and *Jerrold Scoutt, Jr.* for petitioner in No. 786. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Richard A. Solomon, Franklin M. Stone* and *O. D. Ozment* for respondent. *C. Frank Reavis* and *C. Edward Leasure* for Northwest Airlines, Inc. *Robert Reed Gray* for Delta Air Lines, Inc. *Charles H. Murchison, Robert B. Hankins, Macon M. Arthur* and *James H. Bastian* for Capital Airlines, Inc. Reported below: 271 F. 2d 752.

No. 518, Misc. RAMSEY *v.* HAND, WARDEN. Supreme Court of Kansas. Certiorari denied. Petitioner *pro se. John Anderson, Jr.*, Attorney General of Kansas, and *J. Richard Foth*, Assistant Attorney General, for respondent. Reported below: 185 Kan. 350, 343 P. 2d 225.

No. 583, Misc. SEWELL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se. Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: — U. S. App. D. C. —, — F. 2d —.

362 U. S.

May 2, 1960.

No. 803. GIDDINS ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solomon A. Klein* and *Louis Bender* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 273 F. 2d 843.

No. 739, Misc. PENNSYLVANIA EX REL. JACKSON *v.* BANMILLER, WARDEN. Supreme Court of Pennsylvania. Certiorari denied.

No. 745, Misc. PATTERSON *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 751, Misc. COWAN *v.* CLERK OF THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS. Supreme Court of Illinois. Certiorari denied.

No. 754, Misc. DEVINE *v.* WARDEN, KANSAS STATE PENITENTIARY. Supreme Court of Kansas. Certiorari denied.

No. 761, Misc. EDWARDS *v.* WARDEN, MARYLAND PENITENTIARY. Court of Appeals of Maryland. Certiorari denied.

No. 762, Misc. PEREZ *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 776, Misc. GIST *v.* PENNSYLVANIA. Supreme Court of Pennsylvania. Certiorari denied.

No. 787, Misc. IN RE STARK. Supreme Court of California. Certiorari denied.

May 2, 16, 1960.

362 U. S.

No. 779, Misc. INGRAM *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied.

Rehearing Denied.

No. 492, October Term, 1957. FLORA *v.* UNITED STATES, *ante*, p. 145; and

No. 559, Misc. MILLER *v.* TOWN OF SUFFIELD ET AL., *ante*, p. 922. Petitions for rehearing denied.

MAY 16, 1960.

Miscellaneous Orders.

No. 4, Original. NEW YORK *v.* ILLINOIS ET AL. The response of the United States and the answer of the State of Illinois and the Metropolitan Sanitary District of Greater Chicago to the supplemental and amended complaint of the State of New York are referred to the Special Master. *Solicitor General Rankin* for the United States. *Grenville Beardsley*, Attorney General of Illinois, *William C. Wines*, Assistant Attorney General, *Lawrence J. Fenlon*, *Peter G. Kuh*, *George A. Lane*, *Joseph B. Fleming*, *Joseph H. Pleck* and *Thomas M. Thomas* for the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, respondents. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, *Richard H. Shepp*, Assistant Attorney General, and *Randall J. Le Boeuf, Jr.*, Special Assistant Attorney General, for complainant.

No. 52. RIOS *v.* UNITED STATES. Certiorari, 359 U. S. 965, to the United States Court of Appeals for the Ninth Circuit. The motion for the appointment of counsel is granted and *Harvey M. Grossman, Esquire*, of Los Angeles, California, a member of the Bar of this Court, is appointed *nunc pro tunc* to serve as counsel for petitioner in this case. Reported below: 256 F. 2d 173.

362 U. S.

May 16, 1960.

No. 720. McGRATH ET AL. *v.* RHAY, SUPERINTENDENT OF WASHINGTON STATE PENITENTIARY. Certiorari, 361 U. S. 959, to the Supreme Court of Washington. The motion for the appointment of counsel is granted and it is ordered that *Stanley C. Soderland, Esquire*, of Seattle, Washington, be, and he is hereby, appointed to serve as counsel for petitioners in this case. Reported below: 54 Wash. 2d 508, 342 P. 2d 607.

No. 870. GREEN *v.* UNITED STATES. Certiorari, *ante*, p. 949, to the United States Court of Appeals for the First Circuit. The motion for appointment of counsel is granted and it is ordered that *James Vorenberg, Esquire*, of Boston, Massachusetts, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case. Reported below: 273 F. 2d 216.

Certiorari Granted. (See also No. 813, *ante*, p. 605, and No. 645, *Misc.*, *ante*, p. 607.)

No. 789. UNITED STATES *v.* LUCCHESI, ALIAS LUCKESE, ALIAS LUCASE, ALIAS ARRA, ALIAS LUCHESE; and

No. 802. COSTELLO *v.* UNITED STATES. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. The motion to amend the petition for certiorari in No. 802 is assigned for hearing and consolidated with the argument on the merits in No. 789. *Solicitor General Rankin* for the United States in No. 789. *Edward Bennett Williams, Agnes A. Neill* and *Morris Shilensky* for petitioner in No. 802. *Richard J. Burke* and *Myron L. Shapiro* for respondent in No. 789. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg* and *Eugene L. Grimm* for the United States in No. 802. Reported below: No. 802, 275 F. 2d 355.

May 16, 1960.

362 U. S.

No. 820. *JAMES v. UNITED STATES*. C. A. 7th Cir. Certiorari granted. *Richard E. Gorman* for petitioner. *Solicitor General Rankin* and *Assistant Attorney General Rice* for the United States. Reported below: 273 F. 2d 5.

Certiorari Denied.

No. 735. *EVOLA ET AL. v. UNITED STATES*;

No. 763. *SANTORA v. UNITED STATES*;

No. 772. *LESSA ET AL. v. UNITED STATES*;

No. 807. *CAPECE v. UNITED STATES*;

No. 812. *DI PALERMO v. UNITED STATES*; and

No. 817. *GENOVESE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Maurice Edelbaum* for petitioners in No. 735. *Osmond K. Fraenkel* and *Herbert S. Siegal* for petitioner in No. 763. *Nathan W. Math* for petitioners in No. 772. *Albert J. Krieger* for petitioners in Nos. 807 and 812. *Bennett Boskey* and *Wilfred L. Davis* for petitioner in No. 817. *Solicitor General Rankin*, *Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 274 F. 2d 179.

No. 808. *CERTAIN INTERESTS IN PROPERTY IN CHAMPAIGN COUNTY, ILLINOIS, ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Samuel Goldstein*, *M. Robert Goldstein*, *Arthur D. Goldstein* and *Herbert Monte Levy* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Morton*, *Roger P. Marquis* and *Harold S. Harrison* for the United States. Reported below: 271 F. 2d 379.

No. 828. *ODEKIRK v. SEARS ROEBUCK & CO. ET AL.* C. A. 7th Cir. Certiorari denied. *Joseph H. Hinshaw* and *Oswell G. Treadway* for petitioner. *Charles D. Snewind* for respondents. Reported below: 274 F. 2d 441.

362 U. S.

May 16, 1960.

No. 751. *KELLY v. UNITED STATES*. Court of Claims. Certiorari denied. *Gustave I. Jahr* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub* and *Samuel D. Slade* for the United States. Reported below: — Ct. Cl. —, — F. Supp. —.

No. 767. *TAXIN ET AL., DOING BUSINESS AS JOHN TAXIN Co., v. WOOD, U. S. DISTRICT JUDGE, ET AL.* C. A. 3d Cir. Certiorari denied. *Lester J. Schaffer* for petitioners. *Harry Shapiro* and *Hirsh W. Stalberg* for respondents. Reported below: 280 F. 2d 227.

No. 815. *MORRIS v. UNITED STATES*. Court of Claims. Certiorari denied. *Samuel C. Klein* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Doub*, *Alan S. Rosenthal* and *Seymour Farber* for the United States. Reported below: — Ct. Cl. —, — F. Supp. —.

No. 827. *ARKANSAS PUBLIC SERVICE COMMISSION ET AL. v. ARKANSAS POWER & LIGHT Co.* Supreme Court of Arkansas. Certiorari denied. *Tom Gentry* for petitioners. *Willis H. Holmes* for respondent. Reported below: — Ark. —, 330 S. W. 2d 51.

No. 830. *INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Herbert S. Thatcher*, *David Previant* and *Robert S. Cahoon* for petitioners. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *J. F. Bishop* for the United States. Reported below: 275 F. 2d 610.

No. 643, Misc. *RAY v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

May 16, 1960.

362 U. S.

No. 832. *I. A. DRESS Co., INC., v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *Michael Kaminsky* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice, Melva M. Graney* and *Melvin L. Lebow* for respondent. Reported below: 273 F. 2d 543.

No. 833. *BERRY, ADMINISTRATRIX, v. ATLANTIC COAST LINE RAILROAD Co. ET AL.* C. A. 4th Cir. Certiorari denied. *William E. Chandler, Jr.* and *James P. Mozingo III* for petitioner. *David W. Robinson* and *A. Y. Arledge* for respondents. Reported below: 273 F. 2d 572.

No. 835. *WYOMING CONSTRUCTION Co. ET AL. v. WESTERN CASUALTY & SURETY Co. ET AL.* C. A. 10th Cir. Certiorari denied. *Joseph T. Enright* and *Norman Elliott* for petitioners. *William H. Brown* and *Edward E. Murane* for respondents. Reported below: 275 F. 2d 97.

No. 839. *SMOOT SAND & GRAVEL CORP. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *David R. Shelton* for petitioner. *Solicitor General Rankin, Assistant Attorney General Rice* and *Melva M. Graney* for respondent. Reported below: 274 F. 2d 495.

No. 647, Misc. *CEPERO v. RINCON DE GAUTIER, MANAGER, CITY GOVERNMENT*. C. A. 2d Cir. Certiorari denied. Reported below: 270 F. 2d 648.

No. 651, Misc. *GOLDBERG v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Daniel Cohen* for Sullivan, respondent. Reported below: 270 F. 2d 648.

362 U. S.

May 16, 1960.

No. 826. COMMISSARIAT À L'ENERGIE ATOMIQUE *v.* WATSON, COMMISSIONER OF PATENTS. Court of Customs and Patent Appeals. Certiorari denied. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this application. *David Ginsburg, James L. Morrisson* and *Eugene Gressman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Doub, Morton Hollander* and *John G. Laughlin, Jr.* for respondent. Reported below: 47 C. C. P. A. (Pat.) 722, 270 F. 2d 954.

No. 641, Misc. EDMONDS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Edward J. Skeens* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 106 U. S. App. D. C. 373, 273 F. 2d 108.

No. 668, Misc. JACKSON *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Reported below: 53 Cal. 2d 89, 346 P. 2d 389.

No. 693, Misc. UNITED STATES EX REL. ESCALONA *v.* LAVALLEE, WARDEN. C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent. Reported below: — F. 2d —.

No. 694, Misc. LAWYER *v.* UNITED STATES. Court of Claims. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Doub* and *Morton Hollander* for the United States. Reported below: — Ct. Cl. —, — F. Supp. —.

No. 653, Misc. ADRIANO *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

May 16, 1960.

362 U.S.

No. 433, Misc. MURPHY *v.* CALIFORNIA. Appellate Department of the Superior Court of California, County of San Francisco. Certiorari denied. *Kurt W. Melchior* for petitioner. *Stanley Mosk*, Attorney General of California, *Arlo E. Smith* and *John S. McInerny*, Deputy Attorneys General, for respondent.

No. 571, Misc. KANE *v.* McNEILL, SUPERINTENDENT OF MATTEAWAN STATE HOSPITAL. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se.* *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent.

No. 633, Misc. MARTIN *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 655, Misc. BURGESS *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied.

No. 660, Misc. UNITED STATES EX REL. SMITH *v.* DOWD, WARDEN. C. A. 7th Cir. Certiorari denied. *Alan W. Boyd* for petitioner. Reported below: 271 F. 2d 292.

No. 676, Misc. HAAGENSEN ET AL. *v.* MOE ET AL., CO-EXECUTORS, ET AL. District Court of Winneshiek County, Iowa. Certiorari denied. Petitioners *pro se.* *Frank R. Miller* for respondents.

No. 678, Misc. IN RE BROCK. Supreme Court of New Jersey. Certiorari denied.

362 U. S.

May 16, 1960.

No. 679, Misc. CLARK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Felicia Dubrovsky* for the United States. Reported below: 273 F. 2d 68.

No. 686, Misc. STAFFORD *v.* SUPERIOR COURT OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 272 F. 2d 407.

No. 695, Misc. FINLEY ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioners *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 271 F. 2d 777.

No. 696, Misc. IVEY *v.* NASH, WARDEN. Supreme Court of Missouri. Certiorari denied.

No. 698, Misc. STULTZ *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Acting Assistant Attorney General Ryan and Harold H. Greene* for the United States.

No. 706, Misc. DAVIS *v.* OHIO ET AL. Supreme Court of Ohio. Certiorari denied.

No. 710, Misc. BARTOLILLO *v.* NEW YORK. Appellate Division of the Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 721, Misc. LONG *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 273 F. 2d 30.

May 16, 1960.

362 U. S.

No. 715, Misc. *MONROE v. LAVALLEE*, WARDEN. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Paxton Blair*, Solicitor General, for respondent. Reported below: 9 App. Div. 2d 795, 192 N. Y. S. 2d 507.

No. 720, Misc. *MORGAN v. HEINZE*, WARDEN. Supreme Court of California. Certiorari denied.

No. 723, Misc. *IN RE BARDE*. Supreme Court of Michigan. Certiorari denied.

No. 725, Misc. *O'ROURKE v. NEW YORK*. Appellate Division of the Supreme Court of New York, Third Judicial Department. Certiorari denied.

No. 726, Misc. *HYMES v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 727, Misc. *ECKERT v. NEW YORK*. Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 731, Misc. *MAHLER v. MICHIGAN*. Circuit Court for Branch County, Michigan. Certiorari denied.

No. 741, Misc. *BUCHANAN v. COCHRAN*, DIRECTOR OF DIVISION OF CORRECTIONS. Supreme Court of Florida. Certiorari denied.

No. 743, Misc. *MARTIN v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 757, Misc. *NUNEMAKER v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

362 U. S.

May 16, 1960.

No. 722, Misc. *McKENNA v. TINSLEY, WARDEN*. Supreme Court of Colorado. Certiorari denied. Petitioner *pro se. Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John F. Brauer*, Assistant Attorney General, for respondent. Reported below: 141 Colo. 63, 346 P. 2d 584.

No. 752, Misc. *GOETZ v. HAND, WARDEN*. Supreme Court of Kansas. Certiorari denied. Reported below: 185 Kan. 788, 347 P. 2d 349.

No. 758, Misc. *DRAKE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se. Solicitor General Rankin, Assistant Attorney General Wilkey* and *Beatrice Rosenberg* for the United States. Reported below: 274 F. 2d 611.

No. 771, Misc. *WHITTLE v. MUNSHOWER, SUPERINTENDENT, MARYLAND STATE POLICE*. Court of Appeals of Maryland. Certiorari denied. Reported below: 221 Md. 258, 155 A. 2d 670.

No. 775, Misc. *SALLY v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 17 Ill. 2d 578, 162 N. E. 2d 396.

No. 829, Misc. *WHITE v. INDIANA*. Supreme Court of Indiana. Certiorari denied. Reported below: — Ind. —, 159 N. E. 2d 388.

No. 866, Misc. *LEGGETT v. KIRBY, JUDGE*. Supreme Court of Arkansas. Certiorari denied. *Kenneth Coffelt* for petitioner. Reported below: — Ark. —, 331 S. W. 2d 267.

May 16, 1960.

362 U. S.

No. 750, Misc. *DiPALERMO v. UNITED STATES*;
No. 792, Misc. *POLIZZANO v. UNITED STATES*;
No. 793, Misc. *POLIZZANO v. UNITED STATES*; and
No. 840, Misc. *BARCELLONA v. UNITED STATES*. C. A.
2d Cir. Certiorari denied. *Robert R. Kaufman* and
Rudolph Stand for petitioner in No. 750, Misc. *Allen S.*
Stim for petitioner in No. 792, Misc. *Allen S. Stim* and
David Schwartz for petitioner in No. 793, Misc. *Thomas*
R. Farrell, Jr. for petitioner in No. 840, Misc. *Solicitor*
General Rankin, Assistant Attorney General Wilkey and
Beatrice Rosenberg for the United States. Reported
below: 274 F. 2d 179.

No. 760, Misc. *PRUITT v. SMYTH, SUPERINTENDENT,*
VIRGINIA STATE PENITENTIARY. Supreme Court of
Appeals of Virginia. Certiorari denied.

No. 770, Misc. *VASSAR v. RAINES, WARDEN*. C. A.
10th Cir. Certiorari denied. Reported below: 274 F.
2d 369.

No. 777, Misc. *WATTS v. UNITED STATES*. C. A. 9th
Cir. Certiorari denied. Petitioner *pro se*. *Solicitor*
General Rankin, Assistant Attorney General Wilkey,
Beatrice Rosenberg and *Kirby W. Patterson* for the
United States. Reported below: 273 F. 2d 10.

No. 783, Misc. *BROWN v. PEPERSACK, WARDEN*. Court
of Appeals of Maryland. Certiorari denied. Reported
below: 221 Md. 582, 155 A. 2d 648.

No. 786, Misc. *SMART v. NEW YORK*. Court of Ap-
peals of New York. Certiorari denied.

No. 788, Misc. *TURNBAUGH v. ILLINOIS*. Supreme
Court of Illinois. Certiorari denied.

362 U. S.

May 16, 1960.

No. 784, Misc. HARTY *v.* RHAY, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY. Supreme Court of Washington. Certiorari denied.

No. 790, Misc. STANCAVAGE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin* for the United States. Reported below: 271 F. 2d 592.

No. 791, Misc. BAKER *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States.

No. 795, Misc. SPADER *v.* MYERS, SUPERINTENDENT, STATE PENITENTIARY. Supreme Court of Pennsylvania. Certiorari denied.

No. 800, Misc. SWEENEY *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 803, Misc. COVINGTON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States.

No. 807, Misc. ROOT *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 809, Misc. HARRIS *v.* ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS. Court of Criminal Appeals of Texas. Certiorari denied.

May 16, 1960.

362 U. S.

No. 810, Misc. ECKERT *v.* OKLAHOMA. Court of Criminal Appeals of Oklahoma. Certiorari denied. Reported below: 348 P. 2d 870.

No. 817, Misc. BARRETT *v.* SMYTH, SUPERINTENDENT, VIRGINIA STATE PENITENTIARY. Supreme Court of Appeals of Virginia. Certiorari denied.

No. 819, Misc. WILLIS *v.* MISSOURI. Supreme Court of Missouri. Certiorari denied. Reported below: 328 S. W. 2d 593.

No. 982, Misc. BUTLER *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. *Sam Weiss* for petitioner.

Rehearing Denied.

No. 2. ABEL, ALIAS MARK, ALIAS COLLINS, ALIAS GOLDFUS, *v.* UNITED STATES, *ante*, p. 217; and

No. 690. PORTER ET AL. *v.* OKLAHOMA BACONE COLLEGE TRUST ET AL., *ante*, p. 927. Petitions for rehearing denied.

No. 100. ORDER OF RAILROAD TELEGRAPHERS ET AL. *v.* CHICAGO & NORTH WESTERN RAILWAY Co., *ante*, p. 330. The motion of the Bureau of Information of the Eastern Railways et al. for leave to file brief, as *amici curiae*, in support of petition for rehearing is granted. Petition for rehearing denied.

Dismissal Under Rule 60.

No. 465. RODRIGUEZ *v.* NEW YORK. Certiorari, 361 U. S. 812, to the Appellate Division of the Supreme Court of New York, First Judicial Department. Writ of certiorari dismissed pursuant to stipulation of counsel under Rule 60 of the Rules of this Court. *Walter Gellhorn* for petitioner. *Frank S. Hogan* for respondent.

362 U. S.

May 23, 1960.

MAY 23, 1960.

Miscellaneous Orders.

No. 59. THOMPSON *v.* CITY OF LOUISVILLE ET AL., *ante*, p. 199. The motion to tax costs is denied. *Louis Lusky* and *Marvin H. Morse* for petitioner. *John B. Breckinridge*, Attorney General of Kentucky, and *Troy D. Savage*, Assistant Attorney General, for respondents.

No. 436. CORY CORPORATION ET AL. *v.* SAUBER. Certiorari, 361 U. S. 899, to the United States Court of Appeals for the Seventh Circuit. The motions of the petitioners and respondent for leave to file supplemental memoranda are granted. *Edwin A. Rothschild* and *Stanford Clinton* for petitioners. *Solicitor General Rankin* for respondent. Reported below: 266 F. 2d 58, 267 F. 2d 802.

No. 23, Misc. IN RE DISBARMENT OF ALKER. It having been reported to the Court that Harry J. Alker, Jr., of Philadelphia, Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of Pennsylvania; and this Court by order of June 15, 1959 [360 U. S. 908], having suspended the said Harry J. Alker, Jr., from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid;

IT IS ORDERED that the said Harry J. Alker, Jr., be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court. *William J. Woolston* for respondent.

May 23, 1960.

362 U. S.

No. 46, Misc. RAMIREZ *v.* ATTORNEY GENERAL OF THE UNITED STATES ET AL.;

No. 728, Misc. SPADER *v.* MYERS, SUPERINTENDENT OF STATE PENITENTIARY; and

No. 821, Misc. GERALDON *v.* UNITED STATES. Motions for leave to file petitions for writs of habeas corpus denied. Petitioners *pro se*. *Solicitor General Rankin, Acting Assistant Attorney General Ryan, Harold H. Greene and William A. Kehoe, Jr.* for respondents in No. 46, Misc.

No. 884, Misc. IN RE PERALES. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 788. SAM FOX PUBLISHING Co., INC., ET AL. *v.* UNITED STATES ET AL. Appeal from the United States District Court for the Southern District of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. MR. JUSTICE CLARK took no part in the consideration or decision of this case. *Charles A. Horsky* for appellants. *Solicitor General Rankin, Acting Assistant Attorney General Bicks and Charles H. Weston* for the United States, and *Arthur H. Dean, Howard T. Milman, Herman Finkelstein, Lloyd N. Cutler and David H. Horowitz* for the American Society of Composers, Authors and Publishers, appellees. Reported below: — F. Supp. —.

Probable Jurisdiction Noted.

No. 781. UNITED STATES *v.* E. I. DU PONT DE NEMOURS & Co. ET AL. Appeal from the United States District Court for the Northern District of Illinois. Probable jurisdiction noted. MR. JUSTICE CLARK and MR. JUSTICE HARLAN took no part in the consideration or decision of

362 U. S.

May 23, 1960.

this case. *Solicitor General Rankin, Acting Assistant Attorney General Bicks, Philip Elman, John F. Davis and Charles H. Weston* for the United States. *John Lord O'Brian, Hugh B. Cox, Charles A. Horsky and Daniel M. Gribbon* for E. I. du Pont de Nemours and Co., *Leo F. Tierney, Robert L. Stern, Henry M. Hogan and Robert A. Nitschke* for General Motors Corp., *Wilkie Bushby and Philip C. Scott* for Christiana Securities Co. et al., appellees. Reported below: 177 F. Supp. 1.

No. 810. POE ET AL. *v.* ULLMAN, STATE'S ATTORNEY; and

No. 811. BUXTON *v.* ULLMAN, STATE'S ATTORNEY. Appeals from the Supreme Court of Errors of Connecticut. Probable jurisdiction noted. MR. JUSTICE FRANKFURTER took no part in the consideration or decision of these cases. *Fowler V. Harper* for appellants. Reported below: 147 Conn. 48, 156 A. 2d 508.

No. 845. BRAUNFELD ET AL. *v.* GIBBONS, COMMISSIONER OF POLICE OF THE CITY OF PHILADELPHIA, ET AL. Appeal from the United States District Court for the Eastern District of Pennsylvania. Probable jurisdiction noted. *Stephen B. Narin* and *Marvin Garfinkel* for appellants. *David Berger* for Gibbons et al., and *Arthur Littleton* for the Pennsylvania Retailers' Association, appellees. Reported below: 184 F. Supp. 352.

Certiorari Granted. (See also No. 295, ante, p. 628.)

No. 961, Misc. ATCHLEY *v.* CALIFORNIA. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket. The execution of the sentence of death imposed on the petitioner is stayed pending the decision of this Court and the issuance of the mandate thereon. *Rosalie S. Asher* for petitioner. Stan-

May 23, 1960.

362 U. S.

ley Mosk, Attorney General of California, and *Doris H. Maier*, Deputy Attorney General, for respondent. Reported below: 53 Cal. 2d 160, 346 P. 2d 764.

Certiorari Denied. (See also No. 884, Misc., supra.)

No. 678. ROSCHUNI ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Llewellyn A. Luce* for petitioners. *Solicitor General Rankin*, Assistant Attorney General *Rice* and *A. F. Prescott* for respondent. Reported below: 271 F. 2d 267.

No. 782. AIR LINE STEWARDS AND STEWARDESSES ASSOCIATION, INTERNATIONAL, AFL-CIO, v. TRANS WORLD AIRLINES, INC. C. A. 2d Cir. Certiorari denied. *Ruth Weyand* for petitioner. *Edward R. Neaher* for respondent. Reported below: 273 F. 2d 69.

No. 831. EULE v. EULE. Supreme Court of Wisconsin. Certiorari denied. *William E. Glassner, Jr.* for petitioner. *John A. Wittig* for respondent. Reported below: 9 Wis. 2d 115, 100 N. W. 2d 554.

No. 836. AUGUS, ADMINISTRATRIX, ET AL. v. STICHMAN, TRUSTEE. C. A. 2d Cir. Certiorari denied. *Joseph S. Lord III* and *Seymour I. Toll* for petitioners. *William W. Golub* for respondent. Reported below: 273 F. 2d 707.

No. 838. BUCCIFERRO v. UNITED STATES. C. A. 7th Cir. Certiorari denied. *Maurice J. Walsh* for petitioner. *Solicitor General Rankin*, Assistant Attorney General *Wilkey*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 274 F. 2d 540.

No. 843. FOWLER v. SMISER ET AL. C. A. 10th Cir. Certiorari denied. *Ruth E. Moran*, *John C. Moran*, *Edith G. McKinney* and *James R. McKinney* for petitioner. Reported below: 274 F. 2d 335.

362 U. S.

May 23, 1960.

No. 844. *SORKIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jacob W. Friedman* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 275 F. 2d 330.

No. 847. *JAMES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *T. Eugene Thompson* for petitioner. *Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States. Reported below: 275 F. 2d 332.

No. 849. *GARCIA v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co.* Supreme Court of New Mexico. Certiorari denied. *Rolando J. Matteucci* for petitioner. *James T. Paulantis* for respondent. Reported below: 66 N. M. 339, 347 P. 2d 1005.

No. 851. *UNITED STATES v. CUNNINGHAM ET AL.* C. A. 4th Cir. Certiorari denied. *Solicitor General Rankin, Assistant Attorney General Morton, Daniel M. Friedman and Roger P. Marquis* for the United States. *Claude C. Pierce* for respondents. Reported below: 270 F. 2d 545.

No. 855. *NATIONAL LATEX PRODUCTS Co. ET AL. v. SUN RUBBER Co.* C. A. 6th Cir. Certiorari denied. *Walter J. Blenko, Wm. C. McCoy, Wm. C. McCoy, Jr. and Albert H. Oldham* for petitioners. *Everett R. Hamilton* for respondent. Reported below: 274 F. 2d 224.

No. 856. *LEWIS ET AL. v. MYHALYK*. Supreme Court of Pennsylvania. Certiorari denied. *John J. Wilson, A. E. Kountz and Val J. Mitch* for petitioners. *Charles E. McKissock* for respondent. Reported below: 398 Pa. 395, 158 A. 2d 305.

May 23, 1960.

362 U. S.

No. 850. UNITED STATES *v.* HALL, CHIEF JUDGE, U. S. DISTRICT COURT. C. A. 9th Cir. Certiorari denied. *Solicitor General Rankin*, Assistant Attorney General Morton, Daniel M. Friedman and Roger P. Marquis for the United States. Robert M. Adams, Jr. for respondent. Conrad J. Moss and James C. Hollingsworth filed a brief for Edith H. Hoffman et al., as *amici curiae*, in opposition to the petition. Reported below: 274 F. 2d 856.

No. 860. SCHLOTHAN *v.* TERRITORY OF ALASKA. C. A. 9th Cir. Certiorari denied. Philip Barnett and Rodney Robertson for petitioner. Ralph E. Moody, Attorney General of Alaska, and John L. Rader for respondent. Reported below: 276 F. 2d 806.

No. 871. MOORE-McCORMACK LINES, INC., *v.* ARMCO STEEL CORP. ET AL.; and

No. 904. ARMCO STEEL CORP. ET AL. *v.* MOORE-McCORMACK LINES, INC. C. A. 2d Cir. Certiorari denied. Eugene Underwood and Hervey C. Allen for Moore-McCormack Lines, Inc. Henry N. Longley and Leonard J. Matteson for Armco Steel Corp. et al. Reported below: 272 F. 2d 873.

No. 857. LEWIS ET AL. *v.* PAVLOVSKAK. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. John J. Wilson, A. E. Kountz and Val J. Mitch for petitioners. Jerome M. Libenson for respondent. Reported below: 274 F. 2d 523.

No. 801, Misc. JACKSON *v.* JUSTICES OF THE SUPREME COURT, APPELLATE DIVISION, FOURTH DEPARTMENT, ET AL. C. A. 2d Cir. Certiorari denied.

362 U. S.

May 23, 1960.

No. 507, Misc. POLLINO *v.* NEW YORK. Appellate Division of the Supreme Court of New York, First Judicial Department. Certiorari denied. Petitioner *pro se*. *Isidore Dollinger* for respondent.

No. 749, Misc. GAITHER *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. *Caryl Warner* for petitioner. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Philip C. Griffin*, Deputy Attorney General, for respondent.

No. 824, Misc. DEAL *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. Court of Appeals of Maryland. Certiorari denied.

No. 636, Misc. DANIELS *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion certiorari should be granted. *Melvin M. Feldman* for petitioner. *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 106 U. S. App. D. C. 324, 272 F. 2d 553.

No. 593, Misc. CROSS *v.* STATE BAR OF CALIFORNIA. Supreme Court of California. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application. Petitioner *pro se*. *Alan B. Aldwell* for respondent.

No. 711, Misc. HICKS *v.* NEW YORK. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, and other relief, denied.

May 23, 1960.

362 U. S.

Rehearing Denied.

No. 696. FEDERAL BROADCASTING SYSTEM, INC., *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL., *ante*, p. 935;

No. 736. TUCKER *v.* ILLINOIS, *ante*, p. 950;

No. 614, Misc. SMITH ET AL. *v.* UNITED STATES, *ante*, p. 954;

No. 634, Misc. UNITED STATES EX REL. HELWIG *v.* MARONEY, SUPERINTENDENT, WESTERN STATE PENITENTIARY, *ante*, p. 954;

No. 652, Misc. WHITING *v.* SACKS, WARDEN, *ante*, p. 946;

No. 705, Misc. LIVESAY *v.* ELLIS, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS, *ante*, p. 946; and

No. 853, Misc. MACKIEWICZ *v.* FLORIDA, *ante*, p. 965. Petitions for rehearing denied.

Dismissal Under Rule 60.

No. 467. MOUNSEY *v.* NEW YORK. Certiorari, 361 U. S. 812, to the Court of Appeals of New York. Writ of certiorari dismissed upon stipulation of counsel pursuant to Rule 60 of the Rules of this Court. *Walter Gellhorn* for petitioner. *Louis Lefkowitz*, Attorney General of New York, for respondent.