

HARTMAN *v.* UNITED STATES.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

No. 447, Misc. Decided June 25, 1962.

Certiorari granted; judgment reversed.

Reported below: 290 F. 2d 460.

*Lawrence Speiser* for petitioner.

*Solicitor General Cox, Assistant Attorney General Yeagley and George B. Searls* for the United States.

## PER CURIAM.

The motion for leave to proceed *in forma pauperis*, the motion for leave to supplement the petition for certiorari and the petition for writ of certiorari are granted. The judgment is reversed. *Russell v. United States*, 369 U. S. 749; *Silber v. United States*, *ante*, p. 717.

MR. JUSTICE FRANKFURTER and MR. JUSTICE WHITE took no part in the consideration or decision of this case.

MR. JUSTICE CLARK and MR. JUSTICE HARLAN dissent for the reasons stated in their dissenting opinions in *Russell v. United States*, 369 U. S. 749, 779, 781.