

ORDERS FROM APRIL 20 THROUGH
JUNE 22, 1964.

APRIL 20, 1964.

Miscellaneous Orders.

No. 14, Original. *LOUISIANA v. MISSISSIPPI ET AL.*

IT IS ORDERED that Honorable Marvin Jones, Chief Judge of the United States Court of Claims, be, and he is hereby, appointed Special Master in this case, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

The master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

The request of the State of Mississippi for admissions is referred to the Special Master for consideration and determination. [For earlier orders herein, see 375 U. S. 803, 950.]

No. 1314, Misc. *IN RE DISBARMENT OF DOLNICK.* IT IS ORDERED that Stanley Dolnick of Philadelphia, Pennsylvania, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. 1148, Misc. *HARPER v. SMITH, U. S. DISTRICT JUDGE.* Motion for leave to file petition for writ of mandamus denied.

April 20, 1964.

377 U. S.

No. 33. *ANDERSON v. KENTUCKY*. Certiorari, 371 U. S. 886, to the Court of Appeals of Kentucky. The motion of the petitioner to correct the order of this Court of March 9, 1964, 376 U. S. 940, is denied.

No. 1184, Misc. *WILLIAMS v. PATE, WARDEN*;

No. 1199, Misc. *OHODNICKI v. RUSSELL, CORRECTIONAL SUPERINTENDENT*;

No. 1214, Misc. *WILSON v. SOUTH CAROLINA ET AL.*; and

No. 1215, Misc. *OLIVE v. FLORIDA*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1210, Misc. *LOFTICE v. NASH, 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.

No. 865, Misc. *RAUBINGER, COMMISSIONER OF EDUCATION OF NEW JERSEY, ET AL. v. AUGELLI, U. S. DISTRICT JUDGE*. Motion for leave to file petition for writ of prohibition denied. MR. JUSTICE DOUGLAS is of the opinion that the motion for leave to file should be granted. *Arthur J. Sills*, Attorney General of New Jersey, *Theodore I. Botter*, First Assistant Attorney General, *Joseph A. Hoffman*, Deputy Attorney General, and *Richard Newman* for petitioners. *Milton T. Lasher* for Volpe et al., intervenors.

Probable Jurisdiction Noted.

No. 866. *CITY OF EL PASO v. SIMMONS*. Appeal from the United States Court of Appeals for the Fifth Circuit. Probable jurisdiction noted. *Thornton Hardie* for appellant. *Greenberry Simmons* for appellee. Reported below: 320 F. 2d 541.

377 U. S.

April 20, 1964.

Certiorari Granted. (See also No. 856, Misc., ante, p. 125.)

No. 801. BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYES *v.* UNITED AIR LINES, INC. C. A. 6th Cir. Certiorari granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Edward J. Hickey, Jr.* and *James L. Highsaw, Jr.* for petitioner. *H. Templeton Brown, Robert L. Stern* and *Stuart Bernstein* for respondent. Reported below: 325 F. 2d 576.

No. 846. TEXTILE WORKERS UNION OF AMERICA *v.* DARLINGTON MANUFACTURING CO. ET AL.; and

No. 874. NATIONAL LABOR RELATIONS BOARD *v.* DARLINGTON MANUFACTURING CO. ET AL. C. A. 4th Cir. Certiorari granted. The cases are consolidated and a total of two hours is allotted for oral argument. MR. JUSTICE STEWART and MR. JUSTICE GOLDBERG took no part in the consideration or decision of these petitions. *Patricia Eames* for petitioner in No. 846. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come* and *Nancy M. Sherman* for the National Labor Relations Board, respondent in No. 846 and petitioner in No. 874. *Thornton H. Brooks* for Darlington Manufacturing Co., and *Stuart N. Updike, John R. Schoemer, Jr., John Lord O'Brian* and *Hugh B. Cox* for Deering Milliken, Inc., respondents in both cases. Reported below: 325 F. 2d 682.

No. 898. SINGER *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. *Sidney Dorfman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 326 F. 2d 132.

April 20, 1964.

377 U. S.

No. 899. REPUBLIC STEEL CORP. *v.* MADDOX. Supreme Court of Alabama. Certiorari granted. *Andrew J. Thomas* for petitioner. *John D. Prince, Jr.* and *Richard L. Jones* for respondent. Reported below: 275 Ala. 685, 158 So. 2d 492.

Certiorari Denied. (*See also No. 1210, Misc., supra.*)

No. 104. JEFFERSON CITY CABINET Co. *v.* LOCAL UNION 748, INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO. C. A. 6th Cir. Certiorari denied. *H. R. Silvers* and *G. Maynard Smith* for petitioner. *Benjamin C. Sigal* and *David S. Davidson* for respondent. Reported below: 314 F. 2d 192.

No. 784. BURIE ET AL. *v.* OVERSEAS NAVIGATION CORP. ET AL. C. A. 2d Cir. Certiorari denied. *Edward B. Joachim* for petitioners. *Lawrence J. Mahoney* for respondents.

No. 797. TILLMAN, ADMINISTRATRIX, *v.* UNITED STATES. Court of Claims. Certiorari denied. *Borris M. Komar* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: — Ct. Cl. —, 320 F. 2d 396.

No. 823. HAMES *v.* UNITED STATES. Court of Claims. Certiorari denied. *O. John Rogge* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Sherman L. Cohn* for the United States.

No. 836. CATALANO *v.* ILLINOIS. Supreme Court of Illinois. Certiorari denied. *Julius Lucius Echeles* for petitioner. Reported below: 29 Ill. 2d 197, 193 N. E. 2d 797.

377 U. S.

April 20, 1964.

No. 842. *DELTA ENGINEERING CORP. ET AL. v. SCOTT ET AL.* C. A. 5th Cir. Certiorari denied. *Ernest A. Carrere, Jr.* for petitioners. Reported below: 322 F. 2d 11.

No. 858. *BASS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Malcolm I. Frank* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 326 F. 2d 884.

No. 871. *TEAMSTERS, CHAUFFEURS & HELPERS LOCAL UNION NO. 79, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, v. NATIONAL LABOR RELATIONS BOARD ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *L. N. D. Wells, Jr.* and *David Previant* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for the National Labor Relations Board, and *Alexander E. Wilson, Jr.* and *James P. Swann, Jr.* for Redwing Carriers, Inc., et al., respondents. Reported below: 117 U. S. App. D. C. 84, 325 F. 2d 1011.

No. 872. *MOHAWK LIQUEUR CORP. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Dean Acheson* for petitioner. *Solicitor General Cox and Assistant Attorney General Oberdorfer* for the United States. Reported below: 324 F. 2d 241.

No. 873. *TENENBAUM ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 327 F. 2d 210.

April 20, 1964.

377 U. S.

No. 875. *DURANT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Eugene Gressman* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Joseph M. Howard* for the United States. Reported below: 324 F. 2d 859.

No. 876. *VAN DER SCHELLING v. U. S. NEWS & WORLD REPORT, INC.* C. A. 3d Cir. Certiorari denied. *Harry Lore* and *Philip Dorfman* for petitioner. *James H. McGlothlin* and *David B. Isbell* for respondent. Reported below: 324 F. 2d 956.

No. 877. *SERAP ET AL. v. MICHIGAN*. Supreme Court of Michigan. Certiorari denied. *George Stone* and *Max E. Klayman* for petitioners. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *James R. Ramsey*, Assistant Attorney General, for respondent.

No. 863. *GRAYSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. *Charles B. Evins* for petitioner. Reported below: 29 Ill. 2d 229, 193 N. E. 2d 801.

No. 881. *SITTNER, DOING BUSINESS AS SITTNER'S AUTO WRECKING, ET AL. v. CITY OF SEATTLE*. Supreme Court of Washington. Certiorari denied. *Clarence J. Coleman* for petitioners. *A. L. Newbould* for respondent. Reported below: 62 Wash. 2d 834, 384 P. 2d 859.

No. 884. *TRU-LINE METAL PRODUCTS CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Robert M. Myers* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come* and *Allison W. Brown, Jr.* for respondent. Reported below: 324 F. 2d 614.

377 U. S.

April 20, 1964.

No. 879. *MAYER v. ILLINOIS NORTHERN RAILWAY.* C. A. 7th Cir. Certiorari denied. *James A. Dooley* for petitioner. *Floyd Stuppi* for respondent. Reported below: 324 F. 2d 154.

No. 885. *DROP DEAD CO., INC., DOING BUSINESS AS PARAMOUNT CHEMICAL CO., ET AL. v. S. C. JOHNSON & SON, INC.* C. A. 9th Cir. Certiorari denied. *Almon S. Nelson* for petitioners. *Beverly W. Pattishall* for respondent. Reported below: 326 F. 2d 87.

No. 886. *HUGHES v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Eugene Gressman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 325 F. 2d 789.

No. 888. *KASLOW, DOING BUSINESS AS J. C. MARTIN CO. ET AL., v. DIXON ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Miles Warner and Walter D. Hansen* for petitioner. *Solicitor General Cox, Assistant Attorney General General Douglas and Sherman L. Cohn* for respondents.

No. 891. *CONNER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Wesley R. Asinof* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 322 F. 2d 647.

No. 892. *PALMER v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Miller and Philip R. Monahan* for the United States.

April 20, 1964.

377 U. S.

No. 948. *WINKLER v. PRINGLE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 324 F. 2d 613.

No. 895. *HINDES ET UX. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Robt. H. Rice* for petitioners. *Solicitor General Cox* and *Assistant Attorney General Oberdorfer* for the United States. Reported below: 326 F. 2d 150.

No. 464, Misc. *STEWART v. EYMAN, WARDEN.* Supreme Court of Arizona. Certiorari denied. Petitioner *pro se.* *Robert W. Pickrell*, Attorney General of Arizona, and *Edward I. Kennedy* and *Philip M. Haggerty*, Assistant Attorneys General, for respondent.

No. 903, Misc. *MILLER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States.

No. 114. *GENERAL ELECTRIC Co. v. CAREY, PRESIDENT, INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *David L. Benetar* and *H. H. Nordlinger* for petitioner. *Benjamin C. Sigal*, *David S. Davidson* and *Isadore Katz* for respondent. Reported below: 315 F. 2d 499.

No. 838. *DICKSON, WARDEN, v. PIKE.* 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 Ninth Circuit denied. *Stanley Mosk*, Attorney General of California, and *Robert R. Granucci* and *Albert W. Harris, Jr.*, Deputy Attorneys General, for petitioner. *Henry A. Dietz* for respondent. Reported below: 323 F. 2d 856.

377 U. S.

April 20, 1964.

No. 878. *GENERAL TIRE & RUBBER Co. v. WATKINS*, U. S. DISTRICT JUDGE. Motion of Firestone Tire & Rubber Co. et al. for leave to file brief, as *amici curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. *Norman P. Ramsey* and *Charles J. Merriam* for petitioner. *Solicitor General Cox* filed a memorandum for the United States. *Edward S. Irons*, *William Wade Beckett* and *Stanley M. Clark* for Firestone Tire & Rubber Co. et al., as *amici curiae*, in opposition. Reported below: 326 F. 2d 926.

No. 902. *S. STERN & Co. v. UNITED STATES*. United States Court of Customs and Patent Appeals. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Leonard Feldman* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: 51 C. C. P. A. (Cust.) 15, 331 F. 2d 310.

No. 912. *NELLO L. TEER Co. ET AL. v. HOLLYWOOD GOLF ESTATES, INC.* C. A. 5th Cir. Certiorari denied. *Wesley G. Carey* and *Charles B. Nye* for petitioners. *Lewis Horwitz* and *L. J. Cushman* for respondent. Reported below: 324 F. 2d 669.

No. 896. *DEAN, ADMINISTRATOR, v. COLE*. C. A. 4th Cir. Certiorari denied. *Henry Hammer* and *Henry H. Edens* for petitioner. *Irvine F. Belser* for respondent. Reported below: 326 F. 2d 907.

No. 811, Misc. *KYLE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

April 20, 1964.

377 U.S.

No. 836, Misc. *FRASIER v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 874, Misc. *HARRIS v. SETTLE, WARDEN*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Marshall* and *Harold H. Greene* for respondent. Reported below: 322 F. 2d 908.

No. 876, Misc. *GUTIERREZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for respondent. Reported below: 323 F. 2d 593.

No. 929, Misc. *KOENIG v. BLACKWELL, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Marshall* and *Harold H. Greene* for respondents.

No. 993, Misc. *KORMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 1033, Misc. *JOHNSON v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied. *Edwin P. Rome* and *Charles Alvin Jones* for petitioner.

No. 1043, Misc. *COLLINS v. DICKSON, WARDEN*. Supreme Court of California. Certiorari denied.

377 U. S.

April 20, 1964.

No. 1055, Misc. *CUMMINGS v. BENNETT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 324 F. 2d 1.

No. 1065, Misc. *GARY v. NEW YORK.* Court of Appeals of New York. Certiorari denied.

No. 1069, Misc. *PERRY v. RONAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1073, Misc. *HICKS v. NEW YORK.* Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1084, Misc. *CHANDLER v. PEYTON, PENITENTIARY SUPERINTENDENT.* Supreme Court of Appeals of Virginia. Certiorari denied.

No. 1085, Misc. *NASTASIO, ALIAS NOLETTI, v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. Reported below: 30 Ill. 2d 51, 195 N. E. 2d 144.

No. 1090, Misc. *JONES v. CALIFORNIA.* District Court of Appeal of California, Second Appellate District. Certiorari denied. *Fred Okrand* for petitioner. Reported below: 221 Cal. App. 2d 37, 34 Cal. Rptr. 267.

No. 1092, Misc. *HARRISON v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox* for the United States.

No. 1094, Misc. *KIMBALL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Ben S. Atkins* for petitioner. *Solicitor General Cox* for the United States. Reported below: 322 F. 2d 104.

April 20, 1964.

377 U.S.

No. 1095, Misc. *LOMAX v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Pennsylvania. Certiorari denied.

No. 1100, Misc. *FINLEY v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1102, Misc. *MERRITT v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Reported below: 29 Ill. 2d 423, 194 N. E. 2d 292.

No. 1109, Misc. *BEST v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 1110, Misc. *TURNER v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1112, Misc. *KING v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 117 U. S. App. D. C. 302, 329 F. 2d 257.

No. 1119, Misc. *SAULSBURY v. GREEN, CORRECTIONAL SUPERINTENDENT*. Supreme Court of Ohio. Certiorari denied. Reported below: 175 Ohio St. 433, 195 N. E. 2d 787.

No. 1126, Misc. *CARTER ET AL. v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

377 U. S.

April 20, 1964.

No. 1123, Misc. *BLEVINS v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1131, Misc. *DUTTON v. EYMAN, WARDEN, ET AL.* Supreme Court of Arizona. Certiorari denied: Reported below: 95 Ariz. 96, 387 P. 2d 799.

Rehearing Denied.

No. 71. *FEDERAL POWER COMMISSION v. SOUTHERN CALIFORNIA EDISON CO. ET AL.*, 376 U. S. 205;

No. 73. *CITY OF COLTON v. SOUTHERN CALIFORNIA EDISON CO. ET AL.*, 376 U. S. 205;

No. 106. *COMPSCO CORPORATION v. DAY-BRITE LIGHTING, INC.*, 376 U. S. 234;

No. 468. *GALANTE v. UNITED STATES*, 375 U. S. 940;

No. 739. *MIGUEL ET AL. v. JUSTICES OF THE SUPREME COURT OF NEW YORK, COUNTY OF NEW YORK, ET AL.*, 376 U. S. 937;

No. 742. *KAISER ET AL. v. NEW JERSEY*, 376 U. S. 950;

No. 968, Misc. *DI SILVESTRO v. LUMBARD, U. S. CIRCUIT JUDGE, ET AL.*, 376 U. S. 948; and

No. 1106, Misc. *POWERS v. UNITED STATES*, 376 U. S. 947. Petitions for rehearing denied.

No. 669, Misc. *ZUPICICH v. ESPERDY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*, 376 U. S. 933. Motion for leave to file petition for rehearing denied.

Nos. 671, Misc., and 843, Misc. *CEPERO v. PRESIDENT OF THE UNITED STATES ET AL.*, 376 U. S. 512. Petition for rehearings denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

April 24, 27, 1964.

377 U. S.

APRIL 24, 1964.

Certiorari Denied.

No. 1028. STASSEN FOR PRESIDENT CITIZENS COMMITTEE *v.* JORDAN, SECRETARY OF STATE OF CALIFORNIA. The motions of Janice C. Herrera and Thomas N. Burbridge, Jr. for leave to file briefs, as *amici curiae*, are granted. Petition for writ of certiorari to the Supreme Court of California denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE GOLDBERG dissent. Opinions may be filed in due course. [See *post*, p. 927.] *John Lord O'Brian*, *Newell W. Ellison* and *Daniel M. Gribbon* for petitioner. *Richard G. Logan* on the motion for Herrera. *Allan Brotsky* on the motion for Burbridge.

APRIL 27, 1964.

Miscellaneous Orders.

No. 1014, Misc. KREPEL *v.* HEINZE, 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. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondent.

No. 1250, Misc. TAYLOR *v.* 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.

Probable Jurisdiction Noted.

No. 585. McLAUGHLIN ET AL. *v.* FLORIDA. Appeal from the Supreme Court of Florida. Probable jurisdiction noted. *Jack Greenberg*, *James M. Nabrit III*, *Louis H. Pollak* and *William T. Coleman, Jr.* for appellants.

377 U. S.

April 27, 1964.

lants. *James W. Kynes*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for appellee. Reported below: 153 So. 2d 1.

Certiorari Granted. (See also No. 669, ante, p. 126.)

No. 909. AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN v. SUBVERSIVE ACTIVITIES CONTROL BOARD. United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Joseph Forer* and *David Rein* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, *George B. Searls* and *Lee B. Anderson* for respondent. Reported below: 117 U. S. App. D. C. 393, 331 F. 2d 53.

No. 1093, Misc. SWAIN v. ALABAMA. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. Case transferred to the appellate docket. *Jack Greenberg*, *Constance Baker Motley*, *James M. Nabrit III*, *Orzell Billingsley, Jr.* and *Peter A. Hall* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent. Reported below: 275 Ala. 508, 156 So. 2d 368.

Certiorari Denied. (See also No. 791, ante, p. 128, and Misc. Nos. 1014 and 1250, supra.)

No. 903. OREGON SAW CHAIN CORP. v. McCULLOCH MOTORS CORP. C. A. 9th Cir. Certiorari denied. *Lewis E. Lyon* for petitioner. *R. Welton Whann* for respondent. Reported below: 323 F. 2d 758.

No. 832. KTISTAKIS v. UNITED CROSS NAVIGATION CORP. ET AL. C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioner. *John R. Sheneman* for respondent United Cross Navigation Corp. Reported below: 324 F. 2d 728.

April 27, 1964.

377 U. S.

No. 840. *BYRAM CONCRETANKS, INC., v. WARREN CONCRETE PRODUCTS CO. OF N. J. ET AL.* C. A. 3d Cir. Certiorari denied. *Leopold Frankel* for petitioner. *William W. Evans, Jr.* for Warren Concrete Products Co. of N. J. et al., and *George A. Vaccaro* for Higgins et al., respondents. Reported below: 323 F. 2d 994.

No. 887. *GENSTIL v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *John L. Saltonstall, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard* and *John M. Brant* for the United States. Reported below: 326 F. 2d 243.

No. 897. *BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS v. UNITED STATES;* and

No. 906. *LACLEDE STEEL CO. ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Sumter D. Marks, Jr.* for petitioner in No. 897. *Abe Garland, Leonard B. Levy, Murray F. Cleveland, Ralph L. Kaskell, Jr., Sumter D. Marks, Jr.* and *Walter J. Suthon, Jr.* for petitioners in No. 906. *Solicitor General Cox, Roger P. Marquis* and *Harold S. Harrison* for the United States. Reported below: 322 F. 2d 698.

No. 907. *ORLEANS PARISH SCHOOL BOARD v. RELIANCE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. *Samuel I. Rosenberg* for petitioner. *June L. Green* for Real Estate Board of New Orleans, Inc., as *amicus curiae*, in support of the petition. Reported below: 322 F. 2d 803.

No. 910. *DADE BROTHERS, INC., ET AL. v. UNITED STATES.* Court of Claims. Certiorari denied. *James A. Cuddihy* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas* and *Sherman L. Cohn* for the United States. Reported below: — Ct. Cl. —, 325 F. 2d 239.

377 U. S.

April 27, 1964.

No. 911. *SILVA v. CARTER*, REGIONAL COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *Marshall E. Kidder* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for respondent. Reported below: 326 F. 2d 315.

No. 917. *ELKANICH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Sol A. Abrams* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 327 F. 2d 417.

No. 933. *HENDERSON CLAY PRODUCTS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Benjamin L. Bird* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Melva M. Graney* for the United States. Reported below: 324 F. 2d 7.

No. 959. *BUILDERS' ASSOCIATION OF KANSAS CITY v. GREATER KANSAS CITY LABORERS DISTRICT COUNCIL OF THE INTERNATIONAL HOD CARRIERS BUILDING & COMMON LABORERS UNION OF AMERICA OF GREATER KANSAS CITY & VICINITY*. C. A. 8th Cir. Certiorari denied. *Harry L. Browne and Howard F. Sachs* for petitioner. *John J. Manning* for respondent. Reported below: 326 F. 2d 867.

No. 967. *CHICAGO & NORTH WESTERN RAILWAY Co. v. RIEGER*. C. A. 8th Cir. Certiorari denied. *Arthur J. Donnelly and Jordan J. Hillman* for petitioner. *Robert J. Berens* for respondent. Reported below: 326 F. 2d 329.

No. 1051, Misc. *REED v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 323 F. 2d 498.

April 27, 1964.

377 U.S.

No. 935. BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. *v.* CERTAIN CARRIERS REPRESENTED BY THE EASTERN, WESTERN, & SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES ET AL.; and

No. 1007. BROTHERHOOD OF LOCOMOTIVE ENGINEERS *v.* CERTAIN CARRIERS REPRESENTED BY THE EASTERN, WESTERN, & SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES ET AL. Motion of Transport Workers Union of America, AFL-CIO, for leave to file a brief, as *amicus curiae*, granted. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion or these petitions. *Lester P. Schoene, Milton Kramer, Harold C. Heiss, Edward B. Henslee, Jr. and Ruth Weyand* for petitioners in No. 935. *Max Malin and Ruth Weyand* for petitioner in No. 1007. *Francis M. Shea, William H. Dempsey, Jr. and Richard J. Flynn* for respondent carriers in both cases. *Solicitor General Cox, Assistant Attorney General Douglas, J. William Doolittle and David L. Rose* for the United States et al., respondents in both cases. *Paul O'Dwyer and Howard N. Meyer* for Transport Workers Union of America, AFL-CIO, as *amicus curiae*, in support of the petitions. Reported below: — U. S. App. D. C. —, 331 F. 2d 1020.

No. 1154, Misc. *EX PARTE OPPENHEIMER*. Supreme Court of California. Certiorari denied.

No. 887, Misc. *LAWRENSON v. ANDERSON, JAIL SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and David Rubin* for respondent.

377 U. S.

April 27, 1964.

No. 908. *LEIGHTON v. PARAMOUNT PICTURES CORP. ET AL.* Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied. Petitioner *pro se*. *Leonard Kaufman and Whitney North Seymour, Jr.* for respondents.

No. 1121, Misc. *WEISS v. SKOURAS ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied.

No. 1158, Misc. *NEAL v. HEINZE, WARDEN, ET AL.* Supreme Court of California. Certiorari denied.

No. 1160, Misc. *BRIDGERS v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1170, Misc. *GANDY v. ALABAMA.* Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Paul T. Gish, Jr.*, Assistant Attorney General, for respondent. Reported below: 276 Ala. 704, 159 So. 2d 73.

No. 1191, Misc. *IN RE OPPENHEIMER.* Supreme Court of California. Certiorari denied.

No. 1313, Misc. *RUDOLPH v. ALABAMA.* Supreme Court of Alabama. Certiorari denied. The application for a stay of execution presented to MR. JUSTICE BLACK, and by him referred to the Court, is also denied. *Fred Blanton, Jr.* for petitioner. Reported below: 276 Ala. 392, 162 So. 2d 486.

April 27, 28, May 4, 1964.

377 U. S.

Rehearing Denied.

No. 753. *KIRK v. BOEHM, SUPERINTENDENT, DEPARTMENT OF PUBLIC INSTRUCTION, PENNSYLVANIA, ET AL.*, 376 U. S. 512;

No. 809. *PETRUSHANSKY, ALIAS GREEN, v. MARASCO, U. S. MARSHAL*, 376 U. S. 952;

No. 816. *BERSTEIN, ALIAS BERNS, v. MISSOURI*, 376 U. S. 953;

No. 830. *STEVENS BROS. FOUNDATION, INC., v. COMMISSIONER OF INTERNAL REVENUE*, 376 U. S. 969;

No. 846, Misc. *ENOS v. ZUCKERT, SECRETARY OF THE AIR FORCE, ET AL.*, 376 U. S. 955; and

No. 951, Misc. *PATTERSON v. VIRGINIA ELECTRIC & POWER CO.*, 376 U. S. 956. Petitions for rehearing denied.

No. 342. *ALKER ET AL. v. FEDERAL DEPOSIT INSURANCE CORP. ET AL.*, 375 U. S. 880, 949; 376 U. S. 929. Motion for leave to file a third petition for rehearing denied.

APRIL 28, 1964.

Dismissal Under Rule 60.

No. 1187, Misc. *LUCAS v. KLINGER, CORRECTIONAL SUPERINTENDENT*. Motion for leave to file petition for writ of habeas corpus dismissed pursuant to Rule 60 of the Rules of this Court.

MAY 4, 1964.

Miscellaneous Orders.

No. 930. *SANAPAW ET AL. v. WISCONSIN*. On petition for writ of certiorari to the Supreme Court of Wisconsin. The Solicitor General is invited to file a brief expressing the views of the United States.

377 U. S.

May 4, 1964.

No. 8, Original. *ARIZONA v. CALIFORNIA ET AL.* The petition of the Special Master for the payment of an additional fee is granted, and, all of the parties agreeing thereto, the parties are ordered to make additional payments totaling \$50,000 to *Simon H. Rifkind, Esquire*, Special Master, constituting the balance of full payment of his compensation for his services as Special Master.

Such additional payments are to be made in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. [For opinion and decree in this case, see 373 U. S. 546, 376 U. S. 340.]

No. 849. *INLAND EMPIRE BUILDERS, INC., ET AL. v. WASHINGTON ET AL.*;

No. 850. *HEBB & NARODICK CONSTRUCTION CO., INC., ET AL. v. WASHINGTON ET AL.*; and

No. 851. *MURRAY ET AL. v. WASHINGTON ET AL.* On appeals from the Supreme Court of Washington. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 1239, Misc. *KING v. NASH, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied.

Probable Jurisdiction Noted.

Nos. 735 and 934. *Cox v. LOUISIANA.* Appeals from the Supreme Court of Louisiana. Probable jurisdiction noted. *Carl Rachlin, Robert Collins, Nils Douglas and Floyd McKissick* for appellant. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ralph L. Roy* for appellee. Reported below: No. 735, 244 La. 1087, 156 So. 2d 448; No. 934, 245 La. 303, 158 So. 2d 172.

May 4, 1964.

377 U. S.

Certiorari Granted.

No. 787. *PETER v. UNITED STATES.* C. A. 9th Cir. Certiorari granted. *Duane B. Beeson* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 324 F. 2d 173.

No. 937. *UNITED STATES v. JAKOBSON.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. *Herman Adlerstein* for respondent. Reported below: 325 F. 2d 409.

No. 936. *UNITED STATES v. SEEGER.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. *Kenneth W. Greenawalt* for respondent. Reported below: 326 F. 2d 846.

Certiorari Denied.

No. 387. *PAN AMERICAN PETROLEUM CORP. v. FEDERAL POWER COMMISSION.* C. A. 10th Cir. Certiorari denied. *William J. Grove, Thomas H. Wall, Carroll L. Gilliam, W. W. Heard* and *Wm. H. Emerson* for petitioner. *Solicitor General Cox, Ralph S. Spritzer, Richard A. Solomon, Howard E. Wahrenbrock* and *Peter H. Schiff* for respondent. Reported below: 317 F. 2d 796.

No. 684. *SUPERIOR OIL Co. v. FEDERAL POWER COMMISSION.* C. A. 9th Cir. Certiorari denied. *Murray Christian, H. W. Varner* and *Roland B. Voight* for petitioner. *Solicitor General Cox, Ralph S. Spritzer, Richard A. Solomon, Howard E. Wahrenbrock* and *Peter H. Schiff* for respondent. Reported below: 322 F. 2d 601.

377 U. S.

May 4, 1964.

No. 835. *MUELLER COMPANY v. FEDERAL TRADE COMMISSION.* C. A. 7th Cir. Certiorari denied. *Thomas R. McMillen and A. G. Webber III* for petitioner. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel, Irwin A. Seibel, James McI. Henderson and Alvin L. Berman* for respondent. Reported below: 323 F. 2d 44.

No. 861. *ENGELHARD INDUSTRIES, INC., v. RESEARCH INSTRUMENT CORP.* C. A. 9th Cir. Certiorari denied. *Ralph B. Pastoriza* for petitioner. *Elwood S. Kendrick* for respondent. Reported below: 324 F. 2d 347.

No. 870. *BOEING COMPANY v. RENEgotiation BOARD OF THE UNITED STATES.* C. A. 9th Cir. Certiorari denied. *David E. Wagoner* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and David L. Rose* for respondent. Reported below: 325 F. 2d 885.

No. 923. *HOLLYWOOD BRANDS, INC., v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *Fred S. Ball, Jr.* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 324 F. 2d 956.

No. 924. *BALDWIN BRACELET CORP. ET AL. v. FEDERAL TRADE COMMISSION.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Jacob A. Stein* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel, James McI. Henderson and J. Richard Carr* for respondent. Reported below: 117 U. S. App. D. C. 85, 325 F. 2d 1012.

May 4, 1964.

377 U. S.

No. 926. PITTSBURGH RAILWAYS Co. v. DUQUESNE LIGHT Co. Supreme Court of Pennsylvania. Certiorari denied. *Charles Monroe Thorp, Jr.* for petitioner. *Edmund K. Trent* and *Thomas J. Munsch, Jr.* for respondent. Reported below: 413 Pa. 1, 194 A. 2d 319.

No. 929. RONEL CORPORATION v. ANCHOR LOCK OF FLORIDA, INC., ET AL. C. A. 5th Cir. Certiorari denied. *Henry L. Burkitt* and *Harold I. Kaplan* for petitioner. *Richard P. Schulze* for respondents. Reported below: 325 F. 2d 889.

No. 954. BOARD OF PUBLIC INSTRUCTION OF DUVAL COUNTY, FLORIDA, ET AL. v. BRAXTON ET AL. C. A. 5th Cir. Certiorari denied. *Fred H. Kent*, *Davisson F. Dunlap* and *Elliott Adams* for petitioners. Reported below: 326 F. 2d 616.

No. 957. BELL ET AL. v. SCHOOL CITY OF GARY, INDIANA, ET AL. C. A. 7th Cir. Certiorari denied. *Robert L. Carter*, *Barbara A. Morris*, *Hilbert L. Bradley* and *Charles Wills* for petitioners. *Albert H. Gavit* and *Edmond J. Leeney* for respondents. Reported below: 324 F. 2d 209.

No. 960. MARASCO ET AL. v. COMPO SHOE MACHINERY CORP. C. A. 1st Cir. Certiorari denied. *Robert B. Russell* for petitioners. *Robert L. Thompson* for respondent. Reported below: 325 F. 2d 695.

No. 953. PRESIDENT OF INDIA, ACTING BY AND THROUGH THE DIRECTOR OF THE INDIA SUPPLY MISSION, v. WEST COAST STEAMSHIP Co. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John Gordon Gearin* for petitioner. *Kenneth E. Roberts* for respondent. Reported below: 327 F. 2d 638.

377 U. S.

May 4, 1964.

No. 947. WIRTZ, SECRETARY OF LABOR, *v.* MODERN TRASHMOVAL, INC. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Solicitor General Cox, Charles Donahue, Bessie Margolin and Jack H. Weiner* for petitioner. *Charles G. Page* for respondent. Reported below: 323 F. 2d 451.

No. 848, Misc. PERRY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1057, Misc. GAITO *v.* STRAUSS ET AL. C. A. 3d Cir. Certiorari denied.

Rehearing Denied.

No. 57. FAWCETT PUBLICATIONS, INC., *v.* MORRIS, 376 U. S. 513;

No. 66. UNITED STATES ET AL. *v.* J. B. MONTGOMERY, INC., 376 U. S. 389;

No. 167. UNGAR *v.* SARAFITE, JUDGE OF THE COURT OF GENERAL SESSIONS OF THE COUNTY OF NEW YORK, 376 U. S. 575; and

No. 815. STRACHAN SHIPPING Co. *v.* KONINKLYKE NEDERLANDSCHE STOOMBOOT MAALSCHAPPY, N. V., 376 U. S. 954. Petitions for rehearing denied.

MAY 13, 1964.

Dismissal Under Rule 60.

No. 1047, Misc. WILSON *v.* NEW YORK. Appeal from the Court of Appeals of New York. Dismissed pursuant to Rule 60 of the Rules of this Court. *Leon B. Polsky* for appellant. Reported below: 13 N. Y. 2d 277, 196 N. E. 2d 251.

May 18, 1964.

377 U. S.

MAY 18, 1964.

Miscellaneous Orders.

No. 5, Original. *UNITED STATES v. CALIFORNIA.* The joint application for an extension of time for filing answering briefs and for allowance of time for filing reply briefs is granted. Answering briefs shall be filed on or before June 15, 1964, and reply briefs shall be filed on or before July 30, 1964. The motion of Carl Whitson for leave to file a petition for intervention is denied but the alternative motion for leave to file a brief, as *amicus curiae*, is granted. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this application and motion. *Solicitor General Cox* for the United States. *Stanley Mosk*, Attorney General of California, for defendant. Movant *pro se*. *Solicitor General Cox* for the United States in opposition to the motion for leave to file petition for intervention. *Stanley Mosk*, Attorney General of California, and *Howard S. Goldin*, Assistant Attorney General, for the State of California in opposition to motion for leave to file petition for intervention and for leave to file brief as *amicus curiae*.

No. 16, Original. *ARIZONA v. CALIFORNIA ET AL.* The motion for leave to file a bill of complaint is denied. *Massachusetts v. Missouri*, 308 U. S. 1. *James B. Schnake*, *Richard J. Daniels*, *Max O. Truitt, Jr.* and *Joseph E. Smith* for plaintiff. *Jack Maxwell Howard*, *Holloway Jones* and *Emerson W. Rhyner* for the State of California; and *George H. Hauerken* for *Charles L. Harney, Inc.*, defendants.

No. 1221, Misc. *SARELAS v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT ET AL.* Motion for leave to file petition for writ of mandamus and/or prohibition denied. *Peter S. Sarelas*, petitioner, *pro se*.

377 U. S.

DOUGLAS, J., dissenting.

No. 1028. STASSEN FOR PRESIDENT CITIZENS COMMITTEE *v.* JORDAN, SECRETARY OF STATE OF CALIFORNIA. (Petition for writ of certiorari to the Supreme Court of California denied, *ante*, p. 914.)

MR. JUSTICE DOUGLAS, with whom THE CHIEF JUSTICE and MR. JUSTICE GOLDBERG concur, dissenting.

I would have granted certiorari in this case as the Journal entry for April 24, 1964, shows; and I file this statement of reasons pursuant to the reservation made at the time.

It is now settled, after a period of some uncertainty (cf. *Newberry v. United States*, 256 U. S. 232, 250), that a primary election for Representatives for the Congress is a part of the election process guaranteed by Art. I, §§ 2 and 4 of the Constitution (*United States v. Classic*, 313 U. S. 299); and the same reasoning applies to primary elections for Senators pursuant to the Seventeenth Amendment. *Terry v. Adams*, 345 U. S. 461, 468; *Gray v. Sanders*, 372 U. S. 368, 380.

We deal here not with the primary election for either members of Congress or the Senate but with the nominating process for a primary election¹ in which convention delegates favorable to a particular presidential candidate are chosen, the convention choice ultimately to compete for President in an election under Article II

¹ The California Elections Code (1961) provides that nomination papers shall be left with the county clerk of the county in which they are circulated at least 60 days prior to the presidential primary. § 6081. The nomination papers in the present case are required to be signed by not less than one-half of one percent and not more than two percent of the vote for the Republican Governor at the last general election. § 6080 (a), § 6082. And it is provided in § 6087 that a "verified nomination paper is *prima facie* evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk."

DOUGLAS, J., dissenting.

377 U. S.

of the Constitution—a procedure that Congress has regulated in detail. See 3 U. S. C. § 1 *et seq.*

The Court in the *Classic* case said:

“That the free choice by the people of representatives in Congress, subject only to the restrictions to be found in §§ 2 and 4 of Article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted. We cannot regard it as any the less the constitutional purpose, or its words as any the less guarantying the integrity of that choice, when a state, exercising its privilege in the absence of Congressional action, changes the mode of choice from a single step, a general election, to two, of which the first is the choice at a primary of those candidates from whom, as a second step, the representative in Congress is to be chosen at the election.” 313 U. S., at 316–317.

The “mode of choice” (*id.*, at 316) in California for presidential candidates is first, the nominating petition, second, the primary, third, the convention, and fourth, the general election. The fact that the “mode of choice” is enlarged to four stages is irrelevant to the constitutional purpose to protect “the free choice” of the people (*ibid.*) in federal elections.

California, zealous to protect that right, creates the presumption that signatures on a petition are signatures of bona fide electors. Elections Code § 6087.²

In this case, however, the presumption is defeated, not because the signatories to the nominating petitions are found to be unqualified but for reasons that relate solely to the administrative convenience of the county clerks. They certify as qualified voters only those that their office has indexed; and concededly the indices are not up

² Note 1, *supra*.

377 U. S.

May 18, 1964.

to date. A voter recently moving to a new district and registering in time nevertheless loses his franchise—not because of any disqualification or irregularity, not because of his failure to do something required, and not because of his commission of a wrongful act. He has done all in his power to qualify as a voter; but his vote is not counted in the nominating stage of the electoral process merely on account of administrative congestion. This to me is at least arguably an impermissible state denial of a federal right; the question is substantial;³ and I regret it was not argued and decided on the merits.

No. 1296, Misc. *DELANEY v. OREGON*. Motion for leave to file petition for writ of habeas corpus denied.

No. 1197, Misc. *STEBBINS v. CHIEF JUDGE, U. S. COURT OF APPEALS, ET AL.* Motion for leave to file petition for writ of mandamus and for other relief denied.

Certiorari Granted.

No. 927. *UNITED MINE WORKERS OF AMERICA v. PENNINGTON ET AL.* C. A. 6th Cir. Certiorari granted. *Harrison Combs, E. H. Rayson, R. R. Kramer and M. E. Boiarsky* for petitioner. *John A. Rowntree* for respondents. Reported below: 325 F. 2d 804.

No. 944. *UNITED STATES ET AL. v. POWELL ET AL.* C. A. 3d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard, Norman Sepenuk and Burton Berkley* for the United States et al. *Bernard G. Segal and Samuel D. Slade* for respondents. Reported below: 325 F. 2d 914.

³ No other infirmity is shown on the papers before us; and the Supreme Court of California in denying relief wrote no opinion.

May 18, 1964.

377 U.S.

No. 971. INDEPENDENT PETROLEUM WORKERS OF AMERICA, INC., *v.* AMERICAN OIL CO. C. A. 7th Cir. Certiorari granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *William Belshaw, Benedict R. Danko, David E. Feller, Elliot Bredhoff, Jerry D. Anker and Michael H. Gottesman* for petitioner. *Richard P. Tinkham and Daniel F. Kelly* for respondent. Reported below: 324 F. 2d 903.

No. 999, Misc. LINKLETTER *v.* WALKER, WARDEN. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket. *Truman Hobbs* for petitioner. *Jack P. F. Gremillion, Attorney General of Louisiana, and Teddy W. Airhart, Jr., Assistant Attorney General*, for respondent. Reported below: 323 F. 2d 11.

Certiorari Denied. (See also No. 949, *ante*, p. 215; No. 771, *Misc.*, *ante*, p. 216; and No. 1087, *Misc.*, *ante*, p. 216.)

No. 862. REICH ET AL. *v.* WEBB ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Jack Corinblit* for petitioners. *John Whyte* for Webb et al., and *Thomas W. Clarke* for Beverly Hills Federal Savings & Loan Association, respondents. Reported below: 218 Cal. App. 2d 862, 32 Cal. Rptr. 803.

No. 894. VANCE ET AL., DOING BUSINESS AS VANCE DAIRY, *v.* FREEMAN, SECRETARY OF AGRICULTURE. C. A. 5th Cir. Certiorari denied. *Alfred Moore, John B. Carroll and Arthur E. Sutherland* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal and Pauline B. Heller* for respondent. Reported below: 319 F. 2d 841; 325 F. 2d 663.

377 U. S.

May 18, 1964.

No. 868. *TAYLOR ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *George L. Russell, Jr.* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 326 F. 2d 277.

No. 901. *JOHN REINER & CO. v. UNITED STATES.* Court of Claims. Certiorari denied. *Charles Rembar* and *George Zolotar* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Kathryn H. Baldwin* for the United States. Reported below: — Ct. Cl. —, 325 F. 2d 438.

No. 928. *LITCHFIELD SECURITIES CORP. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Joseph F. Monaghan* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *I. Henry Kutz* for the United States. Reported below: 325 F. 2d 667.

No. 932. *BYRTH v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 327 F. 2d 917.

No. 945. *MASSEY-FERGUSON LTD. v. INTERMOUNTAIN FORD TRACTOR SALES CO. ET AL.* C. A. 10th Cir. Certiorari denied. *John F. Sonnett* and *Dennis McCarthy* for petitioner. *Joseph L. Alioto* and *Brigham E. Roberts* for respondents. Reported below: 325 F. 2d 713.

No. 946. *SECURITY STATE BANK OF PHARR, TEXAS, v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Jackson Littleton* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Joseph Kovner* for the United States. Reported below: 325 F. 2d 92.

May 18, 1964.

377 U. S.

No. 938. *LEWIS, CIRCUIT CLERK AND REGISTRAR OF ELECTIONS, v. KENNEDY, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. *Joe T. Patterson*, Attorney General of Mississippi, *Dugas Shands* and *Guy N. Rogers*, Assistant Attorneys General, and *Peter M. Stockett, Jr.* and *William A. Allain*, Special Attorneys General, for petitioner. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Gerald P. Choppin* for respondent. Reported below: 325 F. 2d 210.

No. 950. *SARELAS v. SHEEHAN.* C. A. 7th Cir. Certiorari denied. *Peter S. Sarelas*, petitioner, *pro se*. Reported below: 326 F. 2d 490.

No. 952. *MARYLAND CASUALTY CO. v. HALLATT.* C. A. 5th Cir. Certiorari denied. *Dewey Knight* for petitioner. *Lawrence G. Ropes, Jr.* for respondent. Reported below: 326 F. 2d 275.

No. 955. *HOWARD, ALIAS JONES, v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Salvatore E. Oddo* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 327 F. 2d 765.

No. 956. *LYON STEAMSHIP LTD. v. SULLIVAN.* Supreme Court of Washington. Certiorari denied. *Lane Summers* for petitioner. Reported below: 63 Wash. 2d 316, 387 P. 2d 76.

No. 964. *BENNETT v. FORD MOTOR CO.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Samuel Intrater* for petitioner. *Ralph L. Chappell*, *Leo A. Rosetta* and *Laidler B. Mackall* for respondent. Reported below: 117 U. S. App. D. C. 34, 325 F. 2d 230.

377 U. S.

May 18, 1964.

No. 963. UNIVERSITY NATIONAL STOCKHOLDERS PROTECTIVE COMMITTEE, INC., *v.* UNIVERSITY NATIONAL LIFE INSURANCE CO. ET AL. C. A. 6th Cir. Certiorari denied. *Robert L. Taylor* for petitioner. Reported below: 328 F. 2d 425.

No. 965. PAULING ET AL. *v.* McNAMARA, SECRETARY OF DEFENSE, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Francis Heisler, Charles A. Stewart and Oliver Ellis Stone* for petitioners. *Solicitor General Cox* for respondents. Reported below: — U. S. App. D. C. —, 331 F. 2d 796.

No. 969. BRYANT ET AL. *v.* MOORE ET AL. Supreme Court of Ohio. Certiorari denied. *Louis C. Capelle* for petitioners. *George H. Elliott* for respondents.

No. 970. ANONYMOUS No. 1, AN ATTORNEY, *v.* COORDINATING COMMITTEE ON DISCIPLINE. Court of Appeals of New York. Certiorari denied. *Leonard Feldman* for petitioner. *Henry Weiner* for respondent.

No. 972. MELVILLE CONFECTIONS, INC., *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. *Frederick W. Turner, Jr.* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 327 F. 2d 689.

No. 978. BRODY, DOING BUSINESS AS ALBERT FRENCH RESTAURANT, *v.* EPSTEIN, CHAIRMAN OF THE NEW YORK STATE LIQUOR AUTHORITY, ET AL. Court of Appeals of New York. Certiorari denied. *Edward D. Burns* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *Samuel A. Hirshowitz*, First Assistant Attorney General, for respondents.

May 18, 1964.

377 U. S.

No. 966. *HERRON v. PORTLAND COLLECTION BUREAU ET AL.* Supreme Court of Oregon. Certiorari denied.

No. 976. *JOHNSON & JOHNSON v. KENDALL COMPANY.* C. A. 7th Cir. Certiorari denied. *Sidney Neuman, Thorley von Holst, Robert L. Austin and Harold Haidt* for petitioner. *William E. Anderson, Charles H. Walker and Harry R. Pugh, Jr.* for respondent. Reported below: 327 F. 2d 391.

No. 979. *KEENER RUBBER, INC., v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. *John G. Ketterer* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 326 F. 2d 968.

No. 994. *STEARNS ET AL. v. HERTZ CORPORATION.* C. A. 8th Cir. Certiorari denied. *Allen H. Surinsky* for petitioners. *John J. Shanahan* for respondent. Reported below: 326 F. 2d 405.

No. 1012. *GATES v. ILLINOIS.* Supreme Court of Illinois. Certiorari denied. *Julius Lucius Echeles* for petitioner. *Daniel P. Ward and Elmer C. Kissane* for respondent. Reported below: 29 Ill. 2d 586, 195 N. E. 2d 161.

No. 1013. *KROCK v. ELECTRIC MOTOR & REPAIR CO., INC.* C. A. 1st Cir. Certiorari denied. *Edward D. Burns* for petitioner. *Frank L. Kozol* for respondent. Reported below: 327 F. 2d 213.

No. 1049. *GLIDDEN COMPANY v. ZDANOK ET AL.* C. A. 2d Cir. Certiorari denied. *Frank C. Heath and Chester Bordeau* for petitioner. *Morris Shapiro and Harry Katz* for respondents. Reported below: 327 F. 2d 944.

377 U. S.

May 18, 1964.

No. 925. *HEUER v. CRESCENT RIVER PORT PILOTS ASSOCIATION*. Petition for writ of certiorari to the Supreme Court of Louisiana and for other relief denied. *Janet Mary Riley* for petitioner. *Peter H. Beer* for respondent. Reported below: 245 La. 580, 159 So. 2d 288.

No. 958. *PAUL REVERE LIFE INSURANCE CO. v. FIRST NATIONAL BANK IN DALLAS, ADMINISTRATOR*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William D. Neary* and *Orville F. Grahame* for petitioner. *Robert A. Fanning* for respondent. Reported below: 328 F. 2d 483.

No. 991. *SPINELLI v. Isthmian Steamship Co. et al.* C. A. 2d Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACK are of the opinion that certiorari should be granted. *Nathan Baker* for petitioner. *Robert P. Hart* for Isthmian Steamship Co., and *Sidney A. Schwartz* and *Joseph Arthur Cohen* for International Terminal Operating Co., Inc., respondents. Reported below: 326 F. 2d 871.

No. 844, Misc. *SAUNDERS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *George W. Shadoan* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 116 U. S. App. D. C. 326, 323 F. 2d 628.

No. 944, Misc. *WILLIAMS v. ANDERSON, JAIL SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Bernard J. Haugen* for respondent.

May 18, 1964.

377 U. S.

No. 760, Misc. *McKNIGHT v. BETO*, CORRECTIONS DIRECTOR. Court of Criminal Appeals of Texas. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 953, Misc. *JOHNSON v. BENNETT*, DIRECTOR, BUREAU OF PRISONS, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for respondents.

No. 1004, Misc. *WILSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1019, Misc. *JONES v. JONES*. Appellate Court of Illinois, First District. Certiorari denied.

No. 1029, Misc. *GAGER v. LADD*, COMMISSIONER OF PATENTS. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Sherman L. Cohn* for respondent.

No. 1076, Misc. *LANE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 321 F. 2d 573.

No. 1107, Misc. *SCHNEIDER v. WEISSBERGER ET AL.* Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied.

No. 1137, Misc. *D'AMBROSIO v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. Petitioner *pro se*. *Edward S. Silver* and *Aaron E. Koota* for respondent.

377 U. S.

May 18, 1964.

No. 1044, Misc. *STACEY v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied. *Gerald W. Getty* and *James J. Doherty* for petitioner. Reported below: 324 F. 2d 934.

No. 1099, Misc. *COLEMAN v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1082, Misc. *HERSH v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Philip A. Loomis, Jr., Walter P. North* and *Jacob H. Stillman* for respondent. Reported below: 325 F. 2d 147.

No. 1103, Misc. *IN RE BOYER*. C. A. 3d Cir. Certiorari denied. Reported below: 328 F. 2d 620.

No. 1118, Misc. *McCORMACK v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1147, Misc. *YATES v. KENTUCKY*. Court of Appeals of Kentucky. Certiorari denied. Reported below: 375 S. W. 2d 271.

No. 1163, Misc. *SATTERFIELD ET AL. v. PENNSYLVANIA RAILROAD Co.* C. A. 2d Cir. Certiorari denied. *William McKelvey* for petitioners. *Reginald Leo Duff* and *James S. Rowen* for respondent. Reported below: 323 F. 2d 783.

No. 1177, Misc. *STEWART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 325 F. 2d 745.

No. 1183, Misc. *MARTINEZ v. TEXAS*. Court of Criminal Appeals of Texas. Certiorari denied. *Charles Eugene Benson* for petitioner. Reported below: 373 S. W. 2d 246.

May 18, 1964.

377 U. S.

No. 1149, Misc. *POLLINO v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Benjamin Harmatz* for petitioner.

No. 1141, Misc. *SPINNEY v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 325 F. 2d 436.

No. 1162, Misc. *STEPNEY v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied.

No. 1167, Misc. *KALEC v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 1175, Misc. *MARTIN v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1181, Misc. *CLARK v. PATE, WARDEN, ET AL.* Circuit Court of Will County, Illinois. Certiorari denied.

No. 1182, Misc. *HERNANDEZ v. EYMAN, WARDEN, ET AL.* Supreme Court of Arizona. Certiorari denied.

No. 1192, Misc. *JOHNSON v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1193, Misc. *NASH v. REINCKE, WARDEN*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *John F. McGowan* for respondent. Reported below: 325 F. 2d 310.

No. 1198, Misc. *SEAY v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1213, Misc. *CARROLL v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1216, Misc. *CONWAY v. SAN QUENTIN PRISON OFFICIALS ET AL.* C. A. 9th Cir. Certiorari denied.

377 U. S.

May 18, 1964.

No. 1195, Misc. *McINTOSH v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. Reported below: 260 N. C. 749, 133 S. E. 2d 652.

No. 1229, Misc. *TANNER v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 329 F. 2d 170.

No. 1211, Misc. *WIGGINS v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 1223, Misc. *CORBETT, ALIAS OSBORNE, v. COLORADO*. Supreme Court of Colorado. Certiorari denied. *William H. Erickson* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, and *John E. Bush* and *Richard L. Eason*, Assistant Attorneys General, for respondent. Reported below: 153 Colo. —, 387 P. 2d 409.

No. 1244, Misc. *WILLIAMS v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 21, Misc. *POLAND v. CALIFORNIA*. Appellate Department, Superior Court of California, County of San Joaquin. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Lawrence Speiser* for petitioner. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondent. *Solicitor General Cox* filed memoranda for the United States.

No. 1248, Misc. *CASE v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 1259, Misc. *ALLISON v. HOLMAN, WARDEN*. C. A. 5th Cir. Certiorari denied.

May 18, 1964.

377 U. S.

No. 1081, Misc. STEBBINS *v.* UNITED STATES. Motion to use other records denied. Petition for writ of certiorari to the United States Court of Claims denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Douglas and Morton Hollander* for the United States.

No. 1128, Misc. FORD *v.* CALIFORNIA. Petition for writ of certiorari to the Supreme Court of California and for other relief denied. Reported below: 60 Cal. 2d 772, 388 P. 2d 892.

Rehearing Denied.

No. 209. STONER *v.* CALIFORNIA, 376 U. S. 483;

No. 223. RUGENDORF *v.* UNITED STATES, 376 U. S. 528;

No. 767. IN RE CROW, 376 U. S. 647;

No. 821. KLINE *v.* MINNESOTA, 376 U. S. 962;

No. 847. BOYAJIAN, DOING BUSINESS AS PRECISION TESTING LABORATORIES, *v.* OLD COLONY ENVELOPE Co., INC., ET AL., 376 U. S. 969;

No. 865. BROWN ET AL. *v.* UNAUTHORIZED PRACTICE OF LAW COMMITTEE OF CUYAHOGA COUNTY, OHIO, 376 U. S. 970;

No. 886. HUGHES *v.* UNITED STATES, *ante*, p. 907;

No. 905. ANTHONY *v.* COUNTY OF LOS ANGELES, 376 U. S. 963; and

No. 932, Misc. WALKER *v.* PATE, WARDEN, 376 U. S. 972. Petitions for rehearing denied.

No. 848. MICHALSKY *v.* CITY OF NEW YORK, 376 U. S. 971. Motion to dispense with printing petition granted. Petition for rehearing denied.

No. 800. SUBURBAN TELEPHONE Co. *v.* MOUNTAIN STATES TELEPHONE & TELEGRAPH Co. ET AL., 376 U. S. 648. Petition for rehearing denied. MR. JUSTICE BLACK took no part in the consideration or decision of this petition.

377 U. S.

May 25, 1964.

MAY 25, 1964.

Miscellaneous Orders.

No. 1108. *CARRINGTON v. RASH ET AL.* On petition for writ of certiorari to the Supreme Court of Texas. The motion under Rule 43 (4) for expeditious treatment is denied. *W. C. Peticolas* on the motion.

No. 1036, Misc. *RANDALL v. UNITED STATES.* Motion for leave to file petition for writ of certiorari denied. *Melvin L. Wulf* for petitioner. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Gerald P. Choppin* for the United States.

No. 1104, Misc. *BROWN v. WAINWRIGHT, CORRECTIONS DIRECTOR.* Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *James W. Kynes*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

No. 1267, Misc. *GOMEZ v. HEINZE, WARDEN*;
No. 1329, Misc. *IN RE LUGO*;
No. 1336, Misc. *MOORE v. RANDOLPH, WARDEN*;
No. 1344, Misc. *HARRIS v. McGINNIS, CORRECTIONS COMMISSIONER, ET AL.*; and

No. 1356, Misc. *MOORE v. COX, WARDEN.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 1316, Misc. *MCQUAIDE v. WAINWRIGHT, CORRECTIONS DIRECTOR*; and

No. 1335, Misc. *ROBERTSON v. CALIFORNIA.* 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.

May 25, 1964.

377 U. S.

No. 1189, Misc. *TANSIMORE v. UNITED STATES*. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

Certiorari Granted. (See also No. 785, ante, p. 266.)

No. 1000. *JANKOVICH ET AL., DOING BUSINESS AS CALUMET AVIATION CO., v. INDIANA TOLL ROAD COMMISSION*. Supreme Court of Indiana. Certiorari granted. *Straley Thorpe* and *Bernard Dunau* for petitioners. *Paul J. DeVault* for respondent. *Eugene Tyler* for the City of Gary, Indiana, as *amicus curiae*, in support of the petition. Reported below: 244 Ind. 574, 193 N. E. 2d 237.

No. 1010. *FEDERAL TRADE COMMISSION v. COLGATE-PALMOLIVE CO. ET AL.* C. A. 1st Cir. Certiorari granted. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *Philip B. Heymann* and *James McI. Henderson* for petitioner. *John F. Sonnett* for Colgate-Palmolive Co., and *H. Thomas Austern* for *Ted Bates & Co., Inc.*, respondents. Reported below: 326 F. 2d 517.

No. 1061, Misc. *CRIDER v. ZURICH INSURANCE CO.* Motion for leave to file supplement to the petition for writ of certiorari granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket. *J. Terry Huffstutler* for petitioner. *Frank E. Spain* for respondent. Reported below: 324 F. 2d 499.

Certiorari Denied. (See also No. 1096, Misc., ante, p. 269); No. 1156, Misc., ante, p. 268; and Misc. Nos. 1316 and 1335, *supra*.)

No. 1176, Misc. *BUCHTEL v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

377 U. S.

May 25, 1964.

No. 904. *KING ET AL. v. ATLANTIC COAST LINE RAILROAD CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Releford McGriff* for petitioners. *William H. Maness* for Atlantic Coast Line Railroad Co., and *Richard R. Lyman* for Grand Lodge Brotherhood Railway Carmen of America, respondents. Reported below: 323 F. 2d 1005.

No. 918. *EVANSTON CAB CO. ET AL. v. CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioners. *John C. Melaniphy, Sydney R. Drebin* and *Robert J. Collins* for City of Chicago et al.; and *Howard Ellis* and *Don H. Reuben* for Yellow Cab Co. et al., respondents. Reported below: 325 F. 2d 907.

No. 940. *BURLINGTON-ROCK ISLAND RAILROAD CO. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Harry R. Jones, Eldon Martin, Eaton Adams, F. B. Walker* and *Rice M. Tilley* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Harry Baum* for the United States. Reported below: 321 F. 2d 817.

No. 961. *AMERICAN TOBACCO CO. v. GREEN ET AL.;* and

No. 997. *GREEN ET AL. v. AMERICAN TOBACCO CO.* C. A. 5th Cir. Certiorari denied. *Edward R. Neaher* for petitioner in No. 961 and respondent in No. 997. *Neal Rutledge* and *Lawrence V. Hastings* for respondents in No. 961 and petitioners in No. 997. Reported below: 325 F. 2d 673.

No. 980. *McMANUS v. LAKE CENTRAL AIRLINES.* C. A. 2d Cir. Certiorari denied. *James F. McManus*, petitioner, *pro se*. *Edward R. Neaher* and *Lino A. Graglia* for respondent. Reported below: 327 F. 2d 212.

May 25, 1964.

377 U. S.

No. 973. *GAYLES v. UNITED STATES*;

No. 974. *SPURLARK v. UNITED STATES*;

No. 975. *GREEN v. UNITED STATES*; and

No. 1288, Misc. *DAVIS ET AL. v. UNITED STATES*.

C. A. 7th Cir. Certiorari denied. *Charles B. Evins* for petitioner in No. 973. *Evelyn F. Johnson* and *Glenn T. Johnson, Sr.* for petitioner in No. 974. *George F. Callaghan* and *Julius Lucius Echeles* for petitioner in No. 975. *George N. Leighton* for petitioners in No. 1288, Misc. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome Nelson* for the United States. Reported below: 327 F. 2d 715.

No. 984. *NEWCOMB v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Russell E. Parsons* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 327 F. 2d 649.

No. 985. *PICKENS ET AL. v. LOUISIANA*. Supreme Court of Louisiana. Certiorari denied. *Michel A. Maroun* for petitioners. Reported below: 245 La. 680, 160 So. 2d 577.

No. 986. *MARSH SUPERMARKETS, INC., v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. *William E. Roberts* for petitioner. *Solicitor General Cox*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 327 F. 2d 109.

No. 988. *BEASLEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Bernard Povich* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 327 F. 2d 566.

377 U. S.

May 25, 1964.

No. 989. *HASKELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Irving I. Erdheim* and *Theodore Krieger* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Joseph M. Howard* and *John M. Brant* for the United States. Reported below: 327 F. 2d 281.

No. 992. *JENKINS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Sam Crossland* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 327 F. 2d 21.

No. 1025. *KIRKORIAN v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. *Leonard J. Kerpelman* for petitioner. Reported below: 233 Md. 324, 196 A. 2d 866.

No. 780, Misc. *WILLIAMS v. HERITAGE, WARDEN*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Gerald P. Choppin* for respondent. Reported below: 323 F. 2d 731.

No. 799, Misc. *SOUDER v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Petitioner *pro se*. *Stanley E. Rutkowski* for respondent.

No. 955, Misc. *PARHAM v. CALIFORNIA*. Supreme Court of California. Certiorari denied. *Lawrence Speiser* for petitioner. *Stanley Mosk*, Attorney General of California, and *Albert W. Harris, Jr.*, Deputy Attorney General, for respondent. *Solicitor General Cox* filed a memorandum for the United States. Reported below: 60 Cal. 2d 378, 384 P. 2d 1001.

May 25, 1964.

377 U. S.

No. 992, Misc. *CARTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Robert S. Erdahl and Jerome Nelson* for the United States. Reported below: 325 F. 2d 697.

No. 1032, Misc. *REID v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Charles S. Vizzini* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 117 U. S. App. D. C. 112, 326 F. 2d 655.

No. 1046, Misc. *TURNER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 325 F. 2d 988.

No. 1048, Misc. *DEMES v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 220 Cal. App. 2d 423, 33 Cal. Rptr. 896.

No. 1056, Misc. *WION v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 325 F. 2d 420.

No. 1111, Misc. *WALLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Harold J. Goodman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 326 F. 2d 314.

377 U. S.

May 25, 1964.

No. 1132, Misc. *KEENAN v. MASSACHUSETTS*. Supreme Judicial Court of Massachusetts. Certiorari denied. Reported below: 346 Mass. 534, 194 N. E. 2d 637.

No. 1164, Misc. *MACK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 326 F. 2d 481.

No. 1178, Misc. *BREAZEALE v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied.

No. 1194, Misc. *STIEHLER v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1196, Misc. *WARD v. HEROLD, ACTING HOSPITAL SUPERINTENDENT, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 1204, Misc. *CERMAK v. NEW YORK*. Appellate Division, Supreme Court of New York, Third Judicial Department. Certiorari denied.

No. 1209, Misc. *COLBERT v. KROPP, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 1218, Misc. *RAVEN v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 233 Md. 241, 196 A. 2d 446.

No. 1225, Misc. *BERRY v. NEW YORK*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied.

No. 1226, Misc. *WILLIAMS v. SUPREME COURT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

May 25, 1964.

377 U.S.

No. 1233, Misc. *WHITE v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1235, Misc. *HOWELL v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1237, Misc. *PETTY v. PORTER*. C. A. 6th Cir. Certiorari denied. *John S. Wrinkle* for petitioner. *Ray H. Moseley* for respondent. Reported below: 322 F. 2d 308.

No. 1241, Misc. *LOVE v. OKLAHOMA ET AL*. Court of Criminal Appeals of Oklahoma. Certiorari denied.

No. 1243, Misc. *RODRIGUEZ v. NEW YORK*. Court of General Sessions, New York County, New York. Certiorari denied.

No. 1247, Misc. *GOLENBOCK v. NEW YORK*. Court of Appeals of New York. Certiorari denied.

No. 1251, Misc. *OPPENHEIMER v. BOIES*. Supreme Court of Arizona. Certiorari denied. Reported below: 95 Ariz. 292, 389 P. 2d 696.

No. 1252, Misc. *DENMAN ET AL v. COUNTY OF BARNSTABLE ET AL*. Supreme Judicial Court of Massachusetts. Certiorari denied. Reported below: 346 Mass. 412, 193 N. E. 2d 572.

No. 1255, Misc. *KASS v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1258, Misc. *WALKER v. HEINZE, WARDEN*. Supreme Court of California. Certiorari denied.

377 U. S.

May 25, 1964.

No. 1261, Misc. *WINTER v. JOHNSTON, HOSPITAL DIRECTOR*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Anthony J. Lokot*, Assistant Attorney General, for respondent.

No. 1262, Misc. *BIRCHER v. KANSAS*. Supreme Court of Kansas. Certiorari denied.

No. 1323, Misc. *PIRKLE v. ALABAMA*. Supreme Court of Alabama. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Peter M. Lind*, Assistant Attorney General, for respondent. Reported below: 276 Ala. 262, 160 So. 2d 878.

No. 979, Misc. *DOMNEYS v. WARDEN, MARYLAND PENITENTIARY*. Court of Appeals of Maryland. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Fred E. Weisgal* for petitioner. *Thomas B. Finan*, Attorney General of Maryland, for respondent. Reported below: 232 Md. 659, 194 A. 2d 443.

No. 1165, Misc. *WALLACH v. LIEBERMAN ET AL.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

Rehearing Denied.

No. 87. *SIMPSON v. UNION OIL CO. OF CALIFORNIA*, *ante*, p. 13. Petition for rehearing denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this petition.

No. 1121, Misc. *WEISS v. SKOURAS ET AL.*, *ante*, p. 919. Petition for rehearing denied.

June 1, 1964.

377 U. S.

JUNE 1, 1964.

Miscellaneous Orders.

No. 592. *GRIFFIN ET AL. v. COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY ET AL.*, *ante*, p. 218. The motion of the petitioners that the judgment issue forthwith is granted. *Henry L. Marsh III, Robert L. Carter and S. W. Tucker* on the motion.

No. 1006. *RADIO & TELEVISION BROADCAST TECHNICIANS LOCAL UNION 1264, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, ET AL. v. BROADCAST SERVICE OF MOBILE, INC.* On petition for writ of certiorari to the Supreme Court of Alabama. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1403, Misc. *HEAD v. CALIFORNIA.* Motion for leave to file petition for writ of certiorari denied.

No. 1349, Misc. *MADDOX v. HOLMAN, WARDEN*;

No. 1350, Misc. *McDONALD v. KROPP, WARDEN*;

No. 1378, Misc. *McDERMOTT ET AL. v. RUSSELL, CORRECTIONAL SUPERINTENDENT*;

No. 1388, Misc. *TESTA v. SUPERINTENDENT, DEUEL VOCATIONAL INSTITUTION*;

No. 1394, Misc. *DUGGIN v. TENNESSEE ET AL.*; and

No. 1404, Misc. *HORNER v. FLORIDA.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 1276, Misc. *SHOENFIELD v. HUGHES ET AL.* Motion for leave to file petition for writ of mandamus denied. *Michael M. Kearney* for petitioner.

No. 1303, Misc. *HARPER v. SMITH, U. S. DISTRICT JUDGE.* Motion for leave to file petition for writ of mandamus denied.

377 U. S.

June 1, 1964.

No. 1228, Misc. *EASTER v. BRUNE ET AL., JUDGES.*
Motion for leave to file petition for writ of prohibition denied.

Certiorari Granted. (See also Nos. 981 and 1004, ante, p. 405.)

No. 914. *CALIFORNIA ET AL. v. LO-VACA GATHERING CO. ET AL.;*

No. 915. *SOUTHERN CALIFORNIA GAS CO. ET AL. v. LO-VACA GATHERING CO. ET AL.;* and

No. 990. *FEDERAL POWER COMMISSION v. LO-VACA GATHERING CO. ET AL.* C. A. 5th Cir. Certiorari granted. The cases are consolidated and a total of two hours is allotted for oral argument. *J. Calvin Simpson* and *John T. Murphy* for petitioners in No. 914. *John Ormasa* and *Milford Springer* for petitioners in No. 915. *Solicitor General Cox, Ralph S. Spritzer, Frank Goodman, Richard A. Solomon, Howard E. Wahrenbrock* and *Peter H. Schiff* for petitioner in No. 990. *Bradford Ross, George D. Horning, Jr.* and *Hugh Q. Buck* for respondents in all cases. Reported below: 323 F. 2d 190.

No. 998. *UNITED STATES v. FIRST NATIONAL CITY BANK.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Harold C. Wilkenfeld* for the United States. *Henry Harfield* for respondent. *Edward J. Ross* for Chase Manhattan Bank et al., as *amici curiae*, in opposition. Reported below: See 321 F. 2d 14.

Certiorari Denied. (See also No. 1022, Misc., ante, p. 404; and No. 1025, Misc., ante, p. 406.)

No. 1003. *SWALLOW v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Joseph Keig, Sr.* for petitioner. *Solicitor General Cox* for the United States. Reported below: 325 F. 2d 97.

June 1, 1964.

377 U. S.

No. 882. *GUIDO v. UNITED STATES*;

No. 883. *MICELE v. UNITED STATES*;

No. 1052, Misc. *SAKAL, ALIAS SACKO, v. UNITED STATES*;

No. 1146, Misc. *PELLEGRINI v. UNITED STATES*; and

No. 1155, Misc. *McGARRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioner in No. 882. *Alvin W. Block* for petitioner in No. 883. Petitioners *pro se* in Misc. Nos. 1052, 1146 and 1155. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 327 F. 2d 222.

No. 922. *WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC., ET AL. v. TAMPA ELECTRIC CO.* Supreme Court of Florida. Certiorari denied. *William C. Wise* and *Lawrence Potamkin* for petitioners. *William C. Chanler* and *D. Fred McMullen* for respondent. Reported below: 158 So. 2d 136.

No. 1005. *BERGMAN ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Joe B. Goodwin* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 332 F. 2d 279.

No. 999. *GENERAL TIRE & RUBBER CO. v. WATKINS, U. S. DISTRICT JUDGE*. The motion of Firestone Tire and Rubber Co. et al. for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. *Norman P. Ramsey* and *Charles J. Merriam* for petitioner. *Edward S. Irons, William Wade Beckett, Mary Helen Sears* and *Stanley M. Clark* for Firestone Tire and Rubber Co. et al., as *amici curiae*, in opposition. Reported below: 331 F. 2d 192.

377 U. S.

June 1, 1964.

No. 1008. *GOLDBERG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Thomas D. McBride* and *Raymond J. Bradley* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Joseph M. Howard* and *Burton Berkley* for the United States. Reported below: 330 F. 2d 30.

No. 1001. *PRUDENTIAL INSURANCE CO. OF AMERICA v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 3d Cir. Certiorari denied. *Richard J. Congleton* and *Lawrence J. Latto* for petitioner. *Solicitor General Cox*, *Philip A. Loomis, Jr.*, *Allan F. Conwill* and *Walter P. North* for respondent. Reported below: 326 F. 2d 383.

No. 122. *PALERMO v. UNITED STATES*;

No. 134. *SICA v. UNITED STATES*;

No. 141. *CARBO v. UNITED STATES*; and

No. 145. *GIBSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE WHITE took no part in the consideration or decision of these petitions. *Jacob Kossman* for petitioner in No. 122. *Russell E. Parsons* for petitioner in No. 134. *William B. Beirne*, *A. L. Wirin* and *Fred Okrand* for petitioner in No. 141. *William R. Ming, Jr.* and *Loren Miller* for petitioner in No. 145. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. *Robert W. Kenny* for the American Civil Liberties Union of Southern California, as *amicus curiae*, in support of the petition in No. 141. Reported below: 314 F. 2d 718.

No. 1011. *HOWARD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Menahem Stim* and *Allen S. Stim* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 328 F. 2d 854.

June 1, 1964.

377 U. S.

No. 1002. *COLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Joseph A. Ball, Max F. Deutz and Herman F. Selvin* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 329 F. 2d 437.

No. 1015. *NO. 3 BULL TOWING CO. ET AL. v. MONSANTO CHEMICAL CO.* C. A. 6th Cir. Certiorari denied. *John D. Martin, Jr. and George E. Morrow* for petitioners. *Clarence Clifton and Charles Kohlmeyer, Jr.* for respondent. Reported below: 326 F. 2d 18.

No. 1016. *CERMAK CLUB, INC., ET AL. v. ILLINOIS LIQUOR CONTROL COMMISSIONERS*. Supreme Court of Illinois. Certiorari denied. *Morris Gordon Meyers* for petitioners. *William G. Clark*, Attorney General of Illinois, and *Raymond S. Sarnow and Richard A. Michael*, Assistant Attorneys General, for respondents. Reported below: 30 Ill. 2d 90, 195 N. E. 2d 178.

No. 1014. *FEDERAL TRADE COMMISSION v. AMERICAN OIL CO.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Solicitor General Cox, James McI. Henderson and Miles J. Brown* for petitioner. *Hammond E. Chafetz and Frederick M. Rowe* for respondent. Reported below: 325 F. 2d 101.

No. 973, Misc. *SMITH v. UNITED STATES*; and No. 974, Misc. *BOWDEN v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se* in No. 973, Misc. *Bernard Margolius* for petitioner in No. 974, Misc. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 117 U. S. App. D. C. 1, 324 F. 2d 879.

377 U. S.

June 1, 1964.

No. 898, Misc. *PACCIONE v. HERITAGE, WARDEN*. C. A. 5th Cir. Certiorari denied. *Emmet J. Bondurant* for petitioner. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *David Rubin* for respondent. Reported below: 323 F. 2d 378.

No. 976, Misc. *KIRKWOOD v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 1031, Misc. *McBEE v. TENNESSEE*. Supreme Court of Tennessee. Certiorari denied. *William Earl Badgett* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Thomas E. Fox*, Assistant Attorney General, for respondent. Reported below: 213 Tenn. 15, 372 S. W. 2d 173.

No. 1035, Misc. *LEGGETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Daniel R. Dixon* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 326 F. 2d 613.

No. 1049, Misc. *CREWS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 326 F. 2d 755.

No. 1059, Misc. *WILSON v. ILLINOIS*. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *Daniel P. Ward* and *Elmer C. Kissane* for respondent. Reported below: 29 Ill. 2d 82, 193 N. E. 2d 449.

No. 1071, Misc. *ELLIS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for the United States.

June 1, 1964.

377 U.S.

No. 1062, Misc. *ARMSTRONG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1091, Misc. *JONES v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Robert J. Amoury* for petitioner.

No. 1097, Misc. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *J. Perry Langford* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 326 F. 2d 124.

No. 1113, Misc. *WALKER ET AL. v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *John J. Sexton* for petitioners. *Solicitor General Cox* for the United States. Reported below: 117 U. S. App. D. C. 151, 327 F. 2d 597.

No. 1135, Misc. *RINDGO v. ANDERSON, JAIL SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for respondent.

No. 1144, Misc. *WILLIAMS v. ANDERSON, JAIL SUPERINTENDENT*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for respondent.

No. 1145, Misc. *CLARK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 325 F. 2d 1019.

377 U. S.

June 1, 1964.

No. 1116, Misc. *SORCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1172, Misc. *ABRAMSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 326 F. 2d 565.

No. 1186, Misc. *KING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 326 F. 2d 415.

No. 1222, Misc. *ALLEN v. LAVALLEE, WARDEN*. Appellate Division, Supreme Court of New York, Fourth Judicial Department. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 1224, Misc. *JACKSON v. DICKSON, WARDEN*. C. A. 9th Cir. Certiorari denied. *Allan Brotsky* for petitioner. Reported below: 325 F. 2d 573.

No. 1242, Misc. *LEEK v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 234 Md. 607, 197 A. 2d 423.

No. 1246, Misc. *LONG v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 327 F. 2d 495.

No. 1245, Misc. *WHITE v. DICKSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

June 1, 1964.

377 U. S.

No. 1253, Misc. *KAHIGAS v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. *Louis Hering* for petitioner.

No. 1254, Misc. *URBANO v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 1256, Misc. *BURGHARDT v. WILKINS, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1268, Misc. *WILLIAMS v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1269, Misc. *TIRADO v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Herbert S. Siegal* for petitioner.

No. 1270, Misc. *PERRY v. MAXWELL, WARDEN*. Supreme Court of Ohio. Certiorari denied. Reported below: 175 Ohio St. 369, 195 N. E. 2d 103.

No. 1271, Misc. *BADDERS v. UHLER*. Court of Appeals of Maryland. Certiorari denied.

No. 1274, Misc. *McCORMACK v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 1285, Misc. *WELLMAN v. HEINZE, WARDEN*. Supreme court of California. Certiorari denied.

No. 1277, Misc. *MOONEYHAM v. KANSAS*. Supreme Court of Kansas. Certiorari denied. Reported below: 192 Kan. 620, 390 P. 2d 215.

377 U. S.

June 1, 1964.

No. 1281, Misc. *VAN RENSSELAER ET AL. v. GENERAL MOTORS CORP.* C. A. 6th Cir. Certiorari denied. *Frank C. Sibley* for petitioners. *George W. Coombe, Jr.* and *Aloysius F. Power* for respondent. Reported below: 324 F. 2d 354.

No. 1291, Misc. *BEAUCHAMP v. CALIFORNIA ET AL.* Supreme Court of California. Certiorari denied.

No. 1294, Misc. *McLAIN v. RANDOLPH, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 1077, Misc. *LAND v. FLORIDA.* Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court. The stay of execution heretofore granted by MR. JUSTICE BLACK pending the disposition of the petition for writ of certiorari is hereby extended for a period of 60 days from this date to allow the petitioner to file a petition for a writ of habeas corpus. If a petition for writ of habeas corpus is so filed, this stay is to continue pending disposition of the petition for a writ of habeas corpus. Petitioner *pro se*. *James W. Kynes*, Attorney General of Florida, and *A. G. Spicola, Jr.*, Assistant Attorney General, for respondent. Reported below: 156 So. 2d 8.

No. 1304, Misc. *LEEPER v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 117 U. S. App. D. C. 310, 329 F. 2d 878.

No. 1312, Misc. *BRAY v. UNITED STATES.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

June 1, 1964.

377 U. S.

No. 112, Misc. *WILSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 316 F. 2d 212.

No. 1219, Misc. *TRAUB v. CONNECTICUT*. Motion to use the record in No. 1285, Misc., October Term, 1962, granted. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *John D. LaBelle and Harry W. Hultgren, Jr.* for respondent. Reported below: 151 Conn. 246, 196 A. 2d 755.

Rehearing Denied.

No. 58. *A. L. MECHLING BARGE LINES, INC., ET AL. v. UNITED STATES ET AL.*, 376 U. S. 375;

No. 59. *BOARD OF TRADE OF THE CITY OF CHICAGO v. UNITED STATES ET AL.*, 376 U. S. 375;

No. 684. *SUPERIOR OIL Co. v. FEDERAL POWER COMMISSION*, *ante*, p. 922;

No. 821, Misc. *MASSENGALE v. MASSENGALE*, 376 U. S. 970;

No. 856, Misc. *SANDERS v. ALABAMA*, *ante*, p. 125; and

No. 1094, Misc. *KIMBALL v. UNITED STATES*, *ante*, p. 911. Petitions for rehearing denied.

No. 34. *BROTHERHOOD OF RAILROAD TRAINMEN v. VIRGINIA EX REL. VIRGINIA STATE BAR*, *ante*, p. 1. Motion of American Bar Association for leave to file a brief, as *amicus curiae*, in support of rehearing granted. Petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this motion and petition.

377 U.S.

June 8, 1964.

JUNE 8, 1964.

Miscellaneous Orders.

No. 134. *SICA v. UNITED STATES.* (Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied, *ante*, p. 953.) The application for a stay of the issuance of the order denying the petition for a writ of certiorari presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, is denied. MR. JUSTICE WHITE took no part in the consideration or decision of this application. *Russell E. Parsons* and *Thomas G. Laughlin* on the application for petitioner.

No. 1266, Misc. *SCHWARTZ ET AL. v. UNDERWOOD, U. S. DISTRICT JUDGE.* Motion for leave to amend and supplement petition for writ of mandamus granted. Motion for leave to file petition for writ of mandamus denied. *Jack G. Day* for petitioners.

No. 1286, Misc. *SMITH v. SEARCY, CLERK OF THE ILLINOIS SUPREME COURT, ET AL.* Motion for leave to file petition for writ of mandamus denied.

No. 1260, Misc. *Moss v. NEBRASKA.* Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Melvin Kent Kammerlohr*, Assistant Attorney General, for respondent.

No. 1402, Misc. *ARMSTRONG v. DICKSON, WARDEN, ET AL.;*

No. 1411, Misc. *THOMAS v. HOLMAN, WARDEN;*

No. 1421, Misc. *LOFTIS v. EYMAN, WARDEN, ET AL.;* and

No. 1445, Misc. *IN RE PEEBLES.* Motions for leave to file petitions for writs of habeas corpus denied.

June 8, 1964.

377 U. S.

No. 610. FIBREBOARD PAPER PRODUCTS CORP. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. Certiorari, 375 U. S. 963, to the United States Court of Appeals for the District of Columbia Circuit. The motion of the respondents to remove this case from the summary calendar is granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion. *Solicitor General Cox* on the motion.

No. 1415, Misc. PINKERTON *v.* MAXWELL, 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.

Probable Jurisdiction Noted.

No. 701. AMERICAN OIL CO. *v.* NEILL ET AL. Appeal from the Supreme Court of Idaho. Probable jurisdiction noted. *Calvin Dworshak* for appellant. *Allan G. Shepard*, Attorney General of Idaho, *Wm. M. Smith*, Assistant Attorney General, and *Faber F. Tway* for appellees. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Stephen J. Pollak*, *I. Henry Kutz* and *Robert A. Bernstein* for the United States, as *amicus curiae*, in support of appellant. Reported below: 86 Idaho 7, 383 P. 2d 350.

Certiorari Granted.

No. 1041. COMMISSIONER OF INTERNAL REVENUE *v.* BROWN ET AL. C. A. 9th Cir. Certiorari granted. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer*, *Wayne G. Barnett* and *Gilbert E. Andrews* for petitioner. *Robert T. Mautz* for respondents. *Arthur A. Armstrong* for West Los Angeles Institute for Cancer Research, as *amicus curiae*, in opposition. Reported below: 325 F. 2d 313.

377 U. S.

June 8, 1964.

Certiorari Denied. (See also No. 1415, *Misc.*, *supra*.)

No. 942. *KERR ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. *Harvey N. Black* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Oberdorfer* and *Melva M. Graney* for respondent. Reported below: 326 F. 2d 225.

No. 987. *PRADO OIL & GAS CO. v. FEDERAL POWER COMMISSION ET AL.;*

No. 1026. *SKELLY OIL CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.;* and

No. 1080. *HAMON ET AL. v. FEDERAL POWER COMMISSION ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *David T. Sears* for petitioner in No. 987. *Hawley C. Kerr*, *Bradford Ross*, *M. Darwin Kirk*, *Homer McEwen, Jr.*, *Dale E. Doty* and *Bruce R. Merrill* for petitioners in No. 1026. *Wm. Taylor LaGrone*, *Alfred C. DeCrane, Jr.*, *M. Darwin Kirk*, *Homer E. McEwen, Jr.* and *Dale E. Doty* for petitioners in No. 1080. *Solicitor General Cox*, *Assistant Attorney General Douglas*, *Sherman L. Cohn*, *Kathryn H. Baldwin*, *Richard A. Solomon*, *Howard E. Wahrenbrock*, *Robert L. Russell* and *Peter H. Schiff* for the Federal Power Commission; *Kent H. Brown* and *Morton L. Simons* for the Public Service Commission of the State of New York; and *William T. Coleman, Jr.*, *Harold E. Kohn*, *Richardson Dilworth*, *David K. Kadane* and *Bertram D. Moll* for United Gas Improvement Co. et al., respondents in Nos. 987 and 1026. *Solicitor General Cox* and *Richard A. Solomon* for the Federal Power Commission, and *Kent H. Brown* and *Morton L. Simons* for the Public Service Commission of the State of New York, respondents in No. 1080. Reported below: Nos. 987 and 1026, 117 U. S. App. D. C. 287, 329 F. 2d 242.

June 8, 1964.

377 U. S.

No. 749. *KELLER v. WISCONSIN EX REL. STATE BAR OF WISCONSIN*. Supreme Court of Wisconsin. Certiorari denied. *Frank M. Coyne* for petitioner. *George Thompson*, Attorney General of Wisconsin, and *Warren H. Resh*, Assistant Attorney General, for respondent. *Solicitor General Cox* and *Robert W. Ginnane* filed a memorandum for the United States. Reported below: 21 Wis. 2d 100, 123 N. W. 2d 905.

No. 983. *CHICAGO NORTH SHORE & MILWAUKEE RAILWAY CO. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Elden McFarland* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Oberdorfer* and *Joseph Kovner* for the United States. Reported below: 326 F. 2d 860.

No. 1017. *ROSE COURTS, INC., v. HASTINGS ET UX*. Supreme Court of Arkansas. Certiorari denied. *Henry E. Spitzberg* for petitioner. *W. H. Jewell* for respondents. Reported below: 237 Ark. 426, 373 S. W. 2d 583.

No. 1019. *WEBSTER ET AL. v. MIDLAND ELECTRIC COAL CORP. ET AL.* Appellate Court of Illinois, Second District. Certiorari denied. *Sidney Z. Karasik* for petitioners. *Hamilton K. Beebe* for Midland Electric Coal Corp. et al., and *William J. Voelker, Jr.*, *Edmund Burke* and *Willard P. Owens* for International Union, United Mine Workers of America, et al., respondents. Reported below: 43 Ill. App. 2d 359, 193 N. E. 2d 212.

No. 1020. *EISENBERG ET UX. v. GOLDSTEIN ET AL.* Supreme Court of Illinois. Certiorari denied. *Irving Eisenberg*, *pro se*, for petitioners. *Ben H. Kessler* for respondents. Reported below: 29 Ill. 2d 617, 195 N. E. 2d 184.

377 U. S.

June 8, 1964.

No. 1021. *HANDELSVENNOOTSCHAP NORMA N. V. ET AL. v. KENNEDY, ATTORNEY GENERAL, SUCCESSOR TO THE ALIEN PROPERTY CUSTODIAN, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Henry P. de Vries* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Sherman L. Cohn and Bruno A. Ristau* for respondents. Reported below: 117 U. S. App. D. C. 228, 328 F. 2d 529.

No. 1022. *FELDMAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Michael A. Querques, Donald H. Mintz and Daniel E. Isles* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 329 F. 2d 372.

No. 1023. *WELLS FARGO BANK ET AL., EXECUTORS, v. PLATT ET AL.* District Court of Appeal of California, First Appellate District. Certiorari denied. *Edwin S. Pillsbury* for petitioners. *Roy A. Bronson* for respondents. Reported below: 222 Cal. App. 2d 658, 35 Cal. Rptr. 377.

No. 1036. *ATKINSON DREDGING CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. *Hugh S. Meredith and George H. Revercomb* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 329 F. 2d 158.

No. 1040. *DAVIS ET UX. v. BARR, CHAIRMAN, MISSISSIPPI TAX COMMISSION, ET AL.* Supreme Court of Mississippi. Certiorari denied. Petitioners *pro se*. *Joe T. Patterson, Attorney General of Mississippi, and John E. Stone, Assistant Attorney General*, for respondents. Reported below: — Miss. —, 157 So. 2d 505.

June 8, 1964.

377 U. S.

No. 983, Misc. *SASSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1009. *IN RE TINDALL ET AL.* Supreme Court of California. Certiorari denied. *Gregory S. Stout* for petitioners. Reported below: 60 Cal. 2d 469, 386 P. 2d 473.

No. 1031. *SILVERMAN, ADMINISTRATOR, v. CITY OF NEW YORK*. Appellate Term, Supreme Court of New York, First Department. Certiorari denied. *Wilbur G. Silverman*, petitioner, *pro se*. *Leo A. Larkin* and *Seymour B. Quel* for respondent.

No. 1034. *HOLSTENSSON ET AL. v. V-M CORPORATION*. C. A. 6th Cir. Certiorari denied. *Donald J. Simpson* and *Robert G. Howlett* for petitioners. *John A. Diennner* and *Edward C. Grelle* for respondent. Reported below: 325 F. 2d 109.

No. 1044. *EASTERN EXPRESS, INC., v. MACK WAREHOUSE CORP. ET AL.* C. A. 3d Cir. Certiorari denied. *Richard W. Galiher* for petitioner. *William J. Toy* and *Walter B. Gibbons* for respondents. Reported below: 326 F. 2d 554.

No. 1046. *WEISS v. NEW YORK*. Court of Appeals of New York. Certiorari denied. *Daniel H. Greenberg* for petitioner. *Frank S. Hogan, H. Richard Uviller* and *Michael Juviler* for respondent.

No. 1047. *MILLER & CO. OF BIRMINGHAM, INC., v. LOUISVILLE & NASHVILLE RAILROAD CO.* C. A. 5th Cir. Certiorari denied. *James E. Clark* for petitioner. *James A. Simpson* and *Joseph L. Lenihan* for respondent. Reported below: 328 F. 2d 73.

377 U. S.

June 8, 1964.

No. 1039. *HOOPER v. CHRYSLER MOTORS CORP.* C. A. 5th Cir. Certiorari denied. *Albert Smith* for petitioner. *David W. Kendall* and *Clarence P. Brazill, Jr.* for respondent.

No. 1053. *UNITED STATES TIME CORP. v. HAMILTON WATCH Co.* C. A. 2d Cir. Certiorari denied. *John Hoxie* for petitioner. *Robert E. LeBlanc, Richard A. Whiting* and *George B. Mickum III* for respondent. Reported below: 327 F. 2d 338.

No. 1066. *SWINGLINE INC. ET AL. v. OVERLAND MACHINED PRODUCTS, INC.* District Court of Appeal of California, Second Appellate District. Certiorari denied. *Maximilian Bader* and *I. Walton Bader* for petitioners. Reported below: 224 Cal. App. 2d 46, 36 Cal. Rptr. 330.

No. 1093. *McCREERY v. CALIFORNIA.* Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. *John N. Frolich* for petitioner. *Roger Arnebergh, Philip E. Grey* and *Wm. E. Doran* for respondent.

No. 1005, Misc. *WHITTINGTON v. ANDERSON, JAIL SUPERINTENDENT.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Marshall* and *Harold H. Greene* for respondent.

No. 1076. *MURPHY, WARDEN, v. EVERETT.* 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 Second Circuit denied. *Edward S. Silver* and *Frank Di Lalla* for petitioner. *Edward E. Clark* for respondent. Reported below: 329 F. 2d 68.

June 8, 1964.

377 U. S.

No. 1027. UNITED STATES *v.* COMMUNIST PARTY OF THE UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Solicitor General Cox, Assistant Attorney General Yeagley, Kevin T. Maroney and George B. Searls* for the United States. *John J. Abt and Joseph Forer* for respondent. Reported below: — U. S. App. D. C. —, 331 F. 2d 807.

No. 1072, Misc. EVANS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 325 F. 2d 596.

No. 1089, Misc. MILLER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States.

No. 1115, Misc. AHLSTEDT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Harrison C. Thompson, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 325 F. 2d 257.

No. 1166, Misc. BURROUGHS *v.* HEINZE, WARDEN, ET AL. Supreme Court of California. Certiorari denied. Petitioner *pro se*. *Stanley Mosk, Attorney General of California, Doris H. Maier, Assistant Attorney General, and Edsel W. Haws, Deputy Attorney General*, for respondents.

377 U. S.

June 8, 1964.

No. 1098, Misc. *ALLEN v. OKLAHOMA*. Court of Criminal Appeals of Oklahoma. Certiorari denied. Petitioner *pro se*. *Charles Nesbitt*, Attorney General of Oklahoma, and *Jack A. Swidensky*, Assistant Attorney General, for respondent. Reported below: 389 P. 2d 523.

No. 1120, Misc. *LYONS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 325 F. 2d 370.

No. 1143, Misc. *GAWANTKA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 327 F. 2d 129.

No. 1161, Misc. *RUA v. UNITED STATES* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 321 F. 2d 140.

No. 1169, Misc. *PAULEY v. KING, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied. Petitioner *pro se*. *C. Donald Robertson*, Attorney General of West Virginia, and *Albert L. Sommerville, Jr.* and *George H. Mitchell*, Assistant Attorneys General, for respondent.

No. 1185, Misc. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 328 F. 2d 256.

June 8, 1964.

377 U. S.

No. 1202, Misc. *EDGAR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *J. J. Kilimnik* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 328 F. 2d 132.

No. 1227, Misc. *NICHOLS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 325 F. 2d 716.

No. 1230, Misc. *WHITE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 328 F. 2d 304.

No. 1231, Misc. *HARGRAVES ET AL. v. HAMILTON ET AL.* Supreme Court of Mississippi. Certiorari denied. *R. L. Netterville and H. Alva Brumfield* for petitioners. *Oliver M. Hornsby* for respondents. Reported below: — Miss. —, 161 So. 2d 179.

No. 1234, Misc. *BYRNES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. Reported below: 327 F. 2d 825.

No. 1236, Misc. *PRYSOCK v. UNITED STATES*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Benito Gaguine and Joseph J. Kessler* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States.

377 U.S.

June 8, 1964.

No. 1278, Misc. *OLIVE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 327 F. 2d 647.

No. 1283, Misc. *MARTIN v. TEXAS INDEMNITY INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Curtis E. Hill* for petitioner. *Neth L. Leachman* for respondents.

No. 1292, Misc. *JOHNSON v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1295, Misc. *MURPHY v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied. Reported below: 20 App. Div. 2d 222, 246 N. Y. S. 2d 562.

No. 1300, Misc. *MOORE v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1301, Misc. *BUTLER v. INDIANA*. Supreme Court of Indiana. Certiorari denied. *Howard S. Grimm* for petitioner. Reported below: 244 Ind. 620, 193 N. E. 2d 899.

No. 1308, Misc. *WRIGHT v. PAGE, WARDEN*. Court of Criminal Appeals of Oklahoma. Certiorari denied. Reported below: 390 P. 2d 921.

No. 1309, Misc. *BARBER v. GLADDEN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 327 F. 2d 101.

June 8, 1964.

377 U. S.

No. 1302, Misc. DARLING *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1307, Misc. FOSTER *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1319, Misc. REDFIELD *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 117 U. S. App. D. C. 231, 328 F. 2d 532.

No. 1320, Misc. KURTH *v.* BENNETT, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 1324, Misc. HUDSON *v.* DICKSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 1325, Misc. BAILEY *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Franklin M. Schultz* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 117 U. S. App. D. C. 241, 328 F. 2d 542.

No. 1343, Misc. POWELL *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 1347, Misc. FLORES *v.* BETO, CORRECTIONS DIRECTOR. Court of Criminal Appeals of Texas. Certiorari denied.

377 U. S.

June 8, 10, 12, 1964.

No. 1355, Misc. BLACKMAN *v.* CALIFORNIA. Supreme Court of California. Certiorari denied.

Rehearing Denied.

No. 107. UNITED STATES *v.* BARNETT ET AL., 376 U. S. 681;

No. 336. MERCER *v.* THERIOT, *ante*, p. 152;

No. 958. PAUL REVERE LIFE INSURANCE CO. *v.* FIRST NATIONAL BANK IN DALLAS, ADMINISTRATOR, *ante*, p. 935; and

No. 1296, Misc. DELANEY *v.* OREGON, *ante*, p. 929. Petitions for rehearing denied.

JUNE 10, 1964.

Dismissal Under Rule 60.

No. 1290, Misc. McIVER *v.* TEXAS. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Petition dismissed pursuant to Rule 60 of the Rules of this Court.

JUNE 12, 1964.

Dismissals Under Rule 60.

No. 920. DOERR *v.* ELDER ET AL. On petition for writ of certiorari to the Supreme Court of Nebraska. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Robert L. Stern* and *Clarence A. Davis* for petitioner. Reported below: 175 Neb. 483, 122 N. W. 2d 528.

No. 921. GENERAL MOTORS ACCEPTANCE CORP. *v.* MACKRILL. Appeal from the Supreme Court of Nebraska. Dismissed pursuant to Rule 60 of the Rules of this Court. *Robert L. Stern* and *Charles S. Reed* for appellant. *Max Kier* for appellee. Reported below: 175 Neb. 631, 122 N. W. 2d 742.

June 15, 1964.

377 U. S.

JUNE 15, 1964.

Miscellaneous Orders.

No. 89. UNITED STEELWORKERS OF AMERICA, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL., 376 U. S. 492. The motion of petitioners to retax costs is granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion. *Jerry D. Anker* for petitioners on the motion. *Kenneth C. McGuiness* for respondent Carrier Corporation in opposition.

No. 386. FEDERAL POWER COMMISSION *v.* TEXACO INC. ET AL., *ante*, p. 33. The motion of Texaco Inc. for an order perfecting proper venue on remand is denied. *Alfred C. DeCrane, Jr.* and *Paul F. Schlicher* for movant.

No. 585. McLAUGHLIN ET AL. *v.* FLORIDA. Appeal from the Supreme Court of Florida. (Probable jurisdiction noted, *ante*, p. 914.) The motion of appellants to remove the case from the summary calendar is granted. *Jack Greenberg* for movants.

No. 801. BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYES *v.* UNITED AIR LINES, INC. Certiorari, *ante*, p. 903, to the United States Court of Appeals for the Sixth Circuit. The motion of the respondent to require certification of additional parts of the record is granted. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this motion. *Stuart Bernstein* for movant.

No. 1441, Misc. IN RE OWENS ET AL. Motion for leave to file petition for writ of habeas corpus denied. *David N. Fields* for petitioners.

377 U.S.

June 15, 1964.

No. 1314, Misc. IN RE DISBARMENT OF DOLNICK.

It having been reported to the Court that Stanley Dolnick, of Philadelphia, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the judgment of the Supreme Court of Pennsylvania, Eastern District, duly entered on the 4th day of April, 1964, and this Court by order of April 20, 1964, having suspended the said Stanley Dolnick from the practice of 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, and that the time within which to file a return to the rule has expired;

IT IS ORDERED that the said Stanley Dolnick be, and he is hereby, disbarred and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. 1357, Misc. SOSTRE v. DESMOND, CHIEF JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, William D. Bresinhan, Assistant Attorney General, and Julius L. Sackman for respondents.

No. 1393, Misc. BAXSTROM v. HEROLD, STATE HOSPITAL DIRECTOR;

No. 1443, Misc. TOMLIN v. BOMAR, WARDEN; and

No. 1454, Misc. ORTEGA v. HEINZE, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1431, Misc. ALLEN v. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ET AL. Motion for leave to file petition for writ of mandamus denied.

June 15, 1964.

377 U. S.

Probable Jurisdiction Noted.

No. 941. *DOMBROWSKI ET AL. v. PFISTER, CHAIRMAN, JOINT LEGISLATIVE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE LOUISIANA LEGISLATURE, ET AL.* Appeal from the United States District Court for the Eastern District of Louisiana. The motion of the National Lawyers Guild for leave to file a brief, as *amicus curiae*, is granted. The motion of the American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, is granted. Probable jurisdiction noted. MR. JUSTICE BLACK took no part in the consideration or decision of this case. *Arthur Kinoy, William M. Kunstler, Michael J. Kunstler, A. P. Tureaud and Leon Hubert* for appellants. *Jack N. Rogers and Robert H. Reiter* for the Joint Legislative Committee on Un-American Activities. *Ernest Goodman and David Rein* for National Lawyers Guild, as *amicus curiae*, in support of appellants. *Louis Lusky and Melvin L. Wulf* for American Civil Liberties Union et al., as *amici curiae*, in support of appellants. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *M. E. Culligan and John E. Jackson, Jr.*, Assistant Attorneys General, filed an objection and opposition to the motion of National Lawyers Guild. Reported below: 227 F. Supp. 556.

Certiorari Granted. (See No. 553, *Misc.*, 378 U. S. 127, and No. 1130, *Misc.*, 378 U. S. 129.)

Certiorari Denied. (See also No. 1345, *Misc.*, 378 U. S. 126.)

No. 1045. *GOLDFARB v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Albert A. Goldfarb*, petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Joseph M. Howard* for the United States. Reported below: 328 F. 2d 280.

377 U. S.

June 15, 1964.

No. 1018. NEW JERSEY *v.* GODFREY. C. A. 3d Cir. Certiorari denied. *Norman Heine* for petitioner. *M. Gene Haeberle* for respondent. Reported below: 327 F. 2d 311.

No. 1030. HOOPER *v.* UNITED STATES. Court of Claims. Certiorari denied. *Oscar F. Irwin* and *William Hillyer* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Douglas* and *Sherman L. Cohn* for the United States. Reported below: — Ct. Cl. —, 326 F. 2d 982.

No. 1038. GALBREATH *v.* CITY OF CHICAGO. Supreme Court of Illinois. Certiorari denied. Petitioner *pro se*. *John C. Melaniphy* for respondent. Reported below: 29 Ill. 2d 136, 193 N. E. 2d 759.

No. 1042. ARONSON *v.* MCNEILL, STATE HOSPITAL SUPERINTENDENT. Court of Appeals of New York. Certiorari denied. *David N. Fields* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Joseph J. Rose*, Assistant Attorney General, for respondent.

No. 1050. CITY OF DETROIT ET AL. *v.* GENERAL MOTORS CORP. Supreme Court of Michigan. Certiorari denied. *Vance G. Ingalls*, *Julius C. Pliskow*, *Aloysius J. Suchy* and *William F. Koney* for petitioners. *Robert E. McKean*, *Aloysius F. Power*, *Donald K. Barnes* and *Thomas J. Hughes* for respondent. Reported below: 372 Mich. 234, 126 N. W. 2d 108.

No. 1058. DE RIERAS ET VIR *v.* MADERO ET AL. District Court of Appeal of California, Second Appellate District. Certiorari denied. Reported below: 223 Cal. App. 2d 450, 35 Cal. Rptr. 782.

June 15, 1964.

377 U. S.

No. 1052. *JONES v. PRESIDENT & DIRECTORS OF GEORGETOWN COLLEGE, INC.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Bernard Margolius* and *Ralph H. Deckelbaum* for petitioner. *Edward Bennett Williams* and *Harold Ungar* for respondent. Reported below: — U. S. App. D. C. —, —, 331 F. 2d 1000, 1010.

No. 1054. *WERLING ET UX. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Hubert I. Teitelbaum* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard* and *Burton Berkley* for the United States. Reported below: 328 F. 2d 992.

No. 1055. *HEARD ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari denied. *Henry C. Lowenhaupt* and *Owen T. Armstrong* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Melva M. Graney* for respondent. Reported below: 326 F. 2d 962.

No. 1056. *GOLDBERG ET AL. v. NORTH CAROLINA.* Supreme Court of North Carolina. Certiorari denied. *Morris A. Shenker* for petitioners. *T. W. Bruton*, Attorney General of North Carolina, and *Harry W. McGalliard*, Deputy Attorney General, for respondent. Reported below: 261 N. C. 181, 134 S. E. 2d 334.

No. 1059. *CERTAIN INTERESTS IN PROPERTY IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, STATE OF NEW YORK, ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Bernard L. Berman, George B. Kenner* and *Herbert Monte Levy* for petitioners. *Solicitor General Cox, Roger P. Marquis* and *Edmund B. Clark* for the United States. Reported below: 326 F. 2d 109.

377 U. S.

June 15, 1964.

No. 1060. CHICAGO AUTOMOBILE TRADE ASSN. ET AL. *v.* MADDEN, REGIONAL DIRECTOR, THIRTEENTH REGION, NATIONAL LABOR RELATIONS BOARD, ET AL. C. A. 7th Cir. Certiorari denied. *Frederick W. Turner, Jr.* and *Karl W. Grabemann* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come* and *Glen M. Bendixsen* for respondents. Reported below: 328 F. 2d 766.

No. 1064. REES ET AL. *v.* LOCAL UNION NO. 9, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, ET AL. C. A. 7th Cir. Certiorari denied. Petitioners *pro se*. *Bernard M. Mamet* for respondents. Reported below: 327 F. 2d 627.

No. 1074. BROWN ET AL. *v.* BROWN, ADMINISTRATOR, EMPLOYMENT SECURITY DIVISION, DEPARTMENT OF LABOR OF LOUISIANA, ET AL. Supreme Court of Louisiana. Certiorari denied. *A. P. Tureaud* for petitioners. *Jack P. F. Gremillion*, Attorney General of Louisiana, for Brown, and *Bascom D. Talley, Jr.* and *Richard F. Knight* for Crown Zellerbach Corp., respondents. Reported below: 245 La. 639, 160 So. 2d 227.

No. 1088. DESISTO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frank Serri* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States. Reported below: 329 F. 2d 929.

No. 1113. SMITH ET AL. *v.* VIRGIN ISLANDS ET AL. C. A. 3d Cir. Certiorari denied. *Warren H. Young* and *John D. Marsh* for petitioners. *Francisco Corneiro*, Attorney General of the Virgin Islands, and *James E. Nickerson* for respondents. Reported below: 329 F. 2d 135.

June 15, 1964.

377 U.S.

No. 1116. RAILROAD YARDMASTERS OF AMERICA, AFL-CIO, *v.* ST. LOUIS, SAN FRANCISCO & TEXAS RAILWAY CO. C. A. 5th Cir. Certiorari denied. *Charles J. Morris* for petitioner. *Ernest D. Grinnell, Jr., Paul R. Moody* and *John H. Pickering* for respondent. Reported below: 328 F. 2d 749.

No. 1143. J. B. MICHAEL & CO., INC., *v.* POWERS. C. A. 6th Cir. Certiorari denied. *Longstreet Heiskell* for petitioner. *Thomas R. Prewitt* for respondent. Reported below: 329 F. 2d 674.

No. 1149. YOUNG *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 329 F. 2d 316.

No. 608. NEERING *v.* FLORIDA. Motion to strike portions of respondent's brief denied. Petition for writ of certiorari to the Supreme Court of Florida denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Luke G. Galant* for petitioner. *James W. Kynes*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent. Reported below: 155 So. 2d 874.

No. 1043. BENNETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Stanley M. Rosenblum* and *Merle L. Silverstein* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Richard W. Schmude* for the United States. Reported below: 329 F. 2d 209.

No. 1153, Misc. DAVIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Howard A. Glickstein* for the United States. Reported below: 323 F. 2d 672.

377 U. S.

June 15, 1964.

No. 1067. AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL-CIO, ET AL. *v.* LOCAL 1441, RETAIL CLERKS INTERNATIONAL ASSN., AFL-CIO, ET AL. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. MR. JUSTICE GOLDBERG took no part in the consideration or decision of this petition. *Jacob Sheinkman* for petitioners. *S. G. Lippman* and *Tim L. Bornstein* for respondents. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* filed a memorandum for the National Labor Relations Board. Reported below: 117 U. S. App. D. C. 120, 326 F. 2d 663.

No. 1133, Misc. BERRY *v.* WARDEN, QUEENS HOUSE OF DETENTION. C. A. 2d Cir. Certiorari denied.

No. 1337, Misc. WILLIAMS *v.* ANDERSON, JAIL SUPERINTENDENT. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall* and *Harold H. Greene* for respondent.

No. 1232, Misc. BROWN *v.* NEW YORK. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1280, Misc. LIPSCOMB *v.* KENNEDY, ATTORNEY GENERAL, ET AL. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Gerald P. Choppin* for respondents.

No. 1289, Misc. BROWN *v.* NEW JERSEY. Supreme Court of New Jersey. Certiorari denied. Reported below: 41 N. J. 590, 198 A. 2d 441.

No. 1298, Misc. KEMPINSKI *v.* UNITED STATES. Court of Claims. Certiorari denied. Reported below: — Ct. Cl. —, — F. 2d —.

June 15, 1964.

377 U.S.

No. 1140, Misc. *CROSS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States.

No. 1299, Misc. *PERRA v. MINNESOTA*. Supreme Court of Minnesota. Certiorari denied.

No. 1305, Misc. *GLAZEWSKI v. SIGAFOOS ET AL.* Supreme Court of New Jersey. Certiorari denied.

No. 1311, Misc. *SMYTHE v. RUNDLE, WARDEN*. Supreme Court of Pennsylvania. Certiorari denied.

No. 1330, Misc. *BANKER v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 1332, Misc. *PUNTURI v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 1338, Misc. *HALL v. MARYLAND*. Court of Appeals of Maryland. Certiorari denied. Reported below: 233 Md. 378, 196 A. 2d 874.

No. 1339, Misc. *COLLINS v. RANDOLPH, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 1340, Misc. *RAMSEY v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

No. 1342, Misc. *BURTON v. THOMAS, WARDEN*. Court of Appeals of Kentucky. Certiorari denied. Reported below: 377 S. W. 2d 155.

No. 1341, Misc. *PRYOR v. THOMAS, WARDEN*. Court of Appeals of Kentucky. Certiorari denied. Reported below: 377 S. W. 2d 156.

377 U. S.

June 15, 1964.

No. 1377, Misc. *TOTH v. CALIFORNIA*. District Court of Appeal of California, First Appellate District. Certiorari denied.

No. 1351, Misc. *FLOYD v. NEW YORK*. Appellate Division, Supreme Court of New York, Second Judicial Department. Certiorari denied.

No. 1359, Misc. *GLASS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 328 F. 2d 754.

No. 1360, Misc. *JACKSON v. NEW YORK*. Appellate Division, Supreme Court of New York, Third Judicial Department. Certiorari denied. *Thomas W. Brown* for petitioner.

No. 1366, Misc. *BRUNJES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 329 F. 2d 339.

No. 714, Misc. *TRINTA ET AL. v. SUPERIOR COURT OF PUERTO RICO ET AL.* Supreme Court of Puerto Rico. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Vicente Geigel Polanco* for petitioners. *Fernando Ruiz-Suria* for respondents. *Solicitor General Cox, Charles Donahue, Bessie Margolin and Robert E. Nagle* filed a memorandum for the United States, as *amicus curiae*. Reported below: — P. R. —.

No. 1384, Misc. *McKINNEY v. BOLES, WARDEN*. Supreme Court of Appeals of West Virginia. Certiorari denied.

June 15, 1964.

377 U.S.

No. 1354, Misc. *FOSTER v. INDIANA ET AL.* C. A. 7th Cir. Certiorari denied.

No. 1395, Misc. *IN RE HENIG ET AL.* C. A. 3d Cir. Certiorari denied.

No. 1322, Misc. *JOHNSON ET AL. v. YEAGER, PRISON KEEPER.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Curtis R. Reitz, Stanford Shmukler* and *M. Gene Haeberle* for petitioners. *Norman Heine* for respondent. Reported below: 327 F. 2d 311.

No. 1238, Misc. *LEVY v. MACY ET AL., COMMISSIONERS, U. S. CIVIL SERVICE COMMISSION.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and for other relief denied. Petitioner *pro se.* *Solicitor General Cox* for respondents.

Rehearing Denied.

No. 292. *MISSOURI PACIFIC RAILROAD CO. v. ELMORE & STAHL*, *ante*, p. 134;

No. 386. *FEDERAL POWER COMMISSION v. TEXACO INC. ET AL.*, *ante*, p. 33;

No. 387. *PAN AMERICAN PETROLEUM CORP. v. FEDERAL POWER COMMISSION*, *ante*, p. 922;

No. 969. *BRYANT ET AL. v. MOORE ET AL.*, *ante*, p. 933;

No. 977. *PENNSYLVANIA PUBLIC UTILITY COMMISSION v. JONES MOTOR CO., INC.*, *ante*, p. 217;

No. 850, Misc. *CUNNINGHAM v. UNITED STATES*, 376 U. S. 924;

No. 1082, Misc. *HERSH v. SECURITIES AND EXCHANGE COMMISSION*, *ante*, p. 937; and

No. 1189, Misc. *TANSIMORE v. UNITED STATES*, *ante*, p. 942. Petitions for rehearing denied.

377 U. S. June 15, 17, 19, 22, 1964.

No. 938. LEWIS, CIRCUIT CLERK AND REGISTRAR OF ELECTIONS, *v.* KENNEDY, ATTORNEY GENERAL, *ante*, p. 932. Motion to dispense with printing the petition granted. Petition for rehearing denied.

JUNE 17, 1964.

Dismissal Under Rule 60.

No. 1184. AUSTIN MAILERS UNION No. 136 *v.* NEWSPAPERS, INC. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition dismissed pursuant to Rule 60 of the Rules of this Court. *Harold G. Kennedy* for petitioner. Reported below: 329 F. 2d 312.

JUNE 19, 1964.

Certiorari Denied.

No. 1532, Misc. ANDERSON ET VIR *v.* RALEIGH FITKIN-PAUL MORGAN MEMORIAL HOSPITAL ET AL. Supreme Court of New Jersey. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Bernard Margolius* and *Ralph H. Deckelbaum* for petitioners. Reported below: 42 N. J. 421, 201 A. 2d 537.

JUNE 22, 1964.

Miscellaneous Orders.

No. 556. UNITED MINE WORKERS OF AMERICA *v.* WHITE OAK COAL Co., INC. (Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied, 375 U. S. 966.) The respondent is requested to file a response to the petition for rehearing.

No. 1125, Misc. IN RE STOUT. Motion for leave to file petition for writ of mandamus denied and petitioner granted 60 days from the expiration of the statutory time within which to file a petition for writ of certiorari.

June 22, 1964.

377 U. S.

No. 1468, Misc. *LEE v. BETO*, CORRECTIONS DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied.

Nos. 735 and 934. *Cox v. LOUISIANA*. Appeals from the Supreme Court of Louisiana. (Probable jurisdiction noted, *ante*, p. 921.) The motion of the appellant for leave to proceed further herein *in forma pauperis* is granted. It is ordered that the printing of the records be dispensed with. *Carl Rachlin* on the motion.

No. 1101, Misc. *MCNEER v. HEINZE*, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Stanley Mosk*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondent.

No. 5, Original. *UNITED STATES v. CALIFORNIA*. The joint motion to set this case down for oral argument on the exceptions to the report of the Special Master is granted and two hours are allotted to each side for that purpose. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion. *Solicitor General Cox* for the United States. *Stanley Mosk*, Attorney General of California, for defendant. [For earlier orders herein, see 375 U. S. 927, 990; *ante*, p. 926.]

No. 400. *GARRISON v. LOUISIANA*. Appeal from the Supreme Court of Louisiana. (Probable jurisdiction noted, 375 U. S. 900.) Argued April 22, 1964. This case is restored to the calendar for reargument. *Eberhard P. Deutsch* argued the cause for appellant. With him on the briefs was *René H. Himel, Jr.* *Jack P. F. Gremillion*, Attorney General of Louisiana, argued the cause for appellee. With him on the briefs were *M. E. Culligan* and *John E. Jackson, Jr.*, Assistant Attorneys General. Reported below: 244 La. 787, 154 So. 2d 400.

377 U. S.

June 22, 1964.

No. 985, Misc. *HERB v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *James W. Kynes*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 1361, Misc. *GEORGIA v. TUTTLE, CHIEF JUDGE, U. S. COURT OF APPEALS, ET AL.* Motion of Congress of Racial Equality, Inc., et al. for leave to file a brief, as *amici curiae*, granted. Motion for leave to file petition for writ of prohibition and/or mandamus denied. *Eugene Cook*, Attorney General of Georgia, *Albert Sidney Johnson*, Assistant Attorney General, and *J. Robert Sparks* for petitioner. *Donald L. Hollowell* and *Jack Greenberg* for *Rachel et al.*, respondents. *William M. Kunstler*, *Arthur Kinoy*, *Nils R. Douglas*, *Robert F. Collins*, *Carl Rachlin*, *Floyd B. McKissick* and *Michael J. Kunstler* for Congress of Racial Equality, Inc., et al., as *amici curiae*, in opposition.

Probable Jurisdiction Noted.

No. 1073. *LOUISIANA ET AL. v. UNITED STATES*. Appeal from the United States District Court for the Eastern District of Louisiana. Probable jurisdiction noted. *Jack P. F. Gremillion*, Attorney General of Louisiana, *Carroll Buck*, First Assistant Attorney General, and *Harry J. Kron, Jr.*, Assistant Attorney General, for appellants. *Solicitor General Cox*, *Assistant Attorney General Marshall*, *Harold H. Greene* and *David Rubin* for the United States. Reported below: 225 F. Supp. 353.

No. 1087. *FREEDMAN v. MARYLAND*. Appeal from the Court of Appeals of Maryland. Probable jurisdiction noted. *Felix J. Bilgrey*, *Richard C. Whiteford* and *Louis H. Pollak* for appellant. *Thomas B. Finan*, Attorney General of Maryland, and *Robert F. Sweeney*, Assistant Attorney General, for appellee. Reported below: 233 Md. 498, 197 A. 2d 232.

June 22, 1964.

377 U. S.

No. 1097. *UNITED STATES v. MISSISSIPPI ET AL.* Appeal from the United States District Court for the Southern District of Mississippi. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Marshall, Louis F. Claiborne, Harold H. Greene and Howard A. Glickstein* for the United States. *Joe T. Patterson, Attorney General of Mississippi, Dugas Shands, Assistant Attorney General, P. M. Stockett and Charles Clark, Special Assistant Attorneys General, and Aubrey Bell*, for appellees. Reported below: 229 F. Supp. 925.

Certiorari Granted. (See also No. 4, 378 U. S. 548; No. 5, 378 U. S. 587; No. 8, 378 U. S. 551; No. 246, 378 U. S. 576; No. 718, 378 U. S. 577; No. 761, 378 U. S. 550; No. 14, *Misc.*, 378 U. S. 582; No. 57, *Misc.*, 378 U. S. 552; No. 298, *Misc.*, 378 U. S. 566; No. 396, *Misc.*, 378 U. S. 567; No. 682, *Misc.*, 378 U. S. 568; No. 729, *Misc.*, 378 U. S. 569; No. 893, *Misc.*, 378 U. S. 570; No. 900, *Misc.*, 378 U. S. 562; No. 915, *Misc.*, 378 U. S. 584; No. 930, *Misc.*, 378 U. S. 571; No. 934, *Misc.*, 378 U. S. 586; No. 963, *Misc.*, 378 U. S. 572; No. 994, *Misc.*, 378 U. S. 573; No. 1011, *Misc.*, 378 U. S. 549; No. 1017, *Misc.*, 378 U. S. 544; No. 1050, *Misc.*, 378 U. S. 589; No. 1078, *Misc.*, 378 U. S. 574; No. 1117, *Misc.*, 378 U. S. 575; No. 1134, *Misc.*, 378 U. S. 546; and No. 1173, *Misc.*, 378 U. S. 585.)

No. 105. *HAMM v. CITY OF ROCK HILL.* Supreme Court of South Carolina. Certiorari granted. *Jack Greenberg, Constance Baker Motley, James M. Nabrit III, Matthew J. Perry, Lincoln C. Jenkins, Jr., Donald James Sampson and Willie T. Smith, Jr.* for petitioner. *Daniel R. McLeod, Attorney General of South Carolina, and Everett N. Brandon, Assistant Attorney General*, for respondent. Reported below: 241 S. C. 420, 128 S. E. 2d 907.

377 U. S.

June 22, 1964.

No. 432. *LUPPER ET AL. v. ARKANSAS.* Supreme Court of Arkansas. Certiorari granted. *Jack Greenberg, Constance Baker Motley, James M. Nabrit III and Wiley A. Branton* for petitioners. *Bruce Bennett*, Attorney General of Arkansas, and *Jack L. Lessenberry*, Assistant Attorney General, for respondent. Reported below: 236 Ark. 596, 367 S. W. 2d 750.

No. 869. *STANFORD v. TEXAS.* 57th Judicial District Court of Texas. Certiorari granted. *Maury Maverick, Jr., John J. McAvoy and Melvin L. Wulf* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Howard M. Fender* and *Lonny F. Zwiener*, Assistant Attorneys General, and *James E. Barlow* for respondent.

No. 782. *UNITED STATES v. VENTRESCA.* C. A. 1st Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States. *Edward C. Maher and Matthew R. McCann* for respondent. Reported below: 324 F. 2d 864.

No. 1068. *VETERANS OF THE ABRAHAM LINCOLN BRIGADE v. SUBVERSIVE ACTIVITIES CONTROL BOARD.* United States Court of Appeals for the District of Columbia Circuit. Certiorari granted. *Leonard B. Boudin, Victor Rabinowitz and David Rein* for petitioner. *Solicitor General Cox* for respondent. Reported below: 117 U. S. App. D. C. 404, 331 F. 2d 64.

No. 700, Misc. *GRIFFIN 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. *Morris Lavine* for petitioner. Reported below: 60 Cal. 2d 182, 383 P. 2d 432.

June 22, 1964.

377 U. S.

Certiorari Denied. (See also No. 330, 378 U. S. 578; No. 706, 378 U. S. 557; No. 853, 378 U. S. 558; No. 1048, 378 U. S. 581; and No. 699, Misc., 378 U. S. 582.)

No. 24. BEADLE ET AL. v. SCHOLLE ET AL. Supreme Court of Michigan. Certiorari denied. *Edmund E. Shepherd, Whitney North Seymour and Jerome H. Kern* for petitioners. *Frank J. Kelley*, Attorney General of Michigan, and *Eugene Krasicky*, Solicitor General, for Hare; and *Theodore Sachs* for Scholle, respondents. Reported below: 367 Mich. 176, 116 N. W. 2d 350.

Nos. 379 and 380. PAN-AMERICAN LIFE INSURANCE Co. v. LORIDO. Supreme Court of Florida, and District Court of Appeal of Florida, Third District. Certiorari denied. *James A. Dixon* and *Sam Daniels* for petitioner. *Mortimer Fried* for respondent. *Solicitor General Cox* filed a memorandum for the United States. Reported below: 154 So. 2d 200.

No. 553. FINCH ET AL. v. CALIFORNIA. Supreme Court of California. Certiorari denied. Petitioners *pro se*. *Stanley Mosk*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Norman H. Sokolow*, Deputy Attorney General, for respondent.

No. 673. PAN-AMERICAN LIFE INSURANCE CO. v. RECIO. District Court of Appeal of Florida, Third District. Certiorari denied. *James A. Dixon* and *Sam Daniels* for petitioner. *Wesley G. Carey* for respondent. Reported below: 154 So. 2d 197.

No. 1061. SANTANA v. UNITED STATES. C. A. 1st Cir. Certiorari denied. *Francisco Ponsa Feliu* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 329 F. 2d 854.

377 U. S.

June 22, 1964.

No. 930. *SANAPAW ET AL. v. WISCONSIN*. Supreme Court of Wisconsin. Certiorari denied. *John W. Cragun, Charles A. Hobbs and Richard A. Baenen* for petitioners. *George Thompson*, Attorney General of Wisconsin, and *Harold H. Persons*, Assistant Attorney General, for respondent. *Solicitor General Cox, Frank Goodman and Roger P. Marquis* filed a memorandum for the United States. Reported below: 21 Wis. 2d 377, 124 N. W. 2d 41.

No. 951. *CARPENTERS LOCAL UNION NO. 345, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, ET AL. v. RUBIN, DOING BUSINESS AS HOWARD RUBIN & CO.* Chancery Court of Shelby County, Tennessee. Certiorari denied. *Anthony J. Sabella* for petitioners. *Irving Strauch* for respondent.

No. 1057. *EISENHOWER, ALIAS ANDRE, ALIAS FORD, v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Warren E. Magee* for petitioner. *Solicitor General Cox* for the United States. Reported below: 327 F. 2d 663.

No. 1063. *NORTHERN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *John Jay Hooker, Jr. and James C. Kirby, Jr.* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Joseph M. Howard and John M. Brant* for the United States. Reported below: 329 F. 2d 794.

No. 1077. *WALLACE v. GRONOUSKI, POSTMASTER GENERAL, ET AL.* United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert C. Handwerk and Sherman C. Shelton* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas and Sherman L. Cohn* for respondents. Reported below: 117 U. S. App. D. C. 264, 328 F. 2d 565.

June 22, 1964.

377 U. S.

No. 1062. *BULLARD v. FLORIDA*. District Court of Appeal of Florida, First District, and Supreme Court of Florida. Certiorari denied. *Leo L. Foster* and *W. Dexter Douglass* for petitioner. Reported below: See 151 So. 2d 343.

No. 1070. *MARCELLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Jack Wasserman*, *David Carliner*, *Michel A. Maroun* and *G. Wray Gill* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 328 F. 2d 961.

No. 1065. *PRUCHA ET AL. v. WEISS ET AL.* Court of Appeals of Maryland. Certiorari denied. *Clayton A. Dietrich* for petitioners. Reported below: 233 Md. 479, 197 A. 2d 253.

No. 1081. *WALTHAM PRECISION INSTRUMENT Co., INC., ET AL. v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari denied. *B. Paul Noble* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *Robert B. Hummel*, *Irwin A. Seibel* and *James McI. Henderson* for respondent. Reported below: 327 F. 2d 427.

No. 1082. *KROGNESS ET AL. v. OREGON*. Supreme Court of Oregon. Certiorari denied. *Howard R. Longergan* for petitioners. *George H. Corey* for respondent. Reported below: — Ore. —, 388 P. 2d 120.

No. 1084. *MUGNOLA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 328 F. 2d 460.

377 U. S.

June 22, 1964.

No. 1085. *PARNESS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Seymour Kleinman* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller* and *Beatrice Rosenberg* for the United States.

No. 1089. *BABSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *James W. Heyer* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 330 F. 2d 662.

No. 1090. *BLUM v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Benjamin Siet* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Jerome Nelson* for the United States. Reported below: 329 F. 2d 49.

No. 1094. *HAMM ET VIR v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *Joseph A. Maun* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *John B. Jones, Jr.* for respondent. Reported below: 325 F. 2d 934.

No. 1095. *TIDEWATER OIL Co. v. LESSIG*. C. A. 9th Cir. Certiorari denied. *Moses Lasky* for petitioner. *Maxwell Keith* for respondent. Reported below: 327 F. 2d 459.

No. 1102. *HOUSTON MARITIME ASSOCIATION, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. *Robert Eikel* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 117 U. S. App. D. C. 304, 329 F. 2d 259.

June 22, 1964.

377 U.S.

No. 1104. *REALIST, INCORPORATED, v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. *Herbert P. Wiedemann* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 328 F. 2d 840.

No. 1187. *RUTHERFORD v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Frank Serri* for petitioner. Reported below: 332 F. 2d 444.

No. 15. *FORD ET AL. v. TENNESSEE.* Supreme Court of Tennessee, Middle Division. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jack Greenberg, James M. Nabrit III* and *Derrick A. Bell, Jr.* for petitioners. *George F. McCannel*, Attorney General of Tennessee, and *Walker T. Tipton*, Assistant Attorney General, for respondent. Reported below: 210 Tenn. 105, 355 S. W. 2d 102, 356 S. W. 2d 726.

No. 95. *WILLIAMSON v. CALIFORNIA.* District Court of Appeal of California, Second Appellate District. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Stanley Fleishman* and *Sam Rosenwein* for petitioner. *A. L. Wirin* and *Fred Okrand* for American Civil Liberties Union of Southern California, as *amicus curiae*, in support of the petition. Reported below: 207 Cal. App. 2d 839, 24 Cal. Rptr. 734.

No. 99. *WENZLER ET AL. v. CALIFORNIA.* Appellate Department, Superior Court of California, County of Los Angeles. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Stanley Fleishman* and *Sam Rosenwein* for petitioners. *Byron B. Gentry* for respondent.

BLACK, J., dissenting.

No. 1035. BERTMAN, DOING BUSINESS AS BERTMAN FOOD PRODUCTS, *v.* J. A. KIRSCH CO. C. A. 2d Cir. Certiorari denied. *Leonard Feldman* for petitioner. *Richard J. Burke* and *Myron L. Shapiro* for respondent.

MR. JUSTICE BLACK, with whom Mr. JUSTICE DOUGLAS and MR. JUSTICE GOLDBERG join, dissenting from the denial of certiorari.

The United States contracted with Bertman, the petitioner here, for the delivery of imported tomato paste. Bertman in turn contracted with J. A. Kirsch Co. to supply the paste. After the United States had taken delivery, it claimed that the paste was spoiled, and it sued Bertman for breach of contract. In addition to defending against the Government's claims, Bertman brought Kirsch in as a defendant, claiming that if the paste was defective then the blame rested on Kirsch and that if the Government recovered against Bertman he in turn was entitled to recover against Kirsch. After a trial in the United States District Court, the jury found that the paste was not defective, and the court entered judgment holding Bertman not liable. Since Bertman owed the Government nothing, naturally Kirsch owed Bertman nothing, and judgment was entered holding that Bertman should recover nothing from Kirsch. Under 28 U. S. C. § 2107 and Fed. Rules Civ. Proc. 73, a party aggrieved by a judgment of this kind has sixty days in which to appeal. In this case the only party which stood to lose by the judgments when entered was the United States. At some time on the 60th day it filed a notice of appeal with the clerk of the court. At the moment this appeal was filed, Bertman once again was subject to the danger of liability which had originally caused him to bring Kirsch into the suit as a defendant. The natural defensive step for Bertman to take then was to file a notice of appeal against Kirsch, but notice of the Government's appeal was not served on Bertman until after the 60

days had passed—too late, both courts below held, for Bertman to take his appeal. Thus, even though Bertman's ability to protect himself against paying for another man's wrong depended on his having notice of the Government's appeal just as much as it depended on his having notice when he was sued in the first place, neither the statutes nor the rules required that he have notice in time to file his own appeal.

I am aware of the argument that an able, alert, ever-diligent lawyer could have, had he tried hard enough, discovered that the Government had appealed—even in the closing hours of the sixtieth day. I do not doubt that had Bertman's counsel been Superman, his X-ray eyes would have told him that a notice of appeal was being filed blocks away in the courthouse, or had he been a lawyer with no clients but Bertman he could have spent the sixtieth day hovering at the clerk's office to see whether the Government would file a notice of appeal. But Bertman's counsel (so far as the record shows) is not Superman, nor should the law expect him to be. The record is barren of any suggestion that he fell short of the standards generally expected of a capable lawyer. He relied, as lawyers in our system of jurisprudence are entitled to do, on the principle expressed by Daniel Webster when he said that due process means a law which "hears before it condemns." A chance to be heard, of course, requires notice. Bertman had no notice of the Government's appeal in time to file his own appeal. A system of appeals which fails to give this notice, whether by statute or rule, fails to provide the most elemental requirement of due process. The only construction of this rule consistent with due process and with the purpose of the Civil Rules to secure the "just . . . determination of every action"** would therefore be to hold that Bertman's filing within a reasonable time after notice was timely. Cf. *Fallen v. United States*, 378 U. S. 139.

*Fed. Rules Civ. Proc. 1.

377 U. S.

June 22, 1964.

No. 1110. PAN-AMERICAN LIFE INSURANCE CO. *v.* THEYE Y AJURIA. Supreme Court of Louisiana. Certiorari denied. *James A. Dixon* and *Sam Daniels* for petitioner. *Leon Sarpy* for respondent. Reported below: 245 La. 755, 161 So. 2d 70.

No. 1188. MERINO *v.* UNITED STATES MARSHAL. C. A. 9th Cir. Certiorari denied. *A. Kenneth Pye*, *Michael J. Stack, Jr.* and *Peter J. Hughes* for petitioner. *Solicitor General Cox* for respondent. Reported below: 326 F. 2d 5.

No. 1069. FATEMI ET AL. *v.* UNITED STATES. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. *Lawrence C. Moore* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 1071. SHENANDOAH VALLEY BROADCASTING, INC., ET AL. *v.* AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS. Motion to use portions of the record in No. 323, October Term, 1963, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Ralstone R. Irvine* and *Walter R. Mansfield* for petitioners. *Arthur H. Dean*, *William Piel, Jr.*, *Herman Finkelstein* and *Lloyd N. Cutler* for respondent. Reported below: 331 F. 2d 117.

No. 323, Misc. MEE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 316 F. 2d 467.

June 22, 1964.

377 U. S.

No. 1109. *LAVALLEE, WARDEN, ET AL. v. DUROCHER ET AL.* Motion of respondents for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Ronald J. Offenkrantz* and *Barry Mahoney*, Assistant Attorneys General, for petitioners. *Leon B. Polsky* for respondents. Reported below: 330 F. 2d 303.

MR. JUSTICE HARLAN, dissenting.

I believe that the issue in this case has an importance which justifies departure from my usual practice of not noting a dissent to a denial of certiorari with which I do not agree. The issue is whether this Court's holding in *Gideon v. Wainwright*, 372 U. S. 335, is required to be given retroactive effect. That question, which is of continuing concern in the administration of criminal justice in a substantial number of States, deserves plenary consideration by this Court, which it has not yet had. See my dissenting opinion in *Pickelsimer v. Wainwright*, 375 U. S. 2, 3.

I would grant certiorari and set the case for argument.

No. 1214. *SCHENKER ET AL. v. E. I. DUPONT DE NEMOURS & Co., INC., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE HARLAN and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *David Schenker, pro se*, for petitioners. *John E. F. Wood, Philip C. Scott* and *Malcolm H. Bell* for respondents. Reported below: 329 F. 2d 77.

No. 914, Misc. *HILL v. NEW YORK*. Court of Appeals of New York. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent. Reported below: 13 N. Y. 2d 842, 192 N. E. 2d 232.

377 U. S.

June 22, 1964.

No. 1083. *BURT v. CITY OF PALM SPRINGS, CALIFORNIA.* Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Reported below: 224 Cal. App. 2d 122, 36 Cal. Rptr. 422.

No. 641, Misc. *MORRIS v. ROUSOS.* C. A. 10th Cir. Certiorari denied.

No. 1179, Misc. *FISHER v. UNITED STATES*; and
No. 1180, Misc. *LINDQUIST v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *John S. Connolly* for petitioners. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 324 F. 2d 775.

No. 574, Misc. *LEE v. FLORIDA.* District Court of Appeal of Florida, First District. Certiorari denied. *Howard W. Dixon* for petitioner. *Richard W. Ervin, Attorney General of Florida, and James G. Mahorner, Assistant Attorney General*, for respondent. Reported below: 153 So. 2d 351.

No. 863, Misc. *SHIPP v. CALIFORNIA.* Supreme Court of California. Certiorari denied. *Vincent Hallinan and Carl B. Shapiro* for petitioner. *Stanley Mosk, Attorney General of California, William E. James, Assistant Attorney General, and Jack E. Goertzen, Deputy Attorney General*, for respondent. Reported below: 59 Cal. 2d 845, 382 P. 2d 577.

No. 942, Misc. *RAYMOND v. PENNSYLVANIA.* Supreme Court of Pennsylvania. Certiorari denied. *David H. Kubert* for petitioner. Reported below: 412 Pa. 194, 194 A. 2d 150.

June 22, 1964.

377 U. S.

No. 750, Misc. *SMITH ET AL. v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied. *Hymen B. Mintz* for petitioners. Reported below: 323 F. 2d 146.

No. 889, Misc. *ANDERSON v. KROPP, WARDEN*. Supreme Court of Michigan. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Donald T. Kane*, Assistant Attorney General, for respondent.

No. 957, Misc. *CLAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome Nelson* for the United States. Reported below: 326 F. 2d 196.

No. 982, Misc. *REYNOLDS v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. Reported below: 41 N. J. 163, 195 A. 2d 449.

No. 1139, Misc. *REYNOLDS v. NEW JERSEY*. Supreme Court of New Jersey. Certiorari denied. *Philip J. Mylod* for petitioner. Reported below: 41 N. J. 163, 195 A. 2d 449.

No. 1088, Misc. *RANDAZZO ET AL. v. CALIFORNIA*. District Court of Appeal of California, Second Appellate District. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioners. *Roger Arnebergh*, *Philip E. Grey* and *Wm. E. Doran* for respondent. Reported below: 220 Cal. App. 2d 768, 34 Cal. Rptr. 65; 220 Cal. App. 2d 926, 34 Cal. Rptr. 71.

No. 1206, Misc. *THOMAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 327 F. 2d 795.

377 U. S.

June 22, 1964.

No. 1124, Misc. *HALLIDAY v. HERITAGE, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and David Rubin* for respondents. Reported below: 327 F. 2d 494.

No. 1136, Misc. *BROTHERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Boris H. Lakusta* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 328 F. 2d 151.

No. 1150, Misc. *WILLIAMS v. SOUTH CAROLINA*; and No. 1151, Misc. *MORRIS v. SOUTH CAROLINA*. Supreme Court of South Carolina. Certiorari denied. *Lincoln C. Jenkins, Jr. and Matthew J. Perry* for petitioner in No. 1150, Misc. Petitioner *pro se* in No. 1151, Misc. *Daniel R. McLeod*, Attorney General of South Carolina, and *Joseph C. Coleman and Edward B. Latimer*, Assistant Attorneys General, for respondent. Reported below: 243 S. C. 225, 133 S. E. 2d 744.

No. 1174, Misc. *SMITH v. BREAZEALE, PENITENTIARY SUPERINTENDENT*. Supreme Court of Mississippi. Certiorari denied. *Melvin L. Wulf and R. Jess Brown* for petitioner. *Joe T. Patterson*, Attorney General of Mississippi, and *G. Garland Lyell, Jr.*, Assistant Attorney General, for respondent. Reported below: — Miss. —, 158 So. 2d 686.

No. 1188, Misc. *NELSON ET AL. v. NEW HAMPSHIRE*. Supreme Court of New Hampshire. Certiorari denied. *Leo Patrick McGowan and Richard W. Leonard* for petitioners. *William Maynard*, Attorney General of New Hampshire, and *Alexander J. Kalinski*, Assistant Attorney General, for respondent. Reported below: 105 N. H. 184, 196 A. 2d 52.

June 22, 1964.

377 U.S.

No. 1203, Misc. *OSBORNE v. TAYLOR, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Gerald P. Choppin* for respondent. Reported below: 328 F. 2d 131.

No. 1217, Misc. *FRISON v. CLEMMER, CORRECTIONS DIRECTOR*. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for respondent.

No. 1249, Misc. *JONES v. TAYLOR, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Howard A. Glickstein* for respondents. Reported below: 327 F. 2d 493.

No. 1264, Misc. *PURVIS v. SUPERIOR COURT OF ALAMEDA COUNTY*. Supreme Court of California. Certiorari denied. *Herman W. Mintz*, for petitioner. *Stanley Mosk, Attorney General of California, Arlo Smith, Chief Assistant Attorney General, and Albert W. Harris, Jr. and John F. Kraetzer*, Deputy Attorneys General, for respondent.

No. 1273, Misc. *WILLIAMS v. TAYLOR, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall and Harold H. Greene* for respondent. Reported below: 327 F. 2d 322.

No. 1287, Misc. *FERGUSON v. OHIO*. Supreme Court of Ohio. Certiorari denied. Petitioner *pro se*. *John T. Corrigan* for respondent. Reported below: 175 Ohio St. 390, 195 N. E. 2d 794.

377 U. S.

June 22, 1964.

No. 1279, Misc. *LIPSCOMB v. BLACKWELL, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene and Gerald P. Choppin* for respondent.

No. 1297, Misc. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Frank J. Martell* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 327 F. 2d 959.

No. 1310, Misc. *RAMSEY v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 327 F. 2d 784.

No. 1317, Misc. *COLEMAN v. DENNO, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied. *Martin Garbus* for petitioner. Reported below: 330 F. 2d 441.

No. 1328, Misc. *BENTON v. ARIZONA ET AL.* Supreme Court of Arizona. Certiorari denied.

No. 1333, Misc. *DIRRING v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 328 F. 2d 512.

No. 1352, Misc. *PHILLIP v. NORTH CAROLINA*. Supreme Court of North Carolina. Certiorari denied. *Samuel S. Mitchell* for petitioner. *T. W. Bruton, Attorney General of North Carolina, and Richard T. Sanders, Assistant Attorney General*, for respondent. Reported below: 261 N. C. 263, 134 S. E. 2d 386.

June 22, 1964.

377 U. S.

No. 1353, Misc. *JOHNSON v. NEW YORK*. Appellate Division, Supreme Court of New York, First Judicial Department. Certiorari denied. *Robert P. Whelan* for petitioner.

No. 1358, Misc. *BRANT v. TETLOW*. C. A. 1st Cir. Certiorari denied. *Aram K. Berberian* for petitioner. *Solicitor General Cox, Assistant Attorney General Marshall, Harold H. Greene* and *Gerald P. Choppin* for respondent. Reported below: 328 F. 2d 890.

No. 1363, Misc. *HOLLY v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1364, Misc. *SMITH v. CALIFORNIA*. Supreme Court of California. Certiorari denied.

No. 1367, Misc. *BARONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 330 F. 2d 543.

No. 1368, Misc. *BOSTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Lester Landy* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 330 F. 2d 937.

No. 1369, Misc. *DELANO v. CROUSE, WARDEN*. C. A. 10th Cir. Certiorari denied. *John W. Low* for petitioner. Reported below: 327 F. 2d 693.

No. 1399, Misc. *KERRIGAN v. MASSACHUSETTS*. Supreme Judicial Court of Massachusetts. Certiorari denied. Petitioner *pro se*. *Ruth I. Abrams* for respondent. Reported below: 346 Mass. 786, 196 N. E. 2d 190.

377 U. S.

June 22, 1964.

No. 1370, Misc. DARLING *v.* NEW YORK. Court of Appeals of New York. Certiorari denied.

No. 1371, Misc. WILSON *v.* UNITED STATES. United States Court of Appeals for the District of Columbia Circuit. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 325 F. 2d 224.

No. 1372, Misc. WOLENSKI *v.* SHOVLIN, STATE HOSPITAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1373, Misc. CUNNINGHAM *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Supreme Court of Pennsylvania. Certiorari denied.

No. 1375, Misc. SINETTE *v.* DICKSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1379, Misc. GLANCY *v.* HEINZE, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1385, Misc. PRATER *v.* MYERS, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1392, Misc. KING *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 1401, Misc. SULLIVAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frank Serri* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Richard W. Schmude* for the United States. Reported below: 329 F. 2d 755.

No. 1408, Misc. DUVAL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

June 22, 1964.

377 U. S.

No. 1405, Misc. *CLARK v. PENNSYLVANIA RAILROAD CO.* C. A. 2d Cir. Certiorari denied. *Ira Gammerman* for petitioner. *Thomas V. McMahon* for respondent. Reported below: 328 F. 2d 591.

No. 1398, Misc. *DERRITT v. STATE BOARD OF REAL ESTATE EXAMINERS*. Supreme Court of Ohio. Certiorari denied. *John G. Pegg* and *John H. Bustamante* for petitioner. *William B. Saxbe*, Attorney General of Ohio, and *James M. Dunphy*, Assistant Attorney General, for respondent.

No. 1410, Misc. *ZELNICK v. PENNSYLVANIA*. Superior Court of Pennsylvania. Certiorari denied. Reported below: 202 Pa. Super. 129, 195 A. 2d 171.

No. 1416, Misc. *JACKSON v. KROPP, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 954, Misc. *SIMCOX v. HARRIS, WARDEN*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert E. Hannon* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Marshall, Harold H. Greene* and *David Rubin* for respondent. Reported below: 324 F. 2d 376.

No. 1412, Misc. *FINKELSTEIN v. NEW YORK*. Court of Appeals of New York. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 14 N. Y. 2d 608, 198 N. E. 2d 265.

No. 1427, Misc. *McDOWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 330 F. 2d 920.

GOLDBERG, J., dissenting.

No. 639, Misc. SPENCER *v.* CALIFORNIA. Supreme Court of California. Certiorari denied. Petitioner *pro se*. Stanley Mosk, Attorney General of California, William E. James, Assistant Attorney General, and Gordon Ringer, Deputy Attorney General, for respondent. Reported below: 60 Cal. 2d 64, 383 P. 2d 134.

MR. JUSTICE GOLDBERG, dissenting from denial of certiorari.

Petitioner, an indigent defendant, was, after a jury trial, convicted of murder and sentenced to death. The California Supreme Court affirmed the conviction, 60 Cal. 2d 64, 383 P. 2d 134, and petitioner seeks a writ of certiorari.

Prior to the trial, petitioner entered pleas of not guilty and not guilty by reason of insanity. The court pursuant to California law thereupon appointed two psychiatrists "to examine the defendant and investigate his sanity." On the basis of their examinations and interviews, the psychiatrists filed a report "stating that in their opinion defendant was sane . . . at the time of the alleged commission of the crimes." At the start of the trial petitioner withdrew his plea of not guilty by reason of insanity. Nevertheless, during the guilt phase of the trial, which under California procedure is separate from the punishment phase, the State called one of the psychiatrists, who related incriminating statements "made by defendant in the course of the psychiatric examination."

Under § 1027 of the California Penal Code, whenever "a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists . . . to examine the defendant and investigate his sanity." Even if the defendant subsequently withdraws his insanity plea, the psychiatrists "may be called" to testify concerning their interviews with the defendant. The defendant may not invoke any privilege to prevent disclosure of the

content of such interviews. On its face this provision applies equally to affluent as well as to indigent defendants, for any defendant, interposing a defense of insanity, is subject to interviews and examinations by state-hired psychiatrists who may later be called by the State to testify as witnesses against the defendant. However, the interaction of another California rule, namely, that any communication between a defendant and a privately hired psychiatrist is privileged, see, *e. g.*, *Jones v. Superior Court*, 58 Cal. 2d 56, 61, 372 P. 2d 919, 922, and the California procedure under § 1027 creates a critical difference between the affluent defendant and the indigent defendant. An affluent defendant, before deciding to interpose an insanity defense, may seek the advice of a private psychiatrist and, if the defendant thereby determines that there is no basis for an insanity defense, any incriminating statements made in the course of the psychiatric examination are privileged and not admissible in evidence against the defendant. In contrast, an indigent defendant, unable to retain a private psychiatrist, must, in order to determine whether he has a basis for an insanity defense, submit to interviews with state-hired psychiatrists. If the indigent defendant then determines that there is no basis for such a defense, notwithstanding the withdrawal of that defense, any incriminating statements made in the interviews with the psychiatrists are not privileged and may be used against the defendant at his trial. An indigent defendant therefore is often in effect compelled to choose between foregoing an insanity defense and waiving his privilege against self-incrimination.

Petitioner contends that the operation of these laws effects an invidious discrimination between the affluent defendant who is able to retain a private psychiatrist and the indigent defendant who lacks funds to do so, in that the latter, but not the former, is required to surrender his constitutional privilege against self-incrimination as a

377 U. S.

June 22, 1964.

condition of ascertaining whether there is any basis for a plea of not guilty by reason of insanity.

I believe that petitioner's claim raises substantial and important questions under the Equal Protection and Due Process Clauses of the Constitution. See, *e. g.*, *Griffin v. Illinois*, 351 U. S. 12; *Gideon v. Wainwright*, 372 U. S. 335; *Douglas v. California*, 372 U. S. 353; *Lane v. Brown*, 372 U. S. 477; *Draper v. Washington*, 372 U. S. 487. "Both equal protection and due process emphasize the central aim of our entire judicial system—all people charged with crime must, so far as the law is concerned, 'stand on an equality before the bar of justice in every American court.'" *Griffin v. Illinois*, *supra*, at 17. This Court should, in my view, grant the petition for a writ of certiorari to consider whether the California procedure for pleading not guilty by reason of insanity is consonant with this "central aim" of our Constitution. Accordingly, I respectfully dissent from the denial of the petition.

No. 1414, Misc. *SOFOCLEOUS v. MARYLAND*. Circuit Court of Anne Arundel County, Maryland. Certiorari denied.

No. 1201, Misc. *GUST v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Hayden C. Covington* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Miller*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 328 F. 2d 891.

No. 1348, Misc. *TOWNSEND v. BALKCOM, WARDEN*. Petition for writ of certiorari to the Supreme Court of Georgia denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court. Reported below: 219 Ga. 708, 135 S. E. 2d 399.

June 22, 1964.

377 U. S.

Rehearing Denied.

No. 157. *PARDEN ET AL. v. TERMINAL RAILWAY OF THE ALABAMA STATE DOCKS DEPARTMENT ET AL.*, *ante*, p. 184;

No. 204. *UNITED STATES v. ALUMINUM CO. OF AMERICA ET AL.*, *ante*, p. 271;

No. 931. *LYNCHBURG TRAFFIC BUREAU v. UNITED STATES ET AL.*, *ante*, p. 270;

No. 980. *McMANUS v. LAKE CENTRAL AIRLINES*, *ante*, p. 943;

No. 991. *SPINELLI v. Isthmian Steamship Co. ET AL.*, *ante*, p. 935;

No. 112, Misc. *WILSON v. UNITED STATES*, *ante*, p. 960;

No. 1081, Misc. *STEBBINS v. UNITED STATES*, *ante*, p. 940;

No. 1107, Misc. *SCHNEIDER v. WEISSBERGER ET AL.*, *ante*, p. 936; and

No. 1144, Misc. *WILLIAMS v. ANDERSON, JAIL SUPERINTENDENT*, *ante*, p. 956. Petitions for rehearing denied.

No. 122. *PALERMO v. UNITED STATES*;

No. 134. *SICA v. UNITED STATES*; and

No. 141. *CARBO v. UNITED STATES*, *ante*, p. 953. Petitions for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of these petitions.

No. 253. *MARKS v. ESPERDY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*, *ante*, p. 214. Petition for rehearing denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition.

No. 538. *G. L. CHRISTIAN & ASSOCIATES v. UNITED STATES*, 375 U. S. 954, 376 U. S. 929. Motion for leave to file second petition for rehearing denied.

No. 896. *DEAN, ADMINISTRATOR, v. COLE*, *ante*, p. 909. Motion for leave to file petition for rehearing denied.