

ORDERS FROM END OF OCTOBER TERM, 1964,
THROUGH JANUARY 31, 1966.

CASES DISMISSED IN VACATION.

No. 231, Misc. *MEUNIER v. UNITED STATES*. C. A. 5th Cir. Petition for writ of certiorari dismissed July 8, 1965, pursuant to Rule 60 of the Rules of this Court.

No. 93. *CRANE Co. v. EVANS-HAILEY Co., INC.* Appeal from D. C. M. D. Tenn. dismissed July 21, 1965, pursuant to Rule 60 of the Rules of this Court. *Cecil Sims* for appellant.

No. 20, Original. *KANSAS v. COLORADO*. Motion for leave to file bill of complaint dismissed August 2, 1965, pursuant to Rule 60 of the Rules of this Court. *Robert C. Londerholm*, Attorney General of Kansas, and *Charles N. Henson, Jr.*, Assistant Attorney General, for plaintiff. *Duke W. Dunbar*, Attorney General of Colorado, *James D. Geissinger* and *Raphael J. Moses*, Assistant Attorneys General, and *Donald H. Hamburg*, Special Assistant Attorney General, for defendant.

No. 54. *MILGRAM FOOD STORES, INC. v. KETCHUM, SUPERVISOR, MISSOURI DEPARTMENT OF LIQUOR CONTROL*. Sup. Ct. Mo. Petition for writ of certiorari dismissed August 2, 1965, pursuant to Rule 60 of the Rules of this Court. *F. Philip Kirwan* for petitioner. Reported below: 384 S. W. 2d 510.

No. 326. *M & J DIESEL LOCOMOTIVE FILTER CORP. ET AL. v. BRIGGS ET AL.* C. A. 7th Cir. Petition for writ of certiorari dismissed August 19, 1965, pursuant to Rule 60 of the Rules of this Court. *Edwin A. Rothschild* for petitioners. Reported below: 342 F. 2d 573.

October 11, 1965.

382 U. S.

No. 171, Misc. *STANLEY v. NEW YORK*. Ct. App. N. Y. Petition for writ of certiorari dismissed August 31, 1965, pursuant to Rule 60 of the Rules of this Court.

No. 236. *CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE v. UNITED STATES ET AL.* Appeal from D. C. N. D. Cal. dismissed September 1, 1965, pursuant to Rule 60 of the Rules of this Court. *William H. Dempsey, Jr.*, and *Eugene T. Lüpfert* for appellant. *Solicitor General Cox*, *Assistant Attorney General Turner*, *Lionel Kestenbaum*, *I. Daniel Stewart, Jr.*, *Robert W. Ginnane* and *Robert S. Burk* for the United States. *Earle V. White* for appellee *Everts' Commercial Transport, Inc.* Reported below: 237 F. Supp. 391.

No. 475, Misc. *CRAIG v. NEBRASKA*. C. A. 8th Cir. Petition for writ of certiorari dismissed September 21, 1965, pursuant to Rule 60 of the Rules of this Court.

OCTOBER 11, 1965.

Miscellaneous Orders.

No. 38. *ROSENBLATT v. BAER*. Sup. Ct. N. H. (Certiorari granted, 380 U. S. 941.) Motion of American Civil Liberties Union for leave to file brief, as *amicus curiae*, granted. *Osmond K. Fraenkel*, *Edward J. Ennis* and *Melvin L. Wulf* for American Civil Liberties Union, as *amicus curiae*, urging reversal. *Stanley M. Brown* for respondent, in opposition to the motion.

No. 29. *UNITED STATES v. EWELL ET AL.* Appeal from D. C. S. D. Ind. (Probable jurisdiction noted, 381 U. S. 909.) Motion for appointment of counsel granted. It is ordered that *David B. Lockton, Esquire*, of Indianapolis, Indiana, be, and he is hereby, appointed to serve as counsel on behalf of Clarence Ewell, an appellee in this case.

382 U. S.

October 11, 1965.

No. 18, Original. *ILLINOIS v. MISSOURI*. Motion to make complaint more definite and certain granted. *Norman H. Anderson*, Attorney General of Missouri, *Harold L. McFadden*, Assistant Attorney General, and *Stanley M. Rosenblum* on the motion. [For earlier orders herein, see 379 U. S. 952; 380 U. S. 901, 969.]

No. 12. *WESTERN PACIFIC RAILROAD CO. ET AL. v. UNITED STATES ET AL.* D. C. N. D. Cal. (Probable jurisdiction noted, 379 U. S. 956.) Joint motion to remove case from summary calendar and for permission for two attorneys to present oral argument for each side granted. *E. Barrett Prettyman, Jr.*, for appellants; *Acting Solicitor General Spritzer* and *Robert W. Ginnane* for the United States et al., and *Frank S. Farrell* for Northern Pacific Railway Co. et al., appellees, on the motion.

No. 42. *GINZBURG ET AL. v. UNITED STATES*. C. A. 3d Cir. (Certiorari granted, 380 U. S. 961.) Motion of petitioners to remove case from summary calendar denied. *Sidney Dickstein* on the motion.

No. 88. *IN RE MACKAY*. Sup. Ct. Alaska. Motion to defer consideration of the petition for writ of certiorari granted. *Joseph A. Ball* and *Edgar Paul Boyko* on the motion.

No. 104. *KENT v. UNITED STATES*. C. A. D. C. Cir. (Certiorari granted, 381 U. S. 902.) Motion to remove this case from summary calendar granted. *Myron G. Ehrlich* on the motion.

No. 346. *CANADA PACKERS, LTD. v. ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.* C. A. 7th Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

October 11, 1965.

382 U.S.

No. 355. *LITTELL v. NAKAI*. C. A. 9th Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 308, Misc. *PLUNKETT v. LANE, 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. 177, Misc. *LANGSTON v. KEARNEY, WARDEN*;
No. 179, Misc. *HENDERSON v. MAXWELL, WARDEN*;
No. 195, Misc. *BROWN v. FLORIDA*;
No. 204, Misc. *HUFFMAN v. MARONEY, CORRECTIONAL SUPERINTENDENT*;

No. 245, Misc. *MARTINEZ v. WILSON, WARDEN, ET AL.*;
No. 306, Misc. *CRUZ v. BETO, CORRECTIONS DIRECTOR*;
No. 309, Misc. *SMITH v. CALIFORNIA ET AL.*;
No. 329, Misc. *JAMISON v. KEARNEY, WARDEN*;
No. 330, Misc. *PARKER v. MAXWELL, WARDEN*;
No. 349, Misc. *HAYES v. PATE, WARDEN*;
No. 391, Misc. *BEY v. ANDERSON, JAIL SUPERINTENDENT*;

No. 393, Misc. *MITCHELL v. FLORIDA*;
No. 440, Misc. *SCHACK v. FLORIDA ET AL.*;
No. 447, Misc. *ARCHIE v. NEW MEXICO*;
No. 450, Misc. *DANGLEY v. WAINWRIGHT, CORRECTIONS DIRECTOR, ET AL.*; and

No. 532, Misc. *CLINE v. DUNBAR*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 22, Misc. *DAVIS v. BETO, CORRECTIONS DIRECTOR*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *Stanton Stone*, Executive Assistant Attorney General, and *Howard M. Fender*, Assistant Attorney General, for respondent.

382 U. S.

October 11, 1965.

No. 260, Misc. *DESIMONE v. CHIEF JUSTICE OF ILLINOIS SUPREME COURT ET AL.* Motion for leave to file petition for writ of mandamus denied.

No. 58, Misc. *LYONS v. KLATTE, STATE HOSPITAL SUPERINTENDENT.* 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*. *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci* and *Jay S. Linderman*, Deputy Attorneys General, for respondent.

No. 501, Misc. *ACUFF v. COOK MACHINERY CO., INC.* Motion for leave to file petition for writ of injunction and for other relief denied.

No. 18, Misc. *CALDWELL v. UNDERWOOD, U. S. DISTRICT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied.

No. 19, Misc. *MILLER v. BIGGS, CHIEF JUDGE, U. S. COURT OF APPEALS.* Motion for leave to file petition for writ of mandamus denied. *David H. Kubert* for petitioner. *Philip W. Amram* and *Gilbert Hahn, Jr.*, for respondent. *Emil F. Goldhaber*, Special Assistant Attorney General of Pennsylvania, filed a memorandum for the Commonwealth of Pennsylvania.

No. 232, Misc. *DOSTER v. COASH, CIRCUIT JUDGE, ET AL.* Motion for leave to file petition for writ of mandamus denied.

No. 251, Misc. *GINSBERG, TRUSTEE v. FULTON, U. S. DISTRICT JUDGE.* Motion for leave to file petition for writ of mandamus denied. *Daniel L. Ginsberg* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Harold C. Wilkenfeld* and *Crombie J. D. Garrett* for respondent.

October 11, 1965.

382 U. S.

No. 117, Misc. *PARSON v. ANDERSON, JAIL SUPERINTENDENT*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Solicitor General Cox* for respondent.

No. 91, Misc. *WALLACH v. CHANDLER, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL.* Motion for leave to file petition for writ of mandamus and/or prohibition denied.

Probable Jurisdiction Noted.

No. 28, Misc. *BUTTS v. HARRISON, GOVERNOR OF VIRGINIA, ET AL.* Appeal from D. C. E. D. Va. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case transferred to appellate docket. The case is consolidated with No. 48 and a total of two hours is allotted for oral argument. *Robert L. Segar, Max Dean, Len W. Holt and J. A. Jordan, Jr.*, for appellant. *Robert Y. Button*, Attorney General of Virginia, and *Richard N. Harris*, Assistant Attorney General, for appellees. Reported below: 240 F. Supp. 270.

No. 303. *UNITED STATES v. VON'S GROCERY CO. ET AL.* Appeal from D. C. S. D. Cal. Probable jurisdiction noted. MR. JUSTICE FORTAS took no part in the consideration or decision of this case. *Solicitor General Cox, Acting Assistant Attorney General Wright, Robert B. Hummel, Elliott H. Moyer and James J. Coyle* for the United States. *William W. Alsup and Warren M. Christopher* for appellees. Reported below: 233 F. Supp. 976.

No. 238. *UNITED STATES v. SEALY, INC.* Appeal from D. C. N. D. Ill. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel and Gerald Kadish* for the United States. *John T. Chadwell, Richard W. McLaren and Richard S. Rhodes* for appellee.

382 U. S.

October 11, 1965.

No. 318. BURNS, GOVERNOR OF HAWAII *v.* RICHARDSON ET AL.;

No. 323. CRAVALHO ET AL. *v.* RICHARDSON ET AL.; and

No. 409. ABE ET AL. *v.* RICHARDSON ET AL. Appeals from D. C. Hawaii. Motion of Harold S. Roberts for leave to file brief, as *amicus curiae*, in Nos. 318 and 323, granted. Probable jurisdiction noted. The cases are consolidated and a total of three hours is allotted for oral argument. MR. JUSTICE FORTAS took no part in the consideration or decision of these cases. *Bert T. Kobayashi*, Attorney General of Hawaii, *Bertram T. Kanbara* and *Nobuki Kamida*, Deputy Attorneys General, *Thurman Arnold*, *Abe Fortas* and *Dennis G. Lyons* for appellant in No. 318 and for appellee Burns in Nos. 323 and 409. *James T. Funaki* and *Eugene W. I. Lau* for appellants in No. 323. *Kazuhisa Abe* for appellants in No. 409. *Richard K. Sharpless* on motion of Harold S. Roberts for leave to file brief, as *amicus curiae*, in Nos. 318 and 323. Reported below: 238 F. Supp. 468; 240 F. Supp. 724.

No. 291. UNITED STATES *v.* STANDARD OIL Co. Appeal from D. C. M. D. Fla. Probable jurisdiction noted. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Ralph S. Spritzer* and *Beatrice Rosenberg* for the United States. *Earl B. Hadlow* and *John H. Wilbur* for appellee.

Certiorari Granted.

No. 106. FEDERAL TRADE COMMISSION *v.* BORDEN Co. C. A. 5th Cir. Certiorari granted. *Solicitor General Cox*, *Assistant Attorney General Orrick*, *Robert B. Hummel*, *Gerald Kadish*, *James McI. Henderson* and *Charles C. Moore, Jr.*, for petitioner. *John E. F. Wood*, *Kent V. Lukingbeal*, *Robert C. Johnston*, *Philip S. Campbell* and *C. Brien Dillon* for respondent. Reported below: 339 F. 2d 133.

October 11, 1965.

382 U. S.

No. 118. *FEDERAL TRADE COMMISSION v. BROWN SHOE CO., INC.* C. A. 8th Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Orrick, Robert B. Hummel, Donald L. Hardison, James McI. Henderson, Thomas F. Howder and Gerald J. Thain* for petitioner. *Robert H. McRoberts* for respondent. Reported below: 339 F. 2d 45.

No. 147. *GEORGIA v. RACHEL ET AL.* C. A. 5th Cir. Certiorari granted. *Eugene Cook, Attorney General of Georgia, Albert Sidney Johnson, Deputy Assistant Attorney General, Lewis R. Slaton, Jr., Solicitor General, and J. Robert Sparks, Assistant Solicitor General*, for petitioner. Reported below: 342 F. 2d 336.

No. 280. *ACCARDI ET AL. v. PENNSYLVANIA RAILROAD CO.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Douglas, Ralph S. Spritzer, Alan S. Rosenthal and Richard S. Salzman* for petitioners. *Edward F. Butler and R. L. Duff* for respondent. Reported below: 341 F. 2d 72.

No. 387. *INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), AFL-CIO v. HOOSIER CARDINAL CORP.* C. A. 7th Cir. Certiorari granted. *Joseph L. Rauh, Jr., John Silard, Stephen I. Schlossberg and Harriett R. Taylor* for petitioner. *John E. Early* for respondent. Reported below: 346 F. 2d 242.

No. 351. *COMMISSIONER OF INTERNAL REVENUE v. TELLIER ET UX.* C. A. 2d Cir. Certiorari granted. *Solicitor General Cox, Acting Assistant Attorney General Jones, Harry Baum and Robert A. Bernstein* for petitioner. *Michael Kaminsky* for respondents. Reported below: 342 F. 2d 690.

382 U. S.

October 11, 1965.

No. 243. UNITED MINE WORKERS OF AMERICA *v.* GIBBS. C. A. 6th Cir. Certiorari granted. *Willard P. Owens, E. H. Rayson and R. R. Kramer* for petitioner. *Harold E. Brown* for respondent. Reported below: 343 F. 2d 609.

No. 161. SUROWITZ *v.* HILTON HOTELS CORP. ET AL. C. A. 7th Cir. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Sidney M. Davis, Richard F. Watt and Walter J. Rockler* for petitioner. *Leslie Hodson, Don H. Reuben and Lawrence Gunnels* for Hilton Hotels Corp., and *Albert E. Jenner, Jr., and Samuel W. Block* for Hilton et al., respondents. Reported below: 342 F. 2d 596.

No. 210. STEVENS *v.* MARKS, NEW YORK SUPREME COURT JUSTICE. App. Div., Sup. Ct. N. Y., 1st Jud. Dept.; and

No. 290. STEVENS *v.* McCLOSKEY, SHERIFF. C. A. 2d Cir. Certiorari granted limited to Question 1 presented by the petitions which reads as follows:

“1. Is Article 1, Section 6 of the New York State Constitution and Section 1123 of the New York City Charter repugnant to the United States Constitution in that any public officer who refuses to sign a waiver of immunity and claims a privilege against self-incrimination suffers a penalty of loss of his public position and is barred from public employment for five years under the New York State Constitution and forever under the New York City Charter?”

The cases are consolidated and a total of two hours is allotted for oral argument. *Gerard E. Maloney* for petitioner. *Frank S. Hogan and H. Richard Uviller* for respondents. Reported below: No. 210, 22 App. Div. 2d 683, 253 N. Y. S. 2d 401; No. 290, 345 F. 2d 305.

October 11, 1965.

382 U. S.

No. 127. UNITED STATES *v.* O'MALLEY ET AL., EXECUTORS. C. A. 7th Cir. Certiorari granted. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Loring W. Post* for the United States. *Thomas P. Sullivan* for respondents. Reported below: 340 F. 2d 930.

No. 282. AMELL ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari granted. *Lee Pressman, David Scribner and Joan Stern Kiok* for petitioners. *Solicitor General Cox* for the United States.

No. 341. WALLIS *v.* PAN AMERICAN PETROLEUM CORP. ET AL. C. A. 5th Cir. Certiorari granted. The Solicitor General is invited to file a brief expressing the views of the United States. *Murray F. Cleveland* for petitioner. *Morris Wright and Percy Sandel* for Pan American Petroleum Corp., and *E. L. Brunini* for McKenna, respondents. Reported below: 344 F. 2d 432.

No. 168, Misc. ELFBRANDT *v.* RUSSELL ET AL. Sup. Ct. Ariz. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. *W. Edward Morgan* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, *Philip M. Haggerty*, Assistant Attorney General, and *Norman E. Green* for respondents. Reported below: 97 Ariz. 140, 397 P. 2d 944.

No. 99, Misc. BROOKHART *v.* OHIO. Sup. Ct. Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. Petitioner *pro se*. *William B. Saxbe*, Attorney General of Ohio, and *Leo J. Conway*, Assistant Attorney General, for respondent. Reported below: 2 Ohio St. 2d 36, 205 N. E. 2d 911.

382 U. S.

October 11, 1965.

Certiorari Denied. (See also No. 170, *ante*, p. 13; No. 184, *ante*, p. 14; No. 358, *ante*, p. 21; No. 12, *Misc., ante*, p. 20; No. 81, *Misc., ante*, p. 22; No. 137, *Misc., ante*, p. 21; No. 202, *Misc., ante*, p. 23; No. 248, *Misc., ante*, p. 24; No. 281, *Misc., ante*, p. 19; No. 342, *Misc., ante*, p. 17; and *Misc. Nos. 58 and 308, supra.*)

No. 64. *EASTERN AIR LINES, INC. v. FLIGHT ENGINEERS' INTERNATIONAL ASSOCIATION ET AL.* C. A. 5th Cir. Certiorari denied. *E. Smythe Gambrell* and *W. Glen Harlan* for petitioner. *I. J. Gromfine* and *Herman Sternstein* for respondents. *Acting Solicitor General Spritzer*, *Assistant Attorney General Douglas*, *Morton Hollander*, *Sherman L. Cohn* and *John C. Eldridge* for the United States, as *amicus curiae*, in support of the petition. [For earlier order herein, see 381 U. S. 908.] Reported below: 340 F. 2d 104.

No. 66. *LIST v. LERNER, DBA LERNER & CO., ET AL.* C. A. 2d Cir. Certiorari denied. *Arthur F. Driscoll*, *Edward C. Raftery*, *Milton M. Rosenbloom* and *Edmund C. Grainger, Jr.*, for petitioner. *Leonard I. Schreiber* for Lerner, and *William E. Friedman* for *H. Hentz & Co. et al.*, respondents. *Acting Solicitor General Spritzer*, *Philip A. Loomis, Jr.*, *David Ferber* and *Michael Joseph* for the United States, as *amicus curiae*. [For earlier order herein, see 381 U. S. 908.] Reported below: 340 F. 2d 457.

No. 68. *SIGAL v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Michael von Moschzisker* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 341 F. 2d 837.

October 11, 1965.

382 U. S.

No. 78. ATLANTIC & GULF STEVEDORES, INC. *v.* ELLERMAN LINES, LTD. C. A. 3d Cir. Certiorari denied. *Francis E. Marshall* for petitioner. *Mark D. Alspach* for respondent. Reported below: 339 F. 2d 673.

No. 80. RING *v.* NEW JERSEY. Super. Ct. N. J. Certiorari denied. *Carl E. Ring* for petitioner. *Guy W. Calissi* for respondent. Reported below: 85 N. J. Super. 341, 204 A. 2d 716.

No. 83. CROMBIE *v.* CROMBIE. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Paul E. Sloane* for petitioner. *Walter E. Hettman* and *Julian D. Brewer* for respondent.

No. 91. WIPER, EXECUTRIX *v.* GREAT LAKES ENGINEERING WORKS. C. A. 6th Cir. Certiorari denied. *Harvey Goldstein* and *Donald C. Miller* for petitioner. *Leroy G. Vandeveer* for respondent. Reported below: 340 F. 2d 727.

No. 95. BERATA ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 343 F. 2d 469.

No. 96. HALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Edmund D. Campbell* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 342 F. 2d 849.

No. 98. WALKER *v.* FOSTER ET AL. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *John Joseph Leahy* for respondents.

382 U. S.

October 11, 1965.

No. 97. COMMISSIONER OF INTERNAL REVENUE *v.* FENDER SALES, INC. C. A. 9th Cir. Certiorari denied. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Melva M. Graney and David I. Granger* for petitioner. Reported below: 338 F. 2d 924.

No. 99. HENRIQUES *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Bert B. Rand* for petitioner.

No. 101. SHEPHARD, GUARDIAN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *William R. Bagby* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer and Melva M. Graney* for respondent. Reported below: 340 F. 2d 27.

No. 102. ECONOMY FORMS CORP. *v.* TRINITY UNIVERSAL INSURANCE CO. ET AL. C. A. 8th Cir. Certiorari denied. *Harlan J. Thoma and Herbert L. Meschke* for petitioner. *Rodger John Walsh* for respondents. Reported below: 340 F. 2d 613.

No. 103. UNITED DRAPERIES, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Harold R. Burnstein, John W. Hughes and George Brode* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Meyer Rothwacks and Fred E. Youngman* for respondent. Reported below: 340 F. 2d 936.

No. 107. WALTHAM WATCH CO. ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. D. C. Cir. Certiorari denied. *B. Paul Noble* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum, James McI. Henderson, Charles C. Moore, Jr., and Lester A. Klaus* for respondent.

October 11, 1965.

382 U. S.

No. 105. *WILLIAMS v. HOWARD JOHNSON'S, INC., OF WASHINGTON.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *James H. Simmonds* and *Richard A. Mehler* for respondent. Reported below: 342 F. 2d 727.

No. 108. *STEPHENSON v. UNITED STATES.* C. C. P. A. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 52 C. C. P. A. (Cust.) 17.

No. 115. *DUNSCOMBE v. SAYLE, EXECUTRIX.* C. A. 5th Cir. Certiorari denied. *John Wattawa* for petitioner. *C. Robert Burns* for respondent.

No. 116. *HELMS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joe B. Goodwin* for petitioner. *Solicitor General Cox, Assistant Attorney General Oberdorfer* and *Joseph M. Howard* for the United States. Reported below: 340 F. 2d 15.

No. 110. *VAN ZANDT ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *R. B. Cannon* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Gilbert E. Andrews* and *Frederick E. Youngman* for respondent. Reported below: 341 F. 2d 440.

No. 113. *U. S. INDUSTRIES, INC., ET AL. v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. *Frank D. MacDowell, Gordon Johnson, Jesse R. O'Malley* and *Julian O. Von Kalinowski* for petitioners. *Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum* and *Elliott Moyer* for the United States District Court, *Joseph L. Alioto* for No-Joint Concrete Pipe Co. et al., and *John Joseph Hall* for Perovich et al., respondents. Reported below: 345 F. 2d 18.

382 U. S.

October 11, 1965.

No. 109. *ALBRITTON ENGINEERING CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *L. G. Clinton, Jr.*, for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Melvin Pollack* for respondent. Reported below: 340 F. 2d 281.

No. 117. *VOGEL ET AL. v. CORPORATION COMMISSION OF OKLAHOMA ET AL.* Sup. Ct. Okla. Certiorari denied. *Carl L. Shipley* for petitioners. *Ferrill H. Rogers* for Corporation Commission of Oklahoma, respondent. Reported below: 399 P. 2d 474.

No. 120. *CHEYENNE RIVER SIOUX TRIBE OF INDIANS v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. *William Howard Payne* for petitioner. *Solicitor General Cox* for the United States. Reported below: 338 F. 2d 906.

No. 126. *LIPPI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Edward L. Carey and Walter E. Gillchrist* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 342 F. 2d 218.

No. 129. *CRANCE ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Edgar Shook* for petitioners. *Solicitor General Cox, Assistant Attorney General Weisl, Roger P. Marquis and Richard N. Countiss* for the United States. Reported below: 341 F. 2d 161.

No. 130. *RUCKER, GUARDIAN v. FIFTH AVENUE COACH LINES, INC., ET AL.* Ct. App. N. Y. Certiorari denied. *Jacob D. Fuchsberg, Irving Malchman and Leo Pfeffer* for petitioner. *Stuart Riedel* for respondents. Reported below: 15 N. Y. 2d 516, 202 N. E. 2d 548.

October 11, 1965.

382 U. S.

No. 133. *HITAI v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. *Francis L. Giordano* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson* and *Philip R. Monahan* for respondent. Reported below: 343 F. 2d 466.

No. 134. *DREXEL & CO. ET AL. v. HALL ET AL.* C. A. 2d Cir. Certiorari denied. *Ralph M. Carson* for petitioners. *Wm. Francis Corson* for respondents. Reported below: 340 F. 2d 731.

No. 136. *PAVGOUZAS v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 3d Cir. Certiorari denied. *Jacob J. Kilimnik* and *Gregory G. Lagakos* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 341 F. 2d 920.

No. 138. *EXCHANGE NATIONAL BANK OF OLEAN v. INSURANCE CO. OF NORTH AMERICA*. C. A. 2d Cir. Certiorari denied. *Robert M. Diggs* for petitioner. *Richard E. Moot* for respondent. Reported below: 341 F. 2d 673.

No. 146. *MILK DRIVERS & DAIRY EMPLOYEES LOCAL UNION NO. 584, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. *Samuel J. Cohen* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 341 F. 2d 29.

No. 142. *FLYING TIGER LINE, INC. v. MERTENS, ADMINISTRATOR, ET AL.* C. A. 2d Cir. Certiorari denied. *Austin P. Magner* and *George N. Tompkins, Jr.*, for petitioner. *Clarence Fried* for respondents. Reported below: 341 F. 2d 851.

382 U. S.

October 11, 1965.

No. 139. *TELLIER ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Michael Kaminsky* for petitioners. *Solicitor General Cox, Assistant Attorney General Oberdorfer, Harry Baum* and *Robert A. Bernstein* for respondent. Reported below: 342 F. 2d 690.

No. 148. *TRIMBLE v. TEXAS STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS.* Ct. Civ. App. Tex., 8th Sup. Jud. Dist. Certiorari denied. *John R. Lee* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *Hawthorne Phillips, T. B. Wright, J. C. Davis* and *Pat Bailey*, Assistant Attorneys General, for respondent. Reported below: 388 S. W. 2d 331.

No. 145. *MILLER v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 157. *MARCHESE ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. *Burton Marks, Russell E. Parsons* and *Sol C. Berenholtz* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States et al. Reported below: 341 F. 2d 782.

No. 162. *JERROLD ELECTRONICS CORP. ET AL. v. WES-COAST BROADCASTING CO., INC.* C. A. 9th Cir. Certiorari denied. *Israel Packel* for petitioners. Reported below: 341 F. 2d 653.

No. 164. *POTTER ET AL., DBA POTTER'S CAMERA STORE v. UNITED STATES.* Ct. Cl. Certiorari denied. *Joseph Goldberg* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander* and *David L. Rose* for the United States. Reported below: 167 Ct. Cl. 28.

October 11, 1965.

382 U. S.

No. 152. *DEMERS v. BROWN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 343 F. 2d 427.

No. 153. *BANKS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Joseph I. Stone* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 165. *McMASTER v. UNITED STATES;* and

No. 166. *WOLFF v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Morris A. Shenker and Murry L. Randall* for petitioner in No. 165. *George Gregory Manthro* for petitioner in No. 166. *Solicitor General Cox, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 343 F. 2d 176.

No. 167. *GARDINER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Robert R. Slaughter* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 341 F. 2d 896.

No. 168. *Mt. MANSFIELD TELEVISION, INC. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Charles D. Post* for petitioner. *Solicitor General Cox and Acting Assistant Attorney General Roberts* for the United States. Reported below: 342 F. 2d 994.

No. 171. *VILLAGE OF PORT CHESTER v. CATHERWOOD, INDUSTRIAL COMMISSIONER, ET AL.* App Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. *Charles H. Tuttle and Godfrey P. Schmidt* for petitioner. *Louis J. Lefkowitz, Attorney General of New York, and Paxton Blair, Solicitor General, for Catherwood, and John R. Harold for Bucci et al., respondents.*

382 U. S.

October 11, 1965.

No. 169. SUN RAY DRUG CO. v. LIEBERMAN. Super. Ct. Pa. Certiorari denied. *Samuel Kagle* and *Oscar Brown* for petitioner. Reported below: 204 Pa. Super. 348, 204 A. 2d 783.

No. 172. HOUGHTON v. PIKE. C. A. D. C. Cir. Certiorari denied. *Carleton U. Edwards II* for petitioner. *Francis D. Thomas, Jr.*, for respondent.

No. 173. PINCIOTTI v. UNITED STATES; and

No. 174. GOSSER v. UNITED STATES. C. A. 6th Cir. Certiorari denied. *Russell Morton Brown* for petitioner in No. 173. *Bennett Boskey* and *Merritt W. Green* for petitioner in No. 174. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 339 F. 2d 102.

No. 175. LUSTER ET AL. v. UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 342 F. 2d 763.

No. 176. JENKINS BROS. v. LOCAL 5623, UNITED STEELWORKERS OF AMERICA, ET AL. C. A. 2d Cir. Certiorari denied. *Morgan P. Ames* and *Clifford R. Oviatt, Jr.*, for petitioner. *Bernard Kleiman, Elliot Bredhoff* and *Michael H. Gottesman* for respondents. Reported below: 341 F. 2d 987.

No. 177. SOUTHWEST ENGINEERING CO. v. UNITED STATES. C. A. 8th Cir. Certiorari denied. *Wallace N. Springer, Jr.*, for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Alan S. Rosenthal* and *Jack H. Weiner* for the United States. Reported below: 341 F. 2d 998.

October 11, 1965.

382 U. S.

No. 178. *PAGE ET AL. v. PAN AMERICAN PETROLEUM CORP. ET AL.* Ct. Civ. App. Tex., 13th Sup. Jud. Dist. Certiorari denied. *Willett Wilson* for petitioners. *Cecil N. Cook, Roy L. Merrill, Dwight H. Austin and Joyce Cox* for respondents. Reported below: 381 S. W. 2d 949.

No. 183. *ASSOCIATED PRESS v. TAFT-INGALLS CORP., FORMERLY CINCINNATI TIMES-STAR CO.*; and

No. 185. *TAFT-INGALLS CORP. v. ASSOCIATED PRESS.* C. A. 6th Cir. Certiorari denied. *William P. Rogers, Timothy S. Hogan and H. Allen Lochner* for petitioner in No. 183 and for respondent in No. 185. *Robert T. Keeler* for petitioner in No. 185 and for respondent in No. 183. Reported below: 340 F. 2d 753.

No. 186. *PRICE ET AL. v. PRICE.* Super. Ct. Mass., Norfolk County. Certiorari denied. *John D. O'Reilly, Jr.*, for petitioners. *George Welch* for respondent. Reported below: See 348 Mass. 663, 204 N. E. 2d 902.

No. 187. *DUROVIC v. PALMER ET AL.* C. A. 7th Cir. Certiorari denied. *Julius L. Sherwin* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and William W. Goodrich* for respondents. Reported below: 342 F. 2d 634.

No. 188. *SCHERER & SONS, INC. v. INTERNATIONAL LADIES' GARMENT WORKERS' UNION, LOCAL NO. 415, AFL-CIO, ET AL.* C. A. 5th Cir. Certiorari denied. *Joseph A. Perkins* for petitioner. *Morris P. Glushien* for respondent International Ladies' Garment Workers' Union. Reported below: 341 F. 2d 298.

No. 194. *BAKER v. SIMMONS CO.* C. A. 1st Cir. Certiorari denied. *Maurice Schwartz* for petitioner. *William E. Anderson* for respondent. Reported below: 342 F. 2d 991.

382 U. S.

October 11, 1965.

No. 189. *LICHTENSTEIN, AKA WELLS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joseph Aronstein* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 341 F. 2d 476.

No. 190. *COIL v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Richard J. Bruckner* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 343 F. 2d 573.

No. 192. *SESSOMS v. UNION SAVINGS & TRUST CO.* C. A. 6th Cir. Certiorari denied. *Ralph Rudd and Charles R. Miller* for petitioner. *Ashley M. Van Duzer, Paul W. Walter and Arthur P. Steinmetz* for respondent. Reported below: 338 F. 2d 752.

No. 193. *DEWEY v. AMERICAN NATIONAL BANK ET AL.* Ct. Civ. App. Tex., 7th Sup. Jud. Dist. Certiorari denied. Petitioner *pro se*. *L. A. White* for American National Bank, and *H. A. Berry* for Owen et al., respondents. Reported below: 382 S. W. 2d 524.

No. 195. *DELUCIA ET AL. v. NEW YORK.* Ct. App. N. Y. Certiorari denied. *William Sonenshine* for petitioners. *Frank D. O'Connor and Benj. J. Jacobson* for respondent. Reported below: 15 N. Y. 2d 294, 206 N. E. 2d 324.

No. 197. *G. L. CHRISTIAN & ASSOCIATES v. UNITED STATES.* Ct. Cl. Certiorari denied. *Gilbert A. Cuneo, Norman R. Crozier, Jr., Chester H. Johnson, O. D. Hite, William Hillyer, Wilson Johnston, Eldon H. Crowell and David V. Anthony* for petitioner. *Solicitor General Cox* for the United States. Reported below: 170 Ct. Cl. 902.

October 11, 1965.

382 U. S.

No. 196. *WOFFORD ET AL. v. NORTH CAROLINA STATE HIGHWAY COMMISSION.* Sup. Ct. N. C. Certiorari denied. *Roy L. Deal* for petitioners. Reported below: 263 N. C. 677, 140 S. E. 2d 376.

No. 198. *STUFF v. E. C. PUBLICATIONS, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Martin M. Pollak* and *Samuel J. Stoll* for petitioner. *Martin J. Scheiman* for respondents. Reported below: 342 F. 2d 143.

No. 199. *DIAZ ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *G. Wray Gill* and *Paul H. Brinson* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 341 F. 2d 912.

No. 200. *BATES, DBA FRATELLI'S RESTAURANT v. BOARD OF LIQUOR CONTROL ET AL.* Sup. Ct. Ohio. Certiorari denied. *Alvin J. Savinell* for petitioner. *William B. Saxbe*, Attorney General of Ohio, for respondents.

No. 201. *PENZIEN ET AL. v. DIELECTRIC PRODUCTS ENGINEERING Co., INC.* Sup. Ct. Mich. Certiorari denied. *Harold A. Cranefield* for petitioners. *Raymond K. Dykema* for respondent. Reported below: 374 Mich. 444, 132 N. W. 2d 130.

No. 208. *MACHINERY, SCRAP IRON, METAL & STEEL CHAUFFEURS, WAREHOUSEMEN, HANDLERS, HELPERS, ALLOY FABRICATORS, THEATRICAL, EXPOSITION, CONVENTION & TRADE SHOW EMPLOYEES, LOCAL UNION No. 714, INTERNATIONAL BROTHERHOOD OF TEAMSTERS v. MADDEN, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. *Mayer Goldberg* for petitioner. *Solicitor General Cox*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 343 F. 2d 497.

382 U. S.

October 11, 1965.

No. 203. *McCLOSKEY & Co., INC. v. WYMARD ET AL., RECEIVERS.* C. A. 3d Cir. Certiorari denied. *Paul M. Rhodes* and *Frederick Bernays Wiener* for petitioner. *Edward Cohen* for respondents. Reported below: 342 F. 2d 495.

No. 205. *GRENE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joseph W. Wyatt* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 341 F. 2d 916.

No. 207. *JACOBS v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. *James H. Bateman* and *William C. Wilson* for petitioner. *George F. McCanless, Attorney General of Tennessee, and Thomas E. Fox, Assistant Attorney General*, for respondent.

No. 209. *LOMBARD ET AL. v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. *Byron N. Scott* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States.

No. 214. *HOME NEWS PUBLISHING Co., INC., ET AL. v. WIRTZ, SECRETARY OF LABOR.* C. A. 5th Cir. Certiorari denied. *Irving M. Wolff* for petitioners. *Solicitor General Cox, Charles Donahue, Bessie Margolin* and *Robert E. Nagle* for respondent. Reported below: 341 F. 2d 20.

Nos. 215 and 314. *ADJMI ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Jacob Kossman* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: No. 215, 343 F. 2d 164; No. 314, 346 F. 2d 654.

October 11, 1965.

382 U. S.

No. 216. *MACKEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Frederick Bernays Wiener* and *Robert J. Downing* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Jones* and *Meyer Rothwacks* for the United States. Reported below: 345 F. 2d 499.

No. 217. *PEPPERIDGE FARM, INC. v. BRYAN*, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied. *Robert MacCrate* and *Edward W. Keane* for petitioner. *Louis Nizer* for respondent.

No. 220. *SMITH ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *William F. Hopkins* for petitioners. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 343 F. 2d 847.

No. 221. *JOE GRAHAM POST No. 119, AMERICAN LEGION v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *William E. Logan* for petitioner. *Solicitor General Cox* and *Assistant Attorney General Jones* for the United States. Reported below: 340 F. 2d 474.

No. 225. *MIAMI HERALD PUBLISHING CO. v. BOIRE, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *D. P. S. Paul* and *Parker D. Thomson* for petitioner. *Solicitor General Cox*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 343 F. 2d 17.

No. 239. *UNITED SPECIALTY ADVERTISING CO. ET AL. v. FURR'S, INC., ET AL.* Ct. Civ. App. Tex., 8th Sup. Jud. Dist. Certiorari denied. *Maurice J. Hindin* and *W. B. Browder, Jr.*, for petitioners. *William L. Kerr* for respondents. Reported below: 385 S. W. 2d 456.

382 U. S.

October 11, 1965.

No. 223. *CARTER v. WINTER ET AL.* Sup. Ct. Ill. Certiorari denied. *Robert Weiner* for petitioner. *Alfred F. Newkirk, Montgomery S. Winning* and *Richard W. Galiher* for respondents. Reported below: 32 Ill. 2d 275, 204 N. E. 2d 755.

No. 224. *GAUTIER, TAX ASSESSOR, ET AL. v. FLORIDA GREENHEART CORP.* Sup. Ct. Fla. Certiorari denied. *St. Julien P. Rosemond* for petitioners. *Richard Steel* for respondent. Reported below: 172 So. 2d 589.

No. 228. *BROADWELL ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Don T. Evans* for petitioners. *Solicitor General Cox, Acting Assistant Attorney General Jones, Joseph Kovner* and *George F. Lynch* for the United States. Reported below: 343 F. 2d 470.

No. 231. *DUN & BRADSTREET, INC. v. NICKLAUS, TRUSTEE IN BANKRUPTCY.* C. A. 8th Cir. Certiorari denied. *Chester Bordeau* and *Robert V. Light* for petitioner. *D. D. Panich* for respondent. Reported below: 340 F. 2d 882.

No. 233. *SPINO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *John N. Stanton* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 345 F. 2d 372.

No. 246. *VETERE ET AL. v. ALLEN, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied. *C. William Gaylor, Mason L. Hampton, Jr., and James M. Marrin* for petitioners. *Charles A. Brind* for Allen et al., and *Robert L. Carter* for Mitchell et al., respondents. Reported below: 15 N. Y. 2d 259, 206 N. E. 2d 174.

October 11, 1965.

382 U. S.

No. 237. *AVALLONE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Nicholas J. Capuano* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 341 F. 2d 296.

No. 240. *McDANIEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Alton F. Curry* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 343 F. 2d 785.

No. 242. *McGUIRE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *J. Leonard Walker* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Meyer Rothwacks and John M. Brant* for the United States. Reported below: 347 F. 2d 99.

No. 244. *NICOLE ET AL. v. BERDECIA ET AL.* Sup. Ct. Puerto Rico. Certiorari denied. *Carlos D. Vazques* for petitioners.

No. 247. *NORTHERN LIGHTS SHOPPING CENTER, INC. v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Daniel F. Mathews, Sr.*, for petitioner. *Louis J. Lefkowitz, Attorney General of New York, Paxton Blair, Solicitor General, and Julius L. Sackman* for respondent. Reported below: 15 N. Y. 2d 688, 204 N. E. 2d 333.

No. 249. *FIBREBOARD PAPER PRODUCTS CORP. v. EAST BAY UNION OF MACHINISTS, LOCAL 1304, UNITED STEELWORKERS OF AMERICA, AFL-CIO, ET AL.* C. A. 9th Cir. Certiorari denied. *Marion B. Plant* for petitioner. *Bernard Kleiman, Elliot Bredhoff, Michael H. Gottesman and Jay Darwin* for respondents. Reported below: 344 F. 2d 300.

382 U. S.

October 11, 1965.

No. 248. *CENTRAL PACKING CO., INC. v. RYDER TRUCK RENTAL, INC.* C. A. 10th Cir. Certiorari denied. *Edward A. Smith* and *George Schwegler, Jr.*, for petitioner. *Douglas Stripp* and *Russell W. Baker* for respondent. Reported below: 341 F. 2d 321.

No. 252. *ESTATE OF SPERLING v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Morris Horowitz* for petitioner. *Solicitor General Cox, Assistant Attorney General Jones* and *Robert N. Anderson* for respondent. Reported below: 341 F. 2d 201.

No. 254. *CLEMENTS ET AL. v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. *Charles A. Bellows* and *Julius Lucius Echeles* for petitioners. Reported below: 32 Ill. 2d 232, 204 N. E. 2d 724.

No. 255. *LOCAL 50, AMERICAN BAKERY & CONFEDERATION WORKERS UNION, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. *Howard N. Meyer, Henry Kaiser, George Kaufmann* and *Ronald Rosenberg* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 339 F. 2d 324.

No. 257. *CROWN LIFE INSURANCE CO. v. VARAS.* Super. Ct. Pa. Certiorari denied. *John G. Laylin* and *Owen B. Rhoads* for petitioner. *James M. Marsh* and *J. Harry LaBrum* for respondent. *Solicitor General Cox* on the memorandum for the United States transmitting the views of the Government of Canada. Reported below: 204 Pa. Super. 176, 203 A. 2d 505.

No. 259. *TOMASZEK v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. *Frank G. Whalen* for petitioner. Reported below: 54 Ill. App. 2d 254, 204 N. E. 2d 30.

October 11, 1965.

382 U. S.

No. 261. *HAYDEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Al Matthews* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 343 F. 2d 459.

No. 263. *WAGNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Moses M. Falk* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States.

No. 264. *MARTIN ET AL. v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Robert L. Carter* and *Barbara A. Morris* for petitioners. *William Cahn* for respondent.

No. 266. *KNAPP-MONARCH Co. v. CASCO PRODUCTS CORP.* C. A. 7th Cir. Certiorari denied. *Norman Lettvin* for petitioner. *Granger Cook, Jr.*, for respondent. Reported below: 342 F. 2d 622.

No. 267. *MITCHELL ET AL. v. MALVERN GRAVEL Co.* Sup. Ct. Ark. Certiorari denied. *Peyton Ford* for petitioners. *James W. Chesnutt* and *Joe W. McCoy* for respondent. Reported below: 238 Ark. 848, 385 S. W. 2d 144.

No. 268. *JOSEPH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *G. W. Gill* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 343 F. 2d 755.

No. 277. *SILVERSTEIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Boris Kostelanetz* and *Raymond Rubin* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones, Meyer Rothwacks* and *Burton Berkley* for the United States.

382 U. S.

October 11, 1965.

No. 262. *BURGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Clifford J. Groh* and *George Kaufmann* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 333 F. 2d 210; 342 F. 2d 408.

No. 271. *QUARLES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 385 S. W. 2d 395.

No. 278. *STUPAK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *John E. Evans, Sr.*, for petitioner. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States.

No. 279. *BLANCHARD, DBA BLANCHARD CONSTRUCTION Co. v. ST. PAUL FIRE & MARINE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. *George E. Morse* for petitioner. *Raymond A. Hepner* for respondent. Reported below: 341 F. 2d 351.

No. 284. *STIRONE v. MARKLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. *Lloyd F. Engle, Jr.*, and *N. George Nasser* for petitioner. *Acting Solicitor General Spritzer*, *Assistant Attorney General Doar* and *Harold H. Greene* for respondent. Reported below: 345 F. 2d 473.

No. 286. *DiFRONZO v. UNITED STATES*; and

No. 287. *CALZAVARA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioner in No. 286. *George F. Callaghan*, *Julius Lucius Echeles* and *Melvin B. Lewis* for petitioner in No. 287. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson* and *Robert S. Erdahl* for the United States. Reported below: 345 F. 2d 383.

October 11, 1965.

382 U. S.

No. 289. *YENOWINE ET AL. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.* C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Joe H. Taylor* for respondent. Reported below: 342 F. 2d 957.

No. 292. *PRIMROSE SUPER MARKET OF SALEM, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 1st Cir. Certiorari denied. *William F. Joy* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent.

No. 293. *SHERMAN ET AL., DBA LIVERNOIS AUTO PARTS v. GOERLICH'S, INC., ET AL.* C. A. 6th Cir. Certiorari denied. *Harry S. Stark* for petitioners. *Fred A. Smith* for respondent Goerlich's, Inc. Reported below: 341 F. 2d 988.

No. 295. *WINN-DIXIE STORES, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. *O. R. T. Bowden* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 341 F. 2d 750.

No. 296. *BANKERS BOND CO., INC., ET AL. v. ALL STATES INVESTORS, INC., ET AL.* C. A. 6th Cir. Certiorari denied. *Wilbur Fields* for petitioners. *Gavin H. Cochran* and *Royal H. Brin, Jr.*, for All States Investors, Inc., and *Henry J. Stites* for Dunne et al., respondents. Reported below: 343 F. 2d 618.

No. 297. *J. A. TOBIN CONSTRUCTION CO. ET AL. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *F. Philip Kirwan* for petitioners. *Solicitor General Cox, Assistant Attorney General Weisl* and *S. Billingsley Hill* for the United States. Reported below: 343 F. 2d 422.

382 U. S.

October 11, 1965.

No. 294. *MEGGE ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *LuVerne Conway* for petitioners. *Solicitor General Cox* for the United States. Reported below: 344 F. 2d 31.

No. 298. *DANIEL CONSTRUCTION CO., INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. *Robert T. Thompson* for petitioner. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Melvin Pollack* for respondent. Reported below: 341 F. 2d 805.

No. 299. *JARVIS ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. *Raymond K. Kierr* for petitioners. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and Richard S. Salzman* for the United States et al.

No. 300. *AMBOLD v. SEABOARD AIR LINE RAILROAD CO.* C. A. 4th Cir. Certiorari denied. *Howard I. Legum and Louis B. Fine* for petitioner. *Eppa Hunton IV and Lewis T. Booker* for respondent. Reported below: 345 F. 2d 30.

No. 301. *TEITELBAUM v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. *Abraham Teitelbaum*, petitioner, *pro se*. *Acting Solicitor General Spritzer and Acting Assistant Attorney General Jones* for the United States et al. Reported below: 342 F. 2d 672.

No. 307. *BENCHEL, ADMINISTRATRIX, ET AL. v. FROST ET AL.* C. A. 3d Cir. Certiorari denied. *Nathan Baker* for petitioners. *Victor C. Hansen* for respondents.

No. 309. *TAYLOR v. BALTIMORE & OHIO RAILROAD CO.* C. A. 2d Cir. Certiorari denied. *Jacob D. Fuchsberg* for petitioner. *Donald M. Dunn and Eugene Z. DuBoise* for respondent. Reported below: 344 F. 2d 281.

October 11, 1965.

382 U. S.

No. 304. TRADEWAYS INC. *v.* CHRYSLER CORP. C. A. 2d Cir. Certiorari denied. *W. Mahlon Dickerson* for petitioner. *Francis S. Bensel* for respondent. Reported below: 342 F. 2d 350.

No. 306. ROCHESTER GAS & ELECTRIC CORP. *v.* FEDERAL POWER COMMISSION. C. A. 2d Cir. Certiorari denied. *Edward F. Huber* and *T. Carl Nixon* for petitioner. *Solicitor General Cox, Richard A. Solomon, Howard E. Wahrenbrock, Joseph B. Hobbs* and *Josephine H. Klein* for respondent. Reported below: 344 F. 2d 594.

No. 310. PEERLESS INSURANCE CO. *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied. *Morris K. Siegel* and *Murray Brensilber* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 343 F. 2d 759.

No. 311. POOL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Russell E. Parsons* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 344 F. 2d 943.

No. 313. HAMMONS *v.* TEXAS & NEW ORLEANS RAILROAD CO. Ct. Civ. App. Tex., 12th Sup. Jud. Dist. Certiorari denied. *John P. Spiller* for petitioner. *Tom Martin Davis* for respondent. Reported below: 382 S. W. 2d 155.

No. 317. JAMES H. MATTHEWS & Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 3d Cir. Certiorari denied. *Nicholas Unkovic* for petitioner. *Acting Solicitor General Spritzer, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 342 F. 2d 129.

382 U. S.

October 11, 1965.

No. 316. *Zobel v. South Dakota*. Sup. Ct. S. D. Certiorari denied. *Daniel J. Andersen* for petitioner. *Frank L. Farrar*, Attorney General of South Dakota, *Walter W. Andre*, Assistant Attorney General, and *Robert A. Miller*, Special Assistant Attorney General, for respondent. Reported below: — S. D. —, 134 N. W. 2d 101.

No. 320. *MASSENGILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *R. R. Ryder* for petitioner. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 346 F. 2d 125.

No. 321. *FOTOCHROME, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. *Louis Fischoff* for petitioner. *Acting Solicitor General Spritzer*, *Arnold Ordman*, *Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 343 F. 2d 631.

No. 322. *STEVENSON ET AL. v. SILVERMAN ET AL.* Sup. Ct. Pa. Certiorari denied. *Lawrence J. Richette* for petitioners. *Samuel D. Slade* for respondents. Reported below: 417 Pa. 187, 208 A. 2d 786.

No. 324. *WILSON ET AL. v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Lloyd F. Love* for petitioners. Reported below: 247 La. 405, 171 So. 2d 664.

No. 325. *DEWELLES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioner. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 345 F. 2d 387.

October 11, 1965.

382 U. S.

No. 327. *BUCK v. SUPERIOR COURT OF CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. *Sorrell Trope* and *Eugene L. Trope* for petitioner.

No. 329. *HASBROOK ET UX. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Charles D. Post* for petitioners. *Acting Solicitor General Spritzer* and *Acting Assistant Attorney General Jones* for the United States. Reported below: 343 F. 2d 811.

No. 330. *WADE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Zach H. Douglas* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 344 F. 2d 1016.

No. 331. *COLEMAN v. McGETTRICK, SHERIFF.* Sup. Ct. Ohio. Certiorari denied. *James R. Willis* for petitioner. *John T. Corrigan* for respondent. Reported below: 2 Ohio St. 2d 177, 207 N. E. 2d 552.

No. 332. *STUDEMAYER v. MACY, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL.* C. A. D. C. Cir. Certiorari denied. *Donald M. Murtha* and *Claude L. Dawson* for petitioner. *Acting Solicitor General Spritzer* for respondents. Reported below: 120 U. S. App. D. C. 259, 345 F. 2d 748.

No. 335. *FLORIDA EAST COAST RAILWAY v. MARTIN COUNTY, FLORIDA.* Sup. Ct. Fla. Certiorari denied. *David W. Peck* and *Roy H. Steyer* for petitioner. *Dean Tooker* for respondent. Reported below: 171 So. 2d 873.

No. 342. *PALISI v. LOUISVILLE & NASHVILLE RAILROAD CO., INC.* C. A. 5th Cir. Certiorari denied. *Albert Sidney Johnston, Jr.*, for petitioner. *A. F. Lankford III* for respondent. Reported below: 342 F. 2d 799.

382 U. S.

October 11, 1965.

No. 333. *HULBURT OIL & GREASE CO. OF ILLINOIS v. HULBURT OIL & GREASE CO. OF PENNSYLVANIA.* C. A. 7th Cir. Certiorari denied. *J. Willison Smith, Jr.*, for petitioner. *Norman A. Miller* for respondent. Reported below: 346 F. 2d 260.

No. 334. *NATIONAL MARITIME UNION OF AMERICA, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Acting Solicitor General Spritzer, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 342 F. 2d 538.

No. 339. *VERZI ET AL. v. OHIO.* Sup. Ct. Ohio. Certiorari denied. *Marvin A. Koblenz* for petitioners.

No. 340. *IN-SINK-ERATOR MANUFACTURING CO. v. WASTE KING CORP.* C. A. 7th Cir. Certiorari denied. *Charles B. Cannon and George J. Kuehn* for petitioner. *Ford W. Harris, Jr.*, for respondent. Reported below: 346 F. 2d 248.

No. 344. *MICHIGAN MUTUAL LIABILITY CO. ET AL. v. ARRIEN, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL.* C. A. 2d Cir. Certiorari denied. *James B. Magnor and Charles N. Fiddler* for petitioners. *Acting Solicitor General Spritzer, Assistant Attorney General Douglas, Alan S. Rosenthal and David L. Rose* for respondents. Reported below: 344 F. 2d 640.

No. 348. *KRYSTOFORSKI v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *George F. Mehling* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

October 11, 1965.

382 U. S.

No. 350. *Ruhl v. Railroad Retirement Board*. C. A. 7th Cir. Certiorari denied. *Anthony A. DiGrazia, Harry A. Carlson and Hugh M. Matchett* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Douglas, Morton Hollander and Richard S. Salzman* for respondent. Reported below: 342 F. 2d 662.

No. 353. *Kohler Co. v. National Labor Relations Board et al.* C. A. D. C. Cir. Certiorari denied. *Lyman C. Conger, Edward J. Hammer and E. Riley Casey* for petitioner. *Acting Solicitor General Spritzer, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Nancy M. Sherman* for the National Labor Relations Board, and *Joseph L. Rauh, Jr., John Silard and Stephen I. Schlossberg* for Local 833, United Automobile, Aircraft and Agricultural Implement Workers, respondents. Briefs of *amici curiae*, in support of the petition, were filed by *Eugene Adams Keeney and Guy Farmer* for the Chamber of Commerce of the United States, by *Lambert H. Miller* for the National Association of Manufacturers of the United States, and by *Walter S. Davis* for the Wisconsin Manufacturers' Association. Reported below: 112 U. S. App. D. C. 107, 300 F. 2d 699; 120 U. S. App. D. C. 259, 345 F. 2d 748.

No. 359. *Johnson v. United States*. C. A. 6th Cir. Certiorari denied. *L. W. Massey* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 457.

No. 360. *Marshall et al. v. Mayor and Board of Selectmen, City of McComb*. Sup. Ct. Miss. Certiorari denied. *Robert L. Carter, Barbara A. Morris and Jack H. Young* for petitioners. Reported below: 251 Miss. 750, 171 So. 2d 347.

382 U. S.

October 11, 1965.

No. 356. *I. Posner, Inc., et al. v. National Labor Relations Board*. C. A. 2d Cir. Certiorari denied. *Isidore Drimmer* and *Daniel H. Greenberg* for petitioners. *Acting Solicitor General Spritzer, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 342 F. 2d 826.

No. 361. *Kamsler v. H. A. Seinsheimer Co.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *David Jacker* for respondent. Reported below: 347 F. 2d 740.

No. 362. *Matthews, Trustee in Bankruptcy v. James Talcott, Inc.* C. A. 7th Cir. Certiorari denied. *C. Severin Buschmann* for petitioner. *Charles B. Feibleman* and *Gene E. Wilkins* for respondent. Reported below: 345 F. 2d 374.

No. 363. *Perry v. Zysset et al.* C. A. 7th Cir. Certiorari denied. *George B. Christensen* for petitioner. *Albin C. Ahlberg* and *Warren C. Horton* for respondents.

No. 364. *Froehlich et al. v. District Judges, U. S. District Court for the Southern District of New York, et al.* C. A. 2d Cir. Certiorari denied. *Harold Dubriner* for petitioners. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for respondents.

No. 365. *Lux Art Van Service, Inc. v. Pollard*. C. A. 9th Cir. Certiorari denied. *Sidney Weissberger* for petitioner. *Raymond F. Hayes* for respondent. Reported below: 344 F. 2d 883.

No. 370. *Hammonds et al. v. City of Corpus Christi*. C. A. 5th Cir. Certiorari denied. *Sidney P. Chandler* for petitioners. *I. M. Singer* for respondent. Reported below: 343 F. 2d 162.

October 11, 1965.

382 U. S.

No. 369. *HAMADEH v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Otto Oplatka* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Daniel H. Benson* for respondent. Reported below: 343 F. 2d 530.

No. 371. *McCarthy et ux. v. Conley, District Director of Internal Revenue*. C. A. 2d Cir. Certiorari denied. *Edward P. J. McCarthy* for petitioners. *Acting Solicitor General Spritzer* and *Acting Assistant Attorney General Jones* for respondent. Reported below: 341 F. 2d 948.

No. 374. *Smith v. Crouch, Sheriff*. Sup. Ct. Tenn. Certiorari denied. *Bernard H. Cantor* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 376. *Paine Drug Co. v. New York*. County Ct., Monroe County, N. Y. Certiorari denied. *Robert L. Beck* for petitioner. Reported below: 39 Misc. 2d 824, 241 N. Y. S. 2d 946.

No. 377. *Angelini v. United States*. C. A. 7th Cir. Certiorari denied. *Anna R. Lavin* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 346 F. 2d 278.

No. 378. *Howard v. United States*. C. A. 1st Cir. Certiorari denied. *Stanley H. Rudman* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 345 F. 2d 126.

382 U. S.

October 11, 1965.

No. 379. *ROBINSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Jacob A. Dickinson, Sam A. Crow and Bill G. Honeyman* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 345 F. 2d 1006.

No. 380. *ROBINSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Jacob A. Dickinson, Sam A. Crow and Bill G. Honeyman* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 1007.

No. 381. *RETAIL CLERKS INTERNATIONAL ASSOCIATION, LOCAL UNIONS NOS. 128, 633 AND 954 v. LION DRY GOODS, INC., ET AL.* C. A. 6th Cir. Certiorari denied. *Joseph E. Finley, Sol G. Lippman and Tim L. Bornstein* for petitioners. *Merritt W. Green* for respondents. Reported below: 341 F. 2d 715.

No. 388. *CHISHOLM, ADMINISTRATRIX, ET AL. v. BILLINGS, EXECUTOR, ET AL.* Sup. Ct. Ga. Certiorari denied. *Hamilton Douglas* for petitioners. *George E. C. Hayes* for respondents. Reported below: 220 Ga. 870, 142 S. E. 2d 781.

No. 390. *MACHEL v. CALIFORNIA*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied. *James C. Purcell* for petitioner. Reported below: 234 Cal. App. 2d 37, 44 Cal. Rptr. 126.

No. 394. *HESMER FOODS, INC. v. CAMPBELL SOUP CO.* C. A. 7th Cir. Certiorari denied. *John D. Clouse* for petitioner. *Thomas M. Scanlon and Richard E. Deer* for respondent. Reported below: 346 F. 2d 356.

October 11, 1965.

382 U. S.

No. 389. *GARCIA-GONZALES v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. *Joseph S. Hertogs* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent. Reported below: 344 F. 2d 804.

No. 393. *SILL CORP. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Roland Boyd, John J. Geraghty and William VanDerCreek* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Weisl, Roger P. Marquis and Raymond N. Zagone* for the United States. Reported below: 343 F. 2d 411.

No. 403. *NATIONAL MARITIME UNION OF AMERICA, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. *Abraham E. Freedman* for petitioner. *Acting Solicitor General Spritzer, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 120 U. S. App. D. C. 299, 346 F. 2d 411.

No. 405. *SEMEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Joseph J. Lyman and Josiah Lyman* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 347 F. 2d 228.

No. 128. *WILLHEIM ET AL. v. MURCHISON ET AL., DBA MURCHISON BROTHERS, ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Leonard I. Schreiber* for petitioners. *Stuart N. Updike* for Murchison et al., and *Samuel E. Gates and Robert J. Geniesse* for Investors Diversified Services, Inc., respondents. Reported below: 342 F. 2d 33.

382 U. S.

October 11, 1965.

No. 114. CARLO BIANCHI & Co., Inc. *v.* UNITED STATES. Ct. Cl. Motion to use record in No. 529, October Term, 1962, granted. Certiorari denied. *William H. Matthews* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander* and *David L. Rose* for the United States. Reported below: 167 Ct. Cl. 364.

No. 137. V. L. SMITHERS MANUFACTURING Co. *v.* O'BRIEN ET AL., DBA ILLINOIS WHOLESALE FLORIST. C. A. 7th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *H. F. McNenny* for petitioner. *John Rex Allen* for respondents. Reported below: 340 F. 2d 952.

No. 160. BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN *v.* CENTRAL OF GEORGIA RAILWAY Co. C. A. 5th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Harold C. Heiss* and *Russell B. Day* for petitioner. *John B. Miller, Charles J. Bloch, W. Graham Clayton, Jr., and Richard S. Arnold* for respondent. Reported below: 341 F. 2d 213.

No. 182. JACHIMIEC *v.* SCHENLEY INDUSTRIES, INC., ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Milton V. Freeman* and *Sheldon O. Collen* for petitioner. *Sidney R. Zatz, Milton H. Cohen* and *Peyton Ford* for respondents.

No. 265. BRANDANO ET AL. *v.* HANDMAN ET AL. C. A. 1st Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Joseph Zallen* for petitioners. *Diana J. Auger* for respondents.

October 11, 1965.

382 U. S.

No. 155. *HUGHES TOOL Co. v. TRANS WORLD AIRLINES, INC.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Chester C. Davis* for petitioner. *John F. Sonnett, Carl S. Rowe, Dudley B. Tenney, Marshall H. Cox, Jr., and Abraham P. Ordover* for respondent. Reported below: 339 F. 2d 56.

No. 222. *ATLAS-PACIFIC ENGINEERING Co. v. GEO. W. ASHLOCK Co.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Edward B. Gregg and Melvin R. Stidham* for petitioner. *Frank A. Neal and James M. Naylor* for respondent. Reported below: 339 F. 2d 288.

No. 272. *CAPAROTTA, DBA KINGS BRUSH Co. v. AMERICAN TECHNICAL MACHINERY CORP.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Ralph L. Chappell* for petitioner. *John M. Calimafde* for respondent. Reported below: 339 F. 2d 557.

No. 288. *WELSH Co. v. CHERNIVSKY, DBA COMFY BABE Co.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Lawrence H. Cohn and Ewing Laporte* for petitioner. *John Rex Allen* for respondent. Reported below: 342 F. 2d 586.

No. 302. *MORTIMER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Abe Krash and John F. Kelly* for petitioner. *Solicitor General Cox, Acting Assistant Attorney General Jones and John P. Burke* for the United States. Reported below: 343 F. 2d 500.

382 U. S.

October 11, 1965.

No. 328. SPACE AERO PRODUCTS CO., INC., ET AL. v. R. E. DARLING CO., INC. Ct. App. Md. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Abe Fortas, Dennis G. Lyons, Joseph Sherbow, Edward F. Shea, Jr., and Rourke J. Sheehan* for petitioners. *James P. Donovan and Jack H. Olender* for respondent. Reported below: 238 Md. 93, 208 A. 2d 74.

No. 337. HANSON ET AL. v. NO-JOINT CONCRETE PIPE CO. C. A. 9th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Charles F. Scanlan* for petitioners. *Jack E. Hursh* for respondent. Reported below: 344 F. 2d 13.

No. 354. S. W. FARBER, INC. v. TEXAS INSTRUMENTS, INC. C. A. 3d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Hobart N. Durham, John C. Vassil and Thomas N. O'Neill, Jr.*, for petitioner. *Robert F. Davis* for respondent. Reported below: 344 F. 2d 957.

No. 398. DOYLE v. UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Moses Krislov and Arthur H. Christy* for petitioner. *Acting Solicitor General Spritzer* for the United States. Reported below: 348 F. 2d 715.

No. 181. BURCHINAL v. UNITED STATES. C. A. 10th Cir. Motion to dispense with printing the petition granted. Certiorari denied. *Isaac Mellman and Gerald N. Mellman* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 342 F. 2d 982.

October 11, 1965.

382 U. S.

No. 150. *HALUSKA v. GARDNER*, SECRETARY OF HEALTH, EDUCATION AND WELFARE. C. A. 8th Cir. Motion to dispense with printing the petition granted. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for respondent.

No. 163. *LYNCH v. INDUSTRIAL INDEMNITY CO. ET AL.* C. A. 9th Cir. Motion to dispense with printing the petition granted. Certiorari denied.

No. 202. *FRANKLIN ET UX. v. UNITED STATES ET AL.* C. A. 7th Cir. Motion to dispense with printing the petition granted. Certiorari denied. *Harry L. Arkin* for petitioners. *Solicitor General Cox* for the United States et al., and *Newell S. Boardman* and *Jay M. Smyser* for Chicago Helicopter Airways, Inc., et al., respondents. Reported below: 342 F. 2d 581.

No. 232. *MARTH ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Motion to dispense with printing the petition granted. Certiorari denied. Petitioners *pro se*. *Solicitor General Cox*, *Acting Assistant Attorney General Jones* and *Harold C. Wilkenfeld* for respondent. Reported below: 342 F. 2d 417.

No. 273. *CUBAN TRUCK & EQUIPMENT CO. v. UNITED STATES*. Ct. Cl. Motion to dispense with printing the petition granted. Certiorari denied. *Charles Bragman* for petitioner. *Acting Solicitor General Spritzer* for the United States. Reported below: 166 Ct. Cl. 381, 333 F. 2d 873.

No. 401. *TOMIYASU ET AL. v. GOLDEN ET UX.* Sup. Ct. Nev. Motion to dispense with printing the petition granted. Certiorari denied. *Harry E. Claiborne* for petitioners. *Howard W. Babcock* for respondents. Reported below: 81 Nev. 140, 400 P. 2d 415.

382 U. S.

October 11, 1965.

No. 151. *DARGUSCH v. COLUMBUS BAR ASSOCIATION.* Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE STEWART took no part in the consideration or decision of this petition. *Joseph L. Rauh, Jr., John Silard and Carlton S. Dargusch, Jr.*, for petitioner. *John L. Davies, Jr., and Sol Morton Isaac* for respondent. Reported below: 177 Ohio St. 95, 202 N. E. 2d 625.

No. 158. *EASTERN AIR LINES, INC., ET AL. v. NORTH-EAST AIRLINES, INC., ET AL.* C. A. 1st Cir. Motion of International Association of Machinists et al. to be named parties respondent granted. Motion for leave to supplement the petition granted. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE FORTAS took no part in the consideration or decision of these motions or the petition. *John W. Cross, E. Smythe Gambrell and Harold L. Russell* for petitioners. *Henry E. Foley and Loyd M. Starrett* for respondent Northeast Airlines, Inc. *Edward J. Hickey, Jr., James L. Highsaw, Jr., and William J. Hickey* for International Association of Machinists et al. Reported below: 345 F. 2d 484, 488.

No. 180. *TATUM ET AL. v. SINGER ET AL.* Sup. Ct. Miss. Motion for abstention denied. Certiorari denied. *Joshua Green and Garner W. Green* for petitioners. *John C. Satterfield* for respondents. Reported below: 251 Miss. 661, 171 So. 2d 134.

No. 213. *SHELTON v. MISSOURI-KANSAS-TEXAS RAIL-ROAD Co.* Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Charles Gullett, Robert Doss and Russell M. Baker* for petitioner. *William Ralph Elliott* for respondent. Reported below: 383 S. W. 2d 842.

October 11, 1965.

382 U. S.

No. 250. *STITZEL-WELLER DISTILLERY v. DEPARTMENT OF REVENUE OF KENTUCKY*. Ct. App. Ky. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Millard Cox* for petitioner. *William S. Riley*, Assistant Attorney General of Kentucky, for respondent. Reported below: 387 S. W. 2d 602.

No. 315. *FUENTES-TORRES v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Milton T. Simmons* for petitioner. *Solicitor General Cox*, Assistant Attorney General Vinson and *Philip R. Monahan* for respondent. Reported below: 344 F. 2d 911.

No. 338. *MOHR ET AL. v. STATE HIGHWAY COMMISSION OF MISSOURI*. Sup. Ct. Mo. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Hyman G. Stein* for petitioners. *Robert L. Hyder* for respondent. Reported below: 388 S. W. 2d 855, 862.

Nos. 235 and 251. *GRADSKY v. UNITED STATES*. C. A. 5th Cir. Motion of B. J. Gradsky to be added as party petitioner in No. 235 denied. Certiorari denied. *Sidney M. Dubbin* for petitioner in No. 235. *Milton E. Grusmark* for petitioner in No. 251. *Solicitor General Cox*, Assistant Attorney General Vinson, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 342 F. 2d 426.

No. 6, Misc. *McCoy v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Albert W. Harris, Jr.*, and *Jay S. Linderman*, Deputy Attorneys General, for respondent.

382 U. S.

October 11, 1965.

No. 253. *MOHASCO INDUSTRIES, INC. v. E. T. BARWICK MILLS, INC., ET AL.* C. A. 5th Cir. Motion for leave to file supplement to the petition granted. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of the motion or the petition. *Stanton T. Lawrence, Jr.*, for petitioner. *Charles H. Walker* for respondents. Reported below: 340 F. 2d 319.

No. 260. *NYYSSONEN, ADMINISTRATRIX v. BENDIX CORP.* C. A. 1st Cir. Motion for leave to supplement the record granted. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion and petition. *David Rines* and *Robert H. Rines* for petitioner. *Morris Relson* for respondent. Reported below: 342 F. 2d 531.

No. 7, Misc. *TAYLOR v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 8, Misc. *MORRIS v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Petitioner *pro se*. *Norman H. Anderson*, Attorney General of Missouri, and *William A. Peterson* and *Howard L. McFadden*, Assistant Attorneys General, for respondent.

No. 16, Misc. *BUTLER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Francis Breidenbach* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 340 F. 2d 63.

No. 17, Misc. *OYLER v. WILLINGHAM, WARDEN.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Doar* and *Harold H. Greene* for respondent. Reported below: 338 F. 2d 260.

October 11, 1965.

382 U. S.

No. 9, Misc. *GRAVLEY v. CARTER*. Super. Ct. Bartow County, Ga. Certiorari denied. Petitioner *pro se*. *Albert Sidney Johnson*, Assistant Attorney General of Georgia, for respondent.

No. 13, Misc. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Doar* and *Harold H. Greene* for the United States.

No. 20, Misc. *LEBRON v. WARDEN OF DETENTION HEADQUARTERS*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Doar* and *Harold H. Greene* for respondent. Reported below: 339 F. 2d 887.

No. 26, Misc. *VATELLI v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Albert W. Harris, Jr.*, and *Derald E. Granberg*, Deputy Attorneys General, for respondent.

No. 27, Misc. *GORI 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: 339 F. 2d 263.

No. 31, Misc. *LEWIS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael*, Assistant Attorney General, for respondent.

No. 32, Misc. *SMITH v. TAYLOR, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, Assistant Attorney General *Doar* and *Harold H. Greene* for respondent.

382 U. S.

October 11, 1965.

No. 21, Misc. *SCALZO v. HURNEY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 3d Cir. Certiorari denied. *Richard R. Ransom* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for respondent. Reported below: 338 F. 2d 339.

No. 33, Misc. *PURIFOY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth, Attorney General of Florida, and James G. Mahorner, Assistant Attorney General*, for respondent.

No. 34, Misc. *HYDE v. McMANN, WARDEN*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz, Attorney General of New York, Samuel A. Hirshowitz, First Assistant Attorney General, and Frank J. Panizzo, Assistant Attorney General*, for respondent.

No. 36, Misc. *WILSON v. McGEE, ADMINISTRATOR, ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch, Attorney General of California, Albert W. Harris, Jr., and Michael R. Marron, Deputy Attorneys General*, for respondents.

No. 39, Misc. *KAUFMAN v. TAXICAB BUREAU, BALTIMORE CITY POLICE DEPARTMENT*. Ct. App. Md. Certiorari denied. *Leonard J. Kerpelman* for petitioner. Reported below: 236 Md. 476, 204 A. 2d 521.

No. 41, Misc. *REED v. UNITED STATES*. Ct. Cl. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 42, Misc. *SAMURINE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 337 F. 2d 857.

October 11, 1965.

382 U. S.

No. 44, Misc. NORRIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Frederick R. Tourkow* and *Richard C. Ver Wiebe* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 341 F. 2d 527.

No. 45, Misc. DEGREGORY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Eleanor Jackson Piel* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg* and *Daniel H. Benson* for the United States. Reported below: 341 F. 2d 277.

No. 46, Misc. LUCAS *v.* McMANN, WARDEN. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 47, Misc. CURRY *v.* WEAKLEY, REFORMATORY SUPERINTENDENT, ET AL. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Doar, Harold H. Greene* and *Gerald P. Choppin* for respondents.

No. 48, Misc. ACOSTA *v.* FITZHARRIS, CORRECTIONAL SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch, Attorney General of California, Albert W. Harris, Jr., Assistant Attorney General, and Robert R. Granucci, Deputy Attorney General*, for respondent.

No. 50, Misc. KLEIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 340 F. 2d 547.

382 U. S.

October 11, 1965.

No. 49, Misc. *LUACES v. MAY, WARDEN*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Doar, and Harold H. Greene* for respondent.

No. 51, Misc. *PRYSOCK v. WEAKLEY, REFORMATORY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Doar and Harold H. Greene* for respondent.

No. 57, Misc. *DOUB v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 341 F. 2d 572.

No. 61, Misc. *JOHNSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *James J. Laughlin and William J. Garber* for petitioner. *Solicitor General Cox, Assistant Attorney General Miller, Beatrice Rosenberg and Sidney M. Glazer* for the United States.

No. 62, Misc. *VON ATZINGER v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se*. *John G. Thevos* for respondent.

No. 63, Misc. *BARNES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 71, Misc. *RICHARDSON v. MARKLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Doar and Harold H. Greene* for respondent. Reported below: 339 F. 2d 967.

October 11, 1965.

382 U.S.

No. 64, Misc. *DAVIS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Russell Morton Brown, Maurice C. Goodpasture and John J. Dwyer* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States.

No. 67, Misc. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 73, Misc. *FENNELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 339 F. 2d 920.

No. 74, Misc. *GRIZZELL v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Earl Faircloth, Attorney General of Florida, and William D. Roth, Special Assistant Attorney General*, for respondent.

No. 76, Misc. *PETERSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 78, Misc. *BAYLOR v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 120 U. S. App. D. C. 157, 344 F. 2d 542.

No. 83, Misc. *MUENCH v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 340 F. 2d 307.

382 U. S.

October 11, 1965.

No. 82, Misc. *HIGGINBOTHAM v. UNITED STATES CIVIL SERVICE COMMISSION*. C. A. 3d Cir. Certiorari denied. *Paul A. Simmons* for petitioner. *Solicitor General Cox, Assistant Attorney General Douglas, Sherman L. Cohn* and *Richard S. Salzman* for respondent. Reported below: 340 F. 2d 165.

No. 84, Misc. *CRAIN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Charles B. Swanner*, Assistant Attorneys General, for respondent.

No. 86, Misc. *DALY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *John J. Dwyer* and *Jean F. Dwyer* for petitioner. *Solicitor General Cox* for the United States. Reported below: 119 U. S. App. D. C. 353, 342 F. 2d 932.

No. 88, Misc. *WEARS v. OHIO ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 89, Misc. *MONTGOMERY v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Robert Welch Mullen* for petitioner. Reported below: 15 N. Y. 2d 732, 205 N. E. 2d 206.

No. 95, Misc. *WALTREUS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Morris Lavine* for petitioner. Reported below: 62 Cal. 2d 218, 397 P. 2d 1001.

No. 96, Misc. *STEEENBERGEN v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *John R. Snively* for petitioner. Reported below: 31 Ill. 2d 615, 203 N. E. 2d 404.

October 11, 1965.

382 U.S.

No. 92, Misc. *BRIDGES v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *John S. Burton*, Assistant Attorney General, for respondent.

No. 94, Misc. *STEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Osmond K. Fraenkel* for petitioner. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 342 F. 2d 491.

No. 98, Misc. *MCABEE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 101, Misc. *DUVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States.

No. 104, Misc. *BLACK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 341 F. 2d 583.

No. 106, Misc. *EVERIST v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. *R. Eugene Pincham* and *Charles B. Evans* for petitioner. *Daniel P. Ward* and *Elmer C. Kissane* for respondent. Reported below: 52 Ill. App. 2d 73, 201 N. E. 2d 655.

No. 109, Misc. *McMULLEN v. GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for respondent. Reported below: 335 F. 2d 811.

382 U. S.

October 11, 1965.

No. 108, Misc. *THOMAS ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *R. Eugene Pincham* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 342 F. 2d 132.

No. 110, Misc. *WHITTINGTON v. CAMERON, HOSPITAL SUPERINTENDENT.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Spritzer, Assistant Attorney General Doar and Harold H. Greene* for respondent. Reported below: 120 U. S. App. D. C. 179, 344 F. 2d 564.

No. 111, Misc. *LEAK v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 112, Misc. *CERRANO v. FLEISHMAN, CUSTOMS AGENT, ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Douglas, Morton Hollander and Edward Berlin* for respondents. Reported below: 339 F. 2d 929.

No. 113, Misc. *MYARTT v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied.

No. 118, Misc. *VAUGHN v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 119, Misc. *RICHMOND v. WAINWRIGHT, CORRECTIONS DIRECTOR.* Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* *Earl Faircloth, Attorney General of Florida, and James G. Mahorner, Assistant Attorney General*, for respondent.

October 11, 1965.

382 U. S.

No. 121, Misc. *SILVER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 122, Misc. *SHELTON ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Samuel K. Abrams* for petitioners. *Solicitor General Cox, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 120 U. S. App. D. C. 65, 343 F. 2d 347.

No. 123, Misc. *CRANE ET AL. v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 126, Misc. *DE VAUGHN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polksy* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for the United States.

No. 127, Misc. *SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Stephen R. Reinhardt* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 341 F. 2d 225.

No. 129, Misc. *TAYLOR v. WARD ET AL.* Ct. App. Md. Certiorari denied. *Leonard J. Kerpelman* for petitioner.

No. 133, Misc. *SPIESEL v. CITY OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Leo A. Larkin, Seymour B. Quel* and *Benjamin Offner* for respondent. Reported below: 342 F. 2d 800.

No. 135, Misc. *HAIRSTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States.

382 U. S.

October 11, 1965.

No. 132, Misc. *ALLEN v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 134, Misc. *WHITWORTH v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 136, Misc. *DURHAM v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 138, Misc. *SUMMERS v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 139, Misc. *McKENNA v. MYERS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 342 F. 2d 998.

No. 143, Misc. *BALES v. HAYES*. C. A. 9th Cir. Certiorari denied.

No. 144, Misc. *HARRIS v. MYERS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 145, Misc. *WOODY v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 146, Misc. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 344 F. 2d 264.

No. 149, Misc. *THOMPSON v. HEINZE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 150, Misc. *CARTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

October 11, 1965.

382 U.S.

No. 151, Misc. *FIELDS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 152, Misc. *ELKSNIS v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 153, Misc. *OLSON v. TAHASH, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 344 F. 2d 139.

No. 154, Misc. *ARNOLD v. BOSTICK*. C. A. 9th Cir. Certiorari denied. Reported below: 339 F. 2d 879.

No. 156, Misc. *CAPOLINO v. KELLY, COLLECTOR OF CUSTOMS*. C. A. 2d Cir. Certiorari denied. *Leo Otis* for petitioner. *Solicitor General Cox* for respondent. Reported below: 339 F. 2d 1023.

No. 157, Misc. *HUDSON v. ARceneaux ET AL*. Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioner.

No. 159, Misc. *BURTON v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: — Ind. —, 202 N. E. 2d 165; — Ind. —, 204 N. E. 2d 218.

No. 160, Misc. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 343 F. 2d 472.

No. 161, Misc. *PEARSON ET UX. v. BIRDWELL ET AL*. Sup. Ct. Cal. Certiorari denied. *Edgar Paul Boyko* for petitioners.

No. 163, Misc. *MADDOX v. HOLMAN, WARDEN*. C. A. 5th Cir. Certiorari denied.

382 U. S.

October 11, 1965.

No. 164, Misc. *RIFFLE v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO.* C. A. 6th Cir. Certiorari denied.

No. 165, Misc. *WILLIAMS v. HEINZE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 166, Misc. *VESAY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Spritzer* for the United States.

No. 167, Misc. *WILLIAMS v. LEVIN, U. S. DISTRICT JUDGE.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Spritzer* for respondent.

No. 170, Misc. *MIGUEL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Rudolph Lion Zalowitz* and *Frederic A. Johnson* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 340 F. 2d 812.

No. 173, Misc. *RHODES v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Petitioner *pro se.* *Benj. J. Jacobson* for respondent.

No. 178, Misc. *WALKER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 342 F. 2d 22.

No. 181, Misc. *JOHNSON v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 184, Misc. *OLGUIN v. CALIFORNIA.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

October 11, 1965.

382 U. S.

No. 180, Misc. HERMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 186, Misc. BUDNER *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Harry Krauss* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent. Reported below: 15 N. Y. 2d 253, 206 N. E. 2d 171.

No. 188, Misc. RICHTER *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 270 Minn. 307, 133 N. W. 2d 537.

No. 189, Misc. SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 341 F. 2d 565.

No. 190, Misc. WILSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 342 F. 2d 782.

No. 192, Misc. BYERS *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 339 F. 2d 550.

No. 193, Misc. KANTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 345 F. 2d 427.

No. 198, Misc. SMITH *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

382 U. S.

October 11, 1965.

No. 191, Misc. *CROSSLEY v. TAHASH, WARDEN*. Sup. Ct. Minn. Certiorari denied.

No. 199, Misc. *KERNER v. GARDNER*, SECRETARY OF HEALTH, EDUCATION AND WELFARE. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for respondent. Reported below: 340 F. 2d 736.

No. 200, Misc. *HALEY, ADMINISTRATRIX v. BALTIMORE & OHIO RAILROAD CO. ET AL.* C. A. 7th Cir. Certiorari denied. *Maurice R. Kraines* for petitioner. *John L. Rogers, Jr.*, for respondents. Reported below: 341 F. 2d 732.

No. 208, Misc. *PHEASTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 209, Misc. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Orville A. Harlan* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 343 F. 2d 539.

No. 210, Misc. *MOORE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 214, Misc. *SAWYER v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 340 F. 2d 990.

No. 215, Misc. *WITHERSPOON v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 216, Misc. *GRIMBLE v. BROWN, ADMINISTRATOR, ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 247 La. 376, 171 So. 2d 653.

October 11, 1965.

382 U. S.

No. 218, Misc. *VEGA ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 1st Cir. Certiorari denied. *Ginoris Vizcarra* for petitioners. *Solicitor General Cox, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 341 F. 2d 576.

No. 220, Misc. *WHALEM v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 120 U. S. App. D. C. 331, 346 F. 2d 812.

No. 227, Misc. *LEVY v. UNITED STATES*. Ct. Cl. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 169 Ct. Cl. 1020.

No. 228, Misc. *OLIVER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Maurice R. Woulfe* for petitioner. Reported below: 247 La. 729, 174 So. 2d 509.

No. 229, Misc. *GLOVER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States.

No. 230, Misc. *FAIR v. BRYANT, GOVERNOR OF FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 235, Misc. *LUCAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 343 F. 2d 1.

No. 236, Misc. *FOSTER v. PARKER ET AL.* C. A. 9th Cir. Certiorari denied.

382 U. S.

October 11, 1965.

No. 237, Misc. *LAKE v. CAMERON, HOSPITAL SUPERINTENDENT.* C. A. D. C. Cir. Certiorari denied.

No. 238, Misc. *PETERS v. COX, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 341 F. 2d 575.

No. 239, Misc. *HOWARD v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 26 Wis. 2d 652, 133 N. W. 2d 284.

No. 240, Misc. *DAWSON v. CITY COUNCIL OF BUTTE, MONTANA, ET AL.* C. A. 9th Cir. Certiorari denied. *Joseph P. Monaghan* for petitioner. *John H. Risken* for respondent Herweg.

No. 241, Misc. *FRACE v. RUSSELL, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. Reported below: 341 F. 2d 901.

No. 242, Misc. *McCLENNY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 346 F. 2d 125.

No. 243, Misc. *AUTH v. NEW YORK.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 244, Misc. *WHITE v. WILSON, WARDEN.* Super. Ct. Cal., County of Marin. Certiorari denied.

No. 247, Misc. *BOWERS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joseph H. Davis* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 344 F. 2d 124.

October 11, 1965.

382 U. S.

No. 246, Misc. *BENVENISTE v. DENNO, WARDEN*. C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, and *Mortimer Sattler*, Assistant Attorney General, for respondent.

No. 250, Misc. *STEVENSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Benj. J. Jacobson* for respondent.

No. 253, Misc. *WILSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Joel E. Hoffman* and *Monroe H. Freedman* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 120 U. S. App. D. C. 72, 344 F. 2d 166.

No. 259, Misc. *LEPISCOPO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 343 F. 2d 474.

No. 261, Misc. *SHOBE v. HEINZE, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 262, Misc. *NAUTON v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 264, Misc. *STILTNER v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 267, Misc. *HARRIS v. PATE, WARDEN*. Sup. Ct. Ill. Certiorari denied.

No. 270, Misc. *CREASON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied.

382 U. S.

October 11, 1965.

No. 271, Misc. *SWANNER v. THOMAS, WARDEN, ET AL.*
Ct. App. Ky. Certiorari denied.

No. 275, Misc. *D'ANTONIO v. NEW YORK.* Ct. App.
N. Y. Certiorari denied. Petitioner *pro se.* *Frank S.
Hogan* for respondent.

No. 277, Misc. *DASH v. LAVALLEE, WARDEN.* Ct.
App. N. Y. Certiorari denied.

No. 280, Misc. *VENEY v. UNITED STATES.* C. A. D. C.
Cir. Certiorari denied. Petitioner *pro se.* *Acting
Solicitor General Spritzer, Assistant Attorney General Vin-
son, Beatrice Rosenberg and Robert G. Maysack* for the
United States. Reported below: 120 U. S. App. D. C.
157, 344 F. 2d 542.

No. 282, Misc. *FERNANDEZ v. WILSON, WARDEN, ET AL.*
C. A. 9th Cir. Certiorari denied.

No. 284, Misc. *WOOD v. CONNEAUT LAKE PARK, INC.*
Sup. Ct. Pa. Certiorari denied. *George S. Goldstein* for
petitioner. *Stuart A. Culbertson* for respondent. Re-
ported below: 417 Pa. 58, 209 A. 2d 268.

No. 285, Misc. *SMITH v. LAVALLEE, WARDEN.* C. A.
2d Cir. Certiorari denied.

No. 298, Misc. *THACKER v. WARD MARKHAM Co.*
Sup. Ct. N. C. Certiorari denied. Petitioner *pro se.*
John H. Anderson and Willis Smith, Jr., for respondent.
Reported below: 263 N. C. 594, 140 S. E. 2d 23.

No. 291, Misc. *BYRD v. OREGON.* Sup. Ct. Ore. Cer-
tiorari denied. Petitioner *pro se.* *George Van Hoomis-
sen* for respondent. Reported below: 240 Ore. 159, 400
P. 2d 522.

October 11, 1965.

382 U.S.

No. 286, Misc. *CATENA v. GENNETTI, TRUSTEE*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Pace Reich* for respondent.

No. 294, Misc. *LYONS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 296, Misc. *GAINES v. UNITED STATES*. Ct. Cl. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States.

No. 301, Misc. *PASSANTE v. HEROLD, STATE HOSPITAL DIRECTOR*. C. A. 2d Cir. Certiorari denied.

No. 302, Misc. *MARTINEZ v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: — Colo. —, 399 P. 2d 415.

No. 304, Misc. *ROOT v. CUNNINGHAM, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 344 F. 2d 1.

No. 305, Misc. *HARRIS v. BRUZEE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 307, Misc. *DAVIS v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 312, Misc. *DOWNS v. CROUSE, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 313, Misc. *SIMMONS v. OSWALD ET AL.* C. A. 2d Cir. Certiorari denied.

No. 316, Misc. *CRESWELL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *D. B. Mauzy* for petitioner. Reported below: 387 S. W. 2d 887.

382 U. S.

October 11, 1965.

No. 322, Misc. HARPER *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 325, Misc. THOMPSON *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied.

No. 326, Misc. ROSS *v.* NEW YORK. C. A. 2d Cir. Certiorari denied. Reported below: 341 F. 2d 823.

No. 328, Misc. OKSTEN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 333, Misc. YOUNG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *John Raeburn Green* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 1006.

No. 334, Misc. RUNNELS *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied. *Francis Conklin* for petitioner.

No. 344, Misc. CANADY *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 347, Misc. HAYES *v.* LAVALLEE, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 351, Misc. BUND *v.* LAVALLEE, WARDEN, ET AL. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *Harold Roland Shapiro* for respondents. Reported below: 344 F. 2d 313.

No. 356, Misc. ATKINSON ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Kenneth K. Simon* for petitioners. *Solicitor General Cox* for the United States. Reported below: 344 F. 2d 97.

October 11, 1965.

382 U. S.

No. 340, Misc. *BRADFORD v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for respondent.

No. 352, Misc. *SCHULTZ v. MULLINS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 355, Misc. *BRUCE v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 361, Misc. *WOLENSKI v. SWEENEY, JUDGE*. C. A. 3d Cir. Certiorari denied.

No. 364, Misc. *STRICKLAND v. MYERS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 365, Misc. *LLUVERAS v. NEW YORK*. Sup. Ct. N. Y., N. Y. County. Certiorari denied.

No. 371, Misc. *FLETCHER v. BETO, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner.

No. 374, Misc. *HANOVICH v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. *Irving Harris* for petitioner. Reported below: 342 F. 2d 161.

No. 376, Misc. *HOLLAND v. GLADDEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 377, Misc. *FARRANT v. BENNETT, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 347 F. 2d 390.

No. 379, Misc. *TALBERT v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 195 Kan. 149, 402 P. 2d 810.

382 U. S.

October 11, 1965.

No. 372, Misc. *BENT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox* for the United States. Reported below: 340 F. 2d 703.

No. 380, Misc. *SEYMORE v. NEW YORK*. Ct. App. N. Y. 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. 381, Misc. *OLIVO v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 382, Misc. *WELLINGTON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 383, Misc. *KEYS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 120 U. S. App. D. C. 343, 346 F. 2d 824.

No. 385, Misc. *SWANSON v. REINCKE, WARDEN*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *John D. LaBelle* for respondent. Reported below: 344 F. 2d 260.

No. 398, Misc. *CRUZ v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *James F. Pamp*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 401 P. 2d 830.

No. 402, Misc. *FJELLMHAMMER v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States.

October 11, 1965.

382 U. S.

No. 395, Misc. GOLENBOCK *v.* WALLACK, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 401, Misc. MUZA *v.* CALIFORNIA ADULT AUTHORITY ET AL. Sup. Ct. Cal. Certiorari denied.

No. 404, Misc. SALZANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States.

No. 405, Misc. DI SILVESTRO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Joseph W. Di Silvestro*, petitioner, *pro se*. *Acting Solicitor General Spritzer*, *Assistant Attorney General Douglas* and *Morton Hollander* for the United States.

No. 408, Misc. SALGADO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Joseph I. Stone* for petitioner. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 347 F. 2d 216.

No. 409, Misc. JOHNSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States.

No. 417, Misc. BATCHELOR *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Carl L. Shipley* and *Thomas A. Ziebarth* for petitioner. *Acting Solicitor General Spritzer* for the United States. Reported below: 169 Ct. Cl. 180.

No. 418, Misc. KRENNRICH *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Carl L. Shipley*, *Thomas A. Ziebarth* and *Samuel Resnicoff* for petitioner. *Acting Solicitor General Spritzer* for the United States. Reported below: 169 Ct. Cl. 6, 340 F. 2d 653.

382 U. S.

October 11, 1965.

No. 426, Misc. *WARRINER v. FINK ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Irving B. Levenson* for respondents.

No. 434, Misc. *SCHATZ v. GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE.* C. A. 2d Cir. Certiorari denied. *J. Stanley Shaw* for petitioner. *Acting Solicitor General Spritzer* for respondent. Reported below: 346 F. 2d 685.

No. 444, Misc. *WHITE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States. Reported below: 342 F. 2d 379.

No. 445, Misc. *CHOY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 126.

No. 463, Misc. *PHERIBO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 346 F. 2d 559.

No. 29, Misc. *McFADDEN v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael*, Assistant Attorney General, for respondent. Reported below: 32 Ill. 2d 101, 203 N. E. 2d 888.

No. 103, Misc. *DAVIS v. OHIO.* Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

October 11, 1965.

382 U. S.

No. 217, Misc. *JACKSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

No. 219, Misc. *HUGHES ET AL. v. KROPP, WARDEN*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioners *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Luke Quinn*, Assistant Attorney General, and *Robert A. Derengoski*, Solicitor General, for respondent.

No. 254, Misc. *TUTTLE v. UTAH*. Sup. Ct. Utah. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *George H. Searle* for petitioner. *Phil L. Hansen*, Attorney General of Utah, and *Ronald N. Boyce*, Assistant Attorney General, for respondent. Reported below: 16 Utah 2d 288, 399 P. 2d 580.

No. 90, Misc. *WHALEY v. CAVANAUGH ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 341 F. 2d 295.

No. 141, Misc. *LEWIS v. ADERHOLDT ET AL.* C. A. D. C. Cir. Motion of National Capital Area Civil Liberties Union for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Philip Shinberg* for petitioner. *Chester H. Gray*, *Milton D. Korman* and *Hubert B. Pair* for Aderholdt, and *Thomas A. Flannery* and *Stephen A. Trimble* for Washington Terminal Co., respondents. *Monroe H. Freedman* for National Capital Area Civil Liberties Union, as *amicus curiae*, in support of the petition.

382 U. S.

October 11, 1965.

Rehearing Denied.

No. 86, October Term, 1964. *ZEMEL v. RUSK, SECRETARY OF STATE, ET AL.*, 381 U. S. 1;

No. 245, October Term, 1964. *WATERMAN STEAMSHIP CORP. v. UNITED STATES*, 381 U. S. 252;

No. 246, October Term, 1964. *NATIONAL BULK CARRIERS, INC. v. UNITED STATES*, 381 U. S. 933;

No. 292, October Term, 1964. *ATLANTIC REFINING CO. v. FEDERAL TRADE COMMISSION*, 381 U. S. 357;

No. 296, October Term, 1964. *GOODYEAR TIRE & RUBBER CO. v. FEDERAL TRADE COMMISSION*, 381 U. S. 357;

No. 347, October Term, 1964. *JABEN v. UNITED STATES*, 381 U. S. 214;

No. 832, October Term, 1964. *AVGIKOS v. LOUISIANA*, 381 U. S. 924;

No. 972, October Term, 1964. *HOLLAND FURNACE CO. v. SCHNACKENBERG, U. S. CIRCUIT JUDGE, ET AL.*, 381 U. S. 924;

No. 997, October Term, 1964. *STROLLO v. UNITED STATES*, 381 U. S. 912;

No. 1011, October Term, 1964. *SERMAN v. UNITED STATES*, 381 U. S. 912;

No. 1017, October Term, 1964. *INTERLAKE STEAMSHIP CO. v. NIELSEN ET AL.*, 381 U. S. 934;

No. 1053, October Term, 1964. *RANDALL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*, 381 U. S. 935;

No. 1056, October Term, 1964. *TJONAMAN v. A/S GLITTRE ET AL.*, 381 U. S. 925;

No. 1067, October Term, 1964. *W. M. R. WATCH CASE CORP. ET AL. v. FEDERAL TRADE COMMISSION*, 381 U. S. 936;

No. 1106, October Term, 1964. *RATKE ET AL. v. UNITED STATES*, 381 U. S. 939; and

No. 513, Misc., October Term, 1964. *CRAWFORD v. BANNAN, WARDEN*, 381 U. S. 955. Petitions for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

October 11, 1965.

382 U. S.

No. 612, Misc., October Term, 1964. *BERMAN v. FAY, WARDEN*, 381 U. S. 955;

No. 657, Misc., October Term, 1964. *GRAY v. UNITED STATES*, 381 U. S. 926;

No. 730, Misc., October Term, 1964. *VALCARCEL v. UNITED STATES*, 381 U. S. 926;

No. 743, Misc., October Term, 1964. *LLOYD v. UNITED STATES*, 381 U. S. 952;

No. 890, Misc., October Term, 1964. *CASTLE v. UNITED STATES*, 381 U. S. 953;

No. 998, Misc., October Term, 1964. *WELLS v. UNITED STATES*, 381 U. S. 927;

No. 1047, Misc., October Term, 1964. *GOLDBERG v. OFFICE EMPLOYES INTERNATIONAL UNION, LOCAL 153, ET AL.*, 381 U. S. 939;

No. 1055, Misc., October Term, 1964. *HILBRICH v. UNITED STATES*, 381 U. S. 941;

No. 1159, Misc., October Term, 1964. *USELDING v. UNITED STATES*, 381 U. S. 941;

No. 1058, Misc., October Term, 1964. *HALYSHYN v. UNITED STATES*, 381 U. S. 928;

No. 1117, Misc., October Term, 1964. *MCLEOD v. OHIO*, 381 U. S. 356;

No. 1118, Misc., October Term, 1964. *GUNSTON v. UNITED STATES*, 381 U. S. 930;

No. 1122, Misc., October Term, 1964. *CLARK v. PAYNE*, 381 U. S. 943;

No. 1130, Misc., October Term, 1964. *NELMS v. UNITED STATES*, 381 U. S. 943;

No. 1150 Misc., October Term, 1964. *MACFADDEN v. HEINZE, WARDEN, ET AL.*, 381 U. S. 944; and

No. 1237, Misc., October Term, 1964. *STEWART v. MICHIGAN ET AL.*, 381 U. S. 931. Petitions for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

382 U. S.

October 11, 13, 18, 1965.

No. 120, October Term, 1964. *GOTTESMAN ET AL. v. GENERAL MOTORS CORP. ET AL.*, 379 U. S. 882, 940. Motion for leave to file second petition for rehearing denied. MR. JUSTICE HARLAN and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion.

No. 256, October Term, 1964. *ESTES v. TEXAS*, 381 U. S. 532. Motion for leave to file petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion.

No. 580, Misc., October Term, 1964. *HALL v. PINTO, PRISON SUPERINTENDENT*, 381 U. S. 930;

No. 968, Misc., October Term, 1964. *WALKER v. SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ET AL.*, 381 U. S. 932; and

No. 1106, Misc., October Term, 1964. *MCINTOSH v. UNITED STATES*, 381 U. S. 947. Petitions for rehearing denied. THE CHIEF JUSTICE and MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

OCTOBER 13, 1965.

Dismissal Under Rule 60.

No. 586, Misc. *THOMAS v. DAVIS, CLERK OF THE SUPREME COURT OF THE UNITED STATES*. On motion for leave to file petition for writ of mandamus. Dismissed pursuant to Rule 60 of the Rules of this Court.

OCTOBER 18, 1965.

Assignment Order.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims beginning

October 18, 1965.

382 U. S.

November 1, 1965, and ending June 30, 1966, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

Miscellaneous Orders.

No. 14, Original. *LOUISIANA v. MISSISSIPPI ET AL.* The case is set for argument on the Report of the Special Master and the exceptions thereto. Two hours are allotted for oral argument. [For earlier orders herein, see 375 U. S. 803, 950; 377 U. S. 901; 381 U. S. 947.]

No. 345, October Term, 1964. *MARYLAND, FOR THE USE OF LEVIN, ET AL. v. UNITED STATES*, 381 U. S. 41. The respondent is requested to file, within 20 days, a response to the petition for rehearing limited to the question as to whether this case should be remanded to the District Court for further proceedings with respect to the unresolved issues tendered in the petitioners' bill of complaint. MR. JUSTICE FORTAS took no part in the consideration of this petition. *Theodore E. Wolcott* on the petition for rehearing.

No. 57. *HAZELTINE RESEARCH, INC., ET AL. v. BRENNER, COMMISSIONER OF PATENTS*. C. A. D. C. Cir. (Certiorari granted, 380 U. S. 960.) Motion of Irwin M. Aisenberg for leave to file brief, as *amicus curiae*, granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. *Irwin M. Aisenberg* on the motion to file brief, as *amicus curiae*, urging reversal.

No. 575, Misc. *EDWARDS v. WEAKLEY, REFORMATORY SUPERINTENDENT*. Motion for leave to file petition for writ of habeas corpus denied.

382 U. S.

October 18, 1965.

No. 256, Misc. *ELLHAMER v. CALIFORNIA*. 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. 396. *DeGREGORY v. ATTORNEY GENERAL OF NEW HAMPSHIRE*. Appeal from Sup. Ct. N. H. Probable jurisdiction noted. *Howard S. Whiteside* for appellant. *William Maynard*, Attorney General of New Hampshire, *R. Peter Shapiro*, Assistant Attorney General, and *Joseph F. Gall*, Special Assistant Attorney General, for appellee. Reported below: 106 N. H. 262, 209 A. 2d 712.

Certiorari Granted. (See No. 919, Oct. Term, 1961, *ante*, p. 25; No. 123, *ante*, p. 32; and No. 23, Misc., *ante*, p. 36.)

Certiorari Denied. (See also No. 281, *ante*, p. 39; and No. 256, Misc., *supra*.)

No. 211. *METROMEDIA, INC. v. AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS ET AL.* C. A. 2d Cir. Certiorari denied. *Robert A. Dreyer* and *George A. Katz* for petitioner. *Simon H. Rifkind*, *Herman Finkelstein* and *Jay H. Topkis* for the American Society of Composers, Authors & Publishers, and *Acting Solicitor General Spritzer*, *Assistant Attorney General Turner*, *Lionel Kestenbaum* and *I. Daniel Stewart, Jr.*, for the United States, respondents. Reported below: 341 F. 2d 1003.

No. 336. *DELONG CORP. v. OREGON STATE HIGHWAY COMMISSION ET AL.* C. A. 9th Cir. Certiorari denied. *Bert B. Rand*, *Hans A. Nathan* and *George W. Mead* for petitioner. *Robert Y. Thornton*, Attorney General of Oregon, and *George E. Rohde*, *Alan H. Johansen*, *J. Robert Patterson* and *Frank C. McKinney*, Assistant Attorneys General, for respondents. Reported below: 343 F. 2d 911.

October 18, 1965.

382 U. S.

No. 349. *SABENA BELGIAN WORLD AIRWAYS (SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE) v. LEROY, ADMINISTRATOR.* C. A. 2d Cir. Certiorari denied. *George Warner Clark, John D. Calamari and Martin Fogelman* for petitioner. *George W. Herz* for respondent. Reported below: 344 F. 2d 266.

No. 367. *SKAHILL, ADMINISTRATRIX v. CAPITAL AIRLINES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Augustine P. Turnbull* for petitioner. *William J. Junkerman* for respondents.

No. 392. *STAGER v. FLORIDA EAST COAST RAILWAY Co.* Sup. Ct. Fla. and/or Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *B. Nathaniel Richter* for petitioner. *George C. Bolles* for respondent. Reported below: 163 So. 2d 15.

No. 399. *SMITH, ADMINISTRATRIX, ET AL. v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. *Marvin Schwartz and Calvin W. Breit* for petitioners. *Solicitor General Marshall, Assistant Attorney General Douglas, David L. Rose and Robert V. Zener* for respondents. *Louis R. Harolds* for the American Trial Lawyers Association, as *amicus curiae*, in support of the petition. Reported below: 346 F. 2d 449.

No. 400. *OWENS ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Sam Adam* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 346 F. 2d 329.

No. 402. *DEMPSTER BROTHERS, INC. v. COHN, TRUSTEE IN BANKRUPTCY.* C. A. 7th Cir. Certiorari denied. *John H. Wessel* for petitioner. *Irvin B. Charne* for respondent. Reported below: 343 F. 2d 527.

382 U. S.

October 18, 1965.

No. 408. *JANIGAN v. TAYLOR ET AL.* C. A. 1st Cir. Certiorari denied. *Matthew Brown* for petitioner. *Charles C. Cabot, Jr.*, for respondents. Reported below: 344 F. 2d 781.

No. 410. *TRAILWAYS OF NEW ENGLAND, INC. v. AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY & MOTOR COACH EMPLOYEES OF AMERICA, AFL-CIO, DIVISION 1318.* C. A. 1st Cir. Certiorari denied. *Morris J. Levin, Betty Southard Murphy and Richard R. Paradise* for petitioner. *Earle W. Putnam* for respondent. Reported below: 343 F. 2d 815.

No. 391. *RAILWAY EXPRESS AGENCY, INC. v. CIVIL AERONAUTICS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *William Q. Keenan and John E. Powell* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Lionel Kestenbaum, Gerald Kadish, O. D. Ozment and Robert L. Toomey* for the Civil Aeronautics Board, and *Alfred V. J. Prather, Warren E. Baker and Robert L. Stern* for American Airlines, Inc., et al., respondents. Reported below: 120 U. S. App. D. C. 228, 345 F. 2d 445.

No. 43, Misc. *LOTT v. MICHIGAN ET AL.* Sup. Ct. Mich. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, for respondents.

No. 130, Misc. *STURGIS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Herman I. Pollock* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 342 F. 2d 328.

October 18, 1965.

382 U. S.

No. 176, Misc. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 340 F. 2d 953.

No. 182, Misc. *BURKE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 342 F. 2d 593.

No. 283, Misc. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 922.

No. 314, Misc. *ANDERSON ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioners *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome Feit* for the United States. Reported below: 344 F. 2d 792.

No. 335, Misc. *COLLIGAN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan and H. Richard Uviller* for respondent.

No. 358, Misc. *SCHULTZ v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States.

No. 360, Misc. *WRIGHT v. BLACKWELL, WARDEN*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for respondent.

382 U. S.

October 18, 1965.

No. 410, Misc. *EVANS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 346 F. 2d 512.

No. 413, Misc. *HURLEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 415, Misc. *SHISOFF v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Frances Kahn* for petitioner. *Frank S. Hogan* and *Harold Roland Shapiro* for respondent.

No. 416, Misc. *COLLINS v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 392 S. W. 2d 77.

No. 420, Misc. *DAVIS v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 422, Misc. *BLUNT v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 430, Misc. *LOWTHER v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 347 F. 2d 941.

No. 431, Misc. *KELLY v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 194 Kan. 258, 398 P. 2d 344.

No. 432, Misc. *RICHARDSON v. HOLMAN, WARDEN*. Sup. Ct. Ala. Certiorari denied.

No. 436, Misc. *LONG v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

October 18, 1965.

382 U. S.

No. 437, Misc. *HENSLEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Joe F. Ramsey, Jr.*, for petitioner. Reported below: 388 S. W. 2d 424.

No. 438, Misc. *SAULSBURY v. GREEN, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 347 F. 2d 828.

No. 439, Misc. *GRIMES v. CROUSE, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 441, Misc. *SCHERCK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States.

No. 443, Misc. *WILSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 449, Misc. *BELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Marshall Patner* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 345 F. 2d 354.

No. 464, Misc. *WILLIAMS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 465, Misc. *RUARK v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, and *John P. Moore*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 402 P. 2d 637.

No. 468, Misc. *ARWINE v. BANNAN, WARDEN*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Luke Quinn*, Assistant Attorney General, for respondent. Reported below: 346 F. 2d 458.

382 U. S.

October 18, 1965.

No. 472, Misc. *HARGROVE v. BROWN, ADMINISTRATOR, ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 247 La. 689, 174 So. 2d 120.

No. 473, Misc. *DILLARD v. BOMAR, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 342 F. 2d 789.

No. 474, Misc. *PANEITZ v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: — Ind. —, 204 N. E. 2d 350.

No. 482, Misc. *MARITOTE, ADMINISTRATRIX, ET AL. v. DESILU PRODUCTIONS, INC., ET AL.* C. A. 7th Cir. Certiorari denied. *Harold R. Gordon* for petitioners. *Newell S. Boardman* for respondents. Reported below: 345 F. 2d 418.

No. 485, Misc. *FINFER v. COHEN, COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. *Edwin J. McDermott* for petitioner. *Solicitor General Marshall* for respondent. Reported below: 344 F. 2d 38.

No. 489, Misc. *NEWCOMBE v. NEW YORK.* Ct. App. N. Y. Certiorari denied.

No. 503, Misc. *DAVIS v. BOMAR, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 344 F. 2d 84.

No. 510, Misc. *SHIVELY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Vincent P. McCauley* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 345 F. 2d 294.

No. 511, Misc. *IN RE DUARTE.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Acting Solicitor General Spritzer* for the United States.

October 18, 1965.

382 U. S.

No. 224, Misc. *SIMMONS v. UNION NEWS CO.* C. A. 6th Cir. Certiorari denied. *Dee Edwards* for petitioner. *Frederic S. Glover, Jr.*, for respondent. Reported below: 341 F. 2d 531.

MR. JUSTICE BLACK, with whom THE CHIEF JUSTICE concurs, dissenting.

I would grant certiorari in this case. While petitioner presents other interesting and important questions concerning the right of trial by jury under the Seventh Amendment and concerning the power of a district court to grant summary judgment, my opinion is addressed to the question of whether the courts below were right in denying petitioner Simmons a court trial of her claim that she had been wrongfully discharged without "just cause" in violation of the collective bargaining agreement under which she was employed. The ground for refusing to let her try her case was that her employer and her union had agreed between themselves that her discharge was for "just cause." I think the courts below were wrong. The material facts upon which I base my conclusion are these:

Petitioner was one of about a dozen employees working at the lunch counter in respondent's restaurant in a railway station. For about a year prior to petitioner's discharge, profits at the lunch counter lagged behind those expected by respondent. Respondent suspected that this was due either to the mishandling or to the actual stealing of its funds or goods. The collective bargaining agreement provided that no employee should be discharged without "just cause" and that prospective discharges would be discussed by the employer and the union. Pursuant to the contract, the company's representative went to the union's representative to discuss what could be done in order to improve the profit situation at the lunch counter. The company representative suggested that all of the counter employees be discharged and others take

their places. The union representative objected. After lengthy negotiations, however, a plan was agreed upon by the company and the union under which five of the employees would be immediately laid off for a two-week period. If at the end of the period, records indicated that there was a significant improvement in the company's business at the lunch counter, it was agreed that the five employees were to be discharged. The five were laid off including the petitioner and Gladys Hildreth.¹ When the company convinced the union that the lunch counter profits had increased during the period, the union agreed with respondent that the workers should be discharged permanently. Both petitioner and Miss Hildreth vigorously protested. They urged the union to carry their protest all the way up through the various stages of negotiations leading to arbitration. The union representative, however, refused to give any help to petitioner and Miss Hildreth. Then, petitioner, by herself, took the matter up with the company, endeavoring to settle it as a personal grievance of her own. The company refused to negotiate with petitioner in any way whatever, notwithstanding § 9 (a) of the National Labor Relations Act, as amended,² which states in part, "That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect." Petitioner, out of a job, then brought this action against the company for the alleged breach of contract in discharging her.

¹ See *Union News Co. v. Hildreth*, 295 F. 2d 658; *Hildreth v. Union News Co.*, 315 F. 2d 548, certiorari denied, 375 U. S. 826.

² 61 Stat. 143, 29 U. S. C. § 159 (a) (1964 ed.).

BLACK, J., dissenting.

382 U. S.

Although this Court has gone very far in some of its cases with reference to the power of a collective bargaining union to process the personal grievances of its members, it has not yet gone so far as to say that where there is a personal grievance for breach of a collective bargaining agreement, the employee can be deprived of an independent judicial determination of the claim by an agreement between the union and the employer that no breach exists. But this is exactly what was done to petitioner and Miss Hildreth. Though I dissented in *Republic Steel Corp. v. Maddox*, 379 U. S. 650, I was, and still am of the belief that the majority opinion purported to preserve the right of an employee to sue his employer if his union refused to press his grievances. However, I fear that the decisions below in the *Hildreth* case and in this one go a long way toward effectively destroying whatever redress this Court left the individual employee in *Maddox*. The courts below refused to make their own determination of whether Miss Hildreth's and petitioner's discharges were made for "just cause." Instead, they allowed the employer's defense that "just cause" was simply what the employer and the union jointly wanted it to be. While we often say that nothing is decided by a denial of certiorari, all of us know that a denial of certiorari in this case, following the denial of certiorari in the *Hildreth* case, will undoubtedly lead people to believe, and I fear with cause, that this Court is now approving such a forfeiture of contractual claims of individual employees.

This case points up with great emphasis the kind of injustice that can occur to an individual employee when the employer and the union have such power over the employee's claim for breach of contract. Here no one has claimed from the beginning to the end of the *Hildreth* lawsuit or this lawsuit that either of these individuals was guilty of any kind of misconduct justifying her discharge. Each was one of twelve employees engaged in

the operation of a lunch counter. In the *Hildreth* case respondent's supervisor testified that he had no knowledge that any of the employees discharged were in any way responsible for the lunch counter's unsuccessful operation. The manager of the lunch counter stated that he did not know of "one single thing" that Miss Hildreth had done to reduce the counter's profits. We must assume that had petitioner here been given an opportunity to try her case, the same facts would have appeared. Moreover, petitioner alleges that she was prepared to show that subsequent to her discharge, the office girl who counted the money received at the lunch counter was found to be embezzling those funds and was discharged for it. Miss Hildreth had worked for respondent for nine and one-half years, and petitioner for fifteen years, prior to their discharges. There is no evidence that respondent had ever been dissatisfied with their work before the company became disappointed with its lunch counter about a year prior to the discharges. Yet both were discharged for "just cause," as determined not by a court but by an agreement of the company and the union.

I would not construe the National Labor Relations Act as giving a union and an employer any such power over workers. In this case there has been no bargain made on behalf of all the workers represented by the union. Rather there has been a sacrifice of the rights of a group of employees based on the belief that some of them might possibly have been guilty of some kind of misconduct that would reduce the employer's profits. Fully recognizing the right of the collective bargaining representative to make a contract on the part of the workers for the future, I cannot believe that those who passed the Act intended to give the union the right to negotiate away alleged breaches of a contract claimed by individual employees.

The plain fact is that petitioner has lost her job, not because of any guilt on her part, but because there is a

October 18, 1965.

382 U. S.

suspicion that some one of the group which was discharged was guilty of misconduct. The sum total of what has been done here is to abandon the fine, old American ideal that guilt is personal. Our system of jurisprudence should not tolerate imposing on the innocent punishment that should be laid on the guilty. If the construction of the labor law given by the courts below is to stand, it should be clearly and unequivocally announced by this Court so that Congress can, if it sees fit, consider this question and protect the just claims of employees from the joint power of employers and unions.

No. 513, Misc. *HOLMES v. MYERS*, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 347 F. 2d 234.

No. 520, Misc. *CARTER ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Frederic A. Johnson* and *Rudolph Lion Zalowitz* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 347 F. 2d 220.

No. 528, Misc. *FAIR v. CITY OF TAMPA ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 540, Misc. *MILLER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

No. 357, Misc. *PRICE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Dennis G. Lyons* for petitioner. *Acting Solicitor General Spritzer* for the United States. Reported below: 121 U. S. App. D. C. 62, 348 F. 2d 68.

382 U. S.

October 18, 25, 1965.

No. 553, Misc. *LUJAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer* for the United States. Reported below: 348 F. 2d 156.

Rehearing Denied.

No. 5, Original. *UNITED STATES v. CALIFORNIA*, 381 U. S. 139. Petition for rehearing denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that the rehearing should be granted. THE CHIEF JUSTICE, MR. JUSTICE CLARK and MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

OCTOBER 25, 1965.

Miscellaneous Orders.

No. 23, Original. *UNITED STATES v. ALABAMA*;
No. 24, Original. *UNITED STATES v. MISSISSIPPI*; and
No. 25, Original. *UNITED STATES v. LOUISIANA*. The motions to expedite consideration are granted and the defendants are directed to file responses to the motions for leave to file bills of complaint on or before November 10, 1965. *Attorney General Katzenbach, Solicitor General Marshall, Assistant Attorney General Doar, Ralph S. Spritzer and Louis F. Claiborne* on the motions.

No. 554, Misc. *JOHNSON v. MAXWELL, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted.

No. 120, Misc. *PERRY v. COMMERCE LOAN CO.* C. A. 6th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. Reported below: 340 F. 2d 588.

October 25, 1965.

382 U. S.

No. 382. *PATE, WARDEN v. ROBINSON*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The parties are requested to brief and argue, in addition to the questions presented, the question whether any of the further proceedings contemplated in the opinion of the Court of Appeals should be conducted in the appropriate Illinois courts rather than in the District Court. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael* and *A. Zola Groves*, Assistant Attorneys General, for petitioner. Respondent *pro se*. Reported below: 345 F. 2d 691.

No. 331, Misc. *COLLIER v. UNITED STATES*. Motion for leave to file petition for writ of mandamus denied. Treating the papers submitted as a petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit, certiorari is granted. Motion for leave to proceed *in forma pauperis* granted. The case is transferred to the appellate docket. Petitioner *pro se*. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States.

Certiorari Denied. (See also No. 522, Misc., *ante*, p. 43; and No. 551, Misc., *ante*, p. 42.)

No. 414. *KLEBANOW ET AL., EXECUTORS v. CHASE MANHATTAN BANK ET AL.* C. A. 2d Cir. Certiorari denied. *Max Freund* and *Abraham M. Glickman* for petitioners. *William Eldred Jackson* for respondents. Reported below: 343 F. 2d 726.

No. 427. *JESSE v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 65 Wash. 2d 510, 397 P. 2d 1018.

382 U. S.

October 25, 1965.

No. 419. *BARNES v. SIND ET AL.* C. A. 4th Cir. Certiorari denied. *Joseph L. Rauh, Jr., John Silard and Daniel H. Pollitt* for petitioner. *Morris D. Schwartz and Leon H. A. Pierson* for respondents. Reported below: 341 F. 2d 676; 347 F. 2d 324.

No. 421. *LOCAL 1291, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman and Martin J. Vigderman* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 345 F. 2d 4.

No. 426. *BAIN v. NICODEMUS ET AL.* C. A. D. C. Cir. Certiorari denied. *James E. Hogan* for petitioner. *J. Louis Monarch* for respondents. Reported below: 120 U. S. App. D. C. 116, 344 F. 2d 501.

No. 430. *CHUNG LEUNG ET AL. v. ESPERDY, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 2d Cir. Certiorari denied. *Abraham Lebennoff* for petitioners. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, L. Paul Winings and Charles Gordon* for respondent.

No. 418. *BUMB, TRUSTEE IN BANKRUPTCY v. HARTWELL CORP.* C. A. 9th Cir. Certiorari denied. *Waller Taylor II* for petitioner. *John C. Gemmill* for respondent. Reported below: 345 F. 2d 453.

No. 431. *GLICK ET AL. v. BALLENTINE PRODUCE, INC.* C. A. 8th Cir. Certiorari denied. *Elwyn L. Cady, Jr.,* for petitioners. *James W. Benjamin* for respondent. Reported below: 343 F. 2d 839.

October 25, 1965.

382 U. S.

No. 432. *HOLMES ET AL. v. EDDY ET AL.* C. A. 4th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall, Assistant Attorney General Douglas, Philip A. Loomis, Jr., and Walter P. North* for Securities and Exchange Commission et al., respondents. Reported below: 341 F. 2d 477.

No. 433. *SHAMROCK OIL & GAS CORP. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *H. A. Berry and W. M. Sutton* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Melva M. Graney and Thomas L. Stapleton* for respondent. Reported below: 346 F. 2d 377.

No. 435. *BERMAN, TRADING AS SCOTT CONSTRUCTION CO., ET AL. v. HERRICK ET AL., TRADING AS LEWIS TOWER BUILDING.* C. A. 3d Cir. Certiorari denied. *Samuel Sacks* for petitioners. *Louis J. Goffman* for respondents. Reported below: 346 F. 2d 116.

No. 140. *BLAU v. MAX FACTOR & CO. ET AL.* C. A. 9th Cir. Motion of petitioner for leave to submit additional authority granted. Certiorari denied. *Morris J. Levy and Robert W. Kenny* for petitioner. *Carl J. Schuck and Wayne H. Knight* for Max Factor & Co., and *Frederic H. Sturdy* for Factor et al., respondents. Reported below: 342 F. 2d 304.

No. 500. *HALPERN ET AL., DBA BURLINGTON BROADCASTING CO. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. *Morton H. Wilner* for petitioners. *J. Roger Wollenberg* for West Jersey Broadcasting Co., and *Arthur W. Scharfeld* for Giordano, respondents.

382 U. S.

October 25, 1965.

No. 204. *MID-FLORIDA TELEVISION CORP. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Motion to use the record in No. 698, October Term, 1963, granted. Motion to direct the Federal Communications Commission and the Solicitor General to file a statement of their position denied. Certiorari denied. *Paul Dobin* for petitioner. *Edward P. Morgan* and *Edward S. O'Neill* for WORZ, Inc., respondent. Reported below: 120 U. S. App. D. C. 191, 345 F. 2d 85.

No. 413. *POLLACK ET AL. v. COMMISSIONER OF PATENTS.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Morris Lavine* for petitioners. *Solicitor General Marshall, Assistant Attorney General Douglas, Sherman L. Cohn* and *Robert V. Zener* for respondent. Reported below: 120 U. S. App. D. C. 318, 346 F. 2d 799.

No. 114, Misc. *PHILLIPS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 590. *FLORIDA-GEORGIA TELEVISION Co., INC. v. FEDERAL COMMUNICATIONS COMMISSION; and*

No. 678. *JACKSONVILLE BROADCASTING CORP. v. FLORIDA-GEORGIA TELEVISION Co., INC.* C. A. D. C. Cir. Motion of Jacksonville Broadcasting Corp. to be added as a party respondent in No. 590 denied. Certiorari denied. *Warner W. Gardner, Lawrence J. Latto, William H. Dempsey, Jr., Bernard Koteen, Alan Y. Naftalin* and *Richard F. Wolfson* for petitioner in No. 590. *Charles H. Murchison* for petitioner in No. 678. *William H. Dempsey, Jr.*, for respondent in No. 678. Reported below: 121 U. S. App. D. C. 69, 348 F. 2d 75.

October 25, 1965.

382 U. S.

No. 434. *ANDERSON, GOVERNOR OF KANSAS, ET AL. v. HARRIS ET AL.* Sup. Ct. Kan. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Robert C. Londerholm*, Attorney General of Kansas, and *Charles N. Henson, Jr.*, Assistant Attorney General, for petitioners. *William Y. Chalfant* for respondents. Reported below: 194 Kan. 302, 400 P. 2d 25.

No. 276, Misc. *GONZALEZ v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Daniel H. Benson* for the United States.

No. 318, Misc. *SANTOS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 375, Misc. *HUTCHERSON v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. *Aloysius B. McCabe* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 120 U. S. App. D. C. 274, 345 F. 2d 964.

No. 423, Misc. *PRATER v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 414, Misc. *GRISHAM v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 344 F. 2d 689.

382 U. S.

October 25, 1965.

No. 394, Misc. BENNETT *v.* ADAMOWSKI ET AL. C. A. 7th Cir. Certiorari denied.

No. 452, Misc. CYRONNE-DE VIRGIN *v.* MISSOURI ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 341 F. 2d 568.

No. 461, Misc. CUMMINGS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 477, Misc. GOLDSTEIN *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 65 Wash. 2d 901, 400 P. 2d 368.

No. 487, Misc. RISING *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied.

No. 508, Misc. GROZA *v.* LEMMON ET AL. Sup. Ct. Cal. Certiorari denied.

No. 527, Misc. CANTRELL *v.* MAXWELL, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 530, Misc. BENNETT *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 531, Misc. SAYLORS *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

No. 535, Misc. ROLLINS *v.* HASKINS, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied. Reported below: 348 F. 2d 454.

No. 545, Misc. FERNANDEZ *v.* KLINGER. C. A. 9th Cir. Certiorari denied. Reported below: 346 F. 2d 210.

October 25, 1965.

382 U. S.

No. 560, Misc. *SMART v. HEINZE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 347 F. 2d 114.

No. 561, Misc. *RATHER v. MARYLAND*. C. A. 4th Cir. Certiorari denied.

No. 565, Misc. *BALES v. HEINZE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 578, Misc. *TURPIN v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 585, Misc. *HADDAD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 349 F. 2d 511.

No. 588, Misc. *EDWARDS v. WARDEN, MARYLAND PENITENTIARY*. Ct. App. Md. Certiorari denied. Reported below: 238 Md. 646, 210 A. 2d 526.

No. 2, Misc. *MILNE v. MILNE*. Ct. App. Md. Certiorari denied on the representation of the Attorney General of Maryland that there may be an adequate state remedy available to petitioner. Petitioner *pro se*. *Thomas B. Finan*, Attorney General of Maryland, and *Edward L. Blanton, Jr.*, Assistant Attorney General, filed a brief expressing the views of the State of Maryland.

No. 526, Misc. *SNELL v. ALABAMA*. Sup. Ct. Ala. Motion to strike brief of respondent denied. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Paul T. Gish, Jr.*, Assistant Attorney General, for respondent. Reported below: 278 Ala. 73, 175 So. 2d 766.

382 U. S. October 29, November 4, 5, 1965.

OCTOBER 29, 1965.

Dismissals Under Rule 60.

No. 89. JOINT COUNCIL 53, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, ET AL. *v.* MEYER ET AL.; and

No. 94. LOCAL 107, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, ET AL. *v.* MEYER ET AL. Sup. Ct. Pa. Petitions for writs of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Edward Davis* for petitioners in No. 89. *Richard H. Markowitz* for petitioners in No. 94. *Paul L. Jaffe* for respondents. Reported below: 416 Pa. 401, 206 A. 2d 382.

NOVEMBER 4, 1965.

Dismissal Under Rule 60.

No. 841, Misc. CEPHUS *v.* UNITED STATES. C. A. D. C. Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 122 U. S. App. D. C. 187, 352 F. 2d 663.

NOVEMBER 5, 1965.

Miscellaneous Orders.

No. 23, Original. UNITED STATES *v.* ALABAMA;

No. 24, Original. UNITED STATES *v.* MISSISSIPPI; and

No. 25, Original. UNITED STATES *v.* LOUISIANA. The motions for leave to file bills of complaint are denied. *Attorney General Katzenbach*, *Solicitor General Marshall*, *Assistant Attorney General Doar*, *Ralph S. Spritzer* and *Louis F. Claiborne* for the United States. *Richmond M. Flowers*, Attorney General of Alabama, and *Gordon Madison*, Assistant Attorney General, for defendant in No. 23, Original. [For earlier order in these cases, see *ante*, p. 889.]

November 5, 8, 1965.

382 U. S.

No. 22, Original. *SOUTH CAROLINA v. KATZENBACH*, ATTORNEY GENERAL OF THE UNITED STATES. The motion for leave to file a bill of complaint is granted. The defendant shall file his answer on or before November 20, 1965. The plaintiff shall file its brief on the merits on or before December 20, 1965. The defendant shall file his brief on the merits on or before January 5, 1966. The case is set for oral argument on Monday, January 17, 1966. Any State may submit a brief, *amicus curiae*, on or before December 20, 1965, and any such State desiring to participate in the oral argument, as *amicus curiae*, shall file with the Clerk of the Court a request for permission to do so on or before December 20, 1965. MR. JUSTICE BLACK, MR. JUSTICE HARLAN and MR. JUSTICE STEWART would deny the motion for leave to file the bill of complaint. *Daniel R. McLeod*, Attorney General of South Carolina, *David W. Robinson* and *David W. Robinson II* for plaintiff. *Solicitor General Marshall* for defendant.

NOVEMBER 8, 1965.

Order Appointing Librarian.

It is Ordered that Henry Charles Hallam, Jr., be, and he is hereby, appointed Librarian of this Court in the place of Miss Helen Newman, deceased.

Miscellaneous Orders.

No. 27. *GUNTHER v. SAN DIEGO & ARIZONA EASTERN RAILWAY Co.* C. A. 9th Cir. (Certiorari granted, 380 U. S. 905.) Motion of the Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, granted. *Clarence M. Mulholland*, *Edward J. Hickey*, Jr., and *Richard R. Lyman* for the Railway Labor Executives' Association, as *amicus curiae*, urging reversal. *Waldron A. Gregory* and *William R. Denton* for respondent, in opposition.

382 U. S.

November 8, 1965.

No. 411. MARSH, SECRETARY OF STATE OF NEBRASKA, ET AL. *v.* DWORAK ET AL. Appeal from D. C. Neb. Motion of appellants to defer consideration of the motion to dismiss and to defer filing brief in opposition granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Richard H. Williams* and *Robert A. Nelson*, Assistant Attorneys General, for appellants. *August Ross* and *Robert E. O'Connor* for appellees.

No. 657. BROOKHART *v.* OHIO. Sup. Ct. Ohio. (Certiorari granted, *ante*, p. 810.) Motion for the appointment of counsel granted, and it is ordered that *Lawrence Herman, Esquire*, and *Gerald A. Messerman, Esquire*, both of Columbus, Ohio, be, and they are hereby, appointed to serve as counsel for petitioner in this case.

No. 567, Misc. SMITH *v.* GAGNON, WARDEN;
No. 652, Misc. WELLS *v.* UNITED STATES;
No. 653, Misc. DAVIS *v.* KEARNEY, WARDEN, ET AL.;
and

No. 677, Misc. TREW *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Motions for leave to file petitions for writs of habeas corpus denied.

No. 453, Misc. BOWENS *v.* ALEXANDER, DIRECTOR, BUREAU OF FEDERAL PRISONS, ET AL. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Marshall*, Assistant Attorney General *Doar* and *David Rubin* for respondents.

No. 542, Misc. MOORE *v.* RODAK. Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

November 8, 1965.

382 U. S.

Probable Jurisdiction Noted.

No. 404. UNITED STATES *v.* PABST BREWING CO. ET AL. Appeal from D. C. E. D. Wis. Probable jurisdiction noted. *Solicitor General Cox, Assistant Attorney General Turner, Frank I. Goodman, Robert B. Hummel and Irwin A. Seibel* for the United States. *John T. Chadwell, Glenn W. McGee, David A. Nelson, Joseph R. Gray and Ray T. McCann* for appellee Pabst Brewing Co. Reported below: 233 F. Supp. 475.

No. 368. A BOOK NAMED "JOHN CLELAND'S MEMOIRS OF A WOMAN OF PLEASURE" *v.* ATTORNEY GENERAL OF MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. Probable jurisdiction noted. The motion of the appellant to advance oral argument is granted and the case is set to follow No. 49. *Charles Rembar* for appellant. Reported below: 349 Mass. 69, 206 N. E. 2d 403.

Certiorari Granted. (See also No. 420, *ante*, p. 68; and No. 369, *Misc., ante*, p. 69.)

No. 487. MALAT ET UX. *v.* RIDDELL, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari granted. *George T. Altman* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Melva M. Graney and Carolyn R. Just* for respondent. Reported below: 347 F. 2d 23.

No. 440. UNITED STATES *v.* UTAH CONSTRUCTION & MINING CO. Ct. Cl. Certiorari granted. The case is set for oral argument immediately following No. 439. *Acting Solicitor General Spritzer, Assistant Attorney General Douglas, Morton Hollander and David L. Rose* for the United States. *Gardiner Johnson and Thomas E. Stanton, Jr.*, for respondent. Reported below: 168 Ct. Cl. 522, 339 F. 2d 606.

382 U. S.

November 8, 1965.

No. 439. *UNITED STATES v. ANTHONY GRACE & SONS, INC.* Ct. Cl. Certiorari granted. *Acting Solicitor General Spritzer, Assistant Attorney General Douglas, Morton Hollander and David L. Rose* for the United States. Reported below: 170 Ct. Cl. 688, 345 F. 2d 808.

Certiorari Denied. (See also No. 550, Misc., *ante*, p. 67.)

No. 372. *McCULLOUGH ET UX. v. UNITED STATES.* Ct. Cl. Certiorari denied. *Robert T. Molloy and George E. Bailey* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts and Philip R. Miller* for the United States. Reported below: 170 Ct. Cl. 1, 344 F. 2d 383.

No. 437. *GOTTONE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Walter L. Gerash* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 165.

No. 441. *DOWNING v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 348 F. 2d 594.

No. 444. *SEVEN-UP CO. v. GET UP CORP.* C. A. 6th Cir. Certiorari denied. *Beverly W. Pattishall* for petitioner. *Walter J. Halliday* for respondent. Reported below: 340 F. 2d 954.

No. 448. *STERNFELS v. BOARD OF REGENTS OF UNIVERSITY OF STATE OF NEW YORK ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. *Kenneth Simon* for petitioner.

November 8, 1965.

382 U. S.

No. 446. SNC MANUFACTURING CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. *Walter S. Davis* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 122 U. S. App. D. C. 145, 352 F. 2d 361.

No. 450. VIOLET TRAPPING CO., INC. *v.* TENNESSEE GAS TRANSMISSION CO. Sup. Ct. La. Certiorari denied. *John W. Bryan, Jr.*, for petitioner. *Ernest A. Carrere, Jr., Clyde R. Brown* and *H. A. Messmore* for respondent. Reported below: 248 La. 49, 176 So. 2d 425.

No. 451. BOND *v.* TWIN LAKES RESERVOIR & CANAL CO. ET AL. Sup. Ct. Colo. Certiorari denied. *W. David McClain, Edwin A. Williams* and *Eugene A. Bond* for petitioner. *Eugene S. Hames* for respondents. Reported below: — Colo. —, 401 P. 2d 586.

No. 452. RIDGEWAY *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. *Lee Ward* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Beryl Anthony, Jr.*, Assistant Attorney General, for respondent. Reported below: 239 Ark. 377, 389 S. W. 2d 617.

No. 454. BOROUGH OF FORD CITY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *George P. Cheney, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis* and *Howard O. Sigmond* for the United States. Reported below: 345 F. 2d 645.

No. 455. IN RE ANONYMOUS, AN ATTORNEY *v.* COORDINATING COMMITTEE ON DISCIPLINE. Ct. App. N. Y. Certiorari denied. *Leonard Feldman* for petitioner. *Angelo T. Cometa* for respondent.

382 U. S.

November 8, 1965.

No. 456. *MURPHY v. LARKIN, CORPORATION COUNSEL, CITY OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied. *Francis X. Tucker, Spencer Pinkham and Vernon Murphy, pro se*, for petitioner. *Leo A. Larkin, pro se*, and for other respondents.

No. 457. *IVEY ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Joseph G. Bramberg* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 346 F. 2d 157.

No. 458. *POLIKOFF v. LEVY ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. *Milton H. Cohen* for petitioner. *Nat M. Kahn* for respondents. Reported below: 55 Ill. App. 2d 229, 204 N. E. 2d 807.

No. 460. *PALMER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *William F. Walsh* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 340 F. 2d 48.

No. 462. *ZAMARONI v. PHILPOTT, DISTRICT DIRECTOR OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Stanley M. Rosenblum and Merle L. Silverstein* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard and Burton Berkley* for respondent. Reported below: 346 F. 2d 365.

No. 465. *TILLAMOOK COUNTY CREAMERY ASSOCIATION v. TILLAMOOK CHEESE & DAIRY ASSOCIATION.* C. A. 9th Cir. Certiorari denied. *J. Pierre Kolisch and Warren A. McMinimee* for petitioner. *Stephen W. Blore* for respondent. Reported below: 345 F. 2d 158.

November 8, 1965.

382 U.S.

No. 459. *JOHNSON v. GOODYEAR TIRE & RUBBER CO. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 463. *J. E. SCHECTER CORP. v. CARRIER CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Chauncey H. Levy* for petitioner. *Herman N. Schwartz* for respondents. Reported below: 347 F. 2d 153.

No. 464. *LLOYD A. FRY ROOFING CO. v. VOLASCO PRODUCTS CO.* C. A. 6th Cir. Certiorari denied. *Burton Y. Weitzenfeld* for petitioner. *William C. Wilson* for respondent. Reported below: 346 F. 2d 661.

No. 466. *LIPPI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Jacob W. Friedman* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard and John P. Burke* for the United States. Reported below: 347 F. 2d 33.

No. 467. *BROWN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Daniel H. Greenberg and Marvin Margolis* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 348 F. 2d 661.

No. 468. *COLSON CORP. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 8th Cir. Certiorari denied. *James M. Reeves* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 347 F. 2d 128.

No. 469. *LARGO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Max Cohen* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 346 F. 2d 253.

382 U. S.

November 8, 1965.

No. 470. *WATWOOD v. MORRISON ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 472. *ADDABBO ET AL. v. DONOVAN ET AL.* Ct. App. N. Y. Certiorari denied. *Bernard Kessler* for petitioners. *Leo A. Larkin, Seymour B. Quel and Sidney P. Nadel* for respondents. Reported below: 16 N. Y. 2d 619, 209 N. E. 2d 112.

No. 473. *ESTWING MANUFACTURING Co., Inc. v. SINGER, GUARDIAN.* Ct. App. N. Y. Certiorari denied. *Herbert Burstein* for petitioner. *Stephen E. Burgio* for respondent. Reported below: 15 N. Y. 2d 443, 209 N. E. 2d 68.

No. 475. *GREAT LAKES CARBON CORP. v. CONTINENTAL OIL Co. ET AL.* C. A. 5th Cir. Certiorari denied. *Earl Babcock, Wayne L. Benedict and S. W. Plauché, Jr.*, for petitioner. *Richard Russell Wolfe and Cullen R. Liskow* for respondents. Reported below: 345 F. 2d 175.

No. 476. *UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, LOCAL 1780, ET AL. v. REYNOLDS ELECTRICAL & ENGINEERING Co., INC.* Sup. Ct. Nev. Certiorari denied. *Morton Galane* for petitioners. *Solicitor General Marshall, Assistant Attorney General Douglas, Morton Hollander and John C. Eldridge* for respondent. Reported below: 81 Nev. 199, 401 P. 2d 60.

No. 479. *MORRISON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Raymond A. Brown and Irving I. Vogelman* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 348 F. 2d 1003.

November 8, 1965.

382 U. S.

No. 474. NAUMKEAG THEATRES CO., INC. *v.* NEW ENGLAND THEATRES, INC., ET AL. C. A. 1st Cir. Certiorari denied. *Timothy J. Davern* for petitioner. *Robert W. Meserve, John R. Hally* and *Stuart Aarons* for respondents. Reported below: 345 F. 2d 910.

No. 478. VILLAGE OF ALSIP *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph Kovner* and *Herbert Grossman* for the United States. Reported below: 345 F. 2d 365.

No. 481. BABCOCK BOULEVARD LAND CO., INC., ET AL. *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. *John B. Nicklas, Jr.*, for petitioners. *Walter E. Alessandroni*, Attorney General of Pennsylvania, and *George R. Specter* and *Robert W. Cunliffe*, Assistant Attorneys General, for respondent.

No. 485. DAVIS *v.* HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ET AL. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondents. Reported below: 346 F. 2d 567.

No. 486. GUSOW ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *O. John Rogge* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Daniel H. Benson* for the United States. Reported below: 347 F. 2d 755.

No. 488. HULLUM, ADMINISTRATRIX *v.* ST. LOUIS SOUTHWESTERN RAILWAY CO. Ct. Civ. App. Tex., 12th Sup. Jud. Dist. Certiorari denied. *Max Garrett* for petitioner. *Clyde W. Fiddes* and *Jack W. Flock* for respondent. Reported below: 384 S. W. 2d 163.

382 U. S.

November 8, 1965.

No. 406. *CROUCH, PROBATE JUDGE v. SHIELDS, GUARDIAN.* Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Motion to strike portions of respondent's brief and motion to defer consideration of petition denied. Certiorari denied. Petitioner *pro se*. *Joseph P. Burt* for respondent. Reported below: 385 S. W. 2d 580.

No. 461. *ARBER ET AL. v. AMERICAN AIRLINES, INC.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *David B. Kaplan* for petitioners. Reported below: 345 F. 2d 130.

No. 482. *ECKEL v. BRENNER, COMMISSIONER OF PATENTS.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *William Douglas Sellers, George A. Brace* and *Munson H. Lane* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Sherman L. Cohn* and *Jack H. Weiner* for respondent.

No. 480. *FAWCETT, ADMINISTRATRIX v. MISSOURI PACIFIC RAILROAD Co.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John A. Hickman* for petitioner. *William C. Dowdy, Jr.*, for respondent. Reported below: 347 F. 2d 233.

No. 213, Misc. *BALL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *John Frank Dugger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 925.

No. 421, Misc. *SUMMERS v. WASHINGTON ET AL.* Sup. Ct. Wash. Certiorari denied.

November 8, 1965.

382 U. S.

No. 55, Misc. *RICHARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, former *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 341 F. 2d 475.

No. 225, Misc. *HOBBS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *George L. Saunders* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 340 F. 2d 848.

No. 317, Misc. *CONNER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 794.

No. 332, Misc. *POWERS v. CALIFORNIA*. Super. Ct. Cal., City and County of S. F. Certiorari denied.

No. 366, Misc. *STARNES v. MARKLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Doar*, *David Rubin* and *Gerald P. Choppin* for respondent. Reported below: 343 F. 2d 535.

No. 392, Misc. *OLIVER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 539, Misc. *RAMIREZ-VILLA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent. Reported below: 347 F. 2d 985.

382 U. S.

November 8, 1965.

No. 386, Misc. *FRADY ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Henry Lincoln Johnson, Jr.*, for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 121 U. S. App. D. C. 78, 348 F. 2d 84.

No. 411, Misc. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 469, Misc. *CROWDER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 346 F. 2d 1.

No. 470, Misc. *CHAPMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Abe F. Levy* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 346 F. 2d 383.

No. 486, Misc. *SAYLOR v. UNITED STATES BOARD OF PAROLE ET AL.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Doar, David Rubin and Gerald P. Choppin* for respondents. Reported below: 120 U. S. App. D. C. 206, 345 F. 2d 100.

No. 515, Misc. *TURNER v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 524, Misc. *HERNANDEZ v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

November 8, 1965.

382 U. S.

No. 523, Misc. *HALL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 346 F. 2d 875.

No. 533, Misc. *CLARK v. ILLINOIS*. C. A. 7th Cir. Certiorari denied.

No. 541, Misc. *BROWN v. BROUH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 346 F. 2d 149.

No. 546, Misc. *GOLDEN v. UNITED STATES*. Ct. Cl. Certiorari denied. *Carl L. Shipley and Thomas A. Ziebarth* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 170 Ct. Cl. 904.

No. 549, Misc. *MITCHELL v. FLORIDA*. C. A. 5th Cir. Certiorari denied.

No. 558, Misc. *GOODMAN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 568, Misc. *BUFFINGTON v. MARTIN, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 572, Misc. *MOUNTJOY v. MOUNTJOY*. C. A. D. C. Cir. Certiorari denied. *Isadore B. Katz* for petitioner. *Charles C. Collins* for respondent. Reported below: 121 U. S. App. D. C. 27, 347 F. 2d 811.

No. 623, Misc. *JOHNSON v. EVENING STAR NEWS-PAPER CO. ET AL.* C. A. D. C. Cir. Certiorari denied. *Ira M. Lowe* for petitioner. Reported below: 120 U. S. App. D. C. 122, 344 F. 2d 507.

382 U. S.

November 8, 1965.

No. 570, Misc. *COREY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Russell Morton Brown* and *Maurice C. Goodpasture* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 346 F. 2d 65.

No. 574, Misc. *LANG v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 278 Ala. 295, 177 So. 2d 920.

No. 576, Misc. *LEYDE v. RHAY, PENITENTIARY SUPERINTENDENT*. Super. Ct. Wash., Walla Walla County. Certiorari denied.

No. 583, Misc. *REECE v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.* Sup. Ct. Wash. Certiorari denied.

No. 604, Misc. *CAPSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 347 F. 2d 959.

No. 629, Misc. *PRIVITERA v. KROSS, CORRECTION COMMISSIONER*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent. Reported below: 345 F. 2d 533.

Rehearing Denied.

No. 642, Misc., October Term, 1964. *WALKER v. INTERNAL REVENUE SERVICE ET AL.*, 380 U. S. 926, 989. Motion for leave to file second petition for rehearing denied. THE CHIEF JUSTICE and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion.

November 8, 1965.

382 U. S.

No. 36, Misc. *WILSON v. McGEE, ADMINISTRATOR, ET AL., ante*, p. 849;

No. 220, Misc. *WHALEM v. UNITED STATES, ante*, p. 862;

No. 296, Misc. *GAINES v. UNITED STATES, ante*, p. 866; and

No. 393, Misc. *MITCHELL v. FLORIDA, ante*, p. 804. Petitions for rehearing denied.

NOVEMBER 15, 1965.

Miscellaneous Orders.

No. 45. *LINN v. UNITED PLANT GUARD WORKERS OF AMERICA, LOCAL 114, ET AL.* C. A. 6th Cir. (Certiorari granted, 381 U. S. 923.) The motion of Schnell Tool & Die Corp. et al. is granted insofar as permission to file a brief, as *amici curiae*, is requested, and is denied insofar as permission to participate in oral argument is requested. *Russell E. Leasure and Ralph Atkinson* on the motion.

No. 492. *McFADDIN EXPRESS, INC., ET AL. v. ADLEY CORP. ET AL.* C. A. 2d Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 281, Misc. *O'CONNOR v. OHIO.* Appeal from Sup. Ct. Ohio. (Appeal dismissed and certiorari denied, *ante*, p. 19.) The appellee is requested to file a response to the petition for rehearing within thirty days.

No. 626, Misc. *PASQUINZO v. UNITED STATES*;

No. 685, Misc. *CONOVER v. HEROLD, STATE HOSPITAL DIRECTOR*;

No. 709, Misc. *TOM v. UNITED STATES*; and

No. 715, Misc. *ADAMS v. RUNDLE, CORRECTIONAL SUPERINTENDENT.* Motions for leave to file petitions for writs of habeas corpus denied.

382 U. S.

November 15, 1965.

No. 689, Misc. WILLIAMS *v.* FLORIDA. 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. 445. ILLINOIS CENTRAL RAILROAD CO. ET AL. *v.* NORFOLK & WESTERN RAILWAY CO. ET AL.;

No. 484. CALUMET HARBOR TERMINALS, INC., ET AL. *v.* NORFOLK & WESTERN RAILWAY CO. ET AL.; and

No. 543. UNITED STATES ET AL. *v.* NORFOLK & WESTERN RAILWAY CO. ET AL. Appeal from D. C. N. D. Ohio. Probable jurisdiction noted. Cases consolidated and a total of two hours allotted for oral argument. *William J. O'Brien, Jr., Robert Mitten, Robert H. Bierma, Edmund A. Schroer and John C. Lawyer* for appellants in No. 445. *Charles B. Myers* for appellants in No. 484. *Solicitor General Marshall, Assistant Attorney General Turner, Lionel Kestenbaum, Jerry Z. Pruzansky, Robert W. Ginnane and Robert S. Burk* for the United States et al. in No. 543. *John L. Bordes and Martin L. Cassell* for Chicago, Rock Island & Pacific Railroad Co. et al., appellees in all cases. Reported below: 241 F. Supp. 974.

Certiorari Granted. (See also Nos. 415 and 416, *ante*, p. 103.)

No. 412. SHILLITANI *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Was the appellant denied his constitutional right to indictment and trial by jury?

"2. Does the 'admixture of civil and criminal contempt' invalidate the judgment of conviction?"

Albert J. Krieger for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 345 F. 2d 290.

November 15, 1965.

382 U. S.

No. 383. *NEELY v. MARTIN K. EBY CONSTRUCTION CO., INC.* C. A. 10th Cir. Certiorari granted. In addition to all the questions presented by the petition, counsel are requested to brief and discuss at oral argument the following questions:

"1. Whether the Court of Appeals, after deciding that respondent should have been granted a judgment *n. o. v.*, had power under Rule 50 of the Federal Rules of Civil Procedure and our decisions in *Cone v. West Virginia Pulp & Paper Co.*, 330 U. S. 212; *Globe Liquor Co. v. San Roman*, 332 U. S. 571; and *Weade v. Dichmann, Wright & Pugh*, 337 U. S. 801, to order the case dismissed and thereby deprive petitioner of any opportunity to invoke the trial court's discretion on the issue of whether petitioner should have a new trial?

"2. Whether the Court of Appeals erred in ordering the District Court not merely to enter a judgment *n. o. v.* for respondent but to dismiss plaintiff's case in view of Rule 50 (c)(2) of the Federal Rules of Civil Procedure which gives a party whose verdict has been set aside the right to make a motion for a new trial not later than 10 days after entry of the judgment notwithstanding the verdict?"

Charles A. Friedman for petitioner. *Anthony F. Zareno* and *Joseph S. McCarthy* for respondent. Reported below: 344 F. 2d 482.

No. 489. *UTAH PIE CO. v. CONTINENTAL BAKING CO. ET AL.* C. A. 10th Cir. Certiorari granted. In addition to all the questions presented by the petition, counsel are requested to brief and discuss at oral argument the following questions:

"1. Whether, if this Court affirms the judgment and order of the Court of Appeals directing the District Court to enter judgment for respondents, petitioner can then make a motion for new trial under Rule 50 (c)(2) of

382 U. S.

November 15, 1965.

the Federal Rules of Civil Procedure within 10 days of the District Court's entry of judgment for respondents?

"2. Whether, if under the order of the Court of Appeals, petitioner cannot make a motion for new trial under Rule 50 (c)(2) within 10 days of the District Court's entry of judgment against him, the order of the Court of Appeals directing the District Court to enter judgment for respondents is compatible with Rule 50 (b) as interpreted by this Court in *Cone v. West Virginia Pulp & Paper Co.*, 330 U. S. 212; *Globe Liquor Co. v. San Roman*, 332 U. S. 571; and *Weade v. Dichmann, Wright & Pugh*, 337 U. S. 801?

"3. Whether Rule 50 (d) of the Federal Rules of Civil Procedure provides the Court of Appeals with any authority to direct the entry of judgment for respondents?"

Joseph L. Alioto for petitioner. *John H. Schafer* for Continental Baking Co., *Peter W. Billings* and *James R. Baird, Jr.*, for Carnation Co., and *George P. Lamb* and *Carrington Shields* for Pet Milk Co., respondents. Reported below: 349 F. 2d 122.

No. 502. *DENNIS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari granted limited to Questions 1, 2, and 3 presented by the petition, which read as follows:

"1. Whether the indictment states the offense of conspiracy to defraud the United States;

"2. Whether, in the comparative light of *American Communications Assn. v. Douds*, 339 U. S. 382, and *United States v. Archie Brown*, 381 U. S. 437, Section 9 (h) of the Taft-Hartley Act is constitutional;

"3. Whether the trial court erred in denying petitioners' motions for the production, to the defense or the Court, of grand jury testimony of prosecution witnesses."

Nathan Witt, George J. Francis and Telford Taylor for petitioners. *Solicitor General Marshall, Assistant Attorney Yeagley* and *George B. Sears* for the United States.

November 15, 1965.

382 U.S.

Gerhard P. Van Arkel, Charles F. Brannan, John F. O'Donnell, Joseph L. Rauh, Jr., Eugene Cotton, Melvin L. Wulf, Jacob Sheinkman, Joseph M. Jacobs and John Ligtenberg for the American Civil Liberties Union et al., in support of the petition. Reported below: 346 F. 2d 10.

No. 442. *PAPPADIO v. UNITED STATES*. C. A. 2d Cir. Certiorari granted limited to Questions 1, 2, and 3 presented by the petition which read as follows:

"1. Whether petitioner should have been granted a trial by jury on a charge of criminal contempt of court where he has been sentenced to two years' imprisonment.

"2. Whether the District Court could legally sentence petitioner to two years' imprisonment for contempt of court following a non-jury hearing under Rule 42 (b) of the Federal Rules of Criminal Procedure.

"3. Whether, assuming *arguendo* that a sentence of two years may be imposed for criminal contempt without a trial by jury, there was an abuse of discretion in sentencing petitioner to two years' imprisonment for refusing to answer five questions where he had answered more than one hundred questions."

Case placed on the summary calendar and set for argument immediately following No. 412.

Jacob Kossman for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 346 F. 2d 5.

No. 490. *SHEPPARD v. MAXWELL, WARDEN*. C. A. 6th Cir. Motion of the American Civil Liberties Union et al. for leave to file brief, as *amici curiae*, granted. Certiorari granted. *F. Lee Bailey and Russell A. Sherman* for petitioner. *William B. Saxbe, Attorney General of Ohio, and David L. Kessler, Assistant Attorney General*, for respondent. *Bernard A. Berkman and Mel-*

382 U. S.

November 15, 1965.

vin L. Wulf for the American Civil Liberties Union et al., as *amici curiae*, in support of the petition. *John T. Corrigan* and *Gertrude Bauer Mahon* for the State of Ohio, as *amicus curiae*, on behalf of respondent. Reported below: 346 F. 2d 707.

No. 67. *CHEFF v. SCHNACKENBERG*, U. S. CIRCUIT JUDGE, ET AL. C. A. 7th Cir. Certiorari granted limited to Question 3 presented by the petition which reads as follows:

“3. Whether, after denial of a demand for jury trial, the sentence of imprisonment of six months imposed upon petitioner is constitutionally permissible under Article III and the Sixth Amendment.”

Case placed on the summary calendar and set for argument immediately following No. 442.

Richard M. Keck for petitioner. *Solicitor General Cox*, *E. K. Elkins* and *Miles J. Brown* for respondents. Reported below: 341 F. 2d 548.

Certiorari Denied. (See also Nos. 497 and 498, *ante*, p. 107; No. 512, *ante*, p. 108; No. 520, *ante*, p. 108; and No. 689, *Misc., supra*.)

No. 493. *HAMMONS v. OREGON*. Sup. Ct. Ore. Certiorari denied. *Milton Heller* for petitioner. *George Van Hoomissen* and *George M. Joseph* for respondent.

No. 504. *SHELTON v. GEORGIA*. Ct. App. Ga. Certiorari denied. *Wesley R. Asinof* for petitioner. *Lewis R. Slaton* and *J. Walter LeCraw* for respondent. Reported below: 111 Ga. App. 351, 141 S. E. 2d 776.

No. 507. *FATA v. Co-ORDINATING COMMITTEE ON DISCIPLINE*. Ct. App. N. Y. Certiorari denied. *Matthew H. Brandenburg* for petitioner. *Angelo T. Cometa* for respondent.

November 15, 1965.

382 U. S.

No. 491. *CROSS, DBA CROSS POULTRY CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Eugene C. Brooks, Jr.*, and *Lucius W. Pullen* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 346 F. 2d 165.

No. 495. *VITASAFE CORP. ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Milton A. Bass* and *Solomon H. Friend* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Paul R. Walsh* for the United States. Reported below: 345 F. 2d 864.

No. 509. *A/S SKAUGAAS (I. M. SKAUGEN), AS OWNER OF THE SKAUSTRAND v. DREDGE CARTEGENA ET AL.* C. A. 4th Cir. Certiorari denied. *Charles S. Haight* and *Carlyle Barton, Jr.*, for petitioner. *John F. Gerity* and *John H. Skeen, Jr.*, for respondents. Reported below: 345 F. 2d 275.

No. 513. *HARVEY v. LYONS ET AL.* Sup. Ct. N. J. Certiorari denied. Petitioner *pro se*. *David S. Bate* for respondents.

No. 515. *EWING, EXECUTOR v. ROUNTREE, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. *S. Shepherd Tate* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Gilbert E. Andrews* for respondent. Reported below: 346 F. 2d 471.

No. 514. *DEUTSCH v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *George J. Malinsky* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

382 U. S.

November 15, 1965.

No. 516. PACIFIC FAR EAST LINE, INC. *v.* JONES STEVEDORING Co. C. A. 9th Cir. Certiorari denied. *John Hays* for petitioner. Reported below: 346 F. 2d 642.

No. 517. HUNTER *v.* TALBOT. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Joseph M. Howard* for respondent. Reported below: 345 F. 2d 513.

No. 519. GISH *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 522. BOUGHNER *v.* SCHULZE, SPECIAL AGENT, INTERNAL REVENUE SERVICE, ET AL. C. A. 7th Cir. Certiorari denied. *William A. Barnett* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard* and *Burton Berkley* for respondent Schulze. Reported below: 350 F. 2d 666.

No. 524. SCHWARTZ, EXECUTRIX *v.* THE NASSAU ET AL. C. A. 2d Cir. Certiorari denied. *Henry Wimpfheimer* for petitioner. *J. Daniel Dougherty* and *Charles N. Fiddler* for respondents. Reported below: 345 F. 2d 465.

No. 587, Misc. SCHLETTE *v.* HALBERT, U. S. DISTRICT JUDGE, ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Doar* and *David L. Norman* for respondent Halbert.

No. 483. GRAY *v.* WILSON, WARDEN. C. A. 9th Cir. Motion for leave to file supplement to petition granted. Certiorari denied. *Marshall W. Krause* and *Lawrence Speiser* for petitioner. Reported below: 345 F. 2d 282.

November 15, 1965.

382 U. S.

No. 483, Misc. *GOODWIN v. UNITED STATES*;
No. 484, Misc. *VAUGHN v. UNITED STATES*; and
No. 603, Misc. *WILLIAMS v. UNITED STATES*. C. A.
D. C. Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 121 U. S. App. D. C. 9, 347 F. 2d 793.

No. 529, Misc. *MITCHELL v. UNITED STATES*. C. A.
10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 344 F. 2d 935.

No. 566, Misc. *KEATON v. UNITED STATES*. C. A. 4th
Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 349 F. 2d 374.

No. 580, Misc. *SCOTT v. MACDOUGALL ET AL.* Sup.
Ct. S. C. Certiorari denied. Reported below: 246 S. C.
252, 143 S. E. 2d 457.

No. 599, Misc. *HUNT v. CALIFORNIA*. Sup. Ct. Cal.
Certiorari denied.

No. 606, Misc. *TAHTINEN v. CALIFORNIA*. C. A. 9th
Cir. Certiorari denied.

No. 622, Misc. *GOMEZ v. COLORADO*. Sup. Ct. Colo.
Certiorari denied.

No. 620, Misc. *COLTER v. UNITED STATES*. C. A.
D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

382 U. S.

November 15, 1965.

No. 617, Misc. *GADSDEN ET AL. v. FRIPP ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 343 F. 2d 824.

No. 634, Misc. *D'AMBROSIO v. FAY, WARDEN.* C. A. 2d Cir. Certiorari denied. Reported below: 349 F. 2d 957.

No. 635, Misc. *BLASETTI v. WARDEN, ATTICA PRISON.* C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner.

No. 641, Misc. *MUZA v. CALIFORNIA ADULT AUTHORITY ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 642, Misc. *POLK v. MINNESOTA COMMISSIONER OF CORRECTIONS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 651, Misc. *WILLIAMS v. JETT, SHERIFF, ET AL.* Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se*. *George F. McCanless*, Attorney General of Tennessee, and *William H. Lassiter, Jr.*, Assistant Attorney General, for respondents.

No. 670, Misc. *FARRELL v. GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE.* C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

No. 290, Misc. *BARKSDALE v. LOUISIANA.* Sup. Ct. La. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jack Greenberg, Michael Meltsner, Robert F. Collins and Nils R. Douglas* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, *William P. Schuler*, Assistant Attorney General, and *Jim Garrison* for respondent. Reported below: 247 La. 198, 170 So. 2d 374.

November 15, 1965.

382 U.S.

Rehearing Denied.

No. 107. WALTHAM WATCH CO. ET AL. *v.* FEDERAL TRADE COMMISSION, *ante*, p. 813;

No. 174. GOSSEY *v.* UNITED STATES, *ante*, p. 819;

No. 296. BANKERS BOND CO., INC., ET AL. *v.* ALL STATES INVESTORS, INC., ET AL., *ante*, p. 830;

No. 308. MADDOX *v.* WILLIS ET AL., *ante*, p. 18;

No. 41, Misc. REED *v.* UNITED STATES, *ante*, p. 849;

No. 42, Misc. SAMURINE *v.* UNITED STATES, *ante*, p. 849;

No. 101, Misc. DUVAL *v.* UNITED STATES, *ante*, p. 854;

No. 109, Misc. McMULLEN *v.* GARDNER, SECRETARY OF HEALTH, EDUCATION AND WELFARE, *ante*, p. 854;

No. 133, Misc. SPIESEL *v.* CITY OF NEW YORK, *ante*, p. 856;

No. 166, Misc. VESAY *v.* UNITED STATES, *ante*, p. 859;

No. 170, Misc. MIGUEL *v.* UNITED STATES, *ante*, p. 859;

No. 179, Misc. HENDERSON *v.* MAXWELL, WARDEN, *ante*, p. 804;

No. 227, Misc. LEVY *v.* UNITED STATES, *ante*, p. 862;

No. 314, Misc. ANDERSON ET AL. *v.* UNITED STATES, *ante*, p. 880;

No. 342, Misc. HOURIHAN *v.* MAHONEY, *ante*, p. 17;

No. 426, Misc. WARRINER *v.* FINK ET AL., *ante*, p. 871;

No. 431, Misc. KELLY *v.* KANSAS, *ante*, p. 881; and

No. 436, Misc. LONG *v.* PATE, WARDEN, *ante*, p. 881.

Petitions for rehearing denied.

No. 22, Misc. DAVIS *v.* BETO, CORRECTIONS DIRECTOR, *ante*, p. 804. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

382 U. S.

November 16, 19, 22, 1965.

NOVEMBER 16, 1965.

Dismissal Under Rule 60.

No. 579. *GENERAL AUTO SUPPLIES, INC., ET AL. v. FEDERAL TRADE COMMISSION.* C. A. 7th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Bernard Mellitz, Malcolm I. Frank and Telford B. Orbison* for petitioners. Reported below: 346 F. 2d 311.

NOVEMBER 19, 1965.

Dismissal Under Rule 60.

No. 573. *FRANK ET AL. v. UNITED STATES.* C. A. D. C. Cir. Petition for writ of certiorari as to petitioner Frank dismissed pursuant to Rule 60 of the Rules of this Court. *Edward L. Carey and Walter E. Gillcrist* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 120 U. S. App. D. C. 392, 347 F. 2d 486.

NOVEMBER 22, 1965.

Miscellaneous Orders.

No. 359. *JOHNSON v. UNITED STATES.* C. A. 6th Cir. (Certiorari denied, *ante*, p. 836.) The Solicitor General is requested to file a response to the petition for a rehearing within thirty days.

No. 718, Misc. *WILLIAMSON ET AL. v. BLANKENSHIP, JUDGE, ET AL.* C. A. 5th Cir. Motion for leave to file petition for writ of certiorari denied.

No. 676, Misc. *WALKER v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.* Motion for leave to file petition for writ of prohibition denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion.

November 22, 1965.

382 U. S.

No. 56, Misc. *IN RE DISBARMENT OF HARRIS.* It having been reported to the Court that Eldon C. Harris of Cut Bank, State of Montana, has been disbarred from the practice of law by the Supreme Court of the State of Montana, duly entered on the 4th day of March, 1965, and this Court by order of March 29, 1965, having suspended the said Eldon C. Harris 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 Eldon C. Harris be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

Probable Jurisdiction Noted.

No. 545. *JOSEPH E. SEAGRAM & SONS, INC., ET AL. v. HOSTETTER, CHAIRMAN, NEW YORK STATE LIQUOR AUTHORITY, ET AL.* Appeal from Ct. App. N. Y. Probable jurisdiction noted. *Herbert Brownell* and *Thomas F. Daly* for appellants. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Assistant Solicitor General, and *Robert L. Harrison*, Assistant Attorney General, for appellees. Reported below: 16 N. Y. 2d 47, 209 N. E. 2d 701.

Certiorari Granted. (See also No. 543, October Term, 1963, *ante*, p. 158.)

No. 80, Misc. *WESTOVER v. UNITED STATES.* C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket and set for oral argument immediately following No. 397, Misc. Petitioner

382 U. S.

November 22, 1965.

pro se. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 342 F. 2d 684.

No. 535. *UNITED STATES v. CATTO ET AL.* C. A. 5th Cir. Certiorari granted. *Solicitor General Marshall, Acting Assistant Attorney General Jones, Acting Assistant Attorney General Roberts, Jack S. Levin and Melva M. Graney* for the United States. *Ben F. Foster* for Catto et al., and *Claiborne B. Gregory* for Wardlaw et al., respondents. Reported below: 344 F. 2d 225, 227.

No. 397, Misc. *VIGNERA v. NEW YORK.* Ct. App. N. Y. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket and set for oral argument immediately following No. 419, Misc. *Robert S. Rifkind* for petitioner. *William I. Siegel* for respondent. Reported below: 15 N. Y. 2d 970, 207 N. E. 2d 527.

No. 419, Misc. *MIRANDA v. ARIZONA.* Sup. Ct. Ariz. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. *John P. Frank* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, and *William E. Eubank* and *Gary K. Nelson*, Assistant Attorneys General, for respondent. Reported below: 98 Ariz. 18, 401 P. 2d 721.

No. 205, Misc. *JOHNSON ET AL. v. NEW JERSEY.* Sup. Ct. N. J. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket and set for oral argument immediately following No. 80, Misc. *M. Gene Haeberle, Stanford Shmukler and Curtis R. Reitz* for petitioners. *Norman Heine* for respondent. Reported below: 43 N. J. 572, 206 A. 2d 737.

November 22, 1965.

382 U. S.

Certiorari Denied. (See also No. 672, Misc., *ante*, p. 161.)

No. 518. *OLING ET AL. v. AIR LINE PILOTS ASSOCIATION ET AL.* C. A. 7th Cir. Certiorari denied. *I. J. Gromfine* and *Herman Sternstein* for petitioners. *Samuel J. Cohen* and *Herbert A. Levy* for Air Line Pilots Association, and *Stuart Bernstein* for United Air Lines, Inc., respondents. Reported below: 346 F. 2d 270.

No. 525. *CAMCO, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *L. G. Clinton, Jr.*, for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, Norton J. Come* and *Leonard M. Wagman* for respondent. Reported below: 340 F. 2d 803.

No. 526. *WHEELER v. JONES.* Sup. Ct. Ark. Certiorari denied. *G. Thomas Eisele* for petitioner. *Leon B. Catlett* for respondent. Reported below: 239 Ark. 455, 390 S. W. 2d 129.

No. 527. *CONTE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Marvin A. Koblenz* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 349 F. 2d 304.

No. 529. *KING v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Peter J. Hughes* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 348 F. 2d 814.

No. 533. *A AND B v. C AND D.* Sup. Ct. Ark. Certiorari denied. *James L. Sloan* for petitioners. *Robert V. Light* for respondents. Reported below: 239 Ark. 406, 390 S. W. 2d 116.

382 U. S.

November 22, 1965.

No. 530. *GARDENS OF FAITH, INC., ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. *John Y. Merrell* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Melva M. Graney* for respondent. Reported below: 345 F. 2d 180.

No. 536. *CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. v. McCONNELL HEAVY HAULING, INC.* Sup. Ct. Ark. Certiorari denied. *Edward L. Wright* for petitioner. *Jack Holt, Jr.*, for respondent. Reported below: 239 Ark. 373, 390 S. W. 2d 111.

No. 538. *MY STORE, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. *Henry E. Seyfarth* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 345 F. 2d 494.

No. 539. *BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Samuel B. Stewart* and *William D. Donnelly* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph Kovner* and *Frederick E. Youngman* for the United States. *John P. Austin* for California Bankers Association, as *amicus curiae*, in support of the petition. Reported below: 345 F. 2d 624.

No. 227. *BULLOCK v. VIRGINIA.* Sup. Ct. App. Va. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Calvin H. Childress* for petitioner. *Robert Y. Button*, Attorney General of Virginia, and *D. Gardiner Tyler*, Assistant Attorney General, for respondent. Reported below: 205 Va. 867, 140 S. E. 2d 821.

November 22, 1965.

382 U. S.

No. 149. *MARTIN v. TEXAS*;

Nos. 345 and 508. *McCLELLAND v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Clyde W. Woody* and *Marian S. Rosen* for petitioner in No. 149. *J. Edwin Smith* and *Byron Skelton* for petitioner in Nos. 345 and 508. *Samuel H. Robertson, Jr.*, and *Carl E. F. Dally* for respondent. Reported below: No. 345, 389 S. W. 2d 678; No. 508, 390 S. W. 2d 777.

Memorandum of MR. CHIEF JUSTICE WARREN.

Each of these three cases stems from the following factual setting:

The Grand Jury of Harris County, Texas, was impaneled on May 7, 1962, to investigate irregularities in the administration of the Probate Court. While Grand Jury sessions were proceeding, the District Attorney of the County, in cooperation with the Justice of the Peace, took the virtually unprecedented step of obtaining an order to institute a "Court of Inquiry."

This body, formerly sanctioned by Vernon's Texas Code of Criminal Procedure, Arts. 886, 887, permits a justice of the peace to summon and examine witnesses and take sworn testimony. Those who fail to comply with his summons or refuse to make statements under oath may be fined and imprisoned. From the year of its enactment—1876—to this date, it appears that the procedure had been seldom invoked.

The secret Grand Jury deliberations were postponed while the District Attorney pursued the Court of Inquiry publicly, in front of the press, radio recorders and television cameras. In this inflamed atmosphere, the petitioners were questioned for some four days, although they objected to testifying. They were not permitted to consult with their attorneys during the proceedings, to de-

fend themselves, to cross-examine or confront the witnesses against them, to call witnesses on their behalf, to rebut or to contradict the evidence produced by the prosecution. Two days later, the Grand Jury was reconvened and brought in indictments against the petitioners.

Due to a change of venue and continuances secured by the petitioners, their trials did not take place until more than two years later in a neighboring county. Their pretrial motions to quash the indictments were denied, in two cases without hearings, and they were found guilty of the offenses charged.

The Texas Legislature has since repealed the "Court of Inquiry" proceeding through the adoption of a new Code of Criminal Procedure, Laws 1965, 59th Leg., Reg. Sess., c. 722, to become effective January 1, 1966. Under the new Code, no justice of the peace may convene a Court of Inquiry. Rather, such a court may be conducted only by district judges, and all witnesses are entitled to the same protections as in felony prosecutions. Arts. 52.01-52.06.

It is clear that grave constitutional questions are raised by conducting such a proceeding. See, *e. g.*, *Estes v. Texas*, 381 U. S. 532; *Moore v. Dempsey*, 261 U. S. 86, 90-91. Against the background of the factors mentioned above, the Court has declined review. Our denial of the petitions for certiorari in these cases should not be taken in any way as sanctioning the proceedings or of approving of the judgments below. It means only that for one reason or another these cases did not commend themselves "to at least four members of the Court as falling within those considerations which should lead this Court to exercise its discretion in reviewing a lower court's decision." Memorandum of Mr. Justice Frankfurter, *Sheppard v. Ohio*, 352 U. S. 910, 911; see also, *Maryland v. Baltimore Radio Show, Inc.*, 338 U. S. 912.

November 22, 1965.

382 U. S.

No. 257, Misc. *MONTOYA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci* and *John F. Kraetzer*, Deputy Attorneys General, for respondent.

No. 320, Misc. *BRYE v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *John S. Burton*, Assistant Attorney General, for respondent.

No. 337, Misc. *BOLES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, and *Allo B. Crow, Jr.*, *Hawthorne Phillips*, *T. B. Wright* and *Howard M. Fender*, Assistant Attorneys General, for respondent.

No. 451, Misc. *ORTEGA v. THORNTON, U. S. DISTRICT JUDGE*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

No. 471, Misc. *HAWKES v. WARDEN, MISSOURI PENITENTIARY*. Sup. Ct. Mo. Certiorari denied. Petitioner *pro se*. *Norman H. Anderson*, Attorney General of Missouri, and *Howard L. McFadden*, Assistant Attorney General, for respondent.

No. 517, Misc. *GREEN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *James J. Laughlin* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 121 U. S. App. D. C. 111, 348 F. 2d 340.

No. 611, Misc. *STEVENSON v. ALTMAN, CLERK OF COOK COUNTY CIRCUIT COURT*. C. A. 7th Cir. Certiorari denied.

382 U. S.

November 22, 1965.

No. 591, Misc. *YATES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. *Lawrence Speiser* and *Bernard Roazen* for petitioner. Reported below: 253 Miss. 424, 175 So. 2d 617.

No. 592, Misc. *MASSARI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Francis Kahn* for petitioner. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 347 F. 2d 725.

No. 602, Misc. *EDELL v. DI PIAZZA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 345 F. 2d 336.

No. 625, Misc. *CHAPARRO ET AL. v. JACKSON & PERKINS CO. ET AL.* C. A. 2d Cir. Certiorari denied. *Dora Aberlin* for petitioners. *William C. Combs* for respondents. Reported below: 346 F. 2d 677.

No. 636, Misc. *HARRIS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts* and *Robert N. Anderson* for respondent.

No. 640, Misc. *EATON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 348 F. 2d 919.

No. 644, Misc. *BOOKWALTER v. CALIFORNIA ADULT AUTHORITY*. Dist. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 664, Misc. *ROMANO v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 344 F. 2d 702.

November 22, 1965.

382 U. S.

No. 646, Misc. *BURTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner. *Solicitor General Marshall* for the United States.

No. 649, Misc. *STEPHENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Thomas Gilbert Sharpe, Jr.*, for petitioner. *Solicitor General Marshall* for the United States. Reported below: 347 F. 2d 722.

No. 659, Misc. *BRATT v. CROUSE, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 346 F. 2d 146.

No. 665, Misc. *NEAL v. MYERS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 680, Misc. *RITTER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Petitioner *pro se*. *Benj. J. Jacobson* for respondent.

No. 682, Misc. *KELLY v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. *Lloyd Tasoff* for petitioner. *Solicitor General Marshall* for respondent. Reported below: 349 F. 2d 473.

No. 707, Misc. *SIMON v. CASTILLE ET AL*. Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioner.

No. 710, Misc. *BEAZLEY v. ORSINGER*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Joseph G. Dooley* for respondent.

No. 272, Misc. *LAMBERT v. KENTUCKY*. Ct. App. Ky. Motion to strike brief of respondent denied. Certiorari denied. Petitioner *pro se*. *Robert Matthews*, Attorney General of Kentucky, and *David Murrell* and *Holland N. McTyeire*, Assistant Attorneys General, for respondent.

382 U. S.

November 22, 1965.

Rehearing Denied.

No. 66. *LIST v. LERNER, DBA LERNER & CO., ET AL.*, *ante*, p. 811;

No. 80. *RING v. NEW JERSEY*, *ante*, p. 812;

No. 83. *CROMBIE v. CROMBIE*, *ante*, p. 812;

No. 105. *WILLIAMS v. HOWARD JOHNSON'S, INC., OF WASHINGTON*, *ante*, p. 814;

No. 119. *UNITED STATES v. NEW ORLEANS CHAPTER, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., ET AL.*, *ante*, p. 17;

No. 142. *FLYING TIGER LINE, INC. v. MERTENS, ADMINISTRATOR, ET AL.*, *ante*, p. 816;

No. 152. *DEMERS v. BROWN ET AL.*, *ante*, p. 818;

No. 173. *PINCIOTTI v. UNITED STATES*, *ante*, p. 819;

No. 189. *LICHTENSTEIN, AKA WELLS v. UNITED STATES*, *ante*, p. 821;

No. 199. *DIAZ ET AL. v. UNITED STATES*, *ante*, p. 822;

No. 210. *STEVENS v. MARKS, NEW YORK SUPREME COURT JUSTICE*, *ante*, p. 809;

No. 290. *STEVENS v. McCLOSKEY, SHERIFF*, *ante*, p. 809;

No. 278. *STUPAK v. UNITED STATES*, *ante*, p. 829;

No. 330. *WADE v. UNITED STATES*, *ante*, p. 834;

No. 334. *NATIONAL MARITIME UNION OF AMERICA, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD*, *ante*, p. 835;

No. 403. *NATIONAL MARITIME UNION OF AMERICA, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD*, *ante*, p. 840;

No. 405. *SEMEL v. UNITED STATES*, *ante*, p. 840;

No. 45, Misc. *DEGREGORY v. UNITED STATES*, *ante*, p. 850;

No. 186, Misc. *BUDNER v. NEW YORK*, *ante*, p. 860; and

No. 192, Misc. *BYERS v. CROUSE, WARDEN*, *ante*, p. 860. Petitions for rehearing denied.

November 22, December 1, 6, 1965.

382 U. S.

No. 253, Misc. *WILSON v. UNITED STATES*, *ante*, p. 864;

No. 298, Misc. *THACKER v. WARD MARKHAM CO.*, *ante*, p. 865; and

No. 511, Misc. *IN RE DUARTE*, *ante*, p. 883. Petitions for rehearing denied.

No. 98. *WALKER v. FOSTER ET AL.*, *ante*, p. 812. Motion to dispense with printing petition granted. Petition for rehearing denied.

No. 260. *NYYSSONEN, ADMINISTRATRIX v. BENDIX CORP.*, *ante*, p. 847; and

No. 319. *ROCKEFELLER, GOVERNOR OF NEW YORK, ET AL. v. ORANS ET AL.*, *ante*, p. 10. Petitions for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

DECEMBER 1, 1965.

Dismissal Under Rule 60.

No. 734. *McGRAW ET AL. v. CITY OF ENGLEWOOD ET AL.* Sup. Ct. Colo. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *John R. Barry* for petitioners. *Charles S. Rhyne, Brice W. Rhyne* and *Alfred J. Tighe, Jr.*, for respondents. Reported below: — Colo. —, 404 P. 2d 525.

DECEMBER 6, 1965.

Miscellaneous Orders.

No. 368. A BOOK NAMED "JOHN CLELAND'S MEMOIRS OF A WOMAN OF PLEASURE" *v. ATTORNEY GENERAL OF MASSACHUSETTS*. Appeal from Sup. Jud. Ct. Mass. (Probable jurisdiction noted, *ante*, p. 900.) Motion of the Citizens for Decent Literature, Inc., for leave to file brief, as *amicus curiae*, granted. Motion for leave to participate in oral argument, as *amicus curiae*, denied. *Charles H. Keating, Jr.*, on the motions.

382 U. S.

December 6, 1965.

No. 21, Original. *WISCONSIN v. MINNESOTA ET AL.* Motion for leave to file bill of complaint denied. THE CHIEF JUSTICE, MR. JUSTICE STEWART and MR. JUSTICE FORTAS are of the opinion that the motion for leave to file the bill of complaint should be set for oral argument. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this motion. *Bronson C. La Follette*, Attorney General of Wisconsin, *John H. Bowers*, Deputy Attorney General, and *A. J. Feifarek* and *Roy G. Tulane*, Assistant Attorneys General, for plaintiff. *Robert W. Mattson*, Attorney General of Minnesota, and *Perry Voldness*, Deputy Attorney General, for defendant State of Minnesota. *Randall J. LeBoeuf, Jr.*, and *Arthur R. Renquist* for defendant Northern States Power Co.

No. 784. *WATKINS ET AL. v. SUPERIOR COURT, LOS ANGELES COUNTY, ET AL.* Dist. Ct. App. Cal., 2d App. Dist. Motion for stay of injunction or expedited disposition of the petition for writ of certiorari presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, is denied. *Jack Greenberg*, *Raymond L. Johnson* and *Anthony G. Amsterdam* on the motion.

No. 390, Misc. *WHITLOW v. WAINWRIGHT, CORRECTIONS DIRECTOR.* 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*. *Earl Faircloth*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

No. 185, Misc. *HERRING v. DISTRICT COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *George J. Roth*, Deputy Attorney General, for respondent.

December 6, 1965.

382 U. S.

No. 46. *UNITED STATES v. GENERAL MOTORS CORP. ET AL.* Appeal from D. C. S. D. Cal. (Probable jurisdiction noted, 380 U. S. 940.) Motion of O. M. Scott & Sons Co. et al. for leave to file brief, as *amici curiae*, granted. *Thomas A. Rothwell* and *William C. Hillman* on the motion.

No. 695. *COLLIER v. UNITED STATES.* C. A. 6th Cir. (Certiorari granted, *ante*, p. 890.) Motion for the appointment of counsel granted, and it is ordered that *Dean E. Denlinger, Esquire*, of Dayton, Ohio, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Probable Jurisdiction Noted or Postponed.

No. 562. *TIME, INC. v. HILL.* Appeal from Ct. App. N. Y. Probable jurisdiction noted. *Harold R. Medina, Jr.*, and *Victor M. Earle III* for appellant. *Milton Black* for appellee. Reported below: 15 N. Y. 2d 986, 207 N. E. 2d 604.

No. 597. *MILLS v. ALABAMA.* Appeal from Sup. Ct. Ala. Further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits. *Kenneth Perrine* for appellant. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for appellee. *James C. Barton* for Alabama Press Association et al., as *amici curiae*, in support of appellant. Reported below: 278 Ala. 188, 176 So. 2d 884.

No. 611. *UNITED STATES v. ARNOLD, SCHWINN & CO. ET AL.* Appeal from D. C. N. D. Ill. Probable jurisdiction noted. The case is set for oral argument immediately following No. 238. *Solicitor General Marshall*, *Assistant Attorney General Turner* and *Lionel Kestenbaum* for the United States. *Harold D. Burgess*, *Robert C. Keck* and *Earl E. Pollock* for appellees. Reported below: 237 F. Supp. 323.

382 U. S.

December 6, 1965.

Certiorari Granted. (See also No. 532, *ante*, p. 198.)

No. 505. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. *v.* OVERSTREET. Sup. Ct. Ga. Certiorari granted limited to Question 2 presented by the petition which reads as follows:

“2. Has petitioner National Association for the Advancement of Colored People, a New York corporation, been deprived of its property without due process of law under the Fourteenth Amendment by being held liable in damages for acts performed without its knowledge and by persons beyond its control?”

Donald L. Hollowell, Robert L. Carter and Maria L. Marcus for petitioners. *Hugh P. Futrell, Jr.*, for respondent. Reported below: 221 Ga. 16, 142 S. E. 2d 816.

No. 584. CALIFORNIA *v.* STEWART. Sup. Ct. Cal. Certiorari granted. The case is set for oral argument immediately following No. 762. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Gordon Ringer*, Deputy Attorney General, for petitioner. Reported below: 62 Cal. 2d 571, 400 P. 2d 97.

No. 594. GOJACK *v.* UNITED STATES. C. A. D. C. Cir. Certiorari granted. *Edward J. Ennis, Osmond K. Fraenkel, Melvin L. Wulf, Frank J. Donner and David Rein* for petitioner. *Solicitor General Marshall, Assistant Attorney General Yeagley, Kevin T. Maroney and Robert L. Keuch* for the United States. Reported below: 121 U. S. App. D. C. 126, 348 F. 2d 355.

Certiorari Denied. (See also No. 595, *ante*, p. 203; No. 614, *ante*, p. 202; and No. 390, Misc., *supra*.)

No. 554. MARTENS *v.* WINDER. C. A. 9th Cir. Certiorari denied. Reported below: 341 F. 2d 197.

December 6, 1965.

382 U. S.

No. 352. *LAURITZEN v. SPANN*. C. A. 3d Cir. Certiorari denied. *J. Ward O'Neill* and *Francis X. Byrn* for petitioner. *Philip Dorfman* and *John Dorfman* for respondent. *Cornelius P. Coughlan*, *J. Steward Garrison* and *Scott H. Elder* for American Merchant Marine Institute, Inc., et al., as *amici curiae*, in support of the petition. Reported below: 344 F. 2d 204.

No. 528. *BUMB, TRUSTEE IN BANKRUPTCY v. SUHL ET AL.* C. A. 9th Cir. Certiorari denied. *Joseph A. Ball* for petitioner. *Martin Gendel* for respondents. Reported below: 348 F. 2d 869.

No. 542. *PISANO v. THE BENNY SKOU ET AL.* C. A. 2d Cir. Certiorari denied. *Harvey Goldstein* for petitioner. *J. Ward O'Neill* for The Benny Skou et al., and *Sidney A. Schwartz* and *Joseph Arthur Cohen* for John T. Clark & Son, respondents. Reported below: 346 F. 2d 993.

No. 547. *WILLOW TERRACE DEVELOPMENT CO., INC., ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *W. Carloss Morris, Jr.*, and *Robert H. McCanne* for petitioners. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts*, *Melva M. Graney* and *Robert A. Bernstein* for respondent. *Richard A. Mullens* for the National Association of Home Builders, as *amicus curiae*, in support of the petition. Reported below: 345 F. 2d 933.

No. 552. *CHATSWORTH COOPERATIVE MARKETING ASSOCIATION ET AL. v. INTERSTATE COMMERCE COMMISSION.* C. A. 7th Cir. Certiorari denied. *Norman Miller*, *Earl G. Schneider* and *Michael R. Galasso* for petitioners. *Solicitor General Marshall*, *Robert W. Ginnane* and *Bernard A. Gould* for respondent. Reported below: 347 F. 2d 821.

382 U. S.

December 6, 1965.

No. 546. *CHANCE v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co.* Sup. Ct. Mo. Certiorari denied. *Anthony P. Nugent, Sr.*, for petitioner. *George L. Gordon, Jr.*, for respondent. Reported below: 389 S. W. 2d 774.

No. 549. *KEELING v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. *James R. Willis* for petitioner. *John T. Corrigan* for respondent.

No. 550. *PREZIOSO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Maurice Edelbaum* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 348 F. 2d 217.

No. 553. *PUGLIANO ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *F. Lee Bailey* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 348 F. 2d 902.

No. 558. *ATLANTIC REFINING Co. v. FEDERAL TRADE COMMISSION.* C. A. 6th Cir. Certiorari denied. *Edward F. Howrey, Roy W. Johns and Edward J. Kremer, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Robert B. Hummel, James McI. Henderson and Alvin L. Berman* for respondent. Reported below: 344 F. 2d 599.

No. 568. *KIESLING ET AL. v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. *George D. Rothermel and Samuel Kalikman* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts and Meyer Rothwacks* for the United States et al. Reported below: 349 F. 2d 110.

December 6, 1965.

382 U. S.

No. 559. *THOMSON ET AL. v. CARMAN ET AL.* Sup. Ct. Cal. Certiorari denied. *Alexander H. Schullman* for petitioners. *Michael G. Luddy* for Carman et al., *Charles G. Bakaly, Jr.*, for Association of Motion Picture Producers, Inc., et al., respondents.

No. 560. *LAVERICK v. UNITED STATES*; and

No. 563. *SCHAEFFER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *George Elias, Jr.*, for petitioner in No. 560. *Frederic C. Ritger, Jr.*, for petitioner in No. 563. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 348 F. 2d 708.

No. 561. *BROWN v. THOMPSON, JUDGE, ET AL.* Sup. Ct. App. W. Va. Certiorari denied. *Stanley E. Preiser* and *Arthur T. Ciccarello* for petitioner. Reported below: 149 W. Va. 649, 142 S. E. 2d 711.

No. 570. *VICTORIA MUTUAL WATER Co. v. PUBLIC UTILITIES COMMISSION OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Murray M. Chotiner* for petitioner. *Mary Moran Pajalich* for respondent.

No. 575. *KEEBLE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Harold Gruenberg* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 347 F. 2d 951.

No. 577. *METAL PRODUCTS WORKERS UNION LOCAL 1645, UAW-AFL-CIO, ET AL. v. TORRINGTON Co.* C. A. 2d Cir. Certiorari denied. *Jerome S. Rubenstein* for petitioners. *William J. Larkin II, Jay S. Siegel* and *C. E. Harwood* for respondent. Reported below: 347 F. 2d 93.

382 U. S.

December 6, 1965.

No. 578. *PITTMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Fred Okrand* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas* and *David L. Rose* for the United States. Reported below: 341 F. 2d 739.

No. 580. *CALIFORNIA v. FEDERAL POWER COMMISSION*; and

No. 591. *TURLOCK IRRIGATION DISTRICT ET AL. v. FEDERAL POWER COMMISSION*. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, and *J. M. Sanderson*, Deputy Attorney General, for petitioner in No. 580. *Robert L. McCarty* and *Charles F. Wheatley, Jr.*, for petitioners in No. 591. *Solicitor General Marshall, Richard A. Solomon, John C. Mason, Howard E. Wahrenbrock, Joseph B. Hobbs* and *Daniel Goldstein* for respondent. *Robert Matthews*, Attorney General of Kentucky, *Clarence A. H. Meyer*, Attorney General of Nebraska, *Louis J. Lefkowitz*, Attorney General of New York, *Helgi Johanneson*, Attorney General of North Dakota, *Frank L. Farrar*, Attorney General of South Dakota, and *John F. Raper*, Attorney General of Wyoming, filed a brief for their respective States, as *amici curiae*, in support of the petition in No. 591. Reported below: 345 F. 2d 917.

No. 581. *WOLF v. BLAIR ET AL.* C. A. 2d Cir. Certiorari denied. *Paul L. Ross* for petitioner. *Edward N. Sherry* for respondent *Curtis Publishing Co.* Reported below: 348 F. 2d 994.

No. 587. *BILLY MITCHELL VILLAGE, INC. v. NEW YORK LIFE INSURANCE CO.* Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. *Al M. Heck* for petitioner. *Edward R. Finck, Jr.*, for respondent. Reported below: 388 S. W. 2d 243.

December 6, 1965.

382 U.S.

No. 585. *HAGEL v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Albert E. Jenner, Jr.*, for petitioner. Reported below: 32 Ill. 2d 413, 206 N. E. 2d 699.

No. 586. *HENSEL v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 233 Cal. App. 2d 834, 43 Cal. Rptr. 865.

No. 589. *SHAPIRO & SON CURTAIN CORP. v. GLASS*. C. A. 2d Cir. Certiorari denied. *Maximilian Bader* and *I. Walton Bader* for petitioner. *Leon Silverman* for respondent. Reported below: 348 F. 2d 460.

No. 592. *MERNER LUMBER & HARDWARE Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *Westerdahl W. Gudmundson* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 345 F. 2d 770.

No. 598. *BRASCH v. STATE COMPENSATION INSURANCE FUND ET AL.* Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *T. Groezinger* and *Loton Wells* for respondent State Compensation Insurance Fund.

No. 599. *CIOFALO v. BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK*. Ct. App. N. Y. Certiorari denied. *Maurice Edelbaum* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Robert L. Harrison*, Assistant Attorney General, and *Ruth Kessler Toch*, Assistant Solicitor General, for respondent.

No. 604. *TYSON v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ralph L. Roy* for respondent.

382 U. S.

December 6, 1965.

No. 602. *RHODES v. EDWARDS ET AL.* Sup. Ct. Neb. Certiorari denied. Reported below: 178 Neb. 757, 135 N. W. 2d 453.

No. 606. *SNYDER, EXECUTOR, ET AL. v. COTTONWOOD CREEK CONSERVANCY DISTRICT No. 11.* Sup. Ct. Okla. Certiorari denied. *Leslie L. Conner* and *James M. Little* for petitioners. Reported below: 405 P. 2d 17.

No. 608. *MORAN v. PENAN ET AL.* C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for *Duff et al.*, and *Matthew J. Ryan, Jr.*, for *Bulkley et al.*, respondents.

No. 609. *SIEBRING v. HANSEN ET AL.* C. A. 8th Cir. Certiorari denied. *Robert R. Eidsmoe*, *Donald H. Zarley* and *Bruce W. McKee* for petitioner. *Phillip H. Smith* and *Ralph F. Merchant* for respondents. Reported below: 346 F. 2d 474.

No. 407. *PHELPER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Charles W. Tessmer* and *Emmett Colvin, Jr.*, for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, *Howard M. Fender* and *Charles B. Swanner*, Assistant Attorneys General, and *Henry Wade* for respondent. Reported below: 396 S. W. 2d 396.

No. 551. *TRACY, WARDEN v. MANDUCHI.* C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. *Wilson Bucher* for petitioner. Respondent *pro se*. Reported below: 350 F. 2d 658.

December 6, 1965.

382 U. S.

No. 429. *MAXWELL v. STEPHENS, PENITENTIARY SUPERINTENDENT*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jack Greenberg, James M. Nabrit III, Michael Meltsner, Anthony G. Amsterdam, George Howard, Jr., and Harold B. Anderson* for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent. Reported below: 348 F. 2d 325.

No. 600. *SWAIN v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jack Greenberg, James M. Nabrit III, Michael Meltsner, Orzell Billingsley, Jr., Peter A. Hall and Anthony G. Amsterdam* for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall*, Assistant Attorney General, for respondent.

No. 521. *PARDO-BOLLAND v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Jonathan L. Rosner* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 348 F. 2d 316.

No. 574. *PANHANDLE EASTERN PIPE LINE Co. v. FEDERAL POWER COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Harry S. Littman and Melvin Richter* for petitioner. *Solicitor General Marshall and Howard E. Wahrenbrock* for respondent Federal Power Commission. Reported below: 121 U. S. App. D. C. 111, 348 F. 2d 340.

382 U. S.

December 6, 1965.

No. 582. RANCE ET AL. *v.* SPERRY & HUTCHINSON CO. Sup. Ct. Okla. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *John H. Cantrell* for petitioners. *Samuel M. Lane, Claus Motulsky* and *G. M. Fuller* for respondent. Reported below: 410 P. 2d 859.

No. 116, Misc. BROOKS *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael*, Assistant Attorney General, for respondent. Reported below: 32 Ill. 2d 81, 203 N. E. 2d 882.

No. 125, Misc. CALHOUN *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied. *Robert Jay Nye* for petitioner. *William G. Clark*, Attorney General of Illinois, *Daniel P. Ward* and *Elmer C. Kissane* for respondent. Reported below: 341 F. 2d 885.

No. 155, Misc. DAVIS *v.* MARYLAND. Ct. App. Md. Certiorari denied. *Raymond S. Smethurst* for petitioner. *Thomas B. Finan*, Attorney General of Maryland, for respondent. Reported below: 237 Md. 97, 205 A. 2d 254.

No. 252, Misc. BROWN *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Petitioner *pro se*. *C. Donald Robertson*, Attorney General of West Virginia, *Leo Catsonis*, Assistant Attorney General, and *Charles M. Walker* for respondent.

No. 427, Misc. SIBLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 103.

December 6, 1965.

382 U. S.

No. 480, Misc. *PALOMERA v. WILLINGHAM, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Doar, David Rubin and Gerald P. Choppin* for respondent. Reported below: 344 F. 2d 937.

No. 516, Misc. *GIULIANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Frances Kahn* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 348 F. 2d 217.

No. 519, Misc. *KAPSALIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Robert L. Day* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 392.

No. 559, Misc. *FRIEDMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Morton N. Wekstein* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 347 F. 2d 697.

No. 601, Misc. *BRUCHON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Albert J. Krieger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Daniel H. Benson* for the United States. Reported below: 348 F. 2d 316.

No. 669, Misc. *COLLINS v. MARKLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. *Sigmund J. Beck* for petitioner. *Solicitor General Marshall* for respondent. Reported below: 346 F. 2d 230.

382 U. S.

December 6, 1965.

No. 627, Misc. *LAMMA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *J. Robert Lunney* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States. Reported below: 349 F. 2d 338.

No. 647, Misc. *TYSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Robert M. Hitchcock* for petitioner. *Michael F. Dillon* for respondent.

No. 667, Misc. *HALL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 348 F. 2d 837.

No. 674, Misc. *BECKER v. MATTEAWAN STATE HOSPITAL SUPERINTENDENT ET AL.* C. A. 2d Cir. Certiorari denied.

No. 699, Misc. *McKINNEY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 23 App. Div. 2d 812, 258 N. Y. S. 2d 316.

No. 712, Misc. *SIMS v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of S. F. Certiorari denied. *Norman Leonard, Benjamin Dreyfus* and *George Martinez* for petitioner.

No. 721, Misc. *CURTIS v. COBEY ET AL.* C. A. D. C. Cir. Certiorari denied. *Arthur S. Curtis, pro se*. *J. Joseph Barse* for Cobey, *Frederick A. Ballard* for Western Electric Co., and *Ross O'Donoghue* for Great American Insurance Co., Inc., respondents.

December 6, 1965.

382 U. S.

No. 725, Misc. *KEMP v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Marco Loffredo* for petitioner. Reported below: 177 So. 2d 58.

No. 726, Misc. *CARPENTER v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 728, Misc. *BOHANON v. NEW YORK CENTRAL RAILROAD Co.* C. A. 7th Cir. Certiorari denied.

No. 768, Misc. *LEVAR v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. *Harold R. Scoville* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, *William E. Eubank*, Chief Assistant Attorney General, and *Gary K. Nelson*, Assistant Attorney General, for respondent. Reported below: 98 Ariz. 217, 403 P. 2d 532.

No. 812, Misc. *MCNALLY ET AL. v. CONNECTICUT*. Sup. Ct. Err. Conn. Certiorari denied. *Harry H. Hefteran, Jr.*, and *Irwin Friedman* for petitioners. *John F. McGowan* for respondent. Reported below: 152 Conn. 598, 211 A. 2d 162.

No. 310, Misc. *BARNARD v. UNITED STATES*;
No. 345, Misc. *LASSITER v. UNITED STATES*; and
No. 346, Misc. *KNIPPEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Peter A. Schwabe, Jr.*, for petitioners. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 342 F. 2d 309.

No. 739, Misc. *ROBINSON v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 271 Minn. 477, 136 N. W. 2d 401.

382 U. S.

December 6, 1965.

No. 733, Misc. MILLWOOD *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 412, Misc. PRICE ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Leon B. Polksky* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 345 F. 2d 256.

Rehearing Denied.

No. 384. STEBBINS *v.* Macy, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL., *ante*, p. 41;

No. 488. HULLUM, ADMINISTRATRIX *v.* St. Louis SOUTHWESTERN RAILWAY Co., *ante*, p. 906;

No. 94, Misc. STEN *v.* UNITED STATES, *ante*, p. 854;

No. 366, Misc. STARNES *v.* MARKLEY, WARDEN, *ante*, p. 908;

No. 439, Misc. GRIMES *v.* CROUSE, WARDEN, *ante*, p. 882;

No. 485, Misc. FINFER *v.* COHEN, COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 883;

No. 508, Misc. GROZA *v.* LEMMON ET AL., *ante*, p. 895; and

No. 520, Misc. CARTER ET AL. *v.* UNITED STATES, *ante*, p. 888. Petitions for rehearing denied.

No. 163. LYNCH *v.* INDUSTRIAL INDEMNITY CO. ET AL., *ante*, p. 844. Motion to dispense with printing the petition for rehearing granted. Petition for rehearing denied.

No. 413. POLLACK ET AL. *v.* COMMISSIONER OF PATENTS, *ante*, p. 893. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

December 6, 1965.

382 U. S.

Assignment Order.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning December 1, 1965, and ending January 31, 1966, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

DECEMBER 13, 1965.

Dismissal Under Rule 60.

No. 569. *BACHE ET AL. v. ENGELMOHR.* Sup. Ct. Wash. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Lucien F. Marion* for petitioners. *Edward J. Ennis* and *Jerome Shulkin* for respondent. Reported below: 66 Wash. 2d 103, 401 P. 2d 346.

Miscellaneous Orders.

No. 26, Original. *LOUISIANA v. KATZENBACH, ATTORNEY GENERAL.* Motions for extension of time for argument in No. 22, Original, *South Carolina v. Katzenbach, Attorney General*, and for leave to file a bill of complaint are denied. *Jack P. F. Gremillion*, Attorney General of Louisiana, *Harry J. Kron, Jr.*, Assistant Attorney General, and *Sidney W. Provensal, Jr.*, on the motion. *Solicitor General Marshall* for defendant in opposition.

No. 5, Misc. *EDMONSON v. NASH, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Norman H. Anderson*, Attorney General of Missouri, and *William A. Peterson* and *Howard L. McFadden*, Assistant Attorneys General, for respondent.

382 U. S.

December 13, 1965.

No. 42. GINZBURG ET AL. *v.* UNITED STATES. C. A. 3d Cir. (Certiorari granted, *ante*, p. 803);

No. 49. MISHKIN *v.* NEW YORK. Appeal from Ct. App. N. Y. (Probable jurisdiction noted, 380 U. S. 960); and

No. 368. A BOOK NAMED "JOHN CLELAND'S MEMOIRS OF A WOMAN OF PLEASURE" *v.* ATTORNEY GENERAL OF MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. (Probable jurisdiction noted, *ante*, p. 900.) Motions of the American Parents Committee, Inc., and the Committee of Religious Leaders of the City of New York for leave to appear, as *amici curiae*, and to adopt as their briefs the briefs *amicus curiae* filed by the Citizens for Decent Literature, Inc., are granted. *Charles H. Keating, Jr.*, and *James J. Clancy* on the motions.

No. 48. HARPER ET AL. *v.* VIRGINIA BOARD OF ELECTIONS ET AL. Appeal from D. C. E. D. Va. (Probable jurisdiction noted, 380 U. S. 930.) Motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, granted and thirty minutes are allotted for that purpose. Counsel for appellees are allotted an additional thirty minutes for oral argument. *Solicitor General Marshall* on the motion.

No. 490. SHEPPARD *v.* MAXWELL, WARDEN. C. A. 6th Cir. (Certiorari granted, *ante*, p. 916.) Motion to dispense with the printing of the record granted. *F. Lee Bailey* on the motion.

No. 54, Misc. RUBIO *v.* WILSON, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Clifton R. Jeffers*, Deputy Attorney General, for respondents.

December 13, 1965.

382 U. S.

No. 584. CALIFORNIA *v.* STEWART. Sup. Ct. Cal. (Certiorari granted, *ante*, p. 937.) Motion of respondent for the appointment of counsel granted, and it is ordered that *William A. Norris, Esquire*, of Los Angeles, California, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the respondent in this case.

No. 183, Misc. ARANDA *v.* CALIFORNIA;

No. 618, Misc. SANTOS *v.* WILSON;

No. 661, Misc. COLE *v.* RUSSELL, CORRECTIONAL SUPERINTENDENT; and

No. 684, Misc. THOMPSON *v.* MACIEISKI, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 93, Misc. STANLEY *v.* FLORIDA. 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*. *Earl Faircloth*, Attorney General of Florida, and *William D. Roth*, Assistant Attorney General, for respondent.

No. 100, Misc. BOAN *v.* IDAHO. 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*. *Allan G. Shepard*, Attorney General of Idaho, and *Thomas G. Nelson*, Deputy Attorney General, for respondent.

No. 174, Misc. MAISONAVE *v.* FLORIDA;

No. 207, Misc. WESTMORE *v.* FLORIDA; and

No. 825, Misc. SMITH *v.* FLORIDA. 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.

382 U. S.

December 13, 1965.

No. 384, Misc. *COOPER v. FLORIDA*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *William D. Roth*, Assistant Attorney General, for respondent.

No. 613, Misc. *RICHARDSON v. MISSOURI*;

No. 673, Misc. *HURLEY v. UNITED STATES*; and

No. 703, Misc. *BARNES v. MISSOURI*. Motions for leave to file petitions for writs of mandamus denied.

Probable Jurisdiction Noted.

No. 256. *UNITED STATES v. COOK*. Appeal from D. C. M. D. Tenn. Motion to dispense with printing the motion to dismiss or affirm granted. Probable jurisdiction noted. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States.

Certiorari Granted. (See also No. 523, *ante*, p. 283; No. 610, *ante*, p. 285; No. 11, Misc., *ante*, p. 286; and No. 281, Misc., *ante*, p. 286.)

No. 636. *SECURITIES AND EXCHANGE COMMISSION v. NEW ENGLAND ELECTRIC SYSTEM ET AL.* C. A. 1st Cir. Certiorari granted. *Solicitor General Marshall*, *Philip A. Loomis, Jr.*, *David Ferber* and *Aaron Levy* for petitioner. *John R. Quarles* for respondents. Reported below: 346 F. 2d 399.

No. 37, Misc. *DAVIS v. NORTH CAROLINA*. C. A. 4th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. *Conrad O. Pearson* for petitioner. *T. W. Bruton*, Attorney General of North Carolina, and *James F. Bullock*, Assistant Attorney General, for respondent. Reported below: 339 F. 2d 770.

December 13, 1965.

382 U. S.

Certiorari Denied. (See also Nos. 557 and 654, *ante*, p. 283; and Misc. Nos. 93, 100, 174, 207 and 825, *supra*.)

No. 90. *JORDAN v. LOUISIANA.* Sup. Ct. La. Certiorari denied. *Sam J. D'Amico* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ralph L. Roy* for respondent. Reported below: 247 La. 367, 171 So. 2d 650.

No. 92. *GHARIBIANS v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied. *David Arthur Binder* for petitioner.

No. 111. *ACCARDI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 342 F. 2d 697.

No. 121. *BRACER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Abraham Glasser* for petitioner. *Solicitor General Cox*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 342 F. 2d 522.

No. 312. *HUSK v. BUCHANAN, SHERIFF.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Milton M. Ferrall* for petitioner. *Earl Faircloth*, Attorney General of Florida, *Herbert P. Benn*, Assistant Attorney General, and *Ellen J. Morphonios* for respondent. Reported below: 167 So. 2d 38.

No. 436. *TIESI v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied. *David Perskie* for petitioner. *Arthur J. Sills*, Attorney General of New Jersey, and *John W. Hayden, Jr.*, Deputy Attorney General, for respondent.

382 U. S.

December 13, 1965.

No. 305. *DERFUS v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Hyman Gold* for petitioner.

No. 343. *CUDIA ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *John R. Snively* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 346 F. 2d 227.

No. 496. *HEAPS v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied. *Stephen A. Pace, Jr.*, and *Thomas W. Cochran* for petitioner.

No. 503. *WINTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* and *Thomas R. Newman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 348 F. 2d 204.

No. 534. *BATTAGLIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Russell E. Parsons* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit*, for the United States. Reported below: 349 F. 2d 556.

No. 540. *WIESNER v. MARYLAND*. Cir. Ct. for Baltimore County, Md. Certiorari denied. *L. Robert Evans* for petitioner.

No. 613. *DANFORTH FOUNDATION v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Albert E. Jenner, Jr.*, for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Morton K. Rothschild and Robert A. Bernstein* for the United States. Reported below: 347 F. 2d 673.

December 13, 1965.

382 U. S.

No. 564. *DURIRON Co., INC. v. STEPHENSON ET AL.* Sup. Ct. Alaska. Certiorari denied. *P. Eugene Smith, Laidler B. Mackall and John E. Nolan, Jr.*, for petitioner. *Theodore Stevens* for respondent Stephenson. Reported below: 401 P. 2d 423.

No. 607. *ANDREWS v. UNITED STATES*;

No. 703. *POSTELL ET AL. v. UNITED STATES*;

No. 706. *ANDREWS ET AL. v. UNITED STATES*; and

No. 707. *OWENS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Jacob Kossman* for petitioner in No. 607. *Thomas D. Hirschfeld* for petitioners in No. 703. *Walter S. Houston* and *Eugene Smith* for petitioners in No. 706. Petitioners *pro se* in No. 707. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Daniel H. Benson* for the United States. Reported below: 347 F. 2d 207.

No. 615. *DIETZ v. CITY OF TOLEDO*. Sup. Ct. Ohio. Certiorari denied. *Merritt W. Green II* for petitioner. *John A. DeVictor, Jr.*, and *John J. Burkhardt* for respondent. Reported below: 3 Ohio St. 2d 30, 209 N. E. 2d 127.

No. 620. *LUROS ET AL. v. HANSON, U. S. DISTRICT JUDGE, ET AL.* C. A. 8th Cir. Certiorari denied. *Stanley Fleishman* and *Sam Rosenwein* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Jerome M. Feit* for respondents.

No. 621. *HILL v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. *James O. Hewitt* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Joseph M. Howard* for the United States et al. Reported below: 346 F. 2d 175.

382 U. S.

December 13, 1965.

No. 616. *EASTER v. ZIFF ET AL.* Ct. App. Md. Certiorari denied.

No. 624. *CREAMER INDUSTRIES, INC. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. *R. B. Cannon* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Joseph Kovner* for the United States et al. Reported below: 349 F. 2d 625.

No. 627. *PHIPPS v. OHIO.* Sup. Ct. Ohio. Certiorari denied. *Earl W. Allison* for petitioner. *Everett Burton* for respondent.

No. 628. *MOORMAN, ADMINISTRATOR, ET AL. v. AUSTIN PRESBYTERIAN THEOLOGICAL SEMINARY ET AL.* Sup. Ct. Tex. Certiorari denied. *Hume Cofer* and *John D. Cofer* for petitioners. *William B. Carsow* for respondents. Reported below: 391 S. W. 2d 717.

No. 629. *STEIN ET AL. v. OSHINSKY, PRINCIPAL, PUBLIC SCHOOL 184, WHITESTONE, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. *Edward J. Bazarian* and *Thomas J. Ford* for petitioners. *Leo A. Larkin, Seymour B. Quel, Benjamin Offner* and *Sidney P. Nadel* for Oshinsky et al., and *Charles A. Brind* for Board of Regents, respondents. Reported below: 348 F. 2d 999.

No. 630. *IDAHO POWER CO. v. FEDERAL POWER COMMISSION.* C. A. 9th Cir. Certiorari denied. *R. P. Parry* and *A. C. Inman* for petitioner. *Solicitor General Marshall, Richard A. Solomon* and *Howard E. Wahrenbrock* for respondent. Reported below: 346 F. 2d 956.

No. 631. *MERRICK v. ALLSTATE INSURANCE CO.* C. A. 8th Cir. Certiorari denied. *Jerome J. Duff* for petitioner. *John S. Marsalek* for respondent. Reported below: 349 F. 2d 279.

December 13, 1965.

382 U. S.

No. 727. *IVY v. KATZENBACH*, ATTORNEY GENERAL, ET AL. C. A. 7th Cir. Certiorari denied. *Leonard R. Hartenfeld* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Donald I. Bierman* for respondents. Reported below: 351 F. 2d 32.

No. 618. *WINCKLER & SMITH CITRUS PRODUCTS CO. ET AL. v. SUNKIST GROWERS, INC., ET AL.* C. A. 9th Cir. Motion to dispense with printing the petition for writ of certiorari granted. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion and petition. *Bernard Reich* for petitioners. *Ross C. Fisher and Herman F. Selvin* for respondents. Reported below: 346 F. 2d 1012.

No. 622. *PACIFIC COAST EUROPEAN CONFERENCE ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Motion of Dow Chemical Co. et al. to be added as parties respondent granted. Certiorari denied. *Robert L. Harmon* for petitioners. *Solicitor General Marshall, Assistant Attorney General Turner, Irwin A. Seibel, Milan C. Miskovsky and Walter H. Mayo III* for the United States et al. Reported below: 350 F. 2d 197.

No. 625. *AUERBACH ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Joseph J. Lyman* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 347 F. 2d 742.

No. 38, Misc. *CONWAY v. VIRGINIA.* Cir. Ct. Arlington County, Va. Certiorari denied. *Francis G. Molinaro* for petitioner.

382 U. S.

December 13, 1965.

No. 634. FOREMOST DAIRIES, INC. *v.* FEDERAL TRADE COMMISSION. C. A. 5th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Edgar E. Barton, George W. Milam and Macdonald Flinn* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Lionel Kestenbaum, Jerry Z. Pruzansky and James McI. Henderson* for respondent. Reported below: 348 F. 2d 674.

No. 726. GIANCANA *v.* UNITED STATES. C. A. 7th Cir. Motion to stay execution of commitment for contempt and petition for writ of certiorari denied. *Edward Bennett Williams and Richard E. Gorman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 352 F. 2d 921.

No. 10, Misc. LAW *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *Weldon Funderburk* for petitioner. *Waggoner Carr, Attorney General of Texas, and Hawthorne Phillips, Stanton Stone, Howard M. Fender and Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 14, Misc. PERRY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Richard T. Conway* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Theodore George Gilinsky* for the United States. Reported below: 121 U. S. App. D. C. 29, 347 F. 2d 813.

No. 30, Misc. MILLER *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied. Petitioner *pro se*. *Boston E. Witt, Attorney General of New Mexico, and Thomas O. Olson, Special Assistant Attorney General*, for respondent.

December 13, 1965.

382 U.S.

No. 25, Misc. *LOVE v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 35, Misc. *MENACHO v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *John T. Murphy*, Deputy Attorney General, *Arlo E. Smith*, Chief Assistant Attorney General, and *Albert W. Harris, Jr.*, Assistant Attorney General, for respondents.

No. 40, Misc. *BURNS v. HARRIS, WARDEN*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Doar* and *Harold H. Greene* for respondent. Reported below: 340 F. 2d 383.

No. 65, Misc. *MCDONALD v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied. Petitioner *pro se*. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way*, Assistant Attorney General, for respondent.

No. 69, Misc. *SNIPE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore Wieseman* for the United States. Reported below: 343 F. 2d 25.

No. 72, Misc. *SEGARS v. BOMAR, WARDEN*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *George F. McCanless*, Attorney General of Tennessee, and *Henry C. Foutch*, Assistant Attorney General, for respondent.

No. 105, Misc. *BERTRAND v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, for respondent.

382 U. S.

December 13, 1965.

No. 52, Misc. *TILLETT v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 75, Misc. *SMITH v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael*, Assistant Attorney General, for respondent.

No. 107, Misc. *DRAPER ET AL. v. WASHINGTON ET AL.* Sup. Ct. Wash. Certiorari denied. Petitioners *pro se*. *George A. Kain* for respondents. Reported below: 65 Wash. 2d 303, 396 P. 2d 990.

No. 124, Misc. *DAVIS v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci* and *Charles W. Rumph*, Deputy Attorneys General, for respondents.

No. 211, Misc. *SYVERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 342 F. 2d 780.

No. 233, Misc. *ROBINS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, *T. B. Wright*, *Howard M. Fender* and *Gilbert J. Pena*, Assistant Attorneys General, for respondent.

No. 255, Misc. *WILLIAMS v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se*. *George F. McCanless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent. Reported below: — Tenn. —, 390 S. W. 2d 234.

December 13, 1965.

382 U. S.

No. 234, Misc. *REYNOLDS v. LANGLOIS, WARDEN.* Sup. Ct. R. I. Certiorari denied. Reported below: — R. I. —, 209 A. 2d 237.

No. 269, Misc. *BROWN v. BROUH, WARDEN.* Ct. App. Md. Certiorari denied.

No. 299, Misc. *WILLIAMS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. *Bruce E. Clubb* for petitioner. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 120 U. S. App. D. C. 244, 345 F. 2d 733.

No. 315, Misc. *MEYES v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 323, Misc. *GREEN v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *David J. Mountan, Jr.*, for petitioner. *Aaron E. Koota and Frank Di Lalla* for respondent.

No. 324, Misc. *WOODSON v. IOWA.* C. A. 8th Cir. Certiorari denied.

No. 353, Misc. *RHODES v. TINSLEY, WARDEN.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: 343 F. 2d 135.

No. 359, Misc. *IRVING v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 363, Misc. *TILLMAN v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

382 U. S.

December 13, 1965.

No. 350, Misc. *YOUNG v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 65 Wash. 2d 938, 400 P. 2d 374.

No. 403, Misc. *POSTELL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 435, Misc. *BAILEY v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 456, Misc. *WRIGHT v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 491, Misc. *BARNOSKY v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 496, Misc. *WHITE v. GRANT, U. S. DISTRICT JUDGE*. C. A. 7th Cir. Certiorari denied.

No. 497, Misc. *WILLIAMS v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 174 So. 2d 97.

No. 506, Misc. *BROOKS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 518, Misc. *BIRDSSELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *O. Don Chapoton* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 346 F. 2d 775.

No. 534, Misc. *STAHLMAN v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

December 13, 1965.

382 U.S.

No. 548, Misc. *WILLIAMS v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. *Jacob Wysoker* for petitioner.

No. 571, Misc. *YOUNG v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 600, Misc. *NOONKESTER v. WASHINGTON ET AL.* Sup. Ct. Wash. Certiorari denied.

No. 607, Misc. *WILLIAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 342 F. 2d 425.

No. 614, Misc. *FENTON v. HEINZE, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 616, Misc. *WHITE v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 637, Misc. *ATKINS v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 195 Kan. 182, 403 P. 2d 962.

No. 638, Misc. *NELSON v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 346 F. 2d 73.

No. 654, Misc. *GLOVER v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 656, Misc. *SALAZAR v. Cox, WARDEN*; and

No. 657, Misc. *LUCERO v. Cox, WARDEN*. Sup. Ct. N. M. Certiorari denied.

No. 658, Misc. *BATES v. WILSON, WARDEN*. Sup. Ct. Cal. Certiorari denied.

382 U. S.

December 13, 1965.

No. 691, Misc. ARMENTA *v.* DUNBAR, CORRECTIONS DIRECTOR. Sup. Ct. Cal. Certiorari denied.

No. 692, Misc. MAGETTE *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Petitioner *pro se*. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 693, Misc. HURLEY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Daniel H. Benson* for the United States.

No. 695, Misc. LYONS ET AL. *v.* BAILEY, DIRECTOR, JUVENILE COURT FACILITIES. Sup. Ct. Cal. Certiorari denied.

No. 697, Misc. BOWDEN *v.* CALIFORNIA ADULT AUTHORITY ET AL. Sup. Ct. Cal. Certiorari denied.

No. 698, Misc. SANCHEZ *v.* COX, WARDEN. Sup. Ct. N. M. Certiorari denied.

No. 702, Misc. CAGLE *v.* HARRIS, WARDEN. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Doar* and *David L. Norman* for respondent. Reported below: 349 F. 2d 404.

No. 704, Misc. LITTERIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 708, Misc. VANHOOK *v.* EKLUND, PRISON SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Reported below: 348 F. 2d 920.

December 13, 1965.

382 U. S.

No. 729, Misc. *PEGUESE v. FAY, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 734, Misc. *Ross v. DELTA DRILLING Co.* C. A. 5th Cir. Certiorari denied.

No. 737, Misc. *DE LUCIA v. YEAGER, WARDEN.* C. A. 3d Cir. Certiorari denied. Reported below: 346 F. 2d 569.

No. 763, Misc. *SHIELDS v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. *Julian C. Jaeckel* for petitioner. Reported below: 391 S. W. 2d 909.

No. 780, Misc. *PUCKETT v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se.* *George F. McCanless*, Attorney General of Tennessee, and *Edgar P. Calhoun*, Assistant Attorney General, for respondent.

No. 786, Misc. *MATLOCK v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 350 F. 2d 261.

No. 801, Misc. *CORCORAN v. YORTY ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Roger Arnebergh* and *Bourke Jones* for respondents. Reported below: 347 F. 2d 222.

Rehearing Denied.

No. 533, Misc. *CLARK v. ILLINOIS*, *ante*, p. 910. Petition for rehearing denied.

No. 281. *SHAKESPEARE ET AL. v. CITY OF PASADENA*, *ante*, p. 39. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

382 U. S.

January 5, 17, 1966.

JANUARY 5, 1966.

Dismissal Under Rule 60.

No. 637. JAHNCKE SERVICE, INC., ET AL. *v.* GREATER NEW ORLEANS EXPRESSWAY COMMISSION ET AL. C. A. 5th Cir. Petition for writ of certiorari as to petitioner Home Insurance Co. dismissed pursuant to Rule 60 of the Rules of this Court. *Eberhard P. Deutsch* and *René H. Himel, Jr.*, for petitioners. *George B. Matthews* for respondent Greater New Orleans Expressway Commission. Reported below: 341 F. 2d 956.

JANUARY 17, 1966.

Dismissal Under Rule 60.

No. 1039, Misc. *WELLS v. WASHINGTON*. Sup. Ct. Wash. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court.

Miscellaneous Orders.

No. 22, Original. *SOUTH CAROLINA v. KATZENBACH, ATTORNEY GENERAL*. (Motion for leave to file bill of complaint granted, *ante*, p. 898.) Motion by the State of Alabama for leave to intervene denied. *Francis J. Mizell, Jr.*, and *Reid B. Barnes* on the motion.

No. 210. *STEVENS v. MARKS, NEW YORK SUPREME COURT JUSTICE*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept.; and

No. 290. *STEVENS v. McCLOSKEY, SHERIFF*. C. A. 2d Cir. (Certiorari granted, *ante*, p. 809.) Motion of Superior Officers Council of City of New York Police Department for leave to file brief, as *amicus curiae*, granted. *Abraham Glasser* on the motion. *Frank S. Hogan* and *H. Richard Uviller* for respondents in both cases in opposition.

January 17, 1966.

382 U. S.

No. 219. *BAXSTROM v. HEROLD, STATE HOSPITAL DIRECTOR.* Ct. App. N. Y. (Certiorari granted, 381 U. S. 949.) Motion of respondent for leave to file brief after argument granted. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Acting Solicitor General, and *Anthony J. Lokot*, Assistant Attorney General, on the motion.

No. 368. *A BOOK NAMED "JOHN CLELAND'S MEMOIRS OF A WOMAN OF PLEASURE" v. ATTORNEY GENERAL OF MASSACHUSETTS.* Appeal from Sup. Jud. Ct. Mass. (Probable jurisdiction noted, *ante*, p. 900.) Motion for leave to file supplemental brief by Citizens for Decent Literature, Inc., as *amicus curiae*, denied. *Charles J. Keating, Jr.*, and *James J. Clancy* on the motion. *Charles Rembar* for appellant in opposition.

No. 535. *UNITED STATES v. CATTO ET AL.* C. A. 5th Cir. (Certiorari granted, *ante*, p. 925.) Motions of respondents to remove case from summary calendar granted and a total of one and one-half hours is allotted for oral argument. *Ben F. Foster* for Catto et al., and *Claiborne B. Gregory* for Wardlaw et al., respondents, on the motions.

No. 657. *BROOKHART v. OHIO.* Sup. Ct. Ohio. (Certiorari granted, *ante*, p. 810.) Motion of petitioner to substitute Martin A. Janis, Director of the Ohio Department of Mental Hygiene and Correction, as party respondent in place of the State of Ohio granted. *Lawrence Herman* on the motion.

No. 711. *UNITED STATES v. KALISHMAN, TRUSTEE IN BANKRUPTCY.* C. A. 8th Cir. The respondent is invited to file a brief expressing his views, as *amicus curiae*, in No. 650.

382 U. S.

January 17, 1966.

No. 584. CALIFORNIA *v.* STEWART. Sup. Ct. Cal. (Certiorari granted, *ante*, p. 937.) Motion of petitioner to dispense with printing the record granted. Motion of respondent for leave to proceed *in forma pauperis* granted. Motion of petitioner to remove case from summary calendar granted and a total of one and one-half hours is allotted for oral argument. *Thomas C. Lynch*, Attorney General of California, and *Gordon Ringer*, Deputy Attorney General, for petitioner. *William A. Norris* for respondent.

No. 722. BARRIOS ET AL. *v.* FLORIDA. Appeal from Sup. Ct. Fla. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 761. WESTOVER *v.* UNITED STATES. C. A. 9th Cir. (Certiorari granted, *ante*, p. 924.) Motion for leave to amend the petition denied.

No. 813, Misc. EVANS *v.* KENNEDY, ATTORNEY GENERAL, ET AL. Motion for leave to file petition for writ of certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondents. Reported below: 343 F. 2d 913.

No. 805, Misc. CEPHAS *v.* BOLES, WARDEN;

No. 831, Misc. WHITTINGTON *v.* WEAKLEY, REFORMATORY SUPERINTENDENT;

No. 876, Misc. WILLIAMS *v.* FOLLETTE, WARDEN;

No. 891, Misc. MADDEN *v.* CALIFORNIA;

No. 897, Misc. TYNAN *v.* EYMAN, WARDEN, ET AL.;

No. 911, Misc. EARNSHAW *v.* KATZENBACH, ATTORNEY GENERAL, ET AL.; and

No. 925, Misc. ORTEGA *v.* WARDEN, MICHIGAN STATE PRISON. Motions for leave to file petitions for writs of habeas corpus denied.

January 17, 1966.

382 U. S.

No. 593, Misc. *MURRAY v. FLORIDA*. 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*. *Earl Faircloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 778, Misc. *TRUSLOW v. BOLES, WARDEN*; and

No. 895, Misc. *SHEFTIC v. BOLES, WARDEN*. 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.

Probable Jurisdiction Noted or Postponed.

No. 79. *CASCADE NATURAL GAS CORP. v. EL PASO NATURAL GAS CO. ET AL.*;

No. 82. *CALIFORNIA v. EL PASO NATURAL GAS CO. ET AL.*; and

No. 596. *SOUTHERN CALIFORNIA EDISON CO. v. EL PASO NATURAL GAS CO. ET AL.* Appeals from D. C. Utah. Probable jurisdiction noted. The cases are consolidated and a total of two hours is allotted for oral argument. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of these cases. *H. B. Jones, Jr.*, for appellant in No. 79. *William M. Bennett* for appellant in No. 82. *Rollin E. Woodbury, Harry W. Sturges, Jr., William E. Marx* and *Raymond T. Senior* for appellant in No. 596. *Gregory A. Harrison, Atherton Phleger* and *Leon M. Payne* for El Paso Natural Gas Co., appellee in all cases. Former Solicitor General *Cox*, Assistant Attorney General *Orrick, Lionel Kestenbaum* and *Donald L. Hardison* for the United States, appellee in Nos. 79 and 82; and Solicitor General *Marshall, Assistant Attorney General Turner* and *Lionel Kestenbaum* for the United States, appellee in No. 596.

382 U. S.

January 17, 1966.

No. 531. UNITED STATES *v.* BLUE. Appeal from D. C. S. D. Cal. Further consideration of the question of jurisdiction in this case postponed to the hearing of the case on the merits. *Solicitor General Marshall, Acting Assistant Attorney General Roberts and Joseph M. Howard* for the United States. *Ernest R. Mortenson* for appellee.

Certiorari Granted. (See also No. 87, *ante*, p. 366; No. 100, *ante*, p. 367; No. 593, *ante*, p. 362; and No. 663, *ante*, p. 374.)

No. 471. CITY OF GREENWOOD *v.* PEACOCK ET AL.; and No. 649. PEACOCK ET AL. *v.* CITY OF GREENWOOD. C. A. 5th Cir. Certiorari granted. The cases are consolidated and a total of two hours is allotted for oral argument. The cases are set for oral argument immediately following No. 147. *Aubrey H. Bell* for petitioner in No. 471 and for respondent in No. 649. *Benjamin E. Smith* and *Claudia Shropshire* for petitioners in No. 649 and for respondents in No. 471. Reported below: 347 F. 2d 679, 986.

No. 619. ASHTON *v.* KENTUCKY. Ct. App. Ky. Certiorari granted. *Ephraim London* and *Dan Jack Combs* for petitioner. *Robert Matthews*, Attorney General of Kentucky, and *John B. Browning*, Assistant Attorney General, for respondent.

No. 650. NICHOLAS, TRUSTEE *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted. *John H. Gunn* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *I. Henry Kutz* for the United States. Reported below: 346 F. 2d 32.

No. 658. SCHMERBER *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of L. A. Certiorari granted. *Thomas M. McGurkin* for petitioner. *Roger Arnebergh, Philip E. Grey* and *Wm. E. Doran* for respondent.

January 17, 1966.

382 U. S.

No. 645. UNITED STATES *v.* EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES. Sup. Ct. N. J. Certiorari granted. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph Kovner and George F. Lynch* for the United States. Reported below: 45 N. J. 206, 212 A. 2d 25.

No. 692. PURE OIL Co. *v.* SUAREZ. C. A. 5th Cir. Certiorari granted. *Eberhard P. Deutsch, René H. Himel, Jr., and Joaquin Campoy* for petitioner. *Arthur Roth, S. Eldridge Sampliner and Charlotte J. Roth* for respondent. Reported below: 346 F. 2d 890.

Certiorari Denied. (See also No. 679, *ante*, p. 366; No. 690, *ante*, p. 367; No. 699, *ante*, p. 371; No. 732, *ante*, p. 370; and Misc. Nos. 593, 778 and 895, *supra*.)

No. 70. AIRCRAFT & ENGINE MAINTENANCE & OVERHAUL, BUILDING, CONSTRUCTION, MANUFACTURING, PROCESSING & DISTRIBUTION & ALLIED INDUSTRIES EMPLOYEES, LOCAL 290, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* I. E. SCHILLING Co., INC. C. A. 5th Cir. Certiorari denied. *David Previant, L. N. D. Wells, Jr., and Charles J. Morris* for petitioner. *John Bacheller, Jr.*, for respondent. Reported below: 340 F. 2d 286.

No. 86. AIRCRAFT & ENGINE MAINTENANCE & OVERHAUL, BUILDING, CONSTRUCTION, MANUFACTURING, PROCESSING & DISTRIBUTION & ALLIED INDUSTRIES EMPLOYEES, LOCAL 290, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* OOLITE CONCRETE Co. C. A. 5th Cir. Certiorari denied. *David Previant, L. N. D. Wells, Jr., and Charles J. Morris* for petitioner. *John Bacheller, Jr.*, for respondent. Reported below: 341 F. 2d 210.

382 U. S.

January 17, 1966.

No. 245. *BLOOMBAUM v. MARYLAND*. Ct. App. Md. Certiorari denied. *Joseph S. Kaufman* for petitioner. *Thomas B. Finan*, Attorney General of Maryland, and *Robert F. Sweeney*, Assistant Attorney General, for respondent. Reported below: 237 Md. 663, 207 A. 2d 651.

No. 601. *GOODYEAR TIRE & RUBBER Co. ET AL. v. COMMISSIONER OF PATENTS*. C. A. D. C. Cir. Certiorari denied. *Francis C. Browne* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *David L. Rose* and *Frederick B. Abramson* for respondent. Reported below: 121 U. S. App. D. C. 275, 349 F. 2d 710.

No. 617. *BORST v. BRENNER, COMMISSIONER OF PATENTS*. C. C. P. A. Certiorari denied. *Richard Whiting* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Morton Hollander* and *Edward Berlin* for respondent. Reported below: 52 C. C. P. A. (Pat.) 554, 345 F. 2d 851.

No. 623. *GEORGIA RAILROAD & BANKING Co. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Paul R. Russell* and *William J. Cooney* for petitioner. *Solicitor General Marshall* and *Acting Assistant Attorney General Roberts* for the United States. Reported below: 348 F. 2d 278.

No. 632. *SCALZA v. UNITED STATES*; and

No. 701. *HYMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Richard Lipsitz* and *Eugene Gressman* for petitioner in No. 632. *Sidney O. Raphael* for petitioner in No. 701. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, *Kirby W. Patterson* and *Mervyn Hamburg* for the United States. Reported below: 350 F. 2d 171.

January 17, 1966.

382 U. S.

No. 637. *JAHNCKE SERVICE, INC. v. GREATER NEW ORLEANS EXPRESSWAY COMMISSION ET AL.* C. A. 5th Cir. Certiorari denied. *Eberhard P. Deutsch* and *René H. Himel, Jr.*, for petitioner. *George B. Matthews* for respondent Greater New Orleans Expressway Commission. Reported below: 341 F. 2d 956.

No. 638. *STANDARD-TRIUMPH MOTOR CO., INC. v. CITY OF HOUSTON ET AL.* C. A. 5th Cir. Certiorari denied. *Joyce Cox* for petitioner. *John Wildenthal, Jr.*, and *Homer T. Bouldin* for respondents. Reported below: 347 F. 2d 194.

No. 639. *BROADNAX v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *James A. Jameson* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 346 F. 2d 119.

No. 640. *MIDWEST LAUNDRY EQUIPMENT CORP. v. BERG ET UX.* Sup. Ct. Neb. Certiorari denied. *Joseph E. Dean, Jr.*, for petitioner. Reported below: 178 Neb. 770, 135 N. W. 2d 457.

No. 641. *AUTOMATION DEVICES, INC. v. SMALEN-BERGER, DBA AUTOMATIC FEEDER CO.* C. A. 7th Cir. Certiorari denied. *Jack E. Dominik* for petitioner. *Warren C. Horton* for respondent. Reported below: 346 F. 2d 288.

No. 644. *HEIDER ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *William E. Dougherty* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard* and *John P. Burke* for the United States. Reported below: 347 F. 2d 695.

382 U. S.

January 17, 1966.

No. 646. *ADAMS ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Chris Dixie, David E. Feller and Jerry D. Anker* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 347 F. 2d 665.

No. 648. *GRANT v. NEW YORK.* Ct. App. N. Y. Certiorari denied. *Max J. Rubin* for petitioner. *Frank S. Hogan and H. Richard Uviller* for respondent.

No. 651. *MONTANA EASTERN PIPE LINE Co. v. SHELL OIL Co. ET AL.* C. A. 9th Cir. Certiorari denied. *Daryl E. Engebregson* for petitioner. *J. T. Lamb* for respondents.

No. 653. *RAHMOELLER v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied. *Ernest George Williams* for petitioner.

No. 660. *JONES, ADMINISTRATOR v. UNITED STATES.* Ct. Cl. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 664. *LILLO ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Frederic C. Ritger, Jr.*, for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States.

No. 666. *J. C. MARTIN CORP. v. FEDERAL TRADE COMMISSION.* C. A. 3d Cir. Certiorari denied. *Miles Warner and Walter D. Hansen* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Robert B. Hummel and James McI. Henderson* for respondent. Reported below: 346 F. 2d 147.

January 17, 1966.

382 U.S.

No. 665. *RUDICK v. SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES ET AL.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Phill Silver* for petitioner.

No. 667. *KATSCHKE ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Maurice J. Walsh* and *Edward J. Calihan, Jr.*, for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Donald I. Bierman* for the United States. Reported below: 350 F. 2d 587.

No. 668. *WATSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Jacob Rassner* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 346 F. 2d 52.

No. 669. *RITACCO ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Paul A. Skjervold* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 349 F. 2d 907.

No. 670. *TECON ENGINEERS, INC., ET AL. v. UNITED STATES.* Ct. Cl. Certiorari denied. *William C. Battle* and *James E. Fahey* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Philip R. Miller* for the United States. Reported below: 170 Ct. Cl. 389, 343 F. 2d 943.

No. 685. *PINEDO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard* and *John M. Brant* for the United States. Reported below: 347 F. 2d 142.

382 U. S.

January 17, 1966.

No. 671. NORTH TEXAS PRODUCERS ASSOCIATION *v.* METZGER DAIRIES, INC. C. A. 5th Cir. Certiorari denied. *Ashton Phelps* for petitioner. *Charles P. Storey* for respondent. Reported below: 348 F. 2d 189.

No. 672. FIELDSMITH *v.* TEXAS STATE BOARD OF DENTAL EXAMINERS. Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. *Curtis E. Hill* for petitioner. Reported below: 386 S. W. 2d 305.

No. 674. HULSENBUSCH *v.* DAVIDSON RUBBER Co. C. A. 8th Cir. Certiorari denied. *Victor W. Klein* for petitioner. *Robert B. Russell* for respondent. Reported below: 344 F. 2d 730.

No. 683. TEXAS LIQUOR CONTROL BOARD ET AL. *v.* AMMEX WAREHOUSE Co., INC., ET AL. Ct. Civ. App. Tex., 3d Sup. Jud. Dist. Certiorari denied. *Waggoner Carr*, Attorney General of Texas, *Howard M. Fender*, Assistant Attorney General, and *J. Sam Winters* for petitioners. *Dean Moorhead* for respondents. Reported below: 384 S. W. 2d 768.

No. 687. CHANDLER ET AL. *v.* DAVID ET AL. C. A. 5th Cir. Certiorari denied. *Ashley Sellers*, *John D. Conner* and *George C. Davis* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Alan S. Rosenthal* and *Edward Berlin* for respondents. Reported below: 350 F. 2d 669.

No. 686. MELCHER ET AL. *v.* RIDDELL, DISTRICT DIRECTOR OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Jerome B. Rosenthal* and *Harland N. Green* for petitioners. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts* and *Harold C. Wilkenfeld* for respondent. Reported below: 350 F. 2d 291.

January 17, 1966.

382 U. S.

No. 680. *ANDREWS v. CITY OF SAN BERNARDINO ET AL.*
Dist Ct. App. Cal., 4th App. Dist. Certiorari denied.
Manuel Ruiz for petitioner. *Waldo Willhoft* for re-
spondents.

No. 675. *STEVENS, EXECUTRIX, ET AL. v. HUMBLE*
Oil & Refining Co. C. A. 5th Cir. Certiorari denied.
Arthur C. Reuter and *Herbert J. Garon* for petitioners.
Reported below: 346 F. 2d 43.

No. 689. *MANHATTAN-BRONX POSTAL UNION ET AL.*
v. O'BRIEN, POSTMASTER GENERAL. C. A. D. C. Cir.
Certiorari denied. *Roy C. Frank* for petitioners. *Solicitor General Marshall, Assistant Attorney General Douglas, Morton Hollander* and *Robert V. Zener* for respondent.
Reported below: 121 U. S. App. D. C. 321, 350 F. 2d 451.

No. 693. *MOORE v. P. W. PUBLISHING Co., INC.*
Sup. Ct. Ohio. Certiorari denied. *James R. Hinton* for petitioner. *W. Howard Fort* for respondent.
Reported below: 3 Ohio St. 2d 183, 209 N. E. 2d 412.

No. 696. *DILLON v. UNITED STATES.* C. A. 9th Cir.
Certiorari denied. *Robert S. Miller* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Morton Hollander* and *Robert V. Zener* for the United States.
Reported below: 346 F. 2d 633.

No. 710. *CONTINENTAL GRAIN Co. v. WASHINGTON.*
Sup. Ct. Wash. Certiorari denied. *Arthur A. Goldsmith* and *Dwight L. Schwab* for petitioner. *John J. O'Connell*, Attorney General of Washington, and *James A. Furber* and *Henry W. Wager*, Assistant Attorneys General, for respondent.
Reported below: 66 Wash. 2d 194, 401 P. 2d 870.

382 U. S.

January 17, 1966.

No. 697. CARPENTER BODY WORKS, INC. *v.* McCULLLEY ET AL. Ct. Civ. App. Tex., 1st Sup. Jud. Dist. Certiorari denied. *Wiley B. Thomas, Jr.*, for petitioner. *Leland B. Kee* for respondents. Reported below: 389 S. W. 2d 331.

No. 708. AETNA INSURANCE CO. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *James M. Marsh* and *J. Harry LaBrum* for petitioner. *Solicitor General Marshall* and *Acting Assistant Attorney General Roberts* for the United States. Reported below: 346 F. 2d 985.

No. 713. WINDHAM CREAMERY, INC., ET AL. *v.* FREEMAN, SECRETARY OF AGRICULTURE. C. A. 3d Cir. Certiorari denied. *Edward W. Currie* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Alan S. Rosenthal* and *Frederick B. Abramson* for respondent. Reported below: 350 F. 2d 978.

No. 714. PAGE, GUARDIAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Paul N. Cotro-Manes* for petitioner. *Solicitor General Marshall*, *Assistant Attorney Douglas* and *Alan S. Rosenthal* for the United States. Reported below: 350 F. 2d 28.

No. 715. ST. LOUIS MAILERS' UNION LOCAL NO. 3 *v.* GLOBE-DEMOCRAT PUBLISHING CO. C. A. 8th Cir. Certiorari denied. *Jerome J. Duff* for petitioner. *Lon Hocker* for respondent. Reported below: 350 F. 2d 879.

No. 728. HENNINGER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Edward S. Barlock* and *Walter L. Gerash* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 350 F. 2d 849.

January 17, 1966.

382 U. S.

No. 716. *SCHATTEN-CYPRESS Co. v. LEE SHOPS, INC.* C. A. 6th Cir. Certiorari denied. *Thomas Wardlaw Steele* and *Cecil Sims* for petitioner. *Maclin P. Davis, Jr.*, for respondent. Reported below: 350 F. 2d 12.

No. 717. *WALSTON v. LAMBERTSEN*. C. A. 9th Cir. Certiorari denied. *John W. Riley* for petitioner. *Robert V. Holland* for respondent. Reported below: 349 F. 2d 660.

No. 720. *ROLLINS v. PENNSYLVANIA RAILROAD Co.* Super. Ct. N. J. Certiorari denied. *Francis Sorin* for petitioner. *Francis X. Kennelly* for respondent.

No. 721. *DEROSA v. AETNA INSURANCE Co.* C. A. 7th Cir. Certiorari denied. *John G. Phillips* for petitioner. *Peter Fitzpatrick* for respondent. Reported below: 346 F. 2d 245.

No. 723. *KOUNTIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Daniel C. Ahern* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 350 F. 2d 869.

No. 725. *SCHWARTZ v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Edward Brodsky* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, *David Clurman* and *Alan L. Kazlow*, Special Assistant Attorneys General, and *Barry Mahoney*, Assistant Attorney General, for respondent.

No. 729. *COE v. HELMERICH & PAYNE, INC.* C. A. 10th Cir. Certiorari denied. *Joseph P. Jenkins* for petitioner. *J. D. Lysaught* for respondent. Reported below: 348 F. 2d 1.

382 U. S.

January 17, 1966.

No. 730. *SMAYDA ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Evander C. Smith* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Robert S. Erdahl* and *Daniel H. Benson* for the United States. Reported below: 352 F. 2d 251.

No. 731. *HARRIGAN ET AL. v. HAMM, COMMISSIONER OF REVENUE OF ALABAMA.* Sup. Ct. Ala. Certiorari denied. *Charles B. Arendall, Jr.*, and *M. Roland Nachman, Jr.*, for petitioners. *Richmond Flowers*, Attorney General of Alabama, and *Willard W. Livingston* and *Herbert I. Burson, Jr.*, Assistant Attorneys General, for respondent. Reported below: 278 Ala. 521, 179 So. 2d 154.

No. 737. *CARROLL ET AL. v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. *Sidney Gordon* for petitioners. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for the National Labor Relations Board. *Francis Heisler* for certain real parties in interest. *Richard Ernst* for Pacific Maritime Association.

No. 738. *CHERRIN CORP. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. *Marvin W. Cherrin* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 349 F. 2d 1001.

No. 739. *GIBRALTOR AMUSEMENTS, LTD. v. WURLITZER CO. ET AL.* C. A. 2d Cir. Certiorari denied. *Frances Mechta* for petitioner. *Edward R. Neaher* for Wurlitzer Co. et al., and *Joseph Jaspan* for Christ, Trustee, respondents.

January 17, 1966.

382 U. S.

No. 736. REPUBLIC OF IRAQ *v.* FIRST NATIONAL BANK OF CHICAGO. C. A. 7th Cir. Certiorari denied. *Carl L. Shipley* for petitioner. Reported below: 350 F. 2d 645.

No. 740. ABBAMONTE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Irwin Klein* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. May-sack* for the United States. Reported below: 348 F. 2d 700.

No. 742. CITY OF CLEVELAND *v.* PUBLIC UTILITIES COMMISSION OF OHIO ET AL. Sup. Ct. Ohio. Certiorari denied. *William T. McKnight and James L. Harkens, Jr.*, for petitioner. *William Saxbe, Attorney General of Ohio, and Theodore K. High, Assistant Attorney General, for Public Utilities Commission of Ohio, and John Lansdale* for Cleveland Electric Illuminating Co., respondents. Reported below: 3 Ohio St. 2d 82, 209 N. E. 2d 424.

No. 744. AMERICAN COMPRESS WAREHOUSE, DIVISION OF FROST-WHITED CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Thomas E. Shroyer* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Herman M. Levy* for respondent. Reported below: 350 F. 2d 365.

No. 749. SUN OIL CO. *v.* FEDERAL TRADE COMMISSION. C. A. 7th Cir. Certiorari denied. *Leonard J. Emmerglick, Henry A. Frye and Richard L. Freeman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Robert B. Hummel, James McI. Henderson and Alvin L. Berman* for respondent. Reported below: 350 F. 2d 624.

382 U. S.

January 17, 1966.

No. 745. *Moskow et al. v. Boston Redevelopment Authority et al.* Sup. Jud. Ct. Mass. Certiorari denied. *James W. Kelleher* and *Edgar L. Kelley* for petitioners. *Lewis H. Weinstein* and *Loyd M. Starrett* for Boston Redevelopment Authority; *William H. Kerr* for the City of Boston et al.; *Edward W. Brooke*, Attorney General of Massachusetts, and *David Berman*, Assistant Attorney General, for the Director of the Division of Urban Renewal; and *Richard Wait* for New England Merchants National Bank of Boston et al., respondents. Reported below: 349 Mass. 553, 210 N. E. 2d 699.

No. 746. *Rainey et al. v. George A. Fuller Co. et al.* Sup. Ct. Cal. Certiorari denied. *Phill Silver* for petitioners.

No. 747. *Mack v. Brenner, Commissioner of Patents.* C. C. P. A. Certiorari denied. *Henry Gifford Hardy* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Alan S. Rosenthal* and *Harvey L. Zuckman* for respondent. Reported below: 52 C. C. P. A. (Pat.) 394, 344 F. 2d 719.

No. 748. *Berner et al., Executors v. British Commonwealth Pacific Airlines, Ltd., et al.* C. A. 2d Cir. Certiorari denied. *T. Roland Berner*, *M. Victor Leventritt* and *Aaron Lewittes* for petitioners. *Austin P. Magner* and *George N. Tompkins, Jr.*, for respondents. Reported below: 346 F. 2d 532.

No. 756. *David et ux. v. Phinney, District Director of Internal Revenue.* C. A. 5th Cir. Certiorari denied. *Fentress Bracewell* and *John M. Robinson* for petitioners. *Solicitor General Marshall* and *Acting Assistant Attorney General Roberts* for respondent. Reported below: 350 F. 2d 371.

January 17, 1966.

382 U. S.

No. 753. 93 COURT CORP. ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Albert Foreman* for petitioners. *Acting Solicitor General Spritzer, Assistant Attorney General Douglas* and *David L. Rose* for the United States. Reported below: 350 F. 2d 386.

No. 757. GORANSON, ADMINISTRATOR *v.* CAPITAL AIRLINES, INC., ET AL. C. A. 6th Cir. Certiorari denied. *Fred A. Smith* for petitioner. *Wayne E. Stichter* for respondents. Reported below: 345 F. 2d 750.

No. 771. BATES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Raymond E. Sutton* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 352 F. 2d 399.

No. 774. WORLD AIRWAYS, INC. *v.* NORTHEAST AIRLINES, INC. C. A. 1st Cir. Certiorari denied. *Jerrold Scoult, Jr.*, and *Raymond J. Rasenberger* for petitioner. *Laurence S. Fordham* for respondent. Reported below: 349 F. 2d 1007.

No. 780. RELEFORD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *John F. Dugger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 352 F. 2d 36.

No. 787. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION *v.* FEDERAL RESERVE BANK OF SAN FRANCISCO. C. A. 9th Cir. Certiorari denied. *Robert H. Fabian* and *Harris B. Taylor* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas, Morton Hollander* and *Richard S. Salzman* for respondent. Reported below: 349 F. 2d 565.

382 U. S.

January 17, 1966.

No. 769. CALIFORNIA CO. v. KUCHENIG. C. A. 5th Cir. Certiorari denied. *Lawrence K. Benson* for petitioner. Reported below: 350 F. 2d 551.

No. 790. SIGNAL MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari denied. *Maurice Epstein* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Warren M. Davison* for respondent. Reported below: 351 F. 2d 471.

No. 798. KING v. UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Orie Seltzer* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States.

No. 34. FRANKEL ET AL. v. FEDERAL POWER COMMISSION ET AL.;

No. 35. J. RAY McDERMOTT & CO., INC. v. FEDERAL POWER COMMISSION ET AL.; and

No. 36. SUPERIOR OIL CO. v. FEDERAL POWER COMMISSION ET AL. C. A. 5th Cir. Motion of United Gas Pipe Line Co. to be added as a party respondent in No. 36 granted. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion and these petitions. *H. H. Hillyer, Jr.*, for petitioners in Nos. 34 and 35. *Murray Christian, Herbert W. Varner and R. B. Voight* for petitioner in No. 36. *Solicitor General Cox, Richard A. Solomon, Howard A. Wahrenbrock and Josephine H. Klein* for the Federal Power Commission, respondent in all cases. *Kent H. Brown and Morton L. Simons* for Public Service Commission of New York, respondent in Nos. 34 and 35. *Vernon W. Woods and Saunders Gregg* for United Gas Pipe Line Co., respondent in No. 36. Reported below: 335 F. 2d 1004.

January 17, 1966.

382 U. S.

No. 800. *MOBIL OIL Co. v. LOCAL 7-644, OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION, AFL-CIO.* C. A. 7th Cir. Certiorari denied. *William H. Armstrong* and *Robert L. Broderick* for petitioner. *Harold Gruenberg* for respondent. Reported below: 350 F. 2d 708.

No. 355. *LITTELL v. NAKAI.* C. A. 9th Cir. Motion to dispense with printing respondent's brief granted. Certiorari denied. *Frederick Bernays Wiener* and *John F. Doyle* for petitioner. *Harold E. Mott* for respondent. *Solicitor General Marshall* for the United States, as *amicus curiae*, in opposition. Reported below: 344 F. 2d 486.

No. 566. *HOOPER v. UNITED STATES.* C. A. 6th Cir. Motion for leave to file a supplement to the petition granted. Motion to dispense with printing petition granted. Certiorari denied. *Charles Orlando Pratt* and *Hamilton W. Kenner* for petitioner. *Solicitor General Marshall* and *Charles J. McCarthy* for the United States.

No. 603. *ENGLAND ET UX. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Mr. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Ernest Rubenstein* for petitioners. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts* and *I. Henry Kutz* for the United States. Briefs of *amici curiae*, in support of the petition, were filed by *Graham W. McGowan* for the Electronic Industries Association; by *John R. Turney, Jr.*, for the Manufacturing Chemists' Association, Inc.; by *George R. Fearon* and *Richard B. Barker* for the Associated Industries of New York State, Inc.; and by *Lambert H. Miller* for the National Association of Manufacturers of the United States. Reported below: 345 F. 2d 414.

382 U. S.

January 17, 1966.

No. 643. *THOMPSON v. KAWASAKI KISEN, K. K., ET AL.* C. A. 1st Cir. Motion of the American Trial Lawyers Association for leave to file brief, as *amicus curiae*, granted. Certiorari denied. *Eugene X. Giroux* for petitioner. *Seymour P. Edgerton* for Kawasaki Kisen, K. K., and *C. Keefe Hurley* for Bay State Stevedoring Co., respondents. *Harvey Goldstein* for American Trial Lawyers Association, as *amicus curiae*, in support of the petition. Reported below: 348 F. 2d 879.

No. 647. *SOUTH FLORIDA TELEVISION CORP. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Scott W. Lucas* and *Joseph B. Friedman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Turner, Lionel Kestenbaum* and *Henry Geller* for Federal Communications Commission, and *Robert A. Marmet, Edwin R. Schneider, Jr., Paul A. Porter* and *Reed Miller* for L. B. Wilson, Inc., respondents. Reported below: 121 U. S. App. D. C. 293, 349 F. 2d 971.

No. 691. *LIGGETT & MYERS TOBACCO CO. v. PRITCHARD, ADMINISTRATRIX.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Bethuel M. Webster, Donald J. Cohn, William H. Eckert* and *Francis K. Decker, Jr.*, for petitioner. *James E. McLaughlin* and *Charles Alan Wright* for respondent. Reported below: 350 F. 2d 479.

No. 735. *GAMBLE-SKOGMO, INC. v. WESTERN AUTO SUPPLY CO. ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Edward J. Callahan* for petitioner. *Hayner N. Larson* for respondents. Reported below: 348 F. 2d 736.

January 17, 1966.

382 U. S.

No. 682. *OVERLAKES CORP. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *William L. Hanaway* and *Thomas R. Moore* for petitioner. *Acting Solicitor General Spritzer*, *Acting Assistant Attorney General Roberts*, *Harry Baum* and *Loring W. Post* for respondent. Reported below: 348 F. 2d 462.

No. 688. *GRIFFITH ET AL. v. BOARD OF COMMISSIONERS OF THE ALABAMA STATE BAR*. Sup. Ct. Ala. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Fred Blanton, Jr.*, for petitioners. *M. Ronald Nachman, Jr.*, for respondent. Reported below: 278 Ala. 330, 178 So. 2d 156; 278 Ala. 344, 178 So. 2d 169.

No. 755. *FRAZIER v. CALIFORNIA*. Dist. Ct. App. Cal., 4th App. Dist. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *George Kaufmann* for petitioner.

No. 709. *MUTH, ADMINISTRATRIX v. ATLOSS ET AL., EXECUTORS*; and

No. 733. *DARR, ADMINISTRATRIX v. ATLOSS ET AL., EXECUTORS*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted, the Court of Appeals' judgment reversed, and the District Court's judgment affirmed. *G. Kent Yowell* for petitioner in No. 709. *Harold A. Liebenson* and *Edward G. Raszus* for petitioner in No. 733. *Edward B. Hayes* for respondents in both cases. Reported below: 350 F. 2d 592.

No. 1, Misc. *STELLO v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 415 Pa. 572, 202 A. 2d 71.

382 U. S.

January 17, 1966.

No. 741. *GRAY ET AL. v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of L. A. Motion to dispense with printing petition granted. Certiorari denied. *David Arthur Binder* for petitioners. *Roger Arnebergh* and *Philip E. Grey* for respondent.

No. 803. *COLORADO MILLING & ELEVATOR CO. v. TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS*. C. A. 8th Cir. Certiorari denied. Mr. Justice White took no part in the consideration or decision of this petition. *George E. Heneghan* for petitioner. *Lyman J. Bishop* for respondent. Reported below: 350 F. 2d 273.

No. 140, Misc. *CLARK v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *John S. Burton*, Assistant Attorney General, for respondent.

No. 148, Misc. *KIRK v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Raymond M. Momboisse* and *Richard K. Turner*, Deputy Attorneys General, for respondent.

No. 221, Misc. *NEWMAN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Assistant Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent.

No. 249, Misc. *DEGROAT v. NEW YORK STATE SUPREME COURT ET AL.* Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Lester Esterman*, Assistant Attorney General, for respondents.

January 17, 1966.

382 U.S.

No. 212, Misc. *SULLIVAN v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se*. *Leo Kaplowitz* and *Ralph de Vita* for respondent.

No. 278, Misc. *BRYANT v. WARDEN*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, and *Frederick E. Weeks, Jr.*, Assistant Attorney General, for respondent.

No. 279, Misc. *AMARAL v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Fairecloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 287, Misc. *MILLER v. CALIFORNIA ET AL.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondents. Reported below: 230 Cal. App. 2d 876, 41 Cal. Rptr. 431.

No. 293, Misc. *BEASLEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *Hawthorne Phillips*, *T. B. Wright*, *Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 389 S. W. 2d 299.

No. 297, Misc. *CONOVER v. HEROLD, STATE HOSPITAL DIRECTOR*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Frank J. Pannizzo*, Assistant Attorney General, for respondent.

382 U. S.

January 17, 1966.

No. 295, Misc. *ARMSTRONG v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Petitioner *pro se*. *Richmond M. Flowers*, Attorney General of Alabama, and *Leslie Hall* and *W. Mark Anderson III*, Assistant Attorneys General, for respondent.

No. 367, Misc. *SAVINO v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Petitioner *pro se*. *Aaron E. Koota* and *Frank Di Lalla* for respondent.

No. 373, Misc. *ANDERSON ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 345 F. 2d 28.

No. 428, Misc. *KNIGHT v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *John S. Burton*, Assistant Attorney General, for respondent.

No. 442, Misc. *WALKER v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Petitioner *pro se*. *John J. Dillon*, Attorney General of Indiana, and *Douglas B. McFadden*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 204 N. E. 2d 850.

No. 460, Misc. *RICE v. LANE, WARDEN*. Sup. Ct. Ind. Certiorari denied. Petitioner *pro se*. *John J. Dillon*, Attorney General of Indiana, and *Douglas B. McFadden*, Deputy Attorney General, for respondent.

No. 495, Misc. *ROGERS v. LANE, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *John J. Dillon*, Attorney General of Indiana, and *Kenneth M. Waterman*, Deputy Attorney General, for respondent. Reported below: 345 F. 2d 357.

January 17, 1966.

382 U. S.

No. 478, Misc. *WILSON v. MARONEY, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *William A. Peiffer* for respondent.

No. 500, Misc. *GONZALES v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. *Warren P. McKenney* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *Hawthorne Phillips, T. B. Wright* and *Howard M. Fender*, Assistant Attorneys General, for respondent. Reported below: 389 S. W. 2d 306.

No. 521, Misc. *DE MONGE ET AL. v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. *Henry F. Lerch* for petitioners. *Solicitor General Marshall* for the United States.

No. 552, Misc. *CUNNINGHAM v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Doar* and *David L. Norman* for the United States et al.

No. 573, Misc. *QUILES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 344 F. 2d 490.

No. 662, Misc. *CLOSE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Lewis T. Booker* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Donald I. Bierman* for the United States. Reported below: 349 F. 2d 841.

No. 679, Misc. *DI PIERO v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Petitioner *pro se.* *A. Alfred Delduco* and *John S. Halsted* for respondent.

382 U. S.

January 17, 1966.

No. 509, Misc. *REED v. UNITED STATES ET AL.* Sup. Ct. Mo. Certiorari denied.

No. 666, Misc. *LIPSCOMB v. STEVENS, WARDEN.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Doar, David L. Norman and Gerald P. Choppin* for respondent. Reported below: 349 F. 2d 997.

No. 668, Misc. *TRANTINO v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied. *Frances Kahn* for petitioner. *Guy W. Calissi* for respondent. Reported below: 44 N. J. 358, 209 A. 2d 117.

No. 681, Misc. *DAVIS v. DUNBAR, CORRECTIONS DIRECTOR, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 683, Misc. *WRIGHT v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied.

No. 686, Misc. *ALEXANDER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 346 F. 2d 561.

No. 687, Misc. *WILSON v. MARONEY, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied.

No. 713, Misc. *MACIAS v. CALIFORNIA.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 740, Misc. *GREEN ET AL. v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied. *Laurence R. Sperber, A. L. Wirin and Fred Okrand* for petitioners. Reported below: 234 Cal. App. 2d 871, 44 Cal. Rptr. 438.

January 17, 1966.

382 U. S.

No. 694, Misc. *BUTLER v. WEAKLEY ET AL.* C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Doar* and *David L. Norman* for respondents.

No. 711, Misc. *BEASLEY v. TEXAS CASUALTY INSURANCE CO.* Sup. Ct. Tex. Certiorari denied. *Thomas C. Ferguson* for petitioner. *Coleman Gay* for respondent. Reported below: 391 S. W. 2d 33.

No. 727, Misc. *GALLAGHER v. CALIFORNIA.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 746, Misc. *ELDRIDGE v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. *Jean F. Dwyer* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States.

No. 750, Misc. *HUNT ET AL. v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. *Vincent J. Kirby* for petitioners. Reported below: 178 Neb. 783, 135 N. W. 2d 475.

No. 751, Misc. *WHITE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 754, Misc. *WHITE v. CLEMMONS, SHERIFF, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ralph L. Roy* for respondents.

No. 760, Misc. *FLOWERS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Douglas* and *David L. Rose* for the United States. Reported below: 348 F. 2d 910.

382 U. S.

January 17, 1966.

No. 755, Misc. *WARD v. PEYTON*, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 349 F. 2d 359.

No. 758, Misc. *CURLEY v. McMANN*, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 759, Misc. *TIMMONS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 120 U. S. App. D. C. 28, 343 F. 2d 310.

No. 761, Misc. *LYONS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 762, Misc. *REID v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 233 Cal. App. 2d 163, 43 Cal. Rptr. 379.

No. 764, Misc. *ORLANDO v. MARONEY*, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 769, Misc. *BUSH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 347 F. 2d 231.

No. 770, Misc. *TRAGANZA v. CALIFORNIA*. Dist. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 771, Misc. *BENTLEY v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 774, Misc. *CARREON v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

January 17, 1966.

382 U. S.

No. 772, Misc. *VIDA v. ROTH*, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for respondent.

No. 773, Misc. *SKOLNICK v. HALLETT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 350 F. 2d 861.

No. 777, Misc. *WILLIAMS v. DUNCANSON*. C. A. 9th Cir. Certiorari denied.

No. 783, Misc. *JOHNSON v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. Super. Ct. Pa. Certiorari denied.

No. 784, Misc. *MOOTS v. SECRETARY OF HEALTH, EDUCATION AND WELFARE*. C. A. 4th Cir. Certiorari denied. *Samuel Goldblatt* for petitioner. *Solicitor General Marshall* for respondent. Reported below: 349 F. 2d 518.

No. 787, Misc. *DRAPER v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 788, Misc. *LOUX v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 794, Misc. *ESKRIDGE v. RHAY, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 345 F. 2d 778.

No. 795, Misc. *FAIR v. BURNS, GOVERNOR OF FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 796, Misc. *CAMPBELL v. KERNER, GOVERNOR OF ILLINOIS, ET AL.* Sup. Ct. Ill. Certiorari denied.

382 U. S.

January 17, 1966.

No. 797, Misc. RECTOR *v.* HEINZE, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 798, Misc. ROBINSON *v.* FAY, WARDEN. C. A. 2d Cir. Certiorari denied. *Leon B. Polksky* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Brenda Soloff*, Deputy Assistant Attorney General, for respondent. Reported below: 348 F. 2d 705.

No. 799, Misc. RIVERA *v.* REEVES ET AL. C. A. 2d Cir. Certiorari denied. *Leon B. Polksky* for petitioner.

No. 800, Misc. BYRNES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 348 F. 2d 918.

No. 802, Misc. BRANCH, DBA DREAM SHELL HOMES *v.* MILLS & LUPTON SUPPLY CO., INC. C. A. 6th Cir. Certiorari denied. *John S. Wrinkle* for petitioner. Reported below: 348 F. 2d 991.

No. 803, Misc. STILTNER *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

No. 807, Misc. FURTAK *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 809, Misc. COLLINS *v.* KLINGER, MENS COLONY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 810, Misc. BRABSON *v.* WILKINS, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 816, Misc. ORTEGA *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

January 17, 1966.

382 U. S.

No. 808, Misc. *RUSSELL v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 348 F. 2d 908.

No. 822, Misc. *HOBBS v. MARYLAND*. C. A. 4th Cir. Certiorari denied.

No. 826, Misc. *HENSLEY v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 827, Misc. *MEYES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 828, Misc. *ROBINSON v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 830, Misc. *BROWN v. ZUCKERT, SECRETARY OF THE AIR FORCE, ET AL.* C. A. 7th Cir. Certiorari denied. *Fleetwood M. McCoy, William R. Ming, Jr., and Ellis E. Reid* for petitioner. *Solicitor General Marshall* for respondents. Reported below: 349 F. 2d 461.

No. 832, Misc. *JEFFERSON v. McGEE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 835, Misc. *Ross v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 839, Misc. *GRENFELL v. GLADDEN, WARDEN*. Sup. Ct. Ore. Certiorari denied. Reported below: 241 Ore. 190, 405 P. 2d 532.

No. 843, Misc. *SMITH v. ELLINGTON ET AL.* C. A. 6th Cir. Certiorari denied. *John S. Wrinkle* for petitioner. *W. D. Spears* for Ellington, and *Richmond M. Flowers*, Attorney General of Alabama, and *Robert P. Bradley*, Assistant Attorney General, for Patterson et al., respondents. Reported below: 348 F. 2d 1021.

382 U. S.

January 17, 1966.

No. 845, Misc. *CHAPMAN v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 847, Misc. *ANDREWS v. MURPHY*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Robert E. Sullivan* for respondent. Reported below: 349 F. 2d 114.

No. 853, Misc. *LEE v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 855, Misc. *JOHNSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 857, Misc. *FIERRO v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 862, Misc. *WYNDER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Roland S. Homet, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 122 U. S. App. D. C. 186, 352 F. 2d 662.

No. 868, Misc. *BECKER ET AL. v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied. *David Arthur Binder* for petitioners. *Roger Arnebergh and Philip E. Grey* for respondent.

No. 15, Misc. *HERR ET AL. v. UNITED STATES*. C. A. 7th Cir. Motion for leave to amend petition for writ of certiorari granted. Certiorari denied. *Daniel W. Gray* for petitioners. *Solicitor General Cox, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 338 F. 2d 607.

January 17, 1966.

382 U. S.

No. 926, Misc. LOSINGER *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied.

No. 815, Misc. CRIDER *v.* ZURICH INSURANCE CO. C. A. 5th Cir. Motion for leave to use the record in No. 116, October Term, 1964, granted. Certiorari denied. Robert S. Vance for petitioner. Foster Etheredge for respondent. Reported below: 348 F. 2d 211.

Rehearing Denied.

No. 57. HAZELTINE RESEARCH, INC., ET AL. *v.* BRENNER, COMMISSIONER OF PATENTS, *ante*, p. 252;

No. 165. McMaster *v.* UNITED STATES, *ante*, p. 818;

No. 166. WOLFF *v.* UNITED STATES, *ante*, p. 818;

No. 227. BULLOCK *v.* VIRGINIA, *ante*, p. 927;

No. 352. LAURITZEN *v.* SPANN, *ante*, p. 938;

No. 359. JOHNSON *v.* UNITED STATES, *ante*, pp. 836, 923;

No. 429. MAXWELL *v.* STEPHENS, PENITENTIARY SUPERINTENDENT, *ante*, p. 944;

No. 519. GISH *v.* MISSOURI, *ante*, p. 919;

No. 523. ALBANESE *v.* N. V. NEDERL. AMERIK STOOMV. MAATS. ET AL., *ante*, p. 283;

No. 539. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION *v.* UNITED STATES, *ante*, p. 927;

No. 550. PREZIOSO *v.* UNITED STATES, *ante*, p. 939;

No. 552. CHATSWORTH COOPERATIVE MARKETING ASSOCIATION ET AL. *v.* INTERSTATE COMMERCE COMMISSION, *ante*, p. 938;

No. 558. ATLANTIC REFINING CO. *v.* FEDERAL TRADE COMMISSION, *ante*, p. 939;

No. 598. BRASCH *v.* STATE COMPENSATION INSURANCE FUND ET AL., *ante*, p. 942; and

No. 608. MORAN *v.* PENAN ET AL., *ante*, p. 943. Petitions for rehearing denied.

382 U. S.

January 17, 1966.

No. 481, October Term, 1963. *VIKING THEATRE CORP. v. PARAMOUNT FILM DISTRIBUTING CORP. ET AL.*, 378 U. S. 123; 379 U. S. 872. Motion for leave to file second petition for rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion.

No. 543, October Term, 1963. *UNITED STATES v. MARYLAND FOR THE USE OF MEYER ET AL.*, *ante*, p. 158. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. [For earlier orders herein, see 375 U. S. 954; 379 U. S. 925.]

No. 4. *LEH ET AL. v. GENERAL PETROLEUM CORP. ET AL.*, *ante*, p. 54. Petition for rehearing denied. MR. JUSTICE HARLAN and MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

No. 21. *UNITED GAS IMPROVEMENT CO. ET AL. v. CALLERY PROPERTIES, INC., ET AL.*;

No. 22. *PUBLIC SERVICE COMMISSION OF NEW YORK v. CALLERY PROPERTIES, INC., ET AL.*; and

No. 32. *FEDERAL POWER COMMISSION v. CALLERY PROPERTIES, INC., ET AL.*, *ante*, p. 223. Petition for rehearing of *Superior Oil Co. et al.* denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

No. 676, Misc. *WALKER v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO*, *ante*, p. 923. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

January 17, 1966.

382 U. S.

No. 501. ROSENBLATT *v.* AMERICAN CYANAMID CO., *ante*, p. 110. Petition for rehearing denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this petition.

No. 125, Misc. CALHOUN *v.* PATE, WARDEN, *ante*, p. 945;

No. 219, Misc. HUGHES ET AL. *v.* KROPP, WARDEN, *ante*, p. 872;

No. 310, Misc. BARNARD *v.* UNITED STATES, *ante*, p. 948;

No. 320, Misc. BRYE *v.* WAINWRIGHT, CORRECTIONS DIRECTOR, *ante*, p. 930;

No. 345, Misc. LASSITER *v.* UNITED STATES, *ante*, p. 948;

No. 346, Misc. KNIPPEL *v.* UNITED STATES, *ante*, p. 948;

No. 592, Misc. MASSARI *v.* UNITED STATES, *ante*, p. 931;

No. 602, Misc. EDELL *v.* DI PIAZZA ET AL., *ante*, p. 931;

No. 617, Misc. GADSDEN ET AL. *v.* FRIPP ET AL., *ante*, p. 921;

No. 637, Misc. ATKINS *v.* KANSAS, *ante*, p. 964;

No. 674, Misc. BECKER *v.* MATTEAWAN STATE HOSPITAL SUPERINTENDENT ET AL., *ante*, p. 947;

No. 801, Misc. CORCORAN *v.* YORTY ET AL., *ante*, p. 966; and

No. 852, Misc. MOODY *v.* UNITED MINE WORKERS LOCAL FOR THE UNITED STATES ET AL., *ante*, p. 285. Petitions for rehearing denied.

No. 477. HAINSWORTH *v.* MARTIN, SECRETARY OF STATE OF TEXAS, ET AL., *ante*, p. 109. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

382 U. S.

January 17, 21, 1966.

No. 513. *HARVEY v. LYONS ET AL.*, *ante*, p. 918. Petition for rehearing and for other relief denied.

No. 477, Misc. *GOLDSTEIN v. WASHINGTON*, *ante*, p. 895;

No. 501, Misc. *ACUFF v. COOK MACHINERY CO., INC.*, *ante*, p. 805; and

No. 532, Misc. *CLINE v. DUNBAR*, *ante*, p. 804. Motions for leave to file petitions for rehearing denied.

JANUARY 21, 1966.

Miscellaneous Order.

No. 1111, Misc. *CHANDLER, U. S. DISTRICT JUDGE v. JUDICIAL COUNCIL OF THE TENTH CIRCUIT OF THE UNITED STATES*. Application for stay of order. *Thomas J. Kenan* for petitioner. *Solicitor General Marshall* for respondent.

Petitioner applied to MR. JUSTICE WHITE, Circuit Justice for the Tenth Circuit, for "Stay of Order of Judicial Council of the Tenth Circuit of the United States" in the above matter, and the application was by him referred to the Court for its consideration and action.

It appearing to the Court from the response of the Solicitor General to the application that the order from which relief is sought is entirely interlocutory in character pending prompt further proceedings inquiring into the administration of Judge Chandler of judicial business in the Western District of Oklahoma, and that at such proceedings Judge Chandler will be permitted to appear before the Council, with counsel, and that after such proceedings the Council will, as soon as possible, undertake to decide what use, if any, should be made of such powers as it may have in the premises, it is hereby ordered that the application for stay be denied pending

BLACK, J., dissenting.

382 U. S.

this contemplated prompt action of the Judicial Council. The Court expresses no opinion concerning the propriety of the interlocutory action taken.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, dissenting.

United States District Judge Stephen S. Chandler here asks for a stay of an "Order" of the Judicial Council of the Tenth Circuit directing that until further order of the Council, Judge Chandler "take no action whatsoever in any case or proceeding now or hereafter pending" in his court, that cases now assigned to him be assigned to other judges, and that no new actions filed be assigned to him. If this order is not stayed and if the Judicial Council has some way to enforce it, the order means that Judge Chandler is completely barred from performing any of his official duties and in effect is removed or ousted from office pending further orders of the Council. The reason given by the Council for this drastic action is that it "finds that Judge Chandler is presently unable, or unwilling, to discharge efficiently the duties of his office" By refusing to stay the Council's order, the Court necessarily acts on the premise that the Council has a legal right to remove Judge Chandler from office at least temporarily. Though the Court tries to soft-pedal its refusal to stay the order by referring to it as "interlocutory in character," the stark fact which cannot be disguised is that a United States District Judge, duly appointed by the President and approved by the Senate, is with this Court's imprimatur locked out of his office pending "further proceedings" by the Judicial Council. I think the Council is completely without legal authority to issue any such order, either temporary or permanent, with or without a hearing, that no statute purports to authorize it, and that the Constitution forbids it. Nor

1003

BLACK, J., dissenting.

can the effect of the order be softened by asserting that Judge Chandler will be permitted to have a lawyer represent him before his fellow judges. Assuming that we have jurisdiction to stay an order from a governmental agency that has no power at all to do what this Council has done, I would stay this "Order" *instanter*.

The Council states that its order was made "pursuant to the power and authority vested in the Judicial Council by the Act of June 25, 1948, c. 646, § 332, 62 Stat. 902, 28 U. S. C. § 332." That section so far as relevant reads:

"Each judicial council shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit. The district judges shall promptly carry into effect all orders of the judicial council."

There is no language whatever in this or any other Act which can by any reasonable interpretation be read as giving the Council a power to pass upon the work of district judges, declare them inefficient and strip them of their power to act as judges. The language of Congress indicates a purpose to vest the Judicial Council with limited *administrative* powers; nothing in this language, or the history behind it, indicates that a Council of Circuit Court Judges was to be vested with power to discipline district judges, and in effect remove them from office. This is clearly and simply a proceeding by circuit judges to inquire into the fitness of a district judge to hold his office and to remove him if they so desire. I do not believe Congress could, even if it wished, vest any such power in the circuit judges.

One of the great advances made in the structure of government by our Constitution was its provision for an independent judiciary—for judges who could do their duty as they saw it without having to account to superior

January 21, 24, 1966.

382 U. S.

court judges or to anyone else except the Senate sitting as a court of impeachment. Article II, § 4, of the Constitution provides that "Officers of the United States," which includes judges, "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors," and Art. I, §§ 2 and 3, state that impeachment can be instituted only on recommendation of the House of Representatives and that trial can be held only by the Senate. To hold that judges can do what this Judicial Council has tried to do to Judge Chandler here would in my judgment violate the plan of our Constitution to preserve, as far as possible, the liberty of the people by guaranteeing that they have judges wholly independent of the Government or any of its agents with the exception of the United States Congress acting under its limited power of impeachment. We should stop in its infancy, before it has any growth at all, this idea that the United States district judges can be made accountable for their efficiency or lack of it to the judges just over them in the federal judicial system. The only way to do that is to grant this stay and I am in favor of granting it.

JANUARY 24, 1966.

Miscellaneous Orders.

No. 945, Misc. GREEN, dba JIM GREEN'S TRUCKING Co. v. PUBLIC UTILITIES COMMISSION OF CALIFORNIA. Motion for leave to file petition for writ of certiorari denied. *Thomas S. Tobin* for petitioner. *Mary Moran Pajalich* for respondent.

No. 990, Misc. IN RE TUCKER. Motion for leave to file petition for writ of mandamus denied.

382 U. S.

January 24, 1966.

No. 77, Misc. *GARVEY v. EYMAN, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. Petitioner *pro se*. *Darrell F. Smith*, Attorney General of Arizona, for respondent.

No. 804, Misc. *O'BRIEN v. UNITED STATES*; and
No. 838, Misc. *McGANN v. RICHARDSON, WARDEN, ET AL.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 870, Misc. *WILLIAMS v. CALIFORNIA*. 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. 847. *KATZENBACH, ATTORNEY GENERAL, ET AL. v. MORGAN ET UX.*; and

No. 877. *NEW YORK CITY BOARD OF ELECTIONS v. MORGAN ET UX.* Appeals from D. C. D. C. Probable jurisdiction noted. The cases are consolidated and a total of two hours is allotted for oral argument. *Solicitor General Marshall* for appellants in No. 847. *Leo A. Larkin* for appellant in No. 877. Reported below: 247 F. Supp. 196.

No. 537, Misc. *RINALDI v. YEAGER, WARDEN, ET AL.* Appeal from D. C. N. J. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. The case is transferred to the appellate docket. *Donald A. Robinson* for appellant. *Arthur J. Sills*, Attorney General of New Jersey, and *Eugene T. Urbaniak*, Deputy Attorney General, for appellees. Reported below: 238 F. Supp. 960.

January 24, 1966.

382 U. S.

No. 673. *CARDONA v. POWER ET AL.* Appeal from Ct. App. N. Y. Probable jurisdiction noted. The case is set for oral argument immediately following Nos. 847 and 877. *Paul O'Dwyer* and *W. Bernard Richland* for appellant. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, *George C. Mantzoros* and *Barry J. Lipson*, Assistant Attorneys General, and *Brenda Soloff*, Deputy Assistant Attorney General, for appellees. Reported below: 16 N. Y. 2d 639, 708, 827, 209 N. E. 2d 119, 556, 210 N. E. 2d 458.

Certiorari Granted. (See also No. 87, Misc., *ante*, p. 420.)

No. 750. *BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES, AFL-CIO, ET AL. v. FLORIDA EAST COAST RAILWAY CO.*;

No. 782. *UNITED STATES v. FLORIDA EAST COAST RAILWAY CO.*; and

No. 783. *FLORIDA EAST COAST RAILWAY CO. v. UNITED STATES.* C. A. 5th Cir. Certiorari granted. The cases are consolidated and a total of two hours is allotted for oral argument. The United States is to open the argument and direct itself first to issues raised in No. 782. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions. *Lester P. Schoene*, *Neal Rutledge* and *Allan Milledge* for petitioners in No. 750. *Solicitor General Marshall*, *Assistant Attorney General Douglas* and *David L. Rose* for the United States in No. 782. *William B. Devaney* and *George B. Mickum III* for petitioner in No. 783. *Solicitor General Marshall* for the United States in No. 783. Reported below: 348 F. 2d 682.

382 U. S.

January 24, 1966.

Certiorari Denied. (See also No. 824, Misc., *ante*, p. 421; No. 849, Misc., *ante*, p. 421; and No. 870, Misc., *supra*.)

No. 269. *PORTELLI v. NEW YORK*; and

No. 270. *ROSENBERG v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *William Sonenshine* for petitioner in No. 269. *Maurice Edelbaum* for petitioner in No. 270. *Aaron E. Koota* and *Aaron Nussbaum* for respondent in both cases. Reported below: 15 N. Y. 2d 235, 205 N. E. 2d 857.

No. 565. *MONROE AUTO EQUIPMENT Co. v. FEDERAL TRADE COMMISSION*. C. A. 7th Cir. Certiorari denied. *Harold T. Halfpenny* and *Mary M. Shaw* for petitioner. *James McI. Henderson* and *Thomas F. Howder* for respondent. *Solicitor General Marshall* and *Assistant Attorney General Turner* for the United States, as *amicus curiae*. Reported below: 347 F. 2d 401.

No. 661. *FIELD ENTERPRISES, INC. v. UNITED STATES*. Ct. Cl. Certiorari denied. *James B. Lewis* and *Alan N. Cohen* for petitioner. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts*, *I. Henry Kutz* and *David D. Rosenstein* for the United States. Reported below: 172 Ct. Cl. 77, 348 F. 2d 485.

No. 766. *PARADA-GONZALEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Allen S. Stim* and *Albert Felix* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

No. 775. *GREEN, DBA JIM GREEN'S TRUCKING Co. v. PUBLIC UTILITIES COMMISSION OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Thomas S. Tobin* for petitioner. *Mary Moran Pajalich* for respondent.

January 24, 1966.

382 U.S.

No. 778. NATURAL RESOURCES, INC., ET AL. *v.* WINERBERG. C. A. 9th Cir. Certiorari denied. *James C. Dezendorf* for petitioners. Reported below: 349 F. 2d 685.

No. 779. GEORGE ET UX. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Charles Koozman* and *Burton M. Weinstein* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Douglas*, *Alan S. Rosenthal* and *Richard S. Salzman* for the United States.

No. 784. WATKINS ET AL. *v.* SUPERIOR COURT, LOS ANGELES COUNTY, ET AL. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Jack Greenberg*, *Raymond L. Johnson* and *Anthony G. Amsterdam* for petitioners. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, *Harold W. Kennedy*, *George W. Wakefield* and *Evelle J. Younger* for respondents.

No. 799. MARSHALL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Raymond E. Sutton* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Theodore George Gilinsky* for the United States. Reported below: 352 F. 2d 1013.

No. 801. ATOMIC OIL CO. OF OKLAHOMA, INC. *v.* BARDAHL OIL CO. ET AL. C. A. 10th Cir. Certiorari denied. *Lawrence A. G. Johnson* and *Robert J. Woolsey* for petitioner. Reported below: 351 F. 2d 148.

No. 802. BETTILYON'S, INC., ET AL. *v.* UTAH, BY AND THROUGH ITS ROAD COMMISSION. Sup. Ct. Utah. Certiorari denied. *F. Burton Howard* for petitioners. Reported below: 17 Utah 2d 135, 405 P. 2d 420.

382 U.S.

January 24, 1966.

No. 785. *HALKO v. ANDERSON*. C. A. 3d Cir. Certiorari denied. *Joseph Nissley* for petitioner.

No. 804. *NATIONAL LABOR RELATIONS BOARD v. ADAMS DAIRY, INC.* C. A. 8th Cir. Certiorari denied. *Solicitor General Marshall, Dominick L. Manoli* and *Norton J. Come* for petitioner. *J. Leonard Schermer* for respondent. Reported below: 350 F. 2d 108.

No. 805. *SYLVESTER ET AL. v. MESSLER, ADMINISTRATRIX*. C. A. 6th Cir. Certiorari denied. *Paul B. Mayrand* for petitioners. *William J. Eggenberger* for respondent. Reported below: 351 F. 2d 472.

No. 806. *CLARK MARINE CORP. v. CARGILL, INC., ET AL.* C. A. 5th Cir. Certiorari denied. *Edward Donald Moseley* for petitioner. *Robert L. Stern, Erwin C. Heininger* and *Laurance W. Brooks* for respondents. Reported below: 345 F. 2d 79.

No. 807. *INTERSTATE COMMERCE COMMISSION v. NORTHWEST AGRICULTURAL COOPERATIVE ASSOCIATION, INC.* C. A. 9th Cir. Certiorari denied. *Solicitor General Marshall, Robert W. Ginnane* and *Bernard A. Gould* for petitioner. *Frank E. Nash* for respondent. Reported below: 350 F. 2d 252.

No. 809. *WINCHESTER DRIVE-IN THEATRE, INC., ET AL. v. TWENTIETH CENTURY-FOX FILM CORP. ET AL.* C. A. 9th Cir. Certiorari denied. *Joseph L. Alioto* for petitioners. *Thomas E. Haven* and *Robert D. Raven* for respondents. Reported below: 351 F. 2d 925.

No. 817. *TANSEL v. PHOTON, INC.* C. A. 1st Cir. Certiorari denied. *Earl Babcock* and *Elliott I. Pollock* for petitioner. *Melvin R. Jenney* for respondent. Reported below: 349 F. 2d 856.

January 24, 1966.

382 U. S.

No. 813. *ESTATE OF GEIGER ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari denied. *Phillip Steve Dandos* and *James M. McNally* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Roberts* and *Harold C. Wilkenfeld* for respondent. Reported below: 352 F. 2d 221.

No. 819. *REOUX v. FIRST NATIONAL BANK OF GLENS FALLS, EXECUTOR.* Ct. App. N. Y. Certiorari denied. *Peyton Ford* for petitioner. *Carl O. Olson* for respondent. Reported below: 16 N. Y. 2d 685, 209 N. E. 2d 546.

No. 767. *SMALDONE v. COLORADO.* Sup. Ct. Colo. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACK are of the opinion that certiorari should be granted. *Edward S. Barlock* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 405 P. 2d 208.

No. 768. *SALARDINO v. COLORADO.* Sup. Ct. Colo. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACK are of the opinion that certiorari should be granted. *Edward S. Barlock* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 405 P. 2d 211.

No. 102, Misc. *SHIPP v. WILSON, WARDEN.* Sup. Ct. Cal. Certiorari denied. Reported below: 62 Cal. 2d 547, 399 P. 2d 571.

No. 169, Misc. *STILTNER v. RHAY, PENITENTIARY SUPERINTENDENT.* Sup. Ct. Wash. Certiorari denied.

382 U. S.

January 24, 1966.

No. 788. *QUINTANA v. COLORADO*. Sup. Ct. Colo. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACK are of the opinion that certiorari should be granted. *Edward S. Barlock* for petitioner. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John E. Bush*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 405 P. 2d 212.

No. 70, Misc. *COOR v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Cox*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Jerome M. Feit* for the United States. Reported below: 119 U. S. App. D. C. 259, 340 F. 2d 784.

No. 85, Misc. *SELZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Raymond M. Momboisse*, Deputy Attorneys General, for respondent.

No. 274, Misc. *JOHNSON v. MARYLAND*. Ct. App. Md. Certiorari denied. *Charles P. Howard, Jr.*, for petitioner. Reported below: 238 Md. 140, 207 A. 2d 643.

No. 311, Misc. *GROSSI v. HEINZE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, and *Doris H. Maier*, Assistant Attorney General, for respondents.

No. 348, Misc. *NUOLE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se*. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent.

January 24, 1966.

382 U. S.

No. 396, Misc. *MELTON v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *John P. Moore*, Assistant Attorney General, for respondent. Reported below: — Colo. —, 401 P. 2d 605.

No. 429, Misc. *RUUD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Acting Solicitor General Spritzer*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Daniel H. Benson* for the United States. Reported below: 347 F. 2d 321.

No. 448, Misc. *CUEVAS v. SDRALES, DBA SEVENTY-THREE INN, ET AL.* C. A. 10th Cir. Certiorari denied. *George H. Searle* for petitioner. *Gerald R. Miller* and *Shirley P. Jones* for respondents. Reported below: 344 F. 2d 1019.

No. 454, Misc. *WATTS v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 476, Misc. *WHITE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 120 U. S. App. D. C. 319, 346 F. 2d 800.

No. 494, Misc. *UNSWORTH v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 240 Ore. 453, 402 P. 2d 507.

No. 512, Misc. *PONTON v. OREGON*. Sup. Ct. Ore. Certiorari denied. *Howard R. Lonergan* for petitioner. *George Van Hoomissen* for respondent. Reported below: 240 Ore. 30, 399 P. 2d 30.

382 U. S.

January 24, 1966.

No. 514, Misc. *GARDNER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Charles L. Decker* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer* for the United States. Reported below: 347 F. 2d 405.

No. 525, Misc. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 536, Misc. *AUBEL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 589, Misc. *GIRAUD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Charles P. Scully* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 348 F. 2d 820.

No. 632, Misc. *BROOKS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 650, Misc. *LESCO v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 194 Kan. 555, 400 P. 2d 695.

No. 663, Misc. *SCHANTZ v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. *John P. Frank* for petitioner. *Darrell F. Smith, Attorney General of Arizona, and Paul G. Rosenblatt, Assistant Attorney General*, for respondent. Reported below: 98 Ariz. 200, 403 P. 2d 521.

No. 716, Misc. *CIMINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

January 24, 1966.

382 U. S.

No. 688, Misc. *NICHOLS v. RANDOLPH, WARDEN*. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael* and *Philip J. Rock*, Assistant Attorneys General, for respondent.

No. 696, Misc. *BRADLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 347 F. 2d 121.

No. 749, Misc. *GRANT v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 775, Misc. *COPESTICK v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 776, Misc. *SCHACK v. FLORIDA*. C. A. 5th Cir. Certiorari denied.

No. 781, Misc. *JOHNSON v. TINSLEY, WARDEN*. C. A. 10th Cir. Certiorari denied. *Isaac Mellman* and *Gerald N. Mellman* for petitioner.

No. 806, Misc. *DAVIS v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 811, Misc. *MARCELLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 344 F. 2d 876.

No. 814, Misc. *LEHMAN v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

382 U. S.

January 24, 1966.

No. 819, Misc. ROBBINS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 820, Misc. STEWART *v.* SMITH, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied.

No. 823, Misc. SCOTT *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 840, Misc. O'CALLAHAN *v.* ATTORNEY GENERAL OF THE UNITED STATES. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Doar and David L. Norman* for respondent. Reported below: 351 F. 2d 43.

No. 866, Misc. COGGINS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States.

No. 871, Misc. CARDARELLA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 351 F. 2d 272.

No. 880, Misc. GILMORE *v.* CALIFORNIA. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 881, Misc. FINLEY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 888, Misc. FREEMAN *v.* MAXWELL, WARDEN. Sup. Ct. Ohio. Certiorari denied.

January 24, 1966.

382 U. S.

No. 885, Misc. *TREST v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 122 U. S. App. D. C. 11, 350 F. 2d 794.

No. 893, Misc. *Moss v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 899, Misc. *HAFIZ v. MAXWELL, WARDEN*. Sup. Ct. Ohio. Certiorari denied.

No. 900, Misc. *DECKERT v. MARONEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 905, Misc. *KOUSICK v. KLINGER ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 906, Misc. *TWYMAN v. MYERS, CORRECTIONAL SUPERINTENDENT*. Sup. Ct. Pa. Certiorari denied.

No. 914, Misc. *AUSTIN v. MAINE ET AL.* Sup. Jud. Ct. Me. Certiorari denied. Petitioner *pro se*. *John W. Benoit, Assistant Attorney General of Maine*, for respondents.

No. 920, Misc. *CROOM v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 927, Misc. *JODON v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 946, Misc. *CONERLY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 350 F. 2d 679.

382 U. S.

January 24, 1966.

No. 944, Misc. *MUNDT ET AL. v. HOME FEDERAL SAVINGS & LOAN ASSOCIATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 349 F. 2d 938.

No. 930, Misc. *WILSON v. MARONEY, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied.

No. 934, Misc. *CASTILLO v. FAY, WARDEN.* C. A. 2d Cir. Certiorari denied. *Leon B. Polksky* for petitioner. *Frank S. Hogan, H. Richard Uviller* and *Malvina H. Guggenheim* for respondent. Reported below: 350 F. 2d 400.

No. 941, Misc. *CORCORAN v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 943, Misc. *FINLEY v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 948, Misc. *CHANCE v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 195 Kan. 430, 407 P. 2d 236.

No. 949, Misc. *POWELL v. MAXWELL, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 350 F. 2d 353.

No. 952, Misc. *CERVANTES v. RHAY, PENITENTIARY SUPERINTENDENT.* Sup. Ct. Wash. Certiorari denied.

No. 953, Misc. *MICKELS v. RHAY, PENITENTIARY SUPERINTENDENT.* Sup. Ct. Wash. Certiorari denied.

No. 955, Misc. *GORMAN v. KINGS MERCANTILE CO., INC., ET AL.* Ct. App. N. Y. Certiorari denied. *Jacob Rassner* for petitioner. *John J. Boyle* for respondent Title Guarantee Co.

January 24, 1966.

382 U. S.

No. 954, Misc. *HOLLIS v. BETO*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 352 F. 2d 550.

No. 959, Misc. *CARDARELLA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 351 F. 2d 443.

No. 960, Misc. *MERRILL v. ALASKA*. Sup. Ct. Alaska. Certiorari denied.

No. 965, Misc. *BELL v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 395 S. W. 2d 784.

No. 972, Misc. *MILLIGAN v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 978, Misc. *ZANCA v. MAIMONIDES HOSPITAL*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 79, Misc. *WARNER v. KENTUCKY*. Ct. App. Ky. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Robert Matthews*, Attorney General of Kentucky, and *Joseph H. Eckert*, Assistant Attorney General, for respondent. Reported below: 386 S. W. 2d 455.

No. 481, Misc. *ALFORD v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Darrell F. Smith*, Attorney General of Arizona, and *Paul G. Rosenblatt*, Assistant Attorney General, for respondent. Reported below: 98 Ariz. 124, 402 P. 2d 551.

No. 981, Misc. *COPESTICK v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

382 U. S.

January 24, 26, 1966.

No. 988, Misc. *TAYLOR v. WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 1110, Misc. *HUTCHINS v. DUNBAR, CORRECTIONS DIRECTOR*. C. A. 9th Cir. Certiorari denied.

Rehearing Denied.

No. 305. *DERFUS v. CALIFORNIA*, *ante*, p. 955;
No. 343. *CUDIA ET AL. v. UNITED STATES*, *ante*, p. 955;
No. 520. *WILSON v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 108;

No. 534. *BATTAGLIA v. UNITED STATES*, *ante*, p. 955;
No. 607. *ANDREWS v. UNITED STATES*, *ante*, p. 956;
No. 703. *POSTELL ET AL. v. UNITED STATES*, *ante*, p. 956;

No. 706. *ANDREWS ET AL. v. UNITED STATES*, *ante*, p. 956;

No. 707. *OWENS ET AL. v. UNITED STATES*, *ante*, p. 956;

No. 621. *HILL v. UNITED STATES ET AL.*, *ante*, p. 956; and

No. 211, Misc. *SYVERSON v. UNITED STATES*, *ante*, p. 961. Petitions for rehearing denied.

JANUARY 26, 1966.

Dismissal Under Rule 60.

No. 411. *MARSH, SECRETARY OF STATE OF NEBRASKA, ET AL. v. DWORAK ET AL.* Appeal from D. C. Neb. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Clarence A. H. Meyer*, Attorney General of Nebraska, *Richard H. Williams*, Assistant Attorney General, and *Robert A. Nelson*, Special Assistant Attorney General, for appellants. *August Ross* and *Robert E. O'Connor* for appellees. Reported below: 242 F. Supp. 357.

JANUARY 31, 1966.

Miscellaneous Orders.

No. 18, Original. *ILLINOIS v. MISSOURI*. The amended complaint is filed and the State of Missouri is allotted 60 days to answer the complaint, as amended. *William G. Clark*, Attorney General of Illinois, *Richard A. Michael*, Assistant Attorney General, and *Terence F. MacCarthy*, Special Assistant Attorney General, for plaintiff. [For earlier orders herein, see 379 U. S. 952; 380 U. S. 901, 969; *ante*, p. 803.]

No. 1023, Misc. *JAMES v. CALIFORNIA*; and

No. 1040, Misc. *LISHEY v. WILSON, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1050, Misc. *GORHAM v. FITZHARRIS, CORRECTIONAL SUPERINTENDENT*. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 984, Misc. *HERB v. FLORIDA*. 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. 1044, Misc. *MORRISON v. DAVIS, CLERK OF THE UNITED STATES SUPREME COURT*. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Postponed.

No. 273, Misc. *SPENCER v. TEXAS*. Appeal from Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* granted and further consideration of the question of jurisdiction in this case postponed to the hearing

382 U. S.

January 31, 1966.

of the case on the merits. The case is transferred to the appellate docket and set for oral argument immediately following No. 128, Misc. *Louis V. Nelson* for appellant. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender*, *Charles B. Swanner* and *Gilbert J. Pena*, Assistant Attorneys General, for appellee. Reported below: 389 S. W. 2d 304.

Certiorari Granted. (See also No. 274, *ante*, p. 456.)

No. 506. *ADDERLEY ET AL. v. FLORIDA.* Dist Ct. App. Fla., 1st Dist. Certiorari granted. *Richard Yale Feder* and *Tobias Simon* for petitioners. *Earl Faircloth*, Attorney General of Florida, and *William D. Roth*, Assistant Attorney General, for respondent.

No. 128, Misc. *BELL v. TEXAS.* Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket. Petitioner *pro se*. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender*, *Gilbert J. Pena* and *Charles B. Swanner*, Assistant Attorneys General, for respondent. Reported below: 387 S. W. 2d 411.

No. 724. *OSBORN v. UNITED STATES.* C. A. 6th Cir. Certiorari granted. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Jacob Kossman* for petitioner. *Solicitor General Marshall*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 350 F. 2d 497.

January 31, 1966.

382 U. S.

No. 794. *HOFFA v. UNITED STATES*;
No. 795. *PARKS v. UNITED STATES*;
No. 796. *CAMPBELL v. UNITED STATES*; and
No. 797. *KING v. UNITED STATES*. C. A. 6th Cir.
Motion of the Criminal Courts Bar Association of Los
Angeles for leave to file a brief, as *amicus curiae* in No.
794, granted. The petitions for writs of certiorari are
also granted limited to the following question:

"Whether evidence obtained by the Government by
means of deceptively placing a secret informer in the
quarters and councils of a defendant during one criminal
trial so violates the defendant's Fourth, Fifth and Sixth
Amendment rights that suppression of such evidence is
required in a subsequent trial of the same defendant on
a different charge."

The cases are consolidated and a total of three hours
is allotted for oral argument. MR. JUSTICE WHITE and
MR. JUSTICE FORTAS took no part in the consideration or
decision of this motion or these petitions.

Morris A. Shenker and *Joseph A. Fanelli* for petitioner
in No. 794. *Jacques M. Schiffer* for petitioner in No.
795. *Cecil D. Branstetter* for petitioner in No. 796.
P. D. Maktos, John Maktos, Moses Krislov and *Harold
E. Brown* for petitioner in No. 797. *Solicitor General
Marshall, Assistant Attorney General Vinson, Nathan
Lewin* and *Robert S. Erdahl* for the United States.
Morris Levine for Criminal Courts Bar Association of
Los Angeles, as *amicus curiae*, in support of the petition
in No. 794. Reported below: 349 F. 2d 20.

No. 811. *LEWIS v. UNITED STATES*. C. A. 1st Cir.
Certiorari granted. *S. Myron Klafeld* for petitioner.
*Solicitor General Marshall, Assistant Attorney General
Vinson* and *Beatrice Rosenberg* for the United States.
Reported below: 352 F. 2d 799.

382 U. S.

January 31, 1966.

No. 831. SWITZERLAND CHEESE ASSOCIATION, INC., ET AL. v. E. HORNE'S MARKET, INC. C. A. 1st Cir. Certiorari granted. *John J. McGlew* and *Alfred E. Page* for petitioners. Reported below: 351 F. 2d 552.

No. 268, Misc. REED v. BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. The case is transferred to the appellate docket and set for oral argument immediately following No. 273, Misc. *Charles W. Tessmer*, *Clyde W. Woody* and *Emmett Colvin, Jr.*, for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Gilbert J. Pena*, *Charles B. Swanner* and *Howard M. Fender*, Assistant Attorneys General, for respondent. Reported below: 343 F. 2d 723.

Certiorari Denied. (See also No. 966, Misc., *ante*, p. 455; and No. 984, Misc., *supra*.)

No. 712. VELSICOL CHEMICAL CORP. v. GOLDEN GATE HOP RANCH, INC. Sup. Ct. Wash. Certiorari denied. *William A. Helsell* for petitioner. *C. W. Halverson* for respondent. Reported below: 66 Wash. 2d 469, 403 P. 2d 351.

No. 773. SOCIEDAD MARITIMA SAN NICHOLAS, S. A., ET AL. v. BOUAS. C. A. 2d Cir. Certiorari denied. *Melvin J. Tublin* for petitioners. *Isaac Salem* for respondent.

No. 810. SIMPSON ET AL. v. UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Edward L. Carey* and *Walter E. Gillcrist* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States.

January 31, 1966.

382 U.S.

No. 492. *McFADDIN EXPRESS, INC., ET AL. v. ADLEY CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Tobias Weiss* for petitioners. *Joseph P. Cooney* for Adley Corp. et al., and *Solicitor General Marshall* for the United States, respondents. Reported below: 346 F. 2d 424.

No. 659. *Ross v. STANLEY ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *William E. Haudek* for petitioner. *M. W. Wells* for Stanley et al.; *David W. Hedrick* for Midwestern Constructors, Inc., et al.; *John Bingham* for Harbert Construction Corp.; and *Robert F. Campbell* and *R. Y. Patterson, Jr.*, for Florida Gas Co. et al., respondents. Reported below: 346 F. 2d 645.

No. 816. *GOVERNMENT EMPLOYEES INSURANCE CO. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Lowell White* for petitioner. *Solicitor General Marshall, Assistant Attorney General Douglas* and *Alan S. Rosenthal* for the United States. Reported below: 349 F. 2d 83.

No. 827. *UNITED STATES FIDELITY & GUARANTY CO. v. WINKLER ET AL.* C. A. 8th Cir. Certiorari denied. *Roy F. Carter* for petitioner. *Charles L. Bacon* and *Vincent E. Baker* for respondents. Reported below: 351 F. 2d 685.

No. 833. *HOUSTON CHAPTER, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *L. G. Clinton, Jr.*, and *Tom M. Davis* for petitioners. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 349 F. 2d 449.

382 U. S.

January 31, 1966.

No. 743. INDIANA BROADCASTING CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari denied. *Whitman Knapp* and *Martin F. Richman* for petitioner. *Solicitor General Marshall*, *Acting Assistant Attorney General Roberts* and *Robert A. Bernstein* for respondent. *Douglas A. Anello* for National Association of Broadcasters, as *amicus curiae*, in support of the petition. Reported below: 350 F. 2d 580.

No. 828. LICHOTA ET UX. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Sumner Canary* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 351 F. 2d 81.

No. 835. REPUBLIC OF IRAQ *v.* FIRST NATIONAL CITY BANK, ADMINISTRATOR. C. A. 2d Cir. Certiorari denied. *Leo C. Fennelly* for petitioner. *Herbert Brownell* and *Woodson D. Scott* for respondent. Reported below: 353 F. 2d 47.

No. 844. MILLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Burton Marks* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 351 F. 2d 598.

No. 732, Misc. VASQUEZ-OCHOA *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States et al.

No. 872. DEXTER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Motion to dispense with printing the petition granted. Certiorari denied. *David Goldman* for petitioners. *Solicitor General Marshall* for the United States. Reported below: 351 F. 2d 461.

January 31, 1966.

382 U. S.

No. 883, Misc. *STREETER v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. *Crampton Harris* for petitioner. Reported below: 278 Ala. 272, 177 So. 2d 826.

No. 865. *FRANK v. TOMLINSON, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *Arthur B. Cunningham* and *Philip T. Weinstein* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Joseph M. Howard* and *John M. Brant* for respondent. Reported below: 351 F. 2d 384.

No. 820. *UNITED STATES v. INTERNATIONAL BUSINESS MACHINES CORP.* Ct. Cl. Motion of counsel in No. 922 to defer consideration of the petition in No. 820 denied. Certiorari denied. *Solicitor General Marshall, Acting Assistant Attorney General Roberts, Jack S. Levin, Harry Baum* and *Robert A. Bernstein* for the United States. *Daniel M. Gribbon, William H. Allen* and *Brice M. Clagett* for respondent. *William Lee McLane* on the motion. *William H. Allen* in opposition to the motion. Reported below: 170 Ct. Cl. 357, 343 F. 2d 914.

No. 848, Misc. *BEATTY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 350 F. 2d 287.

No. 873, Misc. *BROWN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Thomas B. McNeill* for petitioner. *Solicitor General Marshall, Assistant Attorney General Doar* and *David L. Norman* for the United States. Reported below: 351 F. 2d 564.

No. 834, Misc. *WILLIAMS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

382 U. S.

January 31, 1966.

No. 886, Misc. *CHASE v. ROBBINS, WARDEN*. C. A. 1st Cir. Certiorari denied.

No. 887, Misc. *HACKETT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 348 F. 2d 883.

No. 890, Misc. *CASTRO v. UNITED STATES*. Sup. Ct. Cal. Certiorari denied.

No. 898, Misc. *McINTOSH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 971, Misc. *BAKER v. ILLINOIS*. Cir. Ct. Ill., Marion County. Certiorari denied.

No. 910, Misc. *SHORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 352 F. 2d 485.

No. 940, Misc. *LEWIS v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 977, Misc. *ANDREWS v. SMITH ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. *John R. Snively* for petitioner. *William W. Peterson and Russell E. Smith* for respondents. Reported below: 54 Ill. App. 2d 51, 203 N. E. 2d 160.

No. 958, Misc. *COOPER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 997, Misc. *WELLMAN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

January 31, 1966.

382 U. S.

No. 968, Misc. *HATCHER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Robert Reed Gray* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 122 U. S. App. D. C. 148, 352 F. 2d 364.

No. 907, Misc. *KENNEY ET AL. v. TRINIDAD CORP.* C. A. 5th Cir. Certiorari denied. *Benjamin E. Smith* and *Arthur Mandell* for petitioners. *Benjamin W. Yancey* for respondent. Reported below: 349 F. 2d 832.

No. 976, Misc. *FEIST v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1000, Misc. *McFARLAND v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 1026, Misc. *JOHNSON ET AL. v. LLOYD*. C. A. D. C. Cir. Certiorari denied. *Thurman L. Dodson* for petitioners. *James F. Temple* for respondent.

No. 931, Misc. *PARKER v. BOARD OF EDUCATION, PRINCE GEORGE'S COUNTY, MARYLAND*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert H. Reiter* for petitioner. Reported below: 348 F. 2d 464.

Rehearing Denied.

No. 557. *INTERNATIONAL TERMINAL OPERATING Co., INC. v. N. V. NEDERL. AMERIK STOOMV. MAATS.*, *ante*, p. 283. Petition for rehearing denied.

No. 718, Misc. *WILLIAMSON ET AL. v. BLANKENSHIP, JUDGE, ET AL.*, *ante*, p. 923. Motion for leave to file petition for rehearing denied.