

ORDERS FROM JANUARY 26 THROUGH
MAY 8, 1967.

JANUARY 26, 1967.

Dismissal Under Rule 60.

No. 82. HODES ET AL. *v.* UNITED STATES. C. A. 2d Cir. (Certiorari granted, 384 U. S. 968.) Writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Samuel Kirshenbaum* for Hodes et al. and *Martin Schlesinger* for Mid-City Park View Apartments, Inc., petitioners. *Solicitor General Marshall* for the United States. Reported below: 355 F. 2d 746.

JANUARY 30, 1967.

Dismissal Under Rule 60.

No. 585. SUROWITZ *v.* HILTON HOTELS CORP. ET AL. C. A. 7th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Richard F. Watt* for petitioner.

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Miscellaneous Orders.

No. 574, OCTOBER TERM, 1963. WILLIAMSON ET AL., EXECUTORS *v.* PEURIFOY, JUDGE. C. A. 5th Cir. (Certiorari denied, 375 U. S. 967; 376 U. S. 960.) Motion to recall, vacate and amend the order of this Court dated January 6, 1964, denied.

No. 29, Original. TEXAS ET AL. *v.* COLORADO; and
No. 952. PROTECTIVE COMMITTEE FOR INDEPENDENT STOCKHOLDERS OF TMT TRAILER FERRY, INC. *v.* ANDERSON, TRUSTEE IN BANKRUPTCY. C. A. 5th Cir. The Solicitor General is invited to file a brief expressing the views of the United States in each of these cases.

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No. 18, Original. ILLINOIS *v.* MISSOURI.

IT IS ORDERED that the Honorable Harvey M. Johnsen, Senior Judge of the United States Court of Appeals for the Eighth Circuit, be, and he is hereby appointed Special Master in this case in place of the Honorable Sam E. Whitaker, resigned. The Special Master shall have authority to fix the time and conditions for filing of additional pleadings and to direct subsequent proceedings, and authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

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

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

[For earlier orders herein, see 379 U. S. 952; 380 U. S. 901, 969; 382 U. S. 803, 1022; 384 U. S. 924.]

No. 463. UDALL, SECRETARY OF THE INTERIOR *v.* FEDERAL POWER COMMISSION ET AL. C. A. D. C. Cir. (Certiorari granted, 385 U. S. 927.) Joint motion to remove case from summary calendar granted. On the motion were *Solicitor General Marshall* for petitioner and for respondent Federal Power Commission, and *William H. Dempsey, Jr.*, for respondents Pacific Northwest Power Co. et al.

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No. 216. NATIONAL LABOR RELATIONS BOARD *v.* ALLIS-CHALMERS MANUFACTURING CO. ET AL. C. A. 7th Cir. (Certiorari granted, 385 U. S. 810.) Motion of International Union, UAW-AFL-CIO (Locals 248 and 401), to participate in oral argument granted and fifteen minutes allotted for that purpose. The other respondent also allotted an additional fifteen minutes for oral argument. *Joseph L. Rauh, Jr., John Silard and Stephen I. Schlossberg* on the motion.

No. 371. CROWN COAT FRONT CO. INC. *v.* UNITED STATES. C. A. 2d Cir. (Certiorari granted, 385 U. S. 811.) Motion of Electronic Industries Association for leave to file a brief, as *amicus curiae*, in support of the petition granted. *Graham W. McGowan* on the motion. *Solicitor General Marshall* for the United States in opposition to the motion.

No. 391. STATE FARM FIRE & CASUALTY CO. ET AL. *v.* TASHIRE ET AL. C. A. 9th Cir. (Certiorari granted, 385 U. S. 811.) Motion of Anderson & Geary et al. for leave to file a brief, as *amici curiae*, granted. *Mark C. McClanahan* for Anderson & Geary et al., as *amici curiae*, in support of the petition, on the motion.

No. 480. WARDEN, MARYLAND PENITENTIARY *v.* HAYDEN. C. A. 4th Cir. (Certiorari granted, 385 U. S. 926.) Motion of petitioner to remove case from summary calendar denied. *Francis B. Burch*, Attorney General of Maryland, and *Franklin Goldstein*, Assistant Attorney General, on the motion.

No. 1093, Misc. SKOLNICK *v.* PARSONS, U. S. DISTRICT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

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No. 851, Misc. *SCHACK v. FLORIDA ET AL.* Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied. Petitioner *pro se.* *Earl Faircloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondents.

The following motions for leave to file petitions for writs of habeas corpus are denied. MR. JUSTICE DOUGLAS dissents.

No. 1, Misc. *WILLIAMS v. TEXAS.* 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*, *Gilbert J. Pena* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent.

No. 11, Misc. *TAYLOR v. TEXAS.* Petitioner *pro se.* *Waggoner Carr*, Attorney General, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent.

No. 74, Misc. *STEPHENS v. BETO, CORRECTIONS DIRECTOR*; and

No. 116, Misc. *SMITH v. BETO, CORRECTIONS DIRECTOR.* Petitioners *pro se.* *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Charles B. Swanner* and *Howard M. Fender*, Assistant Attorneys General, for respondent in both cases.

No. 238, Misc. *BECK v. BETO, CORRECTIONS DIRECTOR.*

No. 1206, Misc. *SKOLNICK v. CAMPBELL, U. S. DISTRICT JUDGE.* Motion for leave to file petition for writ of mandamus and/or prohibition and other relief denied.

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No. 1346, Misc. IN RE DISBARMENT OF REKEWEG. It is ordered that Wilmer D. Rekeweg of Paulding, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 931, Misc. SLIVA *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT;

No. 1084, Misc. RING *v.* SUPERINTENDENT, CALIFORNIA MEDICAL FACILITY, ET AL.;

No. 1095, Misc. LORENZANA *v.* WARDEN, SAN JUAN DISTRICT JAIL;

No. 1098, Misc. EIDINOFF *v.* KREIMEYER, ACTING STATE HOSPITAL SUPERINTENDENT, ET AL.;

No. 1101, Misc. BOUCHER *v.* PRESTON ET AL.; and

No. 1124, Misc. STEWART *v.* CALIFORNIA. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1064, Misc. CAMPBELL *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ET AL.; and

No. 1072, Misc. GORDON *v.* MASSACHUSETTS. Motions for leave to file petitions for writs of mandamus denied.

No. 1074, Misc. SOOTS ET UX. *v.* ATTORNEY GENERAL OF THE UNITED STATES. Motion for leave to file petition for writ of mandamus denied. Petitioners *pro se*. *Solicitor General Marshall* for respondent.

No. 965, Misc. PUTT *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ET AL. Motion for leave to file petition for writ of prohibition and/or mandamus denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondents.

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Probable Jurisdiction Noted.

No. 760. UNITED STATES *v.* PENN-OLIN CHEMICAL CO. ET AL. Appeal from D. C. Del. Probable jurisdiction noted. *Solicitor General Marshall, Assistant Attorney General Turner* and *Edwin M. Zimmerman* for the United States. *William S. Potter, Albert R. Connelly* and *H. Francis DeLone* for appellees. Reported below: 246 F. Supp. 917.

No. 754. WHITEHILL *v.* ELKINS, PRESIDENT, UNIVERSITY OF MARYLAND, ET AL. Appeal from D. C. Md. Probable jurisdiction noted. *Sanford Jay Rosen, Arnold M. Weiner* and *Joseph S. Kaufman* for appellant. *Robert C. Murphy*, Attorney General of Maryland, and *Loring E. Hawes* and *Julius A. Romano*, Assistant Attorneys General, for appellees. Reported below: 258 F. Supp. 589.

No. 810. ZWICKLER *v.* KOOKA, DISTRICT ATTORNEY OF COUNTY OF KINGS. Appeal from D. C. E. D. N. Y. Probable jurisdiction noted. *Emanuel Redfield* for appellant. *Louis J. Lefkowitz*, Attorney General of New York, for appellee. Reported below: 261 F. Supp. 985.

Certiorari Granted. (See also No. 14, *ante*, p. 14, No. 71, *ante*, p. 15, No. 300, *ante*, p. 17, No. 414, Misc., *ante*, p. 12, and No. 454, Misc., *ante*, p. 13.)

No. 838. WYANDOTTE TRANSPORTATION CO. ET AL. *v.* UNITED STATES. C. A. 5th Cir. *Certiorari* granted. *Lucian Y. Ray* and *Benjamin W. Yancey* for Wyandotte Transportation Co., *George B. Matthews* for Union Barge Line Corp., and *Tom F. Phillips* for Cargill, Inc., et al., petitioners. *Solicitor General Marshall, Assistant Attorney General Sanders* and *Alan S. Rosenthal* for the United States. Reported below: 367 F. 2d 971.

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NO. 424. *MEMPA v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Motion to dispense with printing petition granted. Certiorari granted. *Donald A. Schmechel* for petitioner. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way*, Assistant Attorney General, for respondent. Reported below: 68 Wash. 2d 882, 416 P. 2d 104.

NO. 734. *WALKLING v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Motion to dispense with printing petition granted. Certiorari granted and case set for oral argument immediately following No. 424. *Donald A. Schmechel* for petitioner. *John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way*, Assistant Attorney General, for respondent.

NO. 789. *FEDERAL TRADE COMMISSION v. FRED MEYER, INC., ET AL.* C. A. 9th Cir. Petition for writ of certiorari granted limited to Question 1 presented by the petition which reads as follows: "1. Whether a supplier's granting to a retailer who buys directly from it promotional allowances that are not made available to a wholesaler who resells to retailers competing with the direct-buying retailer violates Section 2 (d) of the Robinson-Patman Act." *Solicitor General Marshall*, *Assistant Attorney General Turner* and *James McI. Henderson* for petitioner. *Edward F. Howrey*, *Terrence C. Sheehy* and *George W. Mead* for respondents. Reported below: 359 F. 2d 351.

NO. 892. *INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1291 v. PHILADELPHIA MARINE TRADE ASSOCIATION*. C. A. 3d Cir. Certiorari granted. *Abraham E. Freedman* and *Martin J. Vigderman* for petitioner. *Francis A. Scanlan* for respondent. Reported below: 365 F. 2d 295.

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Certiorari Denied. (See also No. 801, *ante*, p. 9; No. 858, *ante*, p. 8; No. 963, Misc., *ante*, p. 10; No. 1030, Misc., *ante*, p. 12; No. 1063, Misc., *ante*, p. 13; and No. 851, Misc., *supra*.)

No. 703. FRED MEYER, INC., ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. *Certiorari denied.* *Edward F. Howrey, Terrence C. Sheehy and George W. Mead* for petitioners. *Solicitor General Marshall, Assistant Attorney General Turner and James McL. Henderson* for respondent. Reported below: 359 F. 2d 351.

No. 766. JAKOB *v.* UNITED STATES. C. A. 2d Cir. *Certiorari denied.* *William R. Glendon* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 366 F. 2d 853.

No. 791. WALLERSTEIN ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. *Certiorari denied.* *Madison B. Graves and Robert W. Hughes* for petitioners. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro, Henry Geller, John H. Conlin and Lenore G. Ehrig* for respondent.

No. 796. CRANE BOOM LIFE GUARD Co., INC., ET AL. *v.* SAF-T-BOOM CORP. ET AL. C. A. 8th Cir. *Certiorari denied.* *Osro Cobb* for petitioners. *Wayne W. Owen* for respondents. Reported below: 362 F. 2d 317.

No. 829. CENTRAL ILLINOIS PUBLIC SERVICE Co. *v.* UNITED STATES. C. A. 7th Cir. *Certiorari denied.* *Elmer Nafziger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl, S. Billingsley Hill and Robert M. Perry* for the United States. Reported below: 365 F. 2d 121.

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No. 844. *RUSO v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. *Stuart A. Barbour, Jr.*, for petitioner. Reported below: 207 Va. 251, 148 S. E. 2d 820.

No. 855. *BROUSSARD v. STATE FARM MUTUAL AUTOMOBILE INSURANCE Co.* Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioner.

No. 857. *MARX v. JAFFE*. Sup. Ct. N. J. Certiorari denied. *Louis Asarnow* for petitioner.

No. 862. *MAGNUS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Boris Kostelanetz, Eugene Gressman* and *Louis Bender* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Joseph M. Howard* for the United States. Reported below: 365 F. 2d 1007.

No. 864. *McMILLAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Henry A. Lowenberg* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 368 F. 2d 810.

No. 877. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Charles Fuller Blanchard* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Kirby W. Paterson* for the United States. Reported below: 369 F. 2d 775.

No. 878. *RAWDON 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: 364 F. 2d 803.

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No. 880. *KENNEDY, TREASURER OF ARIZONA, ET AL. v. POWELL, TRUSTEE IN BANKRUPTCY*. C. A. 9th Cir. Certiorari denied. *Darrell F. Smith*, Attorney General of Arizona, and *John V. Riggs*, Assistant Attorney General, for petitioners Kennedy et al. *Louise C. W. Powell*, respondent, *pro se*. Briefs *amicus curiae*, in support of the petition, were filed by: *Boston E. Witt*, Attorney General, and *George Richard Schmitt*, Assistant Attorney General, for the State of New Mexico; *Forrest H. Anderson*, Attorney General, and *Donald D. MacPherson*, Special Assistant Attorney General, for the State of Montana; *William B. Saxbe*, Attorney General, and *Charles S. Lopeman*, Chief Counsel, for the State of Ohio; *Earl Faircloth*, Attorney General, and *T. T. Turnbull* and *Larry Levy*, Assistant Attorneys General, for the State of Florida; and *John J. O'Connell*, Attorney General, and *Edward B. Mackie*, Assistant Attorney General, for the State of Washington. A brief *amicus curiae*, in support of the petition, was filed by the Attorneys General for their respective States as follows: *Richmond M. Flowers* of Alabama, *Bruce Bennett* of Arkansas, *Thomas C. Lynch* of California, *David P. Buckson* of Delaware, *Bert T. Kobayashi* of Hawaii, *Allan G. Shepard* of Idaho, *Jack P. F. Gremillion* of Louisiana, *James S. Erwin* of Maine, *Francis Burch* of Maryland, *Frank J. Kelley* of Michigan, *Harvey Dickerson* of Nevada, *Thomas Wade Bruton* of North Carolina, *Helgi Johanneson* of North Dakota, *Charles Nesbitt* of Oklahoma, *Edward Friedman* of Pennsylvania, *Daniel R. McLeod* of South Carolina, *Frank L. Farrar* of South Dakota, *George F. McCanless* of Tennessee, *Phil L. Hansen* of Utah, *Robert Y. Button* of Virginia and *John F. Raper* of Wyoming. Reported below: 366 F. 2d 346.

No. 889. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 71 Ill. App. 2d 446, 219 N. E. 2d 82.

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No. 874. *MARSHALL v. RUSSELL, EXECUTRIX, ET AL.* Sup. Ct. Ga. Certiorari denied. *G. Hughel Harrison* and *Thomas M. Odom* for petitioner. Reported below: 222 Ga. 490, 150 S. E. 2d 667.

No. 882. *WRIGHT v. PRESS PUBLISHING CO. ET AL.* Sup. Ct. N. J. Certiorari denied. *Walter C. Wright, Jr.*, petitioner, *pro se.* *Saul W. Arkus* and *Harry Green* for respondents.

No. 887. *UNITED STATES RUBBER CO. v. UNDERWATER STORAGE, INC.* C. A. D. C. Cir. Certiorari denied. *Robert F. Conrad* and *Harvey E. Bumgardner, Jr.*, for petitioner. *Robert E. Sher* and *Abraham J. Harris* for respondent. Reported below: 125 U. S. App. D. C. 297, 371 F. 2d 950.

No. 890. *GRAY v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Petitioner *pro se.* *Thomas Wade Bruton*, Attorney General of North Carolina, and *Theodore C. Brown, Jr.*, for respondent. Reported below: 268 N. C. 69, 150 S. E. 2d 1.

No. 897. *IRISH, DBA RUSSELL L. IRISH INVESTMENTS v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 9th Cir. Certiorari denied. *Harvey Erickson* for petitioner. *Solicitor General Marshall*, *Philip A. Loomis*, *David Ferber* and *Edward B. Wagner* for respondent. Reported below: 367 F. 2d 637.

No. 851. *MILLER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Marvin M. Karparkin* and *Osmond K. Fraenkel* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 72.

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No. 898. *YATES ET AL. v. HODGES ET UX.* Sup. Ct. Miss. Certiorari denied. *Malcolm B. Montgomery* for petitioners. *W. H. Jolly* for respondents. Reported below: 189 So. 2d 113.

No. 900. *ROOT v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 366 F. 2d 377.

No. 901. *DE LUCIA v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 7th Cir. Certiorari denied. *Jack Wasserman* and *David Carliner* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Charles Gordon* for respondent. Reported below: 370 F. 2d 305.

No. 902. *TRAVEL CONSULTANTS, INC. v. TRAVEL MANAGEMENT CORP.* C. A. D. C. Cir. Certiorari denied. *Worth Rowley* and *Lenox G. Cooper* for petitioner. *Lucien Hilmer* and *J. H. Krug* for respondent. Reported below: 125 U. S. App. D. C. 108, 367 F. 2d 334.

No. 907. *MARBRO FOOD SERVICE, INC., DBA FAB'S FAMOUS FOODS CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 10th Cir. Certiorari denied. *Clement John Murphy, Jr.*, for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 366 F. 2d 477.

No. 926. *BETHLEHEM STEEL CO. ET AL. v. UNITED STATES.* C. C. P. A. Certiorari denied. *Abraham J. Harris* and *Marvin J. Coles* for petitioners. *Solicitor General Marshall, Assistant Attorney General Sanders* and *Alan S. Rosenthal* for the United States. Reported below: 53 C. C. P. A. (Cust.) 142.

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No. 908. *BANKERS LIFE & CASUALTY CO. v. GUARANTEE RESERVE LIFE INSURANCE CO. OF HAMMOND ET AL.* C. A. 7th Cir. Certiorari denied. *William T. Kirby* for petitioner. *Claude A. Roth* for respondents. Reported below: 365 F. 2d 28.

No. 912. *RAY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 258.

No. 913. *ZAMORA v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Quincy D. Adams* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Anthony P. Nugent, Jr.,* for the United States. Reported below: 369 F. 2d 855.

No. 917. *ROOFIRE ALARM CO. v. UNDERWRITERS' LABORATORIES, INC.* C. A. 6th Cir. Certiorari denied. *John A. Chambliss* for petitioner. *Jere T. Tipton* and *Edward H. Hickey* for respondent.

No. 919. *FRIEDMAN v. UNITED STATES.* Ct. Cl. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 920. *BLOOMFIELD STEAMSHIP CO. v. HAIGHT ET AL.* C. A. 5th Cir. Certiorari denied. *Robert Eikel* for petitioner. *Benjamin W. Yancey* for respondents. Reported below: 363 F. 2d 872.

No. 924. *GAJEWSKI ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Petitioners *pro se.* *Solicitor General Marshall* for the United States. Reported below: 368 F. 2d 533.

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No. 922. *MATANUSKA VALLEY LINES, INC. v. MOLITOR*. C. A. 9th Cir. Certiorari denied. *Edgar Paul Boyko* for petitioner. Reported below: 365 F. 2d 358.

No. 923. *JEFFERSON CONSTRUCTION CO. OF FLORIDA v. UNITED STATES*. Ct. Cl. Certiorari denied. *Carl A. Hiaasen* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 176 Ct. Cl. 1363, 364 F. 2d 420.

No. 935. *CLARK v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *John W. Reece* for petitioner. *James V. Barbuto* and *Stephan M. Gabalac* for respondent.

No. 955. *YOUNG & Co. OF HOUSTON v. CALVERT, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS*. Ct. Civ. App. Tex., 3d Sup. Jud. Dist. Certiorari denied. *Robert Eikel* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, and *John R. Grace* and *Kerns B. Taylor*, Assistant Attorneys General, for respondent. Reported below: 405 S. W. 2d 174.

No. 870. *CURTIS ET AL. v. BOEGER, WARDEN*; and

No. 871. *GRAND ET AL. v. BOEGER, WARDEN*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Charles R. Oldham* for petitioners in both cases. *Thomas F. McGuire*, *James J. Gallagher*, *Gary M. Gaertner* and *Allen J. Roth* for respondent in both cases. Reported below: 362 F. 2d 999.

No. 916. *HOBSON ET AL. v. GASCH*, U. S. DISTRICT JUDGE. C. A. D. C. Cir. Motion to dispense with printing petition granted. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall* for respondent.

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No. 939. LAFARGUE ET VIR *v.* SAMUEL ET AL. C. A. 5th Cir. Certiorari denied. *John D. Lambert, Jr.*, for petitioners. *Thomas L. Stennis II* for respondents.

No. 906. HARRIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Lawrence F. O'Donnell* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 367 F. 2d 633.

No. 854. VALRIE *v.* UNITED STATES. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States. Reported below: 366 F. 2d 187.

No. 868. SMITH *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL. C. A. 9th Cir. Motion to dispense with printing petition, and motion of respondent Workmen's Compensation Appeals Board (formerly Industrial Accident Commission) to dispense with printing its brief, granted. Certiorari denied. Petitioner *pro se*. *Everett A. Corten* for respondent Workmen's Compensation Appeals Board. Reported below: 366 F. 2d 479.

No. 888. HARRAH'S CLUB *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Motion of Nevada Resort Association et al. for leave to file a brief, as *amici curiae*, granted. Certiorari denied. *Nathan R. Berke* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. *David H. Mendelsohn* for Nevada Resort Association et al., as *amici curiae*, in support of the petition. Reported below: 362 F. 2d 425.

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No. 921. OTTEN *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Motion to dispense with printing petition granted. Certiorari denied. *H. Gordon Davis* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent. Reported below: 367 F. 2d 579.

No. 883. ALABAMA ET AL. *v.* BELL. C. A. 5th Cir. Motion of respondent for the appointment of counsel denied. Certiorari denied. *Richmond M. Flowers*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for petitioners. Respondent *pro se*. Reported below: 367 F. 2d 243.

No. 936. CLARKE, CHIEF JUDGE, U. S. DISTRICT COURT *v.* YAX. C. A. 9th Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. *Lyndol L. Young* for petitioner. *Munson H. Lane* for respondent.

No. 29, Misc. POHLABEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 204, Misc. PARKER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Robert S. Erdahl and Kirby W. Patterson* for the United States. Reported below: 358 F. 2d 50.

No. 957, Misc. DICKERSON *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. *Walter Stein* for petitioner. Reported below: 363 F. 2d 126.

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No. 364, Misc. JONES *v.* COMSTOCK, SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Daniel J. Kremer*, Deputy Attorney General, for respondents.

No. 387, Misc. LYNOTT *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: 360 F. 2d 586.

No. 594, Misc. BURNETT *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. *Lloyd A. Barbee* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, and *William A. Platz* and *Betty R. Brown*, Assistant Attorneys General, for respondent. Reported below: 30 Wis. 2d 375, 141 N. W. 2d 221.

No. 603, Misc. BROWN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. *John D. Buchanan, Jr.*, and *Joseph C. Jacobs* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondent.

No. 701, Misc. BENNETT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon Polsky* for petitioner. *Solicitor General Marshall*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 364 F. 2d 499.

No. 712, Misc. BULLARD *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. *Daniel H. Pollitt* for petitioner. *T. W. Bruton*, Attorney General of North Carolina, for respondent. Reported below: 267 N. C. 599, 148 S. E. 2d 565.

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No. 704, Misc. CANDELARIO *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, *Edsel W. Haws* and *Roger E. Venturi*, Deputy Attorneys General, and *Doris H. Maier*, Assistant Attorney General, for respondent.

No. 714, Misc. COKE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon Polsky* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 364 F. 2d 484.

No. 852, Misc. REED *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: 364 F. 2d 630.

No. 861, Misc. WRIGHT *v.* UNITED STATES. C. A. 7th 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: 365 F. 2d 135.

No. 877, Misc. COPLEY *v.* UNITED STATES; and
No. 886, Misc. ROSEMAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Luke McKissack* for petitioner in No. 877, Misc., and *William C. Wunsch* for petitioner in No. 886, Misc. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States in both cases. Reported below: 364 F. 2d 18.

No. 964, Misc. VIVEIROS *v.* STATE BOARD OF EDUCATION ET AL. Sup. Ct. R. I. Certiorari denied.

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No. 945, Misc. *BENNETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 574.

No. 959, Misc. *WOODRUFF v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. *Melvin L. Wolf* and *Alvin J. Bronstein* for petitioner. Reported below: 187 So. 2d 883.

No. 962, Misc. *GOLDBERG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Robert M. Taylor* and *George P. Walker* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for the United States.

No. 973, Misc. *PARNESS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* and *Meredith Hemphill, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 366 F. 2d 853.

No. 977, Misc. *RUCKLE v. WARDEN, BALTIMORE CITY JAIL*. C. A. 4th Cir. Certiorari denied.

No. 978, Misc. *RUCKLE v. WARDEN, BALTIMORE CITY JAIL*. Baltimore City Ct., Md. Certiorari denied.

No. 990, Misc. *RASMUSSEN v. WILLINGHAM, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent.

No. 1000, Misc. *BERRY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

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No. 979, Misc. *VANELLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 371 F. 2d 50.

No. 991, Misc. *BLACK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 580.

No. 1001, Misc. *LUJAN v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1002, Misc. *MURRAY v. WILSON, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 1006, Misc. *HARBOLD v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 367 F. 2d 53.

No. 1009, Misc. *FLOYD 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.

No. 1012, Misc. *WILLOUGHBY v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 406 S. W. 2d 725.

No. 1014, Misc. *PRESTON v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 406 S. W. 2d 398.

No. 1016, Misc. *JACOBS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

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No. 1008, Misc. SMITH *v.* OLIVER, WARDEN, ET AL.
C. A. 9th Cir. Certiorari denied.

No. 1017, Misc. ACOSTA *v.* UNITED STATES. C. A. 4th
Cir. Certiorari denied. *Jerry T. Batts* for petitioner.
*Solicitor General Marshall, Assistant Attorney General
Vinson, Beatrice Rosenberg and Robert G. Maysack* for
the United States. Reported below: 369 F. 2d 41.

No. 1018, Misc. JUNEAU *v.* ALLGOOD, WARDEN, ET AL.
C. A. 5th Cir. Certiorari denied.

No. 1019, Misc. BEADLE *v.* ILLINOIS. Sup. Ct. Ill.
Certiorari denied.

No. 1020, Misc. ZUCKER *v.* CALIFORNIA ET AL. C. A.
9th Cir. Certiorari denied.

No. 1026, Misc. McCAULLEY *v.* CALIFORNIA. Sup. Ct.
Cal. Certiorari denied.

No. 1028, Misc. PARRA *v.* CALIFORNIA. Sup. Ct. Cal.
Certiorari denied.

No. 1033, Misc. FIGARATTO *v.* CALIFORNIA. Sup. Ct.
Cal. Certiorari denied.

No. 1034, Misc. RICHARDSON *v.* SECRETARY OF
HEALTH, EDUCATION AND WELFARE. C. A. 7th Cir. Cer-
tiorari denied. Petitioner *pro se*. *Solicitor General
Marshall* for respondent. Reported below: 371 F. 2d 542.

No. 1036, Misc. CONWAY *v.* CALIFORNIA ADULT AU-
THORITY. Sup. Ct. Cal. Certiorari denied.

No. 1037, Misc. CLEMONS *v.* UNITED STATES. C. A.
D. C. Cir. Certiorari denied.

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No. 1038, Misc. HANSHAW *v.* EYMAN, WARDEN, ET AL. Sup. Ct. Ariz. Certiorari denied.

No. 1039, Misc. EIDENMUELLER *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1040, Misc. NELMS *v.* UNITED STATES. Ct. Cl. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 1041, Misc. CRAMER *v.* CAVELL, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 368 F. 2d 322.

No. 1045, Misc. DALLAS *v.* FLORIDA. C. A. 5th Cir. Certiorari denied.

No. 1046, Misc. MCCREARY *v.* WILSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 366 F. 2d 508.

No. 1047, Misc. WHITE *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 1048, Misc. BELLAM *v.* WARDEN, MARYLAND PENITENTIARY. C. A. 4th Cir. Certiorari denied.

No. 1049, Misc. WALKER *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. Reported below: 124 U. S. App. D. C. 194, 363 F. 2d 681.

No. 1053, Misc. STILTNER *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. Super. Ct. Wash., Walla Walla County. Certiorari denied.

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No. 1054, Misc. *BANKS v. CALIFORNIA*. Dist. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 242 Cal. App. 2d 373, 51 Cal. Rptr. 398.

No. 1056, Misc. *HOPTOWIT v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 1057, Misc. *REED v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 1058, Misc. *ANDERSON v. FRYE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 1061, Misc. *ELLIS ET VIR v. HARADA ET AL*. Sup. Ct. Hawaii. Certiorari denied. *Joseph A. Ryan* for petitioners.

No. 1062, Misc. *ELLENBOGEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Daniel H. Greenberg* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 365 F. 2d 982.

No. 1071, Misc. *HAAS v. TAHASH, WARDEN*. Sup. Ct. Minn. Certiorari denied. Reported below: 275 Minn. 257, 146 N. W. 2d 188.

No. 1077, Misc. *STAGGS v. HENDERSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 1079, Misc. *WOOTEN v. HENDERSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 1082, Misc. *HARVEY ET AL. v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

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No. 1083, Misc. *FORD v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 365 F. 2d 831.

No. 1086, Misc. *LEWIS v. MANCUSI, WARDEN*. Ct. App. N. Y. Certiorari denied.

No. 1087, Misc. *LEE v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1088, Misc. *THOMAS v. WILSON, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1089, Misc. *JOHNSON v. DEPARTMENT OF CORRECTION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1090, Misc. *GROVE v. WILSON, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1091, Misc. *LEPPER v. LANGLOIS, WARDEN*. Sup. Ct. R. I. Certiorari denied.

No. 1096, Misc. *SMITH v. CALIFORNIA*. Dist. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1099, Misc. *BUTLER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1102, Misc. *COLEMAN v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 1106, Misc. *DANIELS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 1108, Misc. *KING v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 408 S. W. 2d 204.

No. 1110, Misc. *PIERSON v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

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No. 1113, Misc. *GATEWOOD v. HENDRICK*, COUNTY PRISONS SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 368 F. 2d 179.

No. 1114, Misc. *JACKSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 1115, Misc. *HEACOCK v. RUNDLE*, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 367 F. 2d 583.

No. 1116, Misc. *LEE v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 197 Kan. 463, 419 P. 2d 927.

No. 1118, Misc. *STELL v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 1199, Misc. *BEER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 315, Misc. *JOHNSON v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Phillip A. Hubbart* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *James T. Carlisle* and *Arden M. Siegendorf*, Assistant Attorneys General, for respondent. Reported below: 183 So. 2d 857.

No. 863, Misc. *KYLE v. WICKERSHAM ET AL.* C. A. 2d Cir. Motion to substitute Elizabeth S. Wickersham in place of Cornelius W. Wickersham, Jr., as a party respondent granted. Certiorari denied.

No. 1094, Misc. *CONWAY v. WILSON*, WARDEN. C. A. 9th Cir. Certiorari and other relief denied. Reported below: 368 F. 2d 485.

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The following petitions for writs of certiorari are denied. MR. JUSTICE DOUGLAS would grant the petitions for writs of certiorari and reverse the judgments of the courts below for the reasons stated in the dissenting opinion of MR. JUSTICE BRENNAN in *Spencer v. Texas*, 385 U. S. 554, 587.

No. 2, Misc. GOODSPEED *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. 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*, Assistant Attorney General, for respondent. Reported below: 341 F. 2d 908.

No. 4, Misc. CARTER *v.* WILSON, WARDEN, ET AL. C. A. 9th Cir. Petitioner *pro se.* *Thomas C. Lynch*, Attorney General of California, and *Derald E. Granberg* and *John F. Kraetzer*, Deputy Attorneys General, for respondents.

No. 5, Misc. BREEN *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. *Richard Tinsman* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Gilbert J. Pena*, Assistant Attorneys General, for respondent. Reported below: 341 F. 2d 96.

No. 7, Misc. STANLEY, ALIAS SAUNDERS *v.* NEW YORK. Ct. App. N. Y. *Ephraim London* for petitioner. *Frank S. Hogan* for respondent. Reported below: 15 N. Y. 2d 860, 206 N. E. 2d 193.

No. 16, Misc. WAGONER *v.* BETO, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. Petitioner *pro se.* *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *J. Milton Richard-*

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son and *Howard M. Fender*, Assistant Attorneys General, for respondent.

No. 17, Misc. WARDEN *v.* BETO, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. 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 *Lonny F. Zwiener*, Assistant Attorneys General, for respondent.

No. 21, Misc. TAYLOR *v.* TEXAS. Ct. Crim. App. Tex.

No. 77, Misc. FAIRRISS *v.* BETO, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. 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 *Gilbert J. Pena*, Assistant Attorneys General, for respondent.

No. 403, Misc. STOCKWELL *v.* BETO, CORRECTIONS DIRECTOR, ET AL. Ct. Crim. App. Tex. 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 *Lonny F. Zwiener*, Assistant Attorneys General, for respondents.

No. 530, Misc. CLARK *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Petitioner *pro se.* *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender*, Assistant Attorney General, for respondent. Reported below: 359 F. 2d 554.

The following petitions for writs of certiorari are denied.

THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS would grant the petitions for writs of certiorari and reverse the judgments of the courts

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below for the reasons stated in the opinion of THE CHIEF JUSTICE in *Spencer v. Texas*, 385 U. S. 554, 569.

No. 6. HOWARD *v.* TEXAS. Ct. Crim. App. Tex. 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 387.

No. 8, Misc. LOTT *v.* TEXAS. Ct. Crim App. Tex. 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 *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 386 S. W. 2d 140.

No. 13, Misc. STONEHAM *v.* TEXAS. Ct. Crim. App. Tex. *Charles E. Benson* for petitioner. Reported below: 389 S. W. 2d 468.

No. 14, Misc. CAPUCHINO *v.* TEXAS. Ct. Crim. App. Tex. *Clyde W. Woody* and *Marian S. Rosen* for petitioner. *Waggoner Carr*, Attorney General of Texas, and *Howard M. Fender* and *Charles B. Swanner*, Assistant Attorneys General, for respondent. Reported below: 389 S. W. 2d 296.

No. 59, Misc. FLETCHER *v.* TEXAS. Ct. Crim. App. Tex. *Charles E. Benson* for petitioner. Reported below: 396 S. W. 2d 393.

No. 84, Misc. ABEL *v.* TEXAS. Ct. Crim. App. Tex. 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 *Gilbert J. Pena*, Assistant

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Attorneys General, for respondent. Reported below: 395 S. W. 2d 641.

No. 109, Misc. *BOOKER v. ILLINOIS*. Sup. Ct. Ill. *Richard F. Watt* for petitioner. *William G. Clark*, Attorney General of Illinois, and *Richard A. Michael*, Assistant Attorney General, for respondent. Reported below: 34 Ill. 2d 16, 213 N. E. 2d 542.

No. 718, Misc. *GAMEZ v. TEXAS*. Ct. Crim. App. Tex. Reported below: 403 S. W. 2d 418.

No. 590, Misc. *PLATT v. TEXAS*. Ct. Crim. App. Tex. *William E. Gray* for petitioner. *Waggoner Carr*, Attorney General of Texas, *Hawthorne Phillips*, First Assistant Attorney General, *T. B. Wright*, Executive Assistant Attorney General, and *Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 402 S. W. 2d 898.

Rehearing Denied.

No. 740. *MARINA MERCANTE NICARAGUENSE, S. A., AS OWNER OF THE EL SALVADOR v. McALLISTER BROTHERS, INC., AS OWNER OF THE TUG RUSSELL No. 18, ET AL.*, 385 U. S. 1005;

No. 767. *NAVE v. CITY OF SEATTLE*, 385 U. S. 450;

No. 784, Misc. *TODD v. UNITED STATES*, 385 U. S. 994;

No. 824, Misc. *NEWELL v. PAGE, WARDEN*, 385 U. S. 1015;

No. 869, Misc. *EBELL v. MCGEE ET AL.*, 385 U. S. 1017;

No. 997, Misc. *STEPPE v. FLORIDA*, 385 U. S. 1031; and

No. 998, Misc. *KINDERMAN v. TAHASH, WARDEN*, 385 U. S. 998. Petitions for rehearing denied.

No. 453. *RUTH v. BLUE RIVER CONSTRUCTORS ET AL.*, 385 U. S. 920, 984. Motion for leave to file second petition for rehearing denied.

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No. 622. *SOAPE ET UX. v. LOUISIANA POWER & LIGHT Co. ET AL.*, 385 U. S. 970. Motion for leave to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 690. *MARTIN v. PHILLIPS PETROLEUM Co. ET AL.*, 385 U. S. 991. Motion to defer consideration and for leave to supplement petition denied. Petition for rehearing denied.

No. 665, Misc. *WEBB v. BETO, CORRECTIONS DIRECTOR*, 385 U. S. 940; and

No. 853, Misc. *POPE v. PARKER, WARDEN, ET AL.*, 385 U. S. 944. Motions for leave to file petitions for rehearing denied.

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Dismissal Under Rule 60.

No. 572, Misc. *RUBY v. TEXAS*. Ct. Crim. App. Tex. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *William M. Kunstler, Sam Houston Clinton, Jr., Sol A. Dann and Elmer Gertz* on the motion. Reported below: 403 S. W. 2d 129.

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Miscellaneous Orders.

No. 1128, Misc. *HITCHCOCK v. ARIZONA ET AL.*;

No. 1140, Misc. *BRYANS v. UNITED STATES*;

No. 1147, Misc. *GILCHRIST v. FLORIDA*;

No. 1161, Misc. *LOFTIS v. EYMAN, WARDEN, ET AL.*;
and

No. 1184, Misc. *BRABSON v. MANCUSI, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 891. CORVALLIS SAND & GRAVEL CO. ET AL. *v.* HOISTING & PORTABLE ENGINEERS LOCAL UNION No. 701 ET AL. Sup. Ct. Ore. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1148, Misc. WRIGHT *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 denied.

Certiorari Granted. (See also No. 751, Misc., *ante*, p. 128.)

No. 929. MASSACHUSETTS *v.* PAINTEN. C. A. 1st Cir. Certiorari granted. *Edward W. Brooke*, Attorney General of Massachusetts, and *Willie J. Davis*, Assistant Attorney General, for petitioner. Reported below: 368 F. 2d 142.

No. 56, Misc. BURGESS *v.* TEXAS. Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to 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 *Charles B. Swanner* and *Howard M. Fender*, Assistant Attorneys General, for respondent. Reported below: 397 S. W. 2d 79.

Certiorari Denied. (See also No. 503, Misc., *ante*, p. 127; and No. 1148, Misc, *supra*.)

No. 817. HOLT ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. *William Howard Payne* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Robert N. Anderson* and *Carolyn R. Just* for respondent. Reported below: 364 F. 2d 38.

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No. 819. *PATTERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Frank B. Stow* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 368 F. 2d 331.

No. 842. *BLACK, ADMINISTRATOR v. UNITED STATES ET AL.*; and

No. 960. *ALLEN, EXECUTRIX, ET AL. v. MATHIASSEN'S TANKER INDUSTRIES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *William Warner* for petitioner in No. 842, and *Abraham E. Freedman* and *Martin J. Vigderman* for petitioners in No. 960. *Solicitor General Marshall, Assistant Attorney General Sanders, David L. Rose* and *Robert V. Zener* for respondent United States in both cases. Reported below: 367 F. 2d 505.

No. 845. *CONTINENTAL BAKING CO. v. FEDERAL TRADE COMMISSION*;

No. 849. *LANGENDORF UNITED BAKERIES, INC., ET AL. v. FEDERAL TRADE COMMISSION*; and

No. 852. *SAFEWAY STORES, INC. v. FEDERAL TRADE COMMISSION*. C. A. 9th Cir. Certiorari denied. *John H. Schafer* and *James V. Siena* for petitioner in No. 845; *Herbert S. Little* for petitioners in No. 849; and *Robert W. Graham* for petitioner in No. 852. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro, James McI. Henderson* and *Daniel H. Hanscom* for respondent in all three cases. Reported below: 366 F. 2d 795.

No. 941. *MANESS ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hugh R. Dowling* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Joseph Kovner* for the United States. Reported below: 367 F. 2d 357.

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No. 927. MITSUBISHI INTERNATIONAL CORP. ET AL. *v.* A. O. ANDERSEN & CO. ET AL.;

No. 933. CHINA UNION LINES, LTD. *v.* A. O. ANDERSEN & CO. ET AL.; and

No. 934. LAN JING-CHAU ET AL. *v.* A. O. ANDERSEN & CO. ET AL. C. A. 5th Cir. Certiorari denied. *Sweeney J. Doehring* for Mitsubishi International Corp. et al., petitioners in No. 927 and respondents in No. 933. *Robert Eikel* for petitioner in No. 933. *Newton B. Schwartz* for petitioners in No. 934. *Bryan F. Williams, Jr.*, and *Carl O. Bue, Jr.*, for respondent A. O. Andersen & Co. in all three cases. *Leonard J. Matteson* for respondent American Cyanamid Co. in Nos. 933 and 934. *John V. Wheat* for respondent Duncan in No. 933. Reported below: 364 F. 2d 769.

No. 932. MACINTYRE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Frederick Bernays Wiener* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard* and *John P. Burke* for the United States.

No. 943. MARKS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Maurice Edelbaum* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 368 F. 2d 566.

No. 729, Misc. MAYBERRY ET AL. *v.* MARONEY, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied. Petitioners *pro se.* *Edward Friedman*, Attorney General of Pennsylvania, and *Frank P. Lawley, Jr.*, Deputy Attorney General, for respondent Maroney.

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No. 945. HICKEY ET AL. v. ILLINOIS CENTRAL RAILROAD Co. Sup. Ct. Ill. Certiorari denied. *Leonard R. Hartenfeld* for petitioners. *Thomas M. Thomas, Robert Mitten* and *William M. Rice* for respondent. Reported below: 35 Ill. 2d 427, 220 N. E. 2d 415.

No. 940. WALLACE v. ILLINOIS. Sup. Ct. Ill. Certiorari denied. *Donald J. Rizzio* for petitioner. Reported below: 35 Ill. 2d 251, 220 N. E. 2d 198.

No. 948. DUKE v. UNITED STATES. C. A. 7th Cir. Certiorari denied. *Robert H. Van Brunt* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 369 F. 2d 355.

No. 961. WRIGHT, TRADING AS WRIGHT'S GROCERY v. MASONITE CORP. C. A. 4th Cir. Certiorari denied. *H. Gardner Hudson* for petitioner. *Welch Jordan* for respondent. Reported below: 368 F. 2d 661.

No. 963. STUCKER v. COLLEGE LIFE INSURANCE Co. OF AMERICA. Sup. Ct. Ind. Certiorari denied. *Arthur J. Sullivan* for petitioner. *John Rabb Emison* for respondent.

No. 782, Misc. MARION v. HARRIST. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, and *R. L. (Bob) Lattimore, Howard M. Fender* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 363 F. 2d 139.

No. 845, Misc. DAVIS v. TUBBS. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Roger Arnebergh* for respondent.

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No. 854, Misc. GRAVES *v.* WAINWRIGHT. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* *Earl Faircloth*, Attorney General of Florida, and *Stanley D. Kupiszewski, Jr.*, Assistant Attorney General, for respondent.

No. 912, Misc. PARSON *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. *Irving Morris* for petitioner. *William Swain Lee*, Deputy Attorney General of Delaware, for respondent. Reported below: — Del. —, 222 A. 2d 326.

No. 952, Misc. PAZ-SIERRA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Eugene R. Anderson* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 367 F. 2d 930.

No. 1005, Misc. SIRES *v.* GOODWIN, U. S. DISTRICT JUDGE, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1055, Misc. URBANO *v.* FEDERAL BUREAU OF INVESTIGATION ET AL. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 1067, Misc. MATHIS *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. *Charles Morgan, Jr.*, for petitioner. *Richmond M. Flowers*, Attorney General of Alabama, and *David W. Clark*, Assistant Attorney General, for respondent. Reported below: 280 Ala. 16, 189 So. 2d 564.

No. 1104, Misc. BRITTON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Petitioner *pro se.* *John R. Heilman, Jr.*, for respondent.

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No. 1085, Misc. ESTEBAN *v.* CHAPPELL, CHAIRMAN, U. S. BOARD OF PAROLE. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for respondent. Reported below: 123 U. S. App. D. C. 152, 358 F. 2d 519.

No. 1125, Misc. LINGO *v.* WILSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 1127, Misc. JUAREZ *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 1129, Misc. MESSAMORE *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 408 S. W. 2d 448.

No. 1131, Misc. FERRELL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *M. Gabriel Nahas, Jr.*, for petitioner.

No. 1133, Misc. JACKSON *v.* CALIFORNIA. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 1134, Misc. JONES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1135, Misc. HOLMES *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 1137, Misc. THOMAS *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 388, 220 N. E. 2d 441.

No. 1149, Misc. MILLER *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

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No. 1143, Misc. *PELLETIER v. PARKER, WARDEN*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for respondent.

No. 1150, Misc. *PHELPS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 1151, Misc. *GOBIE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 1153, Misc. *ZURICA v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

The following petitions for writs of certiorari are denied.

MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

No. 10, Misc. *GOMEZ v. TEXAS*. Ct. Crim. App. Tex. *Maury Maverick, Jr.*, for petitioner. *Waggoner Carr*, Attorney General of Texas, *James E. Barlow* and *Preston H. Dial, Jr.*, for respondent. Reported below: 389 S. W. 2d 308.

No. 646, Misc. *BOTSCH v. UNITED STATES*. C. A. 2d Cir. *Solomon Z. Ferziger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 364 F. 2d 542.

No. 788, Misc. *BUTTERWOOD v. UNITED STATES*. C. A. 10th Cir. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 365 F. 2d 380.

No. 938, Misc. *CARTWRIGHT v. OREGON*. Sup. Ct. Ore. *Lawrence A. Aschenbrenner* and *Howard R. Loneragan* for petitioner. *George Van Hoomissen* and *Jacob B. Tanzer* for respondent. Reported below: 245 Ore. —, 418 P. 2d 822.

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No. 1155, Misc. LEWIS, AKA EHRlich v. ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied.

No. 1156, Misc. WERNER v. CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1158, Misc. LAWRENCE v. PATE, WARDEN. Sup. Ct. Ill. Certiorari denied.

No. 1160, Misc. HARSHAW v. MICHIGAN. Sup. Ct. Mich. Certiorari denied.

The following petitions for writs of certiorari are denied.

THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS would grant the petitions and reverse the judgments of the courts below for the reasons stated in the opinion of THE CHIEF JUSTICE in *Spencer v. Texas*, 385 U. S. 554, 569.

No. 15, Misc. HILLERY v. CALIFORNIA. Sup. Ct. Cal.

No. 1052, Misc. ROSS, AKA HARRISON v. TEXAS. Ct. Crim. App. Tex. *William E. Gray* for petitioner. Reported below: 406 S. W. 2d 464.

Rehearing Denied.

No. 29. OSBORN v. UNITED STATES, 385 U. S. 323. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.

No. 666. LESTER ET AL. v. UNITED STATES, 385 U. S. 1002. Motion for leave to file supplement to petition for rehearing denied. Petition for rehearing denied.

No. 777, Misc. FONTANA v. SCHNECKLOTH, WARDEN, ET AL., 385 U. S. 998. Motion for leave to file petition for rehearing denied.

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- No. 36. LEWIS *v.* UNITED STATES, 385 U. S. 206;
No. 53. NATIONAL LABOR RELATIONS BOARD *v.* C & C
PLYWOOD CORP., 385 U. S. 421;
No. 758. NEHRING *v.* CITY OF DEKALB ET AL., 385
U. S. 453;
No. 761. LITTELL *v.* UDALL, SECRETARY OF THE IN-
TERIOR, 385 U. S. 1007;
No. 803. BAFICO *v.* SOUTHERN PACIFIC Co., 385 U. S.
1025;
No. 830. GRACE LINE, INC., ET AL. *v.* KANTON, 385
U. S. 1007;
No. 841. COUNTRY MUTUAL INSURANCE Co. *v.* ANDEEN,
ADMINISTRATOR, ET AL., 385 U. S. 1036;
No. 645, Misc. DODGE *v.* UTAH, 385 U. S. 1013;
No. 705, Misc. ELBEL *v.* UNITED STATES, 385 U. S.
1014;
No. 767, Misc. BOGART *v.* TRAYNOR, CHIEF JUSTICE
OF CALIFORNIA, ET AL., 385 U. S. 451; and
No. 982, Misc. GREAR *v.* OHIO, 385 U. S. 1031.
Petitions for rehearing denied.

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Miscellaneous Orders.

No. 31. UNITED STATES *v.* NATIONAL STEEL CORP.
ET AL. Appeal from D. C. S. D. Tex. (Probable juris-
diction noted, 383 U. S. 905.) Joint motion to refer this
case to the United States District Court for the South-
ern District of Texas granted and case referred to that
court for consideration of the settlement agreement.
Solicitor General Marshall for the United States, and
Denman Moody and *C. Brien Dillon* for National Steel
Corp. et al., and *B. J. Bradshaw* for Brown et al., on
the motion.

No. 1208, Misc. HOUSE *v.* CIRCUIT COURT OF HOWARD
COUNTY ET AL. Ct. App. Md. Motion for leave to file
petition for writ of certiorari denied.

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No. 32. *HOFFA v. UNITED STATES*;

No. 33. *PARKS v. UNITED STATES*;

No. 34. *CAMPBELL v. UNITED STATES*; and

No. 35. *KING v. UNITED STATES*. C. A. 6th Cir. (Decided 385 U. S. 293; rehearing denied, *post*, p. 951.)

Motion of Uniformed Sanitationmen's Association for leave to file a brief, as *amicus curiae*, granted. Motion to vacate judgment denied. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of these motions.

Leonard B. Boudin for Uniformed Sanitationmen's Association, as *amicus curiae*, in support of motion to vacate judgment. *Morris A. Shenker*, *Daniel B. Maher* and *Joseph A. Fanelli* for petitioner in No. 32, *Jacques M. Schiffer* for petitioner in No. 33, *Cecil D. Branstetter* for petitioner in No. 34, and *P. D. Maktos* and *Harold E. Brown* for petitioner in No. 35 on the motion to vacate judgment. *Solicitor General Marshall* for the United States in all four cases in opposition to the motion to vacate judgment.

Certiorari Granted. (See also No. 684, Misc., *ante*, p. 212.)

No. 806. *PROVIDENT TRADESMENS BANK & TRUST Co., ADMINISTRATOR v. PATTERSON, ADMINISTRATOR, ET AL.* C. A. 3d Cir. *Certiorari* granted. *Abraham E. Freedman*, *Avram G. Adler* and *J. Willison Smith* for petitioner. *Norman Paul Harvey* for respondents. Reported below: 365 F. 2d 802.

No. 967. *UMANS v. UNITED STATES*. C. A. 2d Cir. *Certiorari* granted. *Edward Brodsky* and *William Esbitt* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 368 F. 2d 725.

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No. 975. ALBRECHT *v.* HERALD Co., DBA GLOBE-DEMOCRAT PUBLISHING Co. C. A. 8th Cir. Certiorari granted. *Donald S. Siegel* for petitioner. *Lon Hocker* for respondent. Reported below: 367 F. 2d 517.

No. 884. UNITED MINE WORKERS OF AMERICA, DISTRICT 12 *v.* ILLINOIS STATE BAR ASSOCIATION ET AL. Sup. Ct. Ill. Motion of American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, granted. Certiorari granted. *Edmund Burke, Harrison Combs, Willard P. Owens* and *M. E. Boiarsky* for petitioner. *Bernard H. Bertrand* for respondents. *J. Albert Woll, Laurence Gold* and *Thomas E. Harris* for American Federation of Labor and Congress of Industrial Organizations, as *amicus curiae*, in support of the petition. Reported below: 35 Ill. 2d 112, 219 N. E. 2d 503.

Certiorari Denied.

No. 843. VANDERPOOL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Ferdinand R. Goglio* and *Irving Frederick* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard* and *John M. Brant* for the United States.

No. 853. DUBIN *v.* OHIO. Ct. App. Ohio, Lake County. Certiorari denied. Petitioner *pro se*. *Fred V. Skok* and *David P. Freed* for respondent.

No. 949. ESTATE OF STEINBERG *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *George T. Altman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard* and *John P. Burke* for respondent. Reported below: 367 F. 2d 130.

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No. 872. *COWDEN ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. *J. Fleet Cowden, pro se*, and for other petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Melva M. Graney* for respondent. Reported below: 365 F. 2d 832.

No. 944. *NATIONAL PNEUMATIC CO. ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. *Harry Levine* for petitioners. *Solicitor General Marshall and Assistant Attorney General Rogovin* for the United States. Reported below: 176 Ct. Cl. 660.

No. 950. *SPENCER ET AL. v. NEW ORLEANS TERMINAL CO. ET AL.* C. A. 5th Cir. Certiorari denied. *Irwin Rosenthal and Nathan Greenberg* for petitioners. *Malcolm L. Monroe and W. Graham Clayton, Jr.*, for respondent New Orleans Terminal Co. Reported below: 366 F. 2d 160.

No. 964. *HAWTHORNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Arnold M. Weiner and Sanford Jay Rosen* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 370 F. 2d 330.

No. 965. *KATZ ET AL. v. TYLER, U. S. DISTRICT JUDGE*. C. A. 2d Cir. Certiorari denied. *Henry Mark Holzer and Phyllis Tate Holzer* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent.

No. 970. *CARRIAGA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Melvyn E. Stein* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent. Reported below: 368 F. 2d 337.

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No. 973. BRASCH *v.* SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO. Sup. Ct. Cal. Certiorari denied.

No. 980. ROGERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Richard J. Bruckner* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 998.

No. 983. WORLEY ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *N. Welch Morrisette, Jr.,* for Worley, and *Harry M. Lightsey, Jr.,* and *Charles B. Bowers* for Bennett, petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.,* for the United States. Reported below: 368 F. 2d 625.

No. 990. KAPLUS ET AL. *v.* AMERICANA OF PUERTO RICO, INC. C. A. 3d Cir. Certiorari denied. *Jack L. Cohen* for petitioners. *Manuel Maxwell* for respondent. Reported below: 368 F. 2d 431.

No. 859. AMERICAN TRUCKING ASSOCIATIONS, INC., ET AL. *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. *William E. Miller, Herbert E. Forrest, Donald C. Beelar, Harold L. Russell, Paul A. Porter and Joseph M. Kittner* for American Trucking Associations, Inc., et al., and *John E. Stephen* for Air Transport Association of America, petitioners. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro, Henry Geller and John E. Conlin* for respondents. *Jack Werner and Melvin Richter* for Western Union Telegraph Co., intervenor below. Reported below: — U. S. App. D. C. —, 377 F. 2d 121.

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No. 996. BROWNWOOD MANUFACTURING CO. ET AL. *v.* TANENBAUM TEXTILE CO., INC. Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. *Harold B. Berman* for petitioners. *G. H. Kelsoe, Jr., Robert M. Kennedy* and *Martin N. Whyman* for respondent. Reported below: 404 S. W. 2d 106.

No. 997. HARRINGTON ET AL. *v.* TEXAS. Sup. Ct. Tex. Certiorari denied. *H. M. Harrington, Jr.*, petitioner, *pro se*, and for other petitioners. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, and *Roger Tyler, Vince Taylor, Harold G. Kennedy* and *Kerns B. Taylor*, Assistant Attorneys General, for respondent. Reported below: 407 S. W. 2d 467.

No. 762. KALISH *v.* HOSIER ET AL. C. A. 10th Cir. Motion to dispense with printing petition granted. Certiorari denied. *Walter L. Gerash* for petitioner. *Edward J. Fillenwarth* and *Philip Hornbein, Jr.*, for respondents. Reported below: 364 F. 2d 829.

No. 976. WATKINS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Richard E. Gorman* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 369 F. 2d 217.

No. 1123, Misc. JOHNSTON *v.* DUTTON, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 1130, Misc. LAWRENCE *v.* MCMANN, WARDEN. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

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No. 844, Misc. LEWIS *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: 365 F. 2d 672.

No. 1024, Misc. HAGAN *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. Reported below: 124 U. S. App. D. C. 276, 364 F. 2d 669.

No. 1060, Misc. COLEMAN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Joseph Forer* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States.

No. 1066, Misc. RIVAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 368 F. 2d 703.

No. 1078, Misc. THOMPSON *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.

No. 1103, Misc. DORSEY *v.* MARONEY, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 1174, Misc. PETERSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 125 U. S. App. D. C. 114, 368 F. 2d 822.

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No. 1122, Misc. *WHITE v. CALIFORNIA*. Dist. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 1132, Misc. *BRAGG v. SINCLAIR REFINING CO.* Sup. Ct. Ill. Certiorari denied. Petitioner *pro se*. *Newell S. Boardman* for respondent.

No. 1136, Misc. *BOONE ET AL. v. PRITCHETT, COMMISSIONER, ET AL.* Sup. Ct. N. C. Certiorari denied. *Conrad O. Pearson* and *William G. Pearson II* for petitioners. Reported below: 268 N. C. 211, 150 S. E. 2d 215.

No. 1138, Misc. *DUKES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States.

No. 1142, Misc. *ZAVALA v. OLIVER, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1146, Misc. *HAYS v. CALIFORNIA ADULT AUTHORITY*. Sup. Ct. Cal. Certiorari denied.

No. 1154, Misc. *RINGO v. WINGO, WARDEN*. Ct. App. Ky. Certiorari denied. Reported below: 408 S. W. 2d 469.

No. 1157, Misc. *BOLIN v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 407 S. W. 2d 431.

No. 1159, Misc. *STEWART v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. *Harold B. Anderson* for petitioner. *Joe Purcell*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent. Reported below: 241 Ark. 4, 406 S. W. 2d 313.

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No. 1162, Misc. CONOVER *v.* HEROLD, STATE HOSPITAL DIRECTOR. C. A. 2d Cir. Certiorari denied.

No. 1166, Misc. HUTCHINS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 1175, Misc. ANGLIN *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 244 Md. 652, 224 A. 2d 668.

No. 1182, Misc. EASON *v.* DUNBAR, CORRECTIONS DIRECTOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 367 F. 2d 381.

No. 1232, Misc. WALKER *v.* WINGO, WARDEN. C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* Robert Matthews, Attorney General of Kentucky, and George F. Rabe, Assistant Attorney General, for respondent.

No. 739, Misc. PIERCE *v.* TURNER, WARDEN. Sup. Ct. Utah. Certiorari denied. Petitioner *pro se.* Phil L. Hansen, Attorney General of Utah, for respondent.

MR. JUSTICE DOUGLAS:

Denial of certiorari is proper in this case. I see no constitutional bar to a state court treating a petition for habeas corpus as a petition for rehearing where the habeas corpus petition raises the same questions as an earlier appeal. But federal habeas corpus is not so cramped, and the petitioner can, of course, petition a federal district court for a writ of habeas corpus. The underlying question is whether the *M'Naghten* test of legal insanity is a constitutionally permissible test of criminal liability in light of the contemporary state of knowledge on the problems of insanity. Should that test give way to the 128 years of experience in the fields of psychiatry and

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psychology since its formulation? Should it be replaced by the more sophisticated and realistic *Durham* test (*Durham v. United States*, 214 F. 2d 862) or some other test more in keeping with due process?

No. 1097, Misc. *ROSS v. BETO*, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Donald C. Roylance* for petitioner.

No. 1176, Misc. *SANDOVAL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 65 Cal. 2d 303, 419 P. 2d 187.

MR. JUSTICE DOUGLAS, dissenting.

Police officers obtained warrants for the arrest of Coates and five others. They had been informed, by an informer not known to be reliable, that Coates concealed heroin and burglary loot in his home, that the house served as a narcotics headquarters, and that at least one "connection" contacted Coates there by telephone. Apparently this information had been partially corroborated by an independent investigation implicating Coates and the others in a burglary operation. Officers stationed at the house saw Coates and a woman leave. They arrested Coates, saw puncture marks on the woman's hands, and arrested her. A search of the woman's person uncovered narcotics.

The police then entered Coates' home and saw narcotics in plain view. They arrested the occupants and began an extensive search of the premises. During the search, a telephone rang and an officer answered it. A voice asked, "Is this Jessie?" The officer replied that it was. The caller said, "Man, where have you been? I've been waiting for you a long time. You were supposed to meet me some time ago." The officer replied that he had been delayed and would be along in a few minutes. The caller then said, "Well, hurry up, man, I can't stand

around with this stuff in my pocket on the street. I might get picked up." When the conversation ended, the officer asked Coates what it meant. Coates explained that he had arranged to pick up heroin from a person named Rudy, gave the police a description of Rudy and his car, and specified the meeting place. The officers rushed off to the designated place and arrested and searched petitioner, finding narcotics used at petitioner's trial for possessing narcotics.

The California Supreme Court held that the officers had probable cause to arrest petitioner. The entry into Coates' home was lawful because the discovery of the narcotics on the woman, together with the informant's information and the information from the independent investigation, gave the officers probable cause to believe that people in the house possessed narcotics. Since they were lawfully in the house the police could answer the telephone and conceal their identities in order "to learn of possible unlawful activities." 65 Cal. 2d 303, 308, 419 P. 2d 187, 190. The information given by Coates was confirmed when the officers saw petitioner. Thus, I assume that they had probable cause to arrest and search petitioner.

While we have sustained the validity of searches of the home of a person validly arrested (*Agnello v. United States*, 269 U. S. 20; *Harris v. United States*, 331 U. S. 145; *United States v. Rabinowitz*, 339 U. S. 56), we have stressed that the bounds of such searches are not unlimited. A search of the place where an arrest is made may be made "in order to find and seize things connected with the crime as its fruits or as the means by which it was committed, as well as weapons and other things to effect an escape from custody . . ." *Agnello v. United States*, *supra*, at 30. Over and over again we have emphasized that a search incident to arrest cannot be a general exploratory search, but must be narrowly confined. See, *e. g.*, *United States v. Lefkowitz*, 285 U. S.

452; *Harris v. United States*, *supra*, at 152-153; *United States v. Rabinowitz*, *supra*, at 62. In those cases the search was designed to uncover fruits or instrumentalities of the crime for which the person was arrested. In this case the officer was engaged in a fishing expedition when he answered the telephone. He sought "to learn of possible unlawful activities." 65 Cal. 2d, at 308, 419 P. 2d, at 190. And, the "possible unlawful activities" about which he was curious were not confined to those on the part of Coates or even to those of the type which gave the officers justification for entering the house. The officer who answered the telephone and used artifice was engaged in a general, exploratory search to obtain evidence and leads incriminating anyone of any possible crime. Until the intercepted conversation, there was absolutely no lead connecting petitioner with any unlawful activity.

The permissible bounds of a search of the premises of an arrest have thus been extended. The import of such extension is dangerous. Police often lawfully enter a house to make an arrest. If the decision below is sustained the police are given a roving commission to do things condemned by the Fourth Amendment—as long as they remain in the home which they have taken over. They are given license to make a general, exploratory search which the Fourth Amendment was designed to prevent.

It might be argued that petitioner lacks standing to object to the unlawful police conduct. This would be on the theory that he had no possessory interest in the home subjected to the search. It should be noted that neither the California Supreme Court nor the State relied upon petitioner's lack of standing. We have liberally interpreted the provision of Rule 41 (e) of the Federal Rules of Criminal Procedure that a defendant must be a "person aggrieved" in order to suppress evidence in a federal court. See, *e. g.*, *United States v. Jeffers*,

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342 U. S. 48; *Jones v. United States*, 362 U. S. 257. Argument is at least warranted on this point.

For the reasons stated I would grant certiorari in this case.

Rehearing Denied.

No. 682. *PASSINI v. UNITED STATES*, 385 U. S. 1024;

No. 701. *COLE ET AL. v. UNITED STATES*, 385 U. S. 1027;

No. 975, Misc. *DEMARO v. UNITED STATES*, 385 U. S. 1032; and

No. 749, Misc. *WILLIAMS v. UNITED STATES*, 385 U. S. 1042. Petitions for rehearing denied.

No. 32. *HOFFA v. UNITED STATES*;

No. 33. *PARKS v. UNITED STATES*;

No. 34. *CAMPBELL v. UNITED STATES*; and

No. 35. *KING v. UNITED STATES*, 385 U. S. 293; *ante*, p. 940. Motion of Criminal Courts Bar Association of Los Angeles County for leave to file a brief in No. 32, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing in all four cases denied. MR. JUSTICE WHITE and MR. JUSTICE FORTAS took no part in the consideration or decision of this motion or this petition.

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Miscellaneous Order.

No. —. *KITZER ET AL. v. DEVITT*, U. S. DISTRICT JUDGE. D. C. Minn. Application for a stay of the trial of *United States v. Kitzer* in the United States District Court for the District of North Dakota, presented to MR. JUSTICE WHITE, and by him referred to the Court, denied. *Myer H. Gladstone* for applicants. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Sidney M. Glazer* for the United States in opposition.

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Miscellaneous Orders.

No. —. LEE, CORRECTIONS COMMISSIONER, ET AL. *v.* WASHINGTON ET AL. D. C. M. D. Ala. Application for a stay presented to MR. JUSTICE BLACK, and by him referred to the Court, granted pending final disposition of the appeal by this Court, provided the jurisdictional statement is filed and case docketed in this Court within 20 days from this date. *MacDonald Gallion*, Attorney General of Alabama, *Gordon Madison*, Assistant Attorney General, and *Nicholas S. Hare*, Special Assistant Attorney General, for applicants. *Charles Morgan* and *Orzell Billingsley, Jr.*, in opposition.

No. 343. PRIMA PAINT CORP. *v.* FLOOD & CONKLIN MFG. Co. C. A. 2d Cir. (Certiorari granted, 385 U. S. 897.) Motion of American Arbitration Association for leave to file a brief, as *amicus curiae*, granted. *Whitney North Seymour*, *Sol N. Corbin*, *Osmond K. Fraenkel*, *William J. Isaacson* and *H. H. Nordlinger* on the motion.

No. 391. STATE FARM FIRE & CASUALTY CO. ET AL. *v.* TASHIRE ET AL. C. A. 9th Cir. (*Ante*, p. 903.) Motion of petitioner Greyhound Lines, Inc., for leave to file a response to the *amici curiae* brief, after argument, granted. *John Gordon Gearin* and *J. D. Burdick* on the motion.

No. 395. LOVING ET UX. *v.* VIRGINIA. Appeal from Sup. Ct. App. Va. (Probable jurisdiction noted, 385 U. S. 986.) Motion of Japanese American Citizens League for leave to participate in oral argument, as *amicus curiae*, granted and fifteen minutes are allotted for that purpose. Appellee is allotted an additional fifteen minutes for oral argument. *William M. Marutani* on the motion.

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No. 424. MEMPA *v.* RHAY, PENITENTIARY SUPERINTENDENT; and

No. 734. WALKLING *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. (Certiorari granted, *ante*, p. 907.) Motions of petitioners for leave to proceed further herein *in forma pauperis* granted. Motions of petitioners for appointment of counsel are also granted. It is ordered that *Evan L. Schwab, Esquire*, of Seattle, Washington, be, and he is hereby, appointed to serve as counsel for petitioners in these cases.

No. 1080. BURGETT *v.* TEXAS. Ct. Crim. App. Tex. (Certiorari granted, *ante*, p. 931.) Motion of petitioner for appointment of counsel granted. It is ordered that *Gordon Gooch, Esquire*, of Houston, Texas, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 1262, Misc. SMITH *v.* ILLINOIS;

No. 1276, Misc. ROSS *v.* WAINWRIGHT, CORRECTIONS DIRECTOR; and

No. 1283, Misc. PARKER *v.* TURNER, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1021, Misc. JONES *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 denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *David U. Tumin*, Assistant Attorney General, for respondent.

No. 1296, Misc. MYLES *v.* PRESTON, JAIL SUPERINTENDENT. Motion for leave to file petition for writ of habeas corpus and other relief denied.

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No. 1224, Misc. WILSON *v.* SUPREME COURT OF WASHINGTON ET AL. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 821, Misc. SIBRON *v.* NEW YORK. Appeal from Ct. App. N. Y. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case transferred to appellate docket. *Gretchen White Oberman* and *Leon B. Polsky* for appellant. *Aaron E. Koota* for appellee. 18 N. Y. 2d 603, 219 N. E. 2d 196.

Certiorari Granted. (See also No. 46, *ante*, p. 267; No. 759, *ante*, p. 258; No. 12, Misc., *ante*, p. 264; No. 19, Misc., *ante*, p. 271; No. 22, Misc., *ante*, p. 272; No. 23, Misc., *ante*, p. 273; No. 32, Misc., *ante*, p. 265; No. 36, Misc., *ante*, p. 263; No. 37, Misc., *ante*, p. 265; No. 38, Misc., *ante*, p. 274; No. 39, Misc., *ante*, p. 275; No. 44, Misc., *ante*, p. 276; No. 46, Misc., *ante*, p. 262; No. 50, Misc., *ante*, p. 263; No. 52, Misc., *ante*, p. 277; No. 68, Misc., *ante*, p. 279; No. 69, Misc., *ante*, p. 280; No. 140, Misc., *ante*, p. 266; No. 157, Misc., *ante*, p. 281; No. 332, Misc., *ante*, p. 282; No. 397, Misc., *ante*, p. 261; No. 465, Misc., *ante*, p. 283; No. 533, Misc., *ante*, p. 284; No. 556, Misc., *ante*, p. 285; and No. 664, Misc., *ante*, p. 286.)

No. 895. KATZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. The petition for a writ of certiorari is granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Whether evidence obtained by attaching an electronic listening and recording device to the top of a public telephone booth used and occupied by the Petitioner is

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obtained in violation of the Fourth Amendment to the United States Constitution.

"A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth.

"B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution.

"2. Whether the search warrant used by the Federal officers in the instant case violated the Fourth Amendment to the United States Constitution in that said warrant was (a) not founded on probable cause; (b) an evidentiary search warrant and (c) a general search warrant."

The Court also wishes counsel to brief and present oral argument on the holding in *Frank v. United States*, 347 F. 2d 486, as it may affect this case. *Burton Marks* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 369 F. 2d 130.

No. 918. WILL, U. S. DISTRICT JUDGE *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted. *Harvey M. Silets* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Joseph M. Howard* for the United States.

Certiorari Denied. (See also No. 1180, Misc., *ante*, p. 266; No. 1193, Misc., *ante*, p. 261; and No. 1021, Misc., *supra*.)

No. 867. BUCK *v.* CITY OF OREGON. Sup. Ct. Ohio. Certiorari denied. *Merritt W. Green* for petitioner. *John J. Burkhardt* for respondent.

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No. 839. HENRY VAN HUMMELL, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. *Morrison Shafroth* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Meyer Rothwacks* for respondent. Reported below: 364 F. 2d 746.

No. 866. DUBIN *v.* UNITED STATES. Ct. Cl. Certiorari denied. *J. Frederic Taylor and James B. Burke* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 176 Ct. Cl. 702, 363 F. 2d 938.

No. 873. COLOZZO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Irving Younger* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States.

No. 885. BRAUER ET AL. *v.* CITY OF CLEVELAND. Sup. Ct. Ohio. Certiorari denied. *Henry DuLaurence and Paul H. Oppmann* for petitioners. *Daniel J. O'Loughlin* for respondent. Reported below: 7 Ohio St. 2d 94, 218 N. E. 2d 599.

No. 893. SNYDER BROTHERS CO. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Furman Smith and Kirk McAlpin* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Harold C. Wilkenfeld* for the United States. Reported below: 367 F. 2d 980.

No. 985. NEUHOFF BROS. PACKERS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. *Fritz L. Lyne* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli, Norton J. Come and Eugene B. Granof* for respondent. Reported below: 362 F. 2d 611.

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No. 899. OHIO EX REL. SIBARCO CORP. ET AL. *v.* CITY OF BEREA ET AL. Sup. Ct. Ohio. Certiorari denied. *Sanford W. Likover* for petitioners. *George I. Meisel* for respondents. Reported below: 7 Ohio St. 2d 85, 218 N. E. 2d 428.

No. 903. HENRY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Morris Lavine* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 361 F. 2d 352.

No. 909. LIMPERIS, TRUSTEE IN BANKRUPTCY *v.* A. J. ARMSTRONG CO., INC. C. A. 7th Cir. Certiorari denied. *William S. Collen* for petitioner. *Norman H. Nachman* and *Joseph Stein* for respondent. Reported below: 369 F. 2d 513.

No. 937. BROWN ET AL. *v.* STERLING ALUMINUM PRODUCTS CORP. C. A. 8th Cir. Certiorari denied. *Jerome J. Duff* for petitioners. *Daniel Bartlett* and *William Stix* for respondent. Reported below: 365 F. 2d 651.

No. 946. WOODY ET AL. *v.* STERLING ALUMINUM PRODUCTS, INC., ET AL. C. A. 8th Cir. Certiorari denied. *Jerome J. Duff* for petitioners. *Daniel Bartlett* and *William Stix* for Sterling Aluminum Products, Inc., and *Donald S. Siegel* for International Association of Machinists et al., respondents. Reported below: 365 F. 2d 448.

No. 987. PORTER ET AL. *v.* PORTER. Sup. Ct. Ariz. Certiorari denied. *Daniel Cracchiolo* and *Frank W. Beer* for petitioners. Reported below: 101 Ariz. 131, 416 P. 2d 564.

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No. 951. *COLLINS v. GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. *Melvin M. Belli* for petitioner. *Francisco Corneiro*, Attorney General, for respondent Government of the Virgin Islands. Reported below: 366 F. 2d 279.

No. 969. *KECO INDUSTRIES, INC. v. UNITED STATES.* Ct. Cl. Certiorari denied. *Franklin M. Schultz* and *Paul W. Steer* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 176 Ct. Cl. 983, 364 F. 2d 838.

No. 974. *KRAFT ET UX., DBA NATIONAL ART ACADEMY v. BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA.* C. A. D. C. Cir. Certiorari denied. *John R. Foley* for petitioners. *Charles T. Duncan*, *Milton D. Korman* and *Hubert B. Pair* for respondent.

No. 979. *SMITH v. CALIFORNIA.* Super. Ct. Cal., County of Marin. Certiorari denied. *Duane B. Beeson* for petitioner.

No. 986. *SOUTHERN PACIFIC CO. v. DUPONT ET AL.* C. A. 5th Cir. Certiorari denied. *J. J. Davidson, Jr.*, for petitioner. Reported below: 366 F. 2d 193.

No. 988. *PSHEMENSKY v. CALIFORNIA.* Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Al Matthews* for petitioner. Reported below: 244 Cal. App. 2d 154, 52 Cal. Rptr. 780.

No. 992. *GINSBERG v. UNITED STATES.* Sup. Ct. Fla. Certiorari denied. *Neal Rutledge* and *Allan Milledge* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Meyer Rothwacks* for the United States.

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No. 991. ESTATE OF SCHILDKRAUT ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 2d Cir. Certiorari denied. *George C. Wildermuth* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin and Harry Baum* for respondent. Reported below: 368 F. 2d 40.

No. 994. BORROWDALE *v.* REULAND. C. A. 7th Cir. Certiorari denied. *Milton O. Gordon* for petitioner. *Charles B. Mahin and Joseph Keig* for respondent. Reported below: 367 F. 2d 771.

No. 1006. MUHAMMAD ET AL. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. *Edward W. Jacko, Jr.*, for petitioners. *Solicitor General Marshall* for the United States. Reported below: 366 F. 2d 298.

No. 1008. NATIONAL MARITIME UNION OF AMERICA, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 8th Cir. Certiorari denied. *Abraham E. Freedman* for petitioners. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 367 F. 2d 171.

No. 1018. BRYAN ET AL., DBA TRAKWORK EQUIPMENT Co. *v.* KERSHAW MANUFACTURING Co. C. A. 5th Cir. Certiorari denied. *Howard J. Marsh* for petitioners. *Edward E. Crowell, Jr.*, for respondent. Reported below: 366 F. 2d 497.

No. 1021. MOOREMAN, TRUSTEE IN BANKRUPTCY *v.* MUTUAL LIFE INSURANCE Co. OF NEW YORK. C. A. 9th Cir. Certiorari denied. *William P. Mahoney, Jr.*, for petitioner. *Arthur Kaiser* for respondent. Reported below: 366 F. 2d 686.

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No. 1020. *MAGBANUA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Melvyn E. Stein* for petitioner. *Solicitor General Marshall* for respondent.

No. 1053. *FIRESTONE TIRE & RUBBER Co. v. GENERAL TIRE & RUBBER Co. ET AL.* C. A. 4th Cir. Certiorari denied. *Edward S. Irons* for petitioner. *Charles J. Merriam* and *Norman P. Ramsey* for respondent General Tire & Rubber Co. Reported below: 373 F. 2d 361.

No. 860. *BROTHERHOOD OF SLEEPING CAR PORTERS v. THOMPSON*. C. A. 4th Cir. Motion of Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, granted. Certiorari denied. *Ernest Fleischman* for petitioner. *Taylor B. Rion* for respondent. *Edward J. Hickey, Jr.*, and *William J. Hickey* for Railway Labor Executives' Association, as *amicus curiae*, in support of the petition.

No. 881. *FRANCOLINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William Sonenshine* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 367 F. 2d 1013.

No. 977. *WATKINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Richard E. Gorman* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 369 F. 2d 170.

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No. 1030. HINTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Harold Dunbar Cooley* for petitioner. *Solicitor General Marshall* for the United States.

No. 928. TEMPLE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *John W. Hinsdale* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 372 F. 2d 795.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, dissenting.

Under 18 U. S. C. § 401 (1) a court may punish as contempt “[m]isbehavior of any person in its presence or so near thereto as to obstruct the administration of justice.” We held in *In re Michael*, 326 U. S. 224, that this contempt power, limited as Congress intended it to be, could not be used to punish a person merely for committing perjury in the court’s presence without the additional showing that an actual obstruction of justice was caused thereby. Accord, *Ex parte Hudgings*, 249 U. S. 378; see *In re McConnell*, 370 U. S. 230, 234, 236; cf. *Cammer v. United States*, 350 U. S. 399; *Brown v. United States*, 356 U. S. 148, 153.

Petitioner, an attorney, represented a plaintiff in a lawsuit against the Government in federal district court. When he failed to file a brief within the time specified by the court’s pretrial order, the Government moved to dismiss his client’s complaint for want of prosecution. The District Judge refused to do so upon petitioner’s representation in his belated brief and in open court that the delay was due to illness on his part. The court went on to hear the case on its merits and, after a trial which lasted only an hour, rendered judgment for the Government. A year later, petitioner was charged with contempt of court under § 401 (1) for having misrepresented

to the judge that he was ill. Tried summarily by that same judge without a jury, petitioner was convicted and sentenced to six months' imprisonment. Though the Court of Appeals reversed and remanded for a new trial on grounds not here material, it flatly held, with little discussion and no citation to authority, that "[l]ying to a judge is certainly misbehavior in the court's presence and therefore punishable under section 401." 349 F. 2d 116, 117. Petitioner was retried summarily before a different judge and again convicted of contempt of court, apparently on the basis of the Court of Appeals' prior holding that "lying to a judge" in and of itself constitutes contempt.

Since there is nothing in this record to suggest that either the Government attempted to prove or the trial judge found that petitioner's misrepresentation actually obstructed the administration of justice, his conviction on its face runs counter to *In re Michael*. There is not a vestige of evidence to support it. Cf. *Thompson v. Louisville*, 362 U. S. 199. Nevertheless, the Court of Appeals refused to reverse this illegal conviction and dismissed petitioner's appeal on the ground that, while he gave an oral notice of appeal and filed an appeal bond at the end of his trial, he did not file a written notice of appeal within the 10-day period specified by Fed. Rule Crim. Proc. 37 (a)(2). Although only four days after that period expired petitioner moved the trial court to accept a written notice of appeal, and although the trial court then found that petitioner's delay was the result of "excusable neglect," the Court of Appeals refused to hold the oral notice adequate. The court noted that the result might be different had this case arisen under the 1966 amendment to Rule 37 (a)(2) which now provides that "[u]pon a showing of excusable neglect, the district court may, before or after the time has expired, . . . extend the time for filing the notice of appeal otherwise allowed to

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any party for a period not to exceed 30 days" 383 U. S. 1110-1111. The court also refrained from deciding "that an oral notice of appeal transcribed into the record would never be sufficient to invoke jurisdiction in the court of appeals." Yet the court allowed a plainly invalid conviction to stand. Because I believe that the Court of Appeals, in the words of *Fallen v. United States*, 378 U. S. 139, 142, "[o]verlooked . . . the fact that the Rules are not, and were not intended to be, a rigid code to have an inflexible meaning irrespective of the circumstances" and because I find it "apparent when the circumstances of this case are examined" that "the Rules were not approached with sympathy for their purpose," I would grant certiorari in this case to correct a clear miscarriage of justice. Cf. *Berman v. United States*, 378 U. S. 530 (dissenting opinion).

No. 1000. PACIFIC INLAND NAVIGATION CO. *v.* COURSE. C. A. 9th Cir. Motion of Columbia River Towboat Association for leave to file a brief, as *amicus curiae*, granted. Certiorari denied. *Floyd A. Fredrickson* for petitioner. *Stephen M. King* for respondent. *Thomas J. White* and *William F. White* for Columbia River Towboat Association, as *amicus curiae*, in support of the petition. Reported below: 368 F. 2d 540.

No. 1007. LOCKLIN ET AL., DBA RADIANT COLOR CO. *v.* SWITZER BROTHERS, INC. C. A. 9th Cir. Motion to use record in No. 803, October Term, 1961, granted. Certiorari denied. *Carl Hoppe* for petitioners. *Benjamin H. Sherman* for respondent. Reported below: 368 F. 2d 553.

No. 1035. PALEY *v.* BRENNER ET AL. C. A. 7th Cir. Motion to dispense with printing petition granted. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for respondents.

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No. 1009. WESTERN NATURAL GAS CO. *v.* CITIES SERVICE GAS CO. Sup. Ct. Del. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *E. Barrett Prettyman, Jr., Carroll L. Gilliam and Clair John Killoran* for petitioner. *Charles V. Wheeler and Rodney G. Buckles* for respondent. Reported below: — Del. —, 223 A. 2d 379.

No. 456, Misc. TROTTER *v.* BISHOP, PENITENTIARY SUPERINTENDENT. C. A. 8th Cir. Certiorari denied. *George Howard, Jr.*, for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent. Reported below: 361 F. 2d 888.

No. 457, Misc. HARRIS *v.* BISHOP, PENITENTIARY SUPERINTENDENT. C. A. 8th Cir. Certiorari denied. *George Howard, Jr.*, for petitioner. *Bruce Bennett*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent. Reported below: 361 F. 2d 888.

No. 579, Misc. HOUSE ET AL. *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty, Marshall Hartman and James J. Doherty* for petitioners. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 69 Ill. App. 2d 324, 217 N. E. 2d 566.

No. 791, Misc. HARRIS *v.* BISHOP, PENITENTIARY SUPERINTENDENT. C. A. 8th Cir. Certiorari denied. *Wm. I. Purifoy* for petitioner. *Joe Purcell*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent.

No. 879, Misc. HARRIS *v.* BISHOP, PENITENTIARY SUPERINTENDENT. Sup. Ct. Ark. Certiorari denied. *Wm. I. Purifoy* for petitioner. *Joe Purcell*, Attorney General of Arkansas, and *Jack L. Lessenberry* for respondent.

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No. 919, Misc. DAVIS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 124 U. S. App. D. C. 134, 362 F. 2d 964.

No. 937, Misc. LACEY *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Earl Faircloth, Attorney General of Florida, and Wallace E. Allbritton, Assistant Attorney General,* for respondent.

No. 994, Misc. MURPHY *v.* NEW JERSEY ET AL. C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Raymond R. Trombadore, Deputy Attorney General of New Jersey,* for respondents. Reported below: 369 F. 2d 698.

No. 1065, Misc. BROWN *v.* UNITED STATES. Ct. Cl. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

No. 1164, Misc. THOMAS *v.* HOLMAN, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 1165, Misc. AMES *v.* MYERS, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1169, Misc. SCHMIDT *v.* IOWA. Sup. Ct. Iowa. Certiorari denied. *Paul D. Lunde* for petitioner. Reported below: — Iowa —, 145 N. W. 2d 631.

No. 1171, Misc. SIMPSON *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 32 Wis. 2d 195, 145 N. W. 2d 206.

No. 1172, Misc. ISAACS *v.* VIRGINIA. Sup. Ct. App. Va. Certiorari denied.

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No. 1173, Misc. CALHOUN ET AL. *v.* HERTWIG, TRUSTEE IN BANKRUPTCY, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 363 F. 2d 257.

No. 1177, Misc. DEMERS *v.* SHEHAB ET AL. Sup. Ct. R. I. Certiorari denied. Reported below: — R. I. —, 224 A. 2d 380.

No. 1181, Misc. KOPETKA *v.* TAHASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 1183, Misc. EDWARDS *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.

No. 1185, Misc. BOULWARE *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied.

No. 1186, Misc. MILLER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1187, Misc. CHANCE *v.* ARIZONA. Ct. App. Ariz. Certiorari denied. Reported below: 4 Ariz. App. 38, 417 P. 2d 551.

No. 1189, Misc. WEATHERS *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: 367 F. 2d 394.

No. 1191, Misc. NAILOR *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

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No. 1192, Misc. HOY *v.* NEVADA. Sup. Ct. Nev. Certiorari denied.

No. 1196, Misc. AMES *v.* MIDDLEBROOKS, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 369 F. 2d 113.

No. 1197, Misc. HACKER *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 197 Kan. 712, 421 P. 2d 40.

No. 1201, Misc. CONDE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1203, Misc. LOSIEAU *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 180 Neb. 616, 144 N. W. 2d 210.

No. 1204, Misc. FERRO *v.* WILSON, WARDEN, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1205, Misc. COX *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 1207, 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 Jerome M. Feit for the United States.

No. 1211, Misc. GOODPASTER *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 478, 221 N. E. 2d 251.

No. 1214, Misc. SCHACK *v.* KATZENBACH. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack for respondent.

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No. 1215, Misc. PERRY *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 407 S. W. 2d 714.

No. 1222, Misc. ARGUELLO *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1225, Misc. DANIELS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr., for the United States.

No. 1226, Misc. NOYES *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 69 Wash. 2d 441, 418 P. 2d 471.

No. 1227, Misc. SANTOS *v.* WILSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1231, Misc. GLASS *v.* UNITED STATES. C. A. 7th 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: 371 F. 2d 418.

No. 1236, Misc. VILLARINO *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 1238, Misc. SIMON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 406 S. W. 2d 460.

No. 1241, Misc. LAWRENCE *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 368 F. 2d 294.

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*Rehearing denied.*No. 68. SPENCER *v.* TEXAS, 385 U. S. 554;No. 69. BELL *v.* TEXAS, 385 U. S. 554;No. 70. REED *v.* BETO, CORRECTIONS DIRECTOR, 385 U. S. 554;No. 71. ZUCKERMAN ET AL. *v.* GREASON, *ante*, p. 15;No. 747. SHERIDAN CREATIONS, INC. *v.* NATIONAL LABOR RELATIONS BOARD, 385 U. S. 1005;No. 820. PATTERSON ET AL. *v.* CITY OF NEWPORT NEWS ET AL., 385 U. S. 650;No. 846. KANSAS CITY TRANSIT, INC. *v.* KANSAS CITY, MISSOURI, 385 U. S. 1036;No. 2, Misc. GOODSPEED *v.* BETO, CORRECTIONS DIRECTOR, *ante*, p. 926;No. 21, Misc. TAYLOR *v.* TEXAS, *ante*, p. 927;No. 210, Misc. COLLINS *v.* WILSON, WARDEN, 385 U. S. 808;No. 511, Misc. COLLIER *v.* UNITED STATES, 385 U. S. 1042;No. 963, Misc. RISCH *v.* RISCH, *ante*, p. 10;No. 1016, Misc. JACOBS *v.* UNITED STATES, *ante*, p. 920;No. 1057, Misc. REED *v.* CALIFORNIA, *ante*, p. 923;No. 1089, Misc. JOHNSON *v.* DEPARTMENT OF CORRECTION ET AL., *ante*, p. 924; andNo. 1118, Misc. STELL *v.* PENNSYLVANIA, *ante*, p. 925. Petitions for rehearing denied.

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No. 483. REITMAN ET AL. *v.* MULKEY ET AL. Sup. Ct. Cal. (Certiorari granted, 385 U. S. 967.)

Motion of American Civil Liberties Union of Northern California for leave to file a brief, as *amicus curiae*, granted. *Marshall W. Krause* on the motion.

Motion of United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), AFL-CIO, Region 6, et al., for leave to file a brief, as *amici curiae*, granted. *Abe F. Levy* on the motion.

Motion of California State Central Committee of the Democratic Party for leave to file a brief, as *amicus curiae*, granted. *Gerald D. Marcus* on the motion.

No. 1360, Misc. BARCLEY *v.* KROPP, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

Certiorari Granted. (See also No. 823, *ante*, p. 345.)

No. 905, Misc. WHITNEY *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *James T. Carlisle*, Assistant Attorney General, for respondent. Reported below: 184 So. 2d 207.

Certiorari Denied.

No. 876. KROHN *v.* RICHARDSON-MERRELL, INC. Sup. Ct. Tenn. Certiorari denied. *Lowe Watkins* and *Dan E. McGugin* for petitioner. *John K. Maddin, Jr.*, for respondent. Reported below: — Tenn. —, 406 S. W. 2d 166.

No. 930. AADAL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Ronald L. Gainer* for the United States. Reported below: 368 F. 2d 962.

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No. 1010. WARDEN, MARYLAND PENITENTIARY *v.* LED-BETTER. C. A. 4th Cir. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, and *R. Randolph Victor* for petitioner. Reported below: 368 F. 2d 490.

No. 1016. FRAZIER ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Charles Norman Shaffer* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Joseph M. Howard* for the United States. Reported below: 365 F. 2d 316.

No. 1023. EXCHANGE & SAVINGS BANK OF BERLIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *John S. McDaniel, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Robert N. Anderson* for the United States. Reported below: 368 F. 2d 334.

No. 1025. NAPLES *v.* MAXWELL, WARDEN. C. A. 6th Cir. Certiorari denied. *Dan W. Duffy* for petitioner. *William B. Saxbe*, Attorney General of Ohio, *Donald M. Colasurd*, First Assistant Attorney General, and *Leo J. Conway*, Assistant Attorney General, for respondent. Reported below: 368 F. 2d 219.

No. 1031. SPIGNER *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: 369 F. 2d 686.

No. 1069. FRED OLSEN LINE ET AL. *v.* CURRY, ADMINISTRATRIX. C. A. 9th Cir. Certiorari denied. *Graydon S. Staring* for petitioners. *William A. Lahanier* for respondent. Reported below: 367 F. 2d 921.

No. 1123. KELLY, ADMINISTRATOR *v.* CHABOT. Sup. Ct. Ill. Certiorari denied.

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No. 1081. *VISIDOR CORP. v. BOROUGH OF CLIFFSIDE PARK*. Sup. Ct. N. J. Certiorari denied. *Louis Eisenstein* and *Frederick L. Bernstein* for petitioner. *Paul L. Basile* for respondent. Reported below: 48 N. J. 214, 225 A. 2d 105.

No. 1013. *WORLEY ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Julius Lucius Echeles* for petitioners. Reported below: 35 Ill. 2d 574, 221 N. E. 2d 267.

No. 1096. *DADDONA ET AL. v. ZONING BOARD OF APPEALS OF THE CITY OF STAMFORD*. Sup. Ct. Conn. Certiorari denied. *Samuel Gruber* for petitioners. *Theodore Godlin* for respondent.

No. 1012. *MITCHELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Robert L. Bobrick* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 369 F. 2d 323.

MR. JUSTICE DOUGLAS, dissenting.

Petitioner did not report for induction as ordered, was indicted, convicted, and sentenced to five years' imprisonment and his conviction was affirmed. 369 F. 2d 323. His defense was that the "war" in Vietnam was being conducted in violation of various treaties to which we were a signatory, especially the Treaty of London of August 8, 1945, 59 Stat. 1544, which in Article 6 (a) declares that "waging of a war of aggression" is a "crime against peace" imposing "individual responsibility." Article 8 provides:

"The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires."

Petitioner claimed that the "war" in Vietnam was a "war of aggression" within the meaning of the Treaty of London and that Article 8 makes him responsible for participating in it even though he is ordered to do so.*

Mr. Justice Jackson, the United States prosecutor at Nuremberg, stated: "If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us." (International Conference on Military Trials, Dept. of State Pub. No. 3080, p. 330.)

Article VI, cl. 2, of the Constitution states that "Treaties" are a part of the "supreme Law of the Land; and the Judges in every State shall be bound thereby."

There is a considerable body of opinion that our actions in Vietnam constitute the waging of an aggressive "war."

This case presents the questions:

(1) whether the Treaty of London is a treaty within the meaning of Art. VI, cl. 2;

(2) whether the question as to the waging of an aggressive "war" is in the context of this criminal prosecution a justiciable question;

(3) whether the Vietnam episode is a "war" in the sense of the Treaty;

(4) whether petitioner has standing to raise the question;

(5) whether, if he has, the Treaty may be tendered as a defense in this criminal case or in amelioration of the punishment.

These are extremely sensitive and delicate questions. But they should, I think, be answered. Even those who

*The trial court charged the jury that the Treaty of London did not interfere "in any manner in respect to this defendant fulfilling his duty under this order."

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think that the Nuremberg judgments were unconstitutional by our guarantee relating to *ex post facto* laws would have to take a different view of the Treaty of London that purports to lay down a standard of future conduct for all the signatories.

I intimate no opinion on the merits. But I think the petition for certiorari should be granted. We have here a recurring question in present-day Selective Service cases.

No. 1029. CONREN, INC., DBA GREAT SCOT SUPERMARKET *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. *William E. Roberts* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for respondent. Reported below: 368 F. 2d 173.

No. 356, Misc. ORNALES *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. 769, Misc. MUNICH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *S. Carter McMorris* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 363 F. 2d 859.

No. 914, Misc. LOVEJOY ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Kirby W. Patterson* for the United States. Reported below: 364 F. 2d 586.

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No. 763, Misc. *STERLING v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.*, for the United States.

No. 666, Misc. *CORNELIO v. METROPOLITAN DISTRICT COUNCIL ET AL.* C. A. 3d Cir. Certiorari denied. *Joseph N. Bongiovanni, Jr.*, for petitioner. *M. H. Goldstein* for respondents. Reported below: 358 F. 2d 728.

No. 1027. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Newton B. Schwartz* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 370 F. 2d 96.

MR. JUSTICE DOUGLAS, dissenting.

I would grant this petition on the fourth question. It concerns the apparent practice of Internal Revenue agents in examining taxpayers and using the evidence obtained in criminal prosecutions when the taxpayers are given no warning as to their rights, including the right to have an attorney present. This is not an in-custody case, but it is a coercive examination of a taxpayer at a critical preliminary hearing, so to speak, and the question presented apparently is a recurring one.

No. 933, Misc. *BROOKS v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *William VanDercreek* for petitioner. *Crawford C. Martin, Attorney General of Texas, George M. Cowden, First Assistant Attorney General, and R. L. Lattimore, Howard M. Fender, Robert E. Owen and Lonny F. Zwiener, Assistant Attorneys General*, for respondent. Reported below: 366 F. 2d 1.

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No. 915, Misc. *HARDEN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1023, Misc. *WALLACE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 368 F. 2d 537.

No. 1120, Misc. *GREENE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States.

No. 1152, Misc. *DELTENRE v. NEW MEXICO*. Sup. Ct. N. M. Certiorari denied. *Thomas F. McKenna* for petitioner. *Boston E. Witt*, Attorney General of New Mexico, and *Myles E. Flint* and *Paul J. Lacy*, Assistant Attorneys General, for respondent. Reported below: 77 N. M. 497, 424 P. 2d 782.

No. 1168, Misc. *ANDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 369 F. 2d 11.

No. 1202, Misc. *DOWNEY v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. *Joseph L. Lyle, Jr.*, for petitioner.

No. 1234, Misc. *REESE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 367 F. 2d 553.

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No. 1235, Misc. *STURM v. CALIFORNIA ADULT AUTHORITY ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 1237, Misc. *ROBERTS v. UNITED CALIFORNIA BANK ET AL.* C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent United States.

No. 1253, Misc. *SYKES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 373 F. 2d 607.

No. 1256, Misc. *SCHACK v. HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION.* C. A. D. C. Cir. Certiorari denied.

No. 1264, Misc. *KNOLL ET AL. v. SOCONY MOBIL OIL Co., INC., ET AL.* C. A. 10th Cir. Certiorari denied. *Robert H. Reiter* for petitioners. *Emmet A. Blaes* for respondents Jones et al. Reported below: 369 F. 2d 425.

No. 1268, Misc. *DEATON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 364 F. 2d 820.

No. 1301, Misc. *WILLIAMS v. DONOVAN, DEPUTY COMMISSIONER, DEPARTMENT OF LABOR, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent Donovan. Reported below: 367 F. 2d 825.

No. 1327, Misc. *GAITO v. STRAUSS ET AL.* C. A. 3d Cir. Certiorari denied. Petitioner *pro se.* *Maurice Louik* and *Francis A. Barry* for respondents. Reported below: 368 F. 2d 787.

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Rehearing Denied.

No. 703. FRED MEYER, INC., ET AL. *v.* FEDERAL TRADE COMMISSION, *ante*, p. 908;

No. 793. FEIN *v.* NEW YORK, 385 U. S. 649;

No. 862. MAGNUS *v.* UNITED STATES, *ante*, p. 909;

No. 870. CURTIS ET AL. *v.* BOEGER, WARDEN, *ante*, p. 914;

No. 871. GRAND ET AL. *v.* BOEGER, WARDEN, *ante*, p. 914;

No. 890, Misc. BENNETT *v.* NORTH CAROLINA, 385 U. S. 1018;

No. 1037, Misc. CLEMONS *v.* UNITED STATES, *ante*, p. 921;

No. 1046, Misc. MCCREARY *v.* WILSON, WARDEN, *ante*, p. 922;

No. 1093, Misc. SKOLNICK *v.* PARSONS, U. S. DISTRICT JUDGE, ET AL., *ante*, p. 903;

No. 1110, Misc. PIERSON *v.* NEW JERSEY, *ante*, p. 924; and

No. 1116, Misc. LEE *v.* KANSAS, *ante*, p. 925. Petitions for rehearing denied.

No. 894, Misc. WILLIAMS *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL., 385 U. S. 986. Motion for leave to file petition for rehearing denied.

MARCH 24, 1967.

Miscellaneous Orders.

No. 25. UNITED STATES *v.* ARNOLD, SCHWINN & Co. ET AL. D. C. N. D. Ill. Motion of counsel for appellees for postponement of argument and for extension of time for filing of appellees' briefs denied. *Harold D. Burgess* and *Robert C. Keck* for Arnold, Schwinn & Co., and *Earl E. Pollock* and *Michael M. Lyons* for Schwinn Cycle Distributors Association, on the motion. [For earlier orders herein, see 382 U. S. 936, 384 U. S. 901.]

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No. 9, Orig. UNITED STATES *v.* LOUISIANA ET AL.

On consideration of the motion of the United States for entry of a supplemental decree declaring that the United States is entitled to certain submerged lands of the Gulf of Mexico and enjoining the State of Texas from interfering therewith, and for a temporary restraining order and preliminary injunction to enjoin the State of Texas from leasing or otherwise interfering with said submerged lands pending determination of the title thereto; and

It appearing from said motion and attached affidavit that the State of Texas has announced its intention to offer said lands for mineral leasing on April 4, 1967, and that such leasing may violate this Court's injunction of December 12, 1960, and subject to unlawful exploitation mineral resources to which the United States makes claim under that decree,

It is hereby ordered:

(1) That within twenty days from the date hereof the State of Texas respond to the motion of the United States and show cause why a preliminary injunction should not be issued as prayed for, pending final determination of the rights of the parties in the premises; and

(2) That the State of Texas be, and it is hereby, restrained from leasing or otherwise interfering with the submerged lands described in the motion of the United States, pending the ruling of the Court on the motion of the United States for a preliminary injunction and the response of the State of Texas thereto.

THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion.

Solicitor General Marshall, Louis F. Claiborne, Roger P. Marquis and George S. Swarth for the United States.
[For earlier actions, see, *e. g.*, 364 U. S. 502, 382 U. S. 288.]

MARCH 27, 1967.

Miscellaneous Orders.

No. 615. *BERGER v. NEW YORK*. Ct. App. N. Y. (Certiorari granted, 385 U. S. 967.) Motion of New York Civil Liberties Union for leave to participate in oral argument, as *amicus curiae*, denied. *John J. McAvoy* on the motion.

No. 987, Misc. *AZZONE v. TAHASH, WARDEN*;

No. 1332, Misc. *GIFFEN v. CALIFORNIA*; and

No. 1338, Misc. *HODGE v. POWERS*. Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted.

No. 846, Misc. *PETERS v. NEW YORK*. Appeal from Ct. App. N. Y. Motion for leave to proceed *in forma pauperis* granted and probable jurisdiction noted. Case transferred to appellate docket and set for argument immediately following No. 1139. *Robert S. Friedman* on the motion. Reported below: 18 N. Y. 2d 238, 219 N. E. 2d 595.

Certiorari Granted. (See also No. 1260, Misc., *ante*, p. 482.)

No. 962. *HARDIN, MAYOR OF TAZEWELL, ET AL. v. KENTUCKY UTILITIES Co.*;

No. 1056. *POWELL VALLEY ELECTRIC COOPERATIVE v. KENTUCKY UTILITIES Co.*; and

No. 1063. *TENNESSEE VALLEY AUTHORITY v. KENTUCKY UTILITIES Co.* C. A. 6th Cir. Certiorari granted. Cases are consolidated and a total of two hours allotted for oral argument. *Philip P. Ardery* for petitioners in No. 962. *Clyde Y. Cridlin* for petitioner in No. 1056. *Solicitor General Marshall* and *Charles J. McCarthy* for petitioner in No. 1063. *Squire R. Ogden* for respondent in all three cases. Reported below: 375 F. 2d 403.

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Certiorari Denied. (See also No. 1019, *ante*, p. 481; No. 1198, Misc., *ante*, p. 481; and No. 1246, Misc., *ante*, p. 482.)

No. 954. CBN CORP., FORMERLY COLUMBIAN CARBON Co. v. UNITED STATES. Ct. Cl. *Certiorari denied.* *Robert J. Casey* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Grant W. Wiprud* for the United States. Reported below: 176 Ct. Cl. 861, 364 F. 2d 393.

No. 957. WISSNER v. UNITED STATES. Ct. Cl. *Certiorari denied.* *Carl L. Shipley* and *Rufus W. Peckham, Jr.*, for petitioner. *Solicitor General Marshall* for the United States. Reported below: 176 Ct. Cl. 1372.

No. 1039. VAN NORMAN INDUSTRIES, INC. v. UNITED STATES. Ct. Cl. *Certiorari denied.* *John F. Costelloe* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for the United States. Reported below: 176 Ct. Cl. 16, 361 F. 2d 992.

No. 1042. BUONOMO v. UNITED STATES. C. A. 7th Cir. *Certiorari denied.* *Melvin B. Lewis* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 371 F. 2d 314.

No. 1057. CLIMAX CHEMICAL Co. v. C. F. BRAUN & Co. ET AL. C. A. 10th Cir. *Certiorari denied.* *Leroy Jeffers, C. Melvin Neal* and *Tom W. Neal* for petitioner. *J. R. Modrall* for respondent C. F. Braun & Co., *John B. Tittman* for respondents J. T. Thorpe, Inc., et al., and *David G. Housman* for respondent Heyward-Robinson Co. Reported below: 370 F. 2d 616.

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No. 1043. *OSTENDORFF v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Ernest J. Howard* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin and Joseph M. Howard* for the United States. Reported below: 371 F. 2d 729.

No. 1044. *KRANTZ ET AL. v. OLIN*. C. C. P. A. Certiorari denied. *W. Brown Morton, Jr., and H. Hume Mathews* for petitioners. *Dexter N. Shaw and William M. Epes* for respondent. Reported below: 53 C. C. P. A. (Pat.) 1582, 356 F. 2d 1016.

No. 1045. *SHEPPARD, ADMINISTRATOR, ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Stephen M. Feldman and Joseph G. Feldman* for petitioners. *Solicitor General Marshall* for the United States. Reported below: 369 F. 2d 272.

No. 1048. *KEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *G. Edward Friar* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 371 F. 2d 421.

No. 1051. *UNION CARBIDE CORP. v. E. I. DU PONT DE NEMOURS & Co.* C. A. 7th Cir. Certiorari denied. *Sidney Neuman and Robert L. Austin* for petitioner. *Frank F. Fowle and E. Manning Giles* for respondent. Reported below: 369 F. 2d 242.

No. 1066. *PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL. v. PENNSYLVANIA RAILROAD Co.* C. A. 3d Cir. Certiorari denied. *William A. Goichman, Edward Munce and Joseph C. Bruno* for petitioners. *Hugh B. Cox and Richard R. Bongartz* for respondent. Reported below: 369 F. 2d 276.

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No. 1054. *CHRISTOFALOS v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Nathan T. Notkin* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for respondent.

No. 1068. *SEIFERTH ET AL. v. ST. LOUIS SOUTHWESTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. *Louis P. Miller* for petitioners. *Ralph D. Walker* for respondent. Reported below: 368 F. 2d 153.

No. 1131. *PETERS ET AL. v. BOUNOUGIAS*. C. A. 7th Cir. Certiorari denied. *Sidney Z. Karasik* and *Charles Wolff* for petitioners. Reported below: 369 F. 2d 247.

No. 959. *ALBERGO v. READING Co.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACK would grant the petition for a writ of certiorari and reverse the judgment. MR. JUSTICE DOUGLAS would grant the petition for a writ of certiorari and reverse the judgment below on authority of *Rogers v. Missouri Pacific R. Co.*, 352 U. S. 500. *James E. Beasley* for petitioner. *John R. McConnell* and *William J. Taylor* for respondent. Reported below: 372 F. 2d 83.

No. 1024. *DILLARD v. DILLARD*. Sup. Ct. Ore. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *George W. Mead* for petitioner. Reported below: 244 Ore. 597, 418 P. 2d 839.

No. 996, Misc. *LEE ET AL. v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. *Phillip A. Hubbart* for petitioners. *Earl Faircloth*, Attorney General of Florida, and *Stanley D. Kupiszewski, Jr.*, Assistant Attorney General, for respondent. Reported below: 188 So. 2d 872.

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No. 1026. *MOLINAS v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Thomas R. Newman* for petitioner. Reported below: 370 F. 2d 601.

No. 1041. *NEZ PERCE TRIBE OF INDIANS v. UNITED STATES*. Ct. Cl. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Donald C. Gormley* and *Charles A. Hobbs* for petitioner. *Solicitor General Marshall, Assistant Attorney General Weisl* and *Roger P. Marquis* for the United States. Reported below: 176 Ct. Cl. 815.

No. 1058. *HIRSHHORN v. NEW YORK*. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Osmond K. Fraenkel* for petitioner. *Frank S. Hogan* for respondent.

No. 857, Misc. *LUPINO v. TAHASH, WARDEN*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Douglas M. Head*, Attorney General of Minnesota, and *Gerard W. Snell*, Acting Solicitor General, for respondent.

No. 881, Misc. *ALIRE 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: 365 F. 2d 278.

No. 1051, Misc. *NELSON ET AL. v. HANCOCK, WARDEN*. C. A. 1st Cir. Certiorari denied. *Richard W. Leonard* and *Leo Patrick McGowan* for petitioners. *George S. Pappagianis*, Attorney General of New Hampshire, and *William J. O'Neil*, Deputy Attorney General, for respondent. Reported below: 363 F. 2d 249.

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No. 960, Misc. COPELAND *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Sup. Ct. Pa. Certiorari denied. Petitioner *pro se.* *Arlen Specter* for respondent.

No. 1050, Misc. MONEY *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Petitioner *pro se.* *MacDonald Gallion*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent. Reported below: 280 Ala. 716, 190 So. 2d 924.

No. 1068, Misc. BURKS *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Petitioner *pro se.* *Robert Matthews*, Attorney General of Kentucky, and *John B. Browning*, Assistant Attorney General, for respondent. Reported below: 407 S. W. 2d 715.

No. 1167, Misc. POLISI ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Harold Schwartz* for petitioners. *Solicitor General Marshall* for the United States.

No. 1190, Misc. WEST *v.* McMANN, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1239, Misc. VON ATZINGER *v.* NEW JERSEY. C. A. 3d Cir. Certiorari denied.

No. 1243, Misc. KING *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1248, Misc. HAYNES *v.* CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1249, Misc. WILSON *v.* OLIVER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 368 F. 2d 843.

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No. 1252, Misc. HICKS *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. *John R. Snively* for petitioner. Reported below: 35 Ill. 2d 390, 220 N. E. 2d 461.

No. 1255, Misc. GAERTNER *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied.

No. 1258, Misc. McCLINDON *v.* OLIVER ET AL. C. A. 9th Cir. Certiorari denied.

No. 1259, Misc. ORTEGA *v.* JOHNSON, JUDGE. Sup. Ct. Mich. Certiorari denied.

No. 1263, Misc. CHANDLER *v.* MYERS, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1269, Misc. MEHOLCHICK *v.* BRIERLEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 371 F. 2d 1014.

No. 1270, Misc. RAMEY *v.* PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 1271, Misc. SIMON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 1272, Misc. LEWIS *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

No. 1286, Misc. KANTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 1290, Misc. KELLY, AKA SHANNON *v.* CHIEF OF POLICE, COFFEYVILLE POLICE DEPT. Sup. Ct. Kan. Certiorari denied.

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No. 1273, Misc. SEYMOUR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*: *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 369 F. 2d 825.

No. 882, Misc. COMFORT *v.* CALIFORNIA. Municipal Ct. of Oakland-Piedmont, Cal., and/or App. Dept., Super. Ct. Cal., County of Alameda. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Lloyd McMurray* for petitioner. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci*, Deputy Attorney General, for respondent.

No. 901, Misc. MONTGOMERY *v.* MCKENDRICK, WARDEN. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert Welch Mullen* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, for respondent.

Rehearing Denied.

No. 95. CHAPMAN ET AL. *v.* CALIFORNIA, *ante*, p. 18;

No. 926. BETHLEHEM STEEL CO. ET AL. *v.* UNITED STATES, *ante*, p. 912;

No. 14, Misc. CAPUCHINO *v.* TEXAS, *ante*, p. 928;

No. 29, Misc. POHLABEL *v.* UNITED STATES, *ante*, p. 916;

No. 414, Misc. MILANI *v.* ILLINOIS, *ante*, p. 12;

No. 503, Misc. MACDONALD *v.* CALIFORNIA, *ante*, p. 127; and

No. 646, Misc. BOTSCH *v.* UNITED STATES, *ante*, p. 937. Petitions for rehearing denied.

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- No. 718, Misc. *GAMEZ v. TEXAS*, *ante*, p. 929;
No. 1074, Misc. *SOOTS ET UX. v. ATTORNEY GENERAL OF THE UNITED STATES*, *ante*, p. 905;
No. 1138, Misc. *DUKES v. UNITED STATES*, *ante*, p. 946; and
No. 1155, Misc. *LEWIS, AKA EHRLICH v. ILLINOIS ET AL.*, *ante*, p. 938. Petitions for rehearing denied.

No. 103. *COOPER v. CALIFORNIA*, *ante*, p. 58. Petition for rehearing and modification of opinion denied.

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Dismissal Under Rule 60.

No. 391, Misc. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Elmer B. Gower* for petitioner. Reported below: 360 F. 2d 488. [For earlier order herein, see 385 U. S. 806.]

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Miscellaneous Orders.

No. 89. *WALKER v. SOUTHERN RAILWAY Co.* C. A. 4th Cir. Motion to recall and amend the judgment of this Court granted. It is ordered that the certified copy of the judgment sent to the District Court be recalled and that the case be remanded to the United States Court of Appeals for the Fourth Circuit. *J. Nat Hamrick* on the motion. [For earlier actions herein, see 384 U. S. 926, 385 U. S. 196, 1020.]

No. 949. *ESTATE OF STEINBERG v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. (Certiorari denied, *ante*, p. 941.) Motion to remand denied. *George T. Altman* on the motion.

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No. 9. UNITED STATES *v.* SEALY, INC. Appeal from D. C. N. D. Ill. (Probable jurisdiction noted, 382 U. S. 806.) Motion of Serta Associates, Inc., et al., for leave to participate in oral argument, as *amici curiae*, denied. *Sigmund Timberg* on the motion.

No. 615. BERGER *v.* NEW YORK. Ct. App. N. Y. (Certiorari granted, 385 U. S. 967.) Motion of International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America for leave to file a brief, as *amicus curiae*, granted. *Raymond W. Bergan* on the motion.

No. 9, Misc. REES *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. This case is held without action on the petition for certiorari until further order of the Court.

No. 1356, Misc. FURTAK *v.* MANCUSI, WARDEN; and No. 1391, Misc. WOLL *v.* FLORIDA. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1396, Misc. METER *v.* NEBRASKA. Sup. Ct. Neb. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

No. 1329, Misc. SKOLNICK *v.* HOFFMAN, JUDGE; and No. 1383, Misc. WILCOX *v.* MEIER, WARDEN, ET AL. Motions for leave to file petitions for writs of mandamus and for other relief denied.

Certiorari Granted.

No. 1083. UNITED STATES *v.* RANDS ET UX. C. A. 9th Cir. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Weisl, Roger P. Marquis and A. Donald Mileur* for the United States. *Sidney Teiser* for respondents. Reported below: 367 F. 2d 186.

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No. 1002. *BRENNER, COMMISSIONER OF PATENTS v. HOFSTETTER*. C. C. P. A. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Sanders and Morton Hollander* for petitioner. *Paul N. Kokulis and Lawrence A. Hymo* for respondent. Reported below: 53 C. C. P. A. (Pat.) 1545, 362 F. 2d 293.

No. 1032. *NASH v. FLORIDA INDUSTRIAL COMMISSION ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari granted. *Neal Rutledge and Allan Milledge* for petitioner. *Lawrence Kanzer* for Florida Industrial Commission, and *Glenn L. Greene, Jr.*, for Stanley Works et al., respondents.

No. 1036. *NATIONAL LABOR RELATIONS BOARD v. FLEETWOOD TRAILER Co., INC.* C. A. 9th Cir. Certiorari granted. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli and Norton J. Come* for petitioner. *Jerome C. Byrne* for respondent. Reported below: 366 F. 2d 126.

Certiorari Denied. (See also No. 1295, Misc., *ante*, p. 546; and No. 1396, Misc., *supra*.)

No. 953. *MILLER v. COUNTY OF LOS ANGELES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Harold W. Kennedy, Irvin Taplin, Jr., and John D. Cahill* for respondent. Reported below: 364 F. 2d 500.

No. 1033. *DANIEL v. SKIBS A/S HILDA KNUDSEN ET AL.* C. A. 3d Cir. Certiorari denied. *Harry R. Kozart* for petitioner. *T. E. Byrne, Jr.*, for respondents. Reported below: 368 F. 2d 178.

No. 1055. *DANNING, TRUSTEE IN BANKRUPTCY v. MINTZ*. C. A. 9th Cir. Certiorari denied. *J. Ronald Trost* for petitioner. Reported below: 367 F. 2d 304.

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No. 956. BENNETT, ACTING WARDEN *v.* LABAT ET AL. C. A. 5th Cir. Certiorari denied. *Jack P. F. Gremillion*, Attorney General of Louisiana, *William P. Schuler*, Second Assistant Attorney General, and *John E. Jackson, Jr.*, and *Dorothy D. Wolbrette*, Assistant Attorneys General, for petitioner. *Peter Hearn*, *William T. Coleman, Jr.*, *Benjamin E. Smith*, *G. Wray Gill*, *Gerard H. Schreiber*, *Edward Bennett Williams*, *Melvin L. Wulf* and *Marvin M. Karpatkin* for respondents. Reported below: 365 F. 2d 698.

No. 1065. MYERSON, AKA MYERSON v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Philip J. Ryan* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Joseph M. Howard* for the United States. Reported below: 368 F. 2d 393.

No. 1071. FARMER *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Raymond A. Brown* and *Irving I. Vogelman* for petitioner. *J. Norris Harding* for respondent. Reported below: 48 N. J. 145, 224 A. 2d 481.

No. 1072. BELTRAN ET AL. *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 7th Cir. Certiorari denied. *Nathan T. Notkin* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent.

No. 1073. COLBRESE *v.* NATIONAL FARMERS UNION PROPERTY & CASUALTY CO. C. A. 9th Cir. Certiorari denied. *Cale Crowley* for petitioner. *John M. Schiltz* for respondent. Reported below: 368 F. 2d 405.

No. 1077. MALLORY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Walter LaVon Pride* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States.

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No. 1075. *STICKLER v. TEHAN, SHERIFF*. C. A. 6th Cir. Certiorari denied. *Bernard A. Berkman, Larry S. Gordon and Joshua J. Kancelbaum* for petitioner. *Melvin G. Rueger and Fred J. Cartolano* for respondent. Reported below: 365 F. 2d 199.

No. 1076. *SINE ET UX. v. HELLAND, DIRECTOR OF HIGHWAYS, ET AL.* Sup. Ct. Utah. Certiorari denied. Reported below: 18 Utah 2d 222, 418 P. 2d 979.

No. 1078. *BORDEN CO. v. FREEMAN, SECRETARY OF AGRICULTURE, ET AL.* C. A. 3d Cir. Certiorari denied. *Earl E. Pollock and William P. Reiss* for petitioner. *Solicitor General Marshall, Assistant Attorney General Sanders and Alan S. Rosenthal* for respondents Freeman et al., and *H. Edward Dunkelberger, Jr., Edward J. Grenier, Jr., and Grover C. Richman, Jr.*, for Campbell Soup Co., intervenor below. Reported below: 369 F. 2d 404.

No. 1082. *HINDES ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Reuben R. Lozano* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin and Gilbert E. Andrews* for the United States. Reported below: 371 F. 2d 650.

No. 1084. *COLUMBIA BANK FOR COOPERATIVES v. LEE, TRUSTEE IN BANKRUPTCY*. C. A. 4th Cir. Certiorari denied. *Edwin P. Gardner* for petitioner. *James M. Baley, Jr.*, for respondent. Reported below: 368 F. 2d 934.

No. 1086. *JORDAN v. COLORADO*. Sup. Ct. Colo. Certiorari denied. *Carl Feldhamer and Walter L. Gerash* for petitioner. Reported below: — Colo. —, 419 P. 2d 656.

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No. 1079. LEE ET AL. *v.* CITY OF JESUP. Sup. Ct. Ga. Certiorari denied. *Aaron Kravitch* for petitioners. Reported below: 222 Ga. 530, 150 S. E. 2d 836.

No. 1092. FRANKLIN ET AL. *v.* MCDANIEL. C. A. 7th Cir. Certiorari denied. Reported below: 371 F. 2d 544.

No. 1094. CUTLER ET AL. *v.* AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA ET AL. C. A. 2d Cir. Certiorari denied. *Godfrey P. Schmidt* for petitioners. *Henry Kaiser* and *George Kaufmann* for respondents.

No. 1099. ROBINSON *v.* THE ATLANTIC STARLING ET AL. C. A. 5th Cir. Certiorari denied. *Samuel C. Gainsburgh* for petitioner. *Frank S. Normann* for respondents. Reported below: 369 F. 2d 69.

No. 1100. GOVERNMENT OF GUAM *v.* ATKINS-KROLL (GUAM), LTD. C. A. 9th Cir. Certiorari denied. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Harold W. Burnett*, Attorney General of Guam, *Jack S. Levin*, *Harold C. Wilkenfeld*, *Frank J. Barry* and *Edward Weinberg* for petitioner. Reported below: 367 F. 2d 127.

No. 1121. ESDERTS, ADMINISTRATRIX *v.* CHICAGO, ROCK ISLAND & PACIFIC RAILROAD Co. Sup. Ct. Ill. Certiorari denied. *James A. Dooley* for petitioner. *John M. O'Connor, Jr.*, and *Lawrence Gunnels* for respondent.

No. 3, Misc. DUNNING *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Petitioner *pro se.* *Joe T. Patterson*, Attorney General of Mississippi, and *Delos H. Burks*, Assistant Attorney General, for respondent. Reported below: 251 Miss. 766, 171 So. 2d 315.

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No. 790, Misc. *WOODS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *Charles Morgan, Jr.*, for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, *G. Ernest Tidwell*, Executive Assistant Attorney General, and *A. Joseph Nardone, Jr.*, Deputy Assistant Attorney General, for respondent. Reported below: 222 Ga. 321, 149 S. E. 2d 674.

No. 818, Misc. *MERRILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *David R. Lewis* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 365 F. 2d 281.

No. 961, Misc. *MATTHEWS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Thomas W. Hathaway* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for the United States. Reported below: 367 F. 2d 156.

No. 1031, Misc. *O'DAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 1032, Misc. *HEWITT v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, *R. L. Lattimore* and *Gilbert J. Pena*, Assistant Attorneys General, and *A. J. Carubbi, Jr.*, for respondent.

No. 1035, Misc. *WAKAKSAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 367 F. 2d 639.

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No. 1070, Misc. CLIFTON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Donald L. Hardison* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 125 U. S. App. D. C. 257, 371 F. 2d 354.

No. 1121, Misc. GENTILE *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Arthur J. England* for petitioner. *Earl Faircloth, Attorney General of Florida, and Wallace E. Allbritton, Assistant Attorney General,* for respondent. Reported below: 190 So. 2d 200.

No. 1145, Misc. BRIGHT *v.* RHAY, PENITENTIARY SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied. Petitioner *pro se.* *John J. O'Connell, Attorney General of Washington, and Paul J. Murphy, Assistant Attorney General,* for respondent.

No. 1209, Misc. PETITE *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 Julia P. Cooper* for the United States.

No. 1210, Misc. PITTMAN *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: 368 F. 2d 560.

No. 1217, Misc. FORREST *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 363 F. 2d 348.

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No. 538, Misc. PRITCHETT *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se.* *Earl Faircloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent.

No. 1257, Misc. STEIN *v.* WIRTZ, SECRETARY OF LABOR, ET AL. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent Wirtz. Reported below: 366 F. 2d 188.

No. 1075, Misc. CABALLERO *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Petitioner *pro se.* *John G. Thevos* for respondent.

No. 1223, Misc. ARNOLD *v.* MCGUINNESS. C. A. 9th Cir. Certiorari denied.

No. 1228, Misc. BELVIN *v.* WILSON, WARDEN, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1240, Misc. FAIR *v.* DEKLE, SUPERVISOR OF VOTER REGISTRATION, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 367 F. 2d 377.

No. 1250, Misc. BROKAW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 368 F. 2d 508.

No. 1251, Misc. LA BRASCA *v.* CALIFORNIA. Super. Ct. Cal., County of Sacramento. Certiorari denied. *S. Carter McMorris* for petitioner.

No. 1265, Misc. DAVIS *v.* WARDEN, MARYLAND HOUSE OF CORRECTION. C. A. 4th Cir. Certiorari denied.

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No. 1261, Misc. O'DAY *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.

No. 1266, Misc. WILLIAMS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *William M. Ryan* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 368 F. 2d 972.

No. 1275, Misc. BANKS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg* for the United States. Reported below: 370 F. 2d 141.

No. 1280, Misc. JACKSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 369 F. 2d 401.

No. 1284, Misc. KELLER *v.* SIMPSON, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 1287, Misc. STILTNER *v.* WASHINGTON ET AL. C. A. 9th Cir. Certiorari denied.

No. 1289, Misc. MERNEIGH *v.* DUTTON, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 1292, Misc. VAN GELDERN *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 1291, Misc. LOUX *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Petitioner *pro se*. *James E. Kennedy* for respondent. Reported below: 69 Wash. 2d 855, 420 P. 2d 693.

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No. 1293, Misc. *BEST v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied. *Anthony F. Marra* for petitioner. Reported below: 365 F. 2d 832.

No. 1294, Misc. *LYLE v. MARONEY, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 1297, Misc. *DILLENBURG v. MAXWELL, REFORMATORY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 1303, Misc. *CASTILLO v. DIRECTOR OF THE DEPARTMENT OF CORRECTIONS ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 1307, Misc. *ERVING ET AL. v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. *Richard J. Bruckner* for petitioners. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Melvin Kent Kammerlohr*, Assistant Attorney General, for respondent. Reported below: 180 Neb. 824, 830, 146 N. W. 2d 216, 220.

No. 1325, Misc. *LEVINE ET AL. v. COLGATE-PALMOLIVE CO. ET AL.* Sup. Ct. N. Y., New York County. Certiorari denied. Petitioners *pro se*. *Paul W. Williams* for respondents.

No. 1310, Misc. *PRICE v. ALLGOOD, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 369 F. 2d 376.

No. 1306, Misc. *CALLOWAY v. OHIO ET AL.* C. A. 6th Cir. Certiorari denied.

No. 1076, Misc. *BJORNSEN v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Leon B. Polsky* for petitioner. Reported below: 364 F. 2d 489.

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No. 1312, Misc. IN RE DISBARMENT OF RHODES. C. A. 8th Cir. Certiorari denied. Reported below: 370 F. 2d 411.

No. 1316, Misc. JUNG v. WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 32 Wis. 2d 541, 145 N. W. 2d 684.

No. 1321, Misc. WARRINER v. DOUG TOWER, INC., ET AL. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Ira C. Haycock* for respondents *Jaensch et al.*

No. 1330, Misc. MILLER v. UNITED STATES. C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 1331, Misc. FARMER v. PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 1593, Misc. MITCHELL v. WILSON, WARDEN. C. A. 9th Cir. Certiorari denied. *Evander Cade Smith* and *Doris Brin Walker* for petitioner.

No. 1581, Misc. MITCHELL v. CALIFORNIA. Sup. Ct. Cal. Application for stay of execution presented to Mr. JUSTICE DOUGLAS, and by him referred to the Court, denied. Certiorari denied.

Rehearing Denied.

No. 235. KILGARLIN ET AL. v. HILL, SECRETARY OF STATE OF TEXAS, ET AL., *ante*, p. 120;

No. 791. WALLERSTEIN ET AL. v. FEDERAL COMMUNICATIONS COMMISSION, *ante*, p. 908; and

No. 933. CHINA UNION LINES, LTD. v. A. O. ANDERSEN & Co. ET AL., *ante*, p. 933. Petitions for rehearing denied.

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No. 934. LAN JING-CHAU ET AL. *v.* A. O. ANDERSEN & Co. ET AL., *ante*, p. 933;

No. 945. HICKEY ET AL. *v.* ILLINOIS CENTRAL RAILROAD Co., *ante*, p. 934;

No. 948. DUKE *v.* UNITED STATES, *ante*, p. 934;

No. 960. ALLEN, EXECUTRIX, ET AL. *v.* MATHIASSEN'S TANKER INDUSTRIES, INC., ET AL., *ante*, p. 932;

No. 973. BRASCH *v.* SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO, *ante*, p. 943;

No. 992. GINSBERG *v.* UNITED STATES, *ante*, p. 958;

No. 15, Misc. HILLERY *v.* CALIFORNIA, *ante*, p. 938;

No. 684, Misc. PHILLIPS ET VIR *v.* CALIFORNIA, *ante*, p. 212;

No. 1176, Misc. SANDOVAL *v.* CALIFORNIA, *ante*, p. 948;

No. 1180, Misc. NIELSEN *v.* NEBRASKA STATE BAR ASSOCIATION, *ante*, p. 266; and

No. 1231, Misc. GLASS *v.* UNITED STATES, *ante*, p. 968. Petitions for rehearing denied.

No. 868. SMITH *v.* INDUSTRIAL ACCIDENT COMMISSION OF CALIFORNIA ET AL., *ante*, p. 915. Motion for leave to file petition for rehearing denied.

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Dismissal Under Rule 60.

No. 31. UNITED STATES *v.* NATIONAL STEEL CORP. ET AL. Appeal from D. C. S. D. Tex. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Solicitor General Marshall* for the United States. *Denman Moody, C. Brien Dillon* and *E. W. Barnett* for National Steel Corp. et al., and *B. J. Bradshaw* for Brown et al., appellees. Reported below: 251 F. Supp. 693. [For earlier orders herein, see 383 U. S. 905, *ante*, p. 939.]

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Miscellaneous Orders.

No. ——. CADDO PARISH SCHOOL BOARD ET AL. v. UNITED STATES ET AL. Motion for stays of execution and enforcement of judgments of the United States District Courts for the Eastern and Western Districts of Louisiana entered pursuant to the mandates of the United States Court of Appeals for the Fifth Circuit, presented to MR. JUSTICE BLACK, and by him referred to the Court, denied. *Jack P. F. Gremillion*, Attorney General of Louisiana, *William P. Schuler*, Second Assistant Attorney General, *Albin P. Lassiter* and *John F. Ward, Jr.*, on the motion. *Solicitor General Marshall* and *Assistant Attorney General Doar* for the United States, and *Jack Greenberg*, *James M. Nabrit III*, *Michael Meltsner*, *Norman C. Amaker*, *Charles H. Jones, Jr.*, *Oscar Adams* and *Demetrius C. Newton* for Johnson et al., respondents, in opposition to the motion.

No. ——. ROBERTS v. WILSON, WARDEN. Super. Ct. Cal., City and County of S. F. Application for stay of execution of the death sentence imposed upon petitioner, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. MR. JUSTICE FORTAS is of the opinion that the application for stay should be granted.

No. 30, Original. MICHIGAN v. OHIO. Motion for leave to file a bill of complaint granted and State of Ohio allowed sixty days to answer. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Nicholas V. Olds* and *Esther E. Newton*, Assistant Attorneys General, on the motion. *William B. Saxbe*, Attorney General of Ohio, and *Charles S. Lopeman* for defendant in opposition.

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No. 23. UNITED STATES ET AL. *v.* ATCHISON, TOPEKA & SANTA FE RAILWAY Co. ET AL. Appeal from D. C. S. D. Cal. Motion of Southern Governors' Conference et al., for leave to file a brief, as *amici curiae*, granted. *Walter R. McDonald* on the motion. [For earlier actions herein, see 383 U. S. 964, 384 U. S. 888.]

No. 1119. BANKS *v.* CHICAGO GRAIN TRIMMERS ASSOCIATION, INC., ET AL. C. A. 7th Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1439, Misc. SMITH *v.* WILSON, WARDEN. C. A. 9th Cir. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for a writ of certiorari, certiorari denied.

No. 1313, Misc. BOLES *v.* BURNETT, CHIEF JUSTICE, SUPREME COURT OF TENNESSEE, ET AL. Motion for leave to file petition for writ of mandamus and/or prohibition denied. Petitioner *pro se*. *Clyde W. Key* for Bank of Knoxville, complainant below, in opposition to the motion.

No. 1359, Misc. SKOLNICK *v.* ROBSON, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and other relief denied.

No. 1613, Misc. ALI, AKA CLAY, ET AL. *v.* GORDON, U. S. DISTRICT JUDGE. Application for stay and other relief, as well as petition for order staying the orders of the United States District Court for the Western District of Kentucky and for injunction pending appeal, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied. Motion for leave to file petition for writ of mandamus denied. *Hayden C. Covington* on the motion.

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No. 1352, Misc. JACKSON *v.* DISTRICT COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted.

No. 668. FEDERAL TRADE COMMISSION *v.* FLOTILL PRODUCTS, INC., ET AL. C. A. 9th Cir. Certiorari granted. *Solicitor General Marshall, Assistant Attorney General Turner, Howard E. Shapiro and James Mcl. Henderson* for petitioner. *William Simon, John Bodner, Jr., and Jefferson E. Peyser* for respondents. Reported below: 358 F. 2d 224.

No. 1070. BLOOM *v.* ILLINOIS. Sup. Ct. Ill. Certiorari granted. *Anthony Bradley Eben* for petitioner. *Edward J. Hladis* for respondent. Reported below: 35 Ill. 2d 255, 220 N. E. 2d 475.

No. 1141, Misc. HARRIS *v.* UNITED STATES. C. A. D. C. Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Case transferred to appellate docket. *Paul H. Weinstein* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States. Reported below: 125 U. S. App. D. C. 231, 370 F. 2d 477.

Certiorari Denied. (See also No. 1014, *ante*, p. 682; No. 1034, *ante*, p. 683; and No. 1439, Misc., *supra*.)

No. 1097. MOODY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Lucius E. Burch, Jr., and Tom Mitchell, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard and John P. Burke* for the United States. Reported below: 371 F. 2d 688.

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No. 982. COUNTY OF LOS ANGELES ET AL. *v.* MONTROSE CHEMICAL CORP. OF CALIFORNIA. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Harold W. Kennedy* and *John Geyer Tausig* for petitioners. *James J. Arditto* for respondent. *Thomas C. Lynch*, Attorney General of California, *John J. Klee, Jr.*, Deputy Attorney General, and *James E. Sabine* and *Ernest P. Goodman*, Assistant Attorneys General, for the State of California, as *amicus curiae*, in support of the petition. Reported below: 243 Cal. App. 2d 300, 52 Cal. Rptr. 209.

No. 1101. EVANSON ET AL. *v.* NORTHWEST HOLDING Co. C. A. 8th Cir. Certiorari denied. Reported below: 368 F. 2d 531.

No. 1107. RIZZO ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Petitioners *pro se*. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for the United States.

No. 1108. CHAMBERSBURG BROADCASTING Co. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Certiorari denied. *Harry J. Daly* for petitioner. *Solicitor General Marshall* and *Henry Geller* for respondent. Reported below: 125 U. S. App. D. C. 346, 372 F. 2d 919.

No. 1111. KORN *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Rufus W. Peckham, Jr.*, and *Carl L. Shipley* for petitioner. *Solicitor General Marshall* for the United States.

No. 1127. SOUTHERN BROKERAGE Co. *v.* CANNARSA. Sup. Ct. Tex. and/or Ct. Civ. App. Tex., 6th Sup. Jud. Dist. Certiorari denied. *William F. Billings* for petitioner. *Spencer C. Relyea III* and *Frank M. Ryburn, Jr.*, for respondent. Reported below: 405 S. W. 2d 457.

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No. 981. *FELBER v. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Philip J. Ryan* for petitioner. *John G. Bonomi* for respondent.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, dissenting.

Petitioner, a lawyer, was automatically disbarred in 1941 solely on the basis of a trial court's conviction for larceny and forgery. This conviction was held void and set aside by an appellate court which finally ended the criminal case. After dismissal of the criminal case, petitioner moved for reinstatement to the Bar. The matter was referred to a referee, who, relying on the same testimony which the appellate court held could not legally support petitioner's conviction, denied reinstatement. In so doing, the referee expressly noted that petitioner had the burden of proving that he was morally fit for re-admission to the Bar, although the burden of proof would have been on the Bar in making an original charge against a lawyer. The Appellate Division accepted the referee's recommendation, and the Court of Appeals denied petitioner permission to appeal on the ground that the judgment lacked "finality." On three subsequent occasions petitioner again moved for reinstatement, but each time was turned down by the Appellate Division without an opinion and denied permission to appeal by the Court of Appeals on the ground of no "final judgment," although it has disbarred him for 25 years. On the last occasion petitioner presented the state courts with the constitutional issues which he now urges this Court to review and decide in his favor.

For over 25 years petitioner has been unable to pursue his vocation because of a void criminal conviction, a manifest distortion of justice. The question presented is whether the State, having disbarred petitioner auto-

matically on the basis of a conviction for crime subsequently voided, can perpetuate his disbarment on the basis of the identical evidence offered to convict him. There are at least two reasons why the State should not be allowed to do this. First, the moment petitioner's conviction was reversed, his continued disbarment was supported by absolutely no evidence. This was a clear deprivation of due process of law and made the disbarment at that time as void as the criminal conviction. *Konigsberg v. State Bar*, 353 U. S. 252; see *Thompson v. City of Louisville*, 362 U. S. 199. Second, it is no answer to suggest, as does respondent, that this denial of due process was somehow remedied when the referee, after a hearing, denied petitioner's motion for reinstatement. This shifted to petitioner the burden to prove his innocence, because in New York there is apparently a tremendous difference between defending a disbarment charge and prosecuting a motion for reinstatement to the Bar. Where the Bar prosecutes for disbarment, the burden of proof is on the Bar Association; but where, as here, the lawyer asks reinstatement, the burden of proof is on him. Moreover, when a lawyer is initially disbarred, he may appeal the Appellate Division's decision to the Court of Appeals; but when a lawyer's motion for reinstatement is denied, the Court of Appeals is without jurisdiction to hear an appeal because the denial is not a "final judgment." Thus, for 25 years (long enough one would think to be final) the Court of Appeals has refused to review the orders denying petitioner readmission to the Bar. There may be valid reasons for fastening greater procedural burdens on a disbarred lawyer seeking reinstatement than on a lawyer defending a disbarment action. But where the difference in status, as here, is solely attributable to a void conviction for crime, the difference in treatment is itself violative of equal protection and further aggravates the

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initial deprivation of due process, a disbarment based on no evidence.

For these reasons I dissent from the denial of certiorari in this case.

No. 1113. *BATA v. CENTRAL-PENN NATIONAL BANK OF PHILADELPHIA ET AL.* Sup. Ct. Pa. Certiorari denied. *Harold E. Stassen* and *A. Evans Kephart* for petitioner. *Robert MacCrate* and *Lewis H. Van Dusen, Jr.*, for respondent *Bata*. Reported below: 423 Pa. 373, 224 A. 2d 174.

No. 1125. *TSAKONITES v. TRANSPACIFIC CARRIERS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. *Isaac Salem* for petitioner. *John R. Sheneman* for respondents. *Arthur J. Mandell* for American Trial Lawyers Association, as *amicus curiae*, in support of the petition. Reported below: 368 F. 2d 426.

No. 1126. *WASHINGTON v. GOLDEN STATE MUTUAL LIFE INSURANCE Co.* Sup. Ct. Tex. Certiorari denied. *Robert W. Hainsworth* for petitioner. *Finis E. Cowan* for respondent. Reported below: 408 S. W. 2d 227.

No. 1145. *SLIGH v. COLUMBIA, NEWBERRY & LAURENS RAILROAD Co.* C. A. 4th Cir. Certiorari denied. *George M. Lee, Jr.*, for petitioner. *H. Simmons Tate, Jr.*, for respondent. Reported below: 370 F. 2d 979.

No. 1091. *OGLETREE ET AL. v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *James R. Willis* for petitioners. *John T. Corrigan* and *Lloyd O. Brown* for respondent.

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The following petitions for writs of certiorari are denied.

THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted.

No. 123, Misc. NETTLES *v.* ILLINOIS. Sup. Ct. Ill. *Louis P. Yangas* for petitioner. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 34 Ill. 2d 52, 213 N. E. 2d 536.

No. 158, Misc. SMITH *v.* UNITED STATES. C. A. D. C. Cir. *John W. Karr* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Donald I. Bierman* for the United States. Reported below: 123 U. S. App. D. C. 202, 358 F. 2d 833.

No. 245, Misc. WHITE *v.* NEW YORK. Ct. App. N. Y. *Gretchen White Oberman* for petitioner. *Frank S. Hogan* for respondent. Reported below: 16 N. Y. 2d 270, 213 N. E. 2d 438.

No. 275, Misc. SMITH *v.* OHIO. Ct. App. Ohio, Cuyahoga County. *James R. Willis* for petitioner. *John T. Corrigan* and *John T. Patton* for respondent.

No. 279, Misc. CLIFTON *v.* TEXAS. Ct. Crim. App. Tex. *Robert B. Billings* for petitioner. *Henry Wade* and *Wilson Johnston* for respondent.

No. 741, Misc. ACOSTA *v.* TEXAS. Ct. Crim. App. Tex. *Clyde W. Woody* and *Marian S. Rosen* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, *R. L. Lattimore*, *Howard M. Fender* and *Lonny F. Zwienner*, Assistant Attorneys General, and *A. J. Carubbi, Jr.*, for respondent. Reported below: 403 S. W. 2d 434, 438.

No. 829, Misc. FLUELLYN *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Petitioner *pro se*. *Thomas J. Mackell* for respondent.

No. 1299, Misc. JONES *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

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No. 1162. MERLANDS CLUB, INC. *v.* MESSALL ET AL. Ct. App. Md. Certiorari denied. *William F. Hickey* for petitioner. Reported below: 244 Md. 18, 222 A. 2d 627.

No. 1176. 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, Frank L. Seamans and John H. Morgan* for petitioner. *James E. McLaughlin* for respondent. Reported below: 370 F. 2d 95.

No. 325, Misc. FREEMAN *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. *Sam Adam, Charles B. Evins and R. Eugene Pincham* for petitioner. Reported below: 34 Ill. 2d 362, 215 N. E. 2d 206.

No. 864, Misc. GAITO *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Petitioner *pro se.* *Robert W. Duggan* for respondent.

No. 1004, Misc. JACQUEZ *v.* WILSON, WARDEN. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* *Thomas C. Lynch, Attorney General of California, Albert W. Harris, Jr., Assistant Attorney General, and Gloria F. DeHart, Deputy Attorney General,* for respondent.

No. 1119, Misc. ROWELL *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: 368 F. 2d 957.

No. 1282, Misc. CHESTNUT ET AL. *v.* NEW YORK. C. A. 2d Cir. Certiorari denied. *Eleanor Jackson Piel* for petitioners. Reported below: 370 F. 2d 1.

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No. 1105, Misc. *DARMIENTO ET AL. v. CALIFORNIA*. Dist. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Luke McKissack* for petitioners. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Philip C. Griffin*, Deputy Attorney General, for respondent. Reported below: 243 Cal. App. 2d 358, 52 Cal. Rptr. 428.

No. 1092, Misc. *PEARSON v. CALIFORNIA*. 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 respondent.

No. 1163, Misc. *BUCKLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States.

No. 1216, Misc. *WILLIAMS v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States et al.

No. 1218, Misc. *ROSADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Marshall Tamor Golding* for the United States. Reported below: 370 F. 2d 542.

No. 1244, Misc. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 369 F. 2d 49.

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No. 1302, Misc. TURNER *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 1314, Misc. HATTER *v.* SALE ET AL. Sup. Ct. La. and/or Ct. App. La., 2d Cir. Certiorari denied. *Johnnie A. Jones* for petitioner. Reported below: 249 La. 725, 190 So. 2d 237; 188 So. 2d 101, 104.

No. 1315, Misc. WILSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1318, Misc. LEBRUN *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Petitioner *pro se.* *Jacob B. Tanzer* for respondent. Reported below: 245 Ore. —, 419 P. 2d 948.

No. 1323, Misc. ALLEN *v.* TURNER, WARDEN. Sup. Ct. Utah. Certiorari denied.

No. 1324, Misc. OPPENHEIM ET AL. *v.* STERLING ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 368 F. 2d 516.

No. 1326, Misc. ZALECK *v.* WILSON, WARDEN, ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1333, Misc. LYONS *v.* KLATTE, SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 1334, Misc. RUBY *v.* SECRETARY OF THE NAVY. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent. Reported below: 365 F. 2d 385; 369 F. 2d 404.

No. 1336, Misc. KNOWLES *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Reported below: 280 Ala. 406, 194 So. 2d 562.

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No. 1335, Misc. *PARNES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson and Philip R. Monahan* for the United States. Reported below: 368 F. 2d 327.

No. 1339, Misc. *VIGIL v. OLIVER, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1341, Misc. *LYNN ET AL. v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 408 S. W. 2d 639.

No. 1343, Misc. *PUPPE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1349, Misc. *MEIKLE v. FAY, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1351, Misc. *GONZALES v. OLIVER, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1354, Misc. *WRIGHT v. DICKSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1357, Misc. *COLLINS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1362, Misc. *HONEA v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. *Emma Andre Monroe* for petitioner.

No. 1364, Misc. *PONCE v. OLIVER, WARDEN*. Sup. Ct. Cal. Certiorari denied. Reported below: 65 Cal. 2d 341, 420 P. 2d 224.

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No. 1365, Misc. CORBIN *v.* MYERS, CORRECTIONAL SUPERINTENDENT. Sup. Ct. Pa. Certiorari denied. *Gerald E. Ruth* for petitioner. Reported below: 423 Pa. 243, 223 A. 2d 738.

No. 1366, Misc. FURTAK *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1368, Misc. McCRARY *v.* SOUTH CAROLINA ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 249 S. C. 14, 152 S. E. 2d 235.

No. 1369, Misc. WILLIAMS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 1372, Misc. TKACZYK ET AL. *v.* GALLAGHER ET AL. C. A. 2d Cir. Certiorari denied. *Loring J. Whiteside* for petitioners.

No. 1373, Misc. EIDENMUELLER *v.* FOLLETTE, WARDEN. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1374, Misc. PRIDGEN *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied.

No. 1408, Misc. CAREY *v.* GEORGE WASHINGTON UNIVERSITY. C. A. D. C. Cir. Certiorari denied.

No. 1419, Misc. JOHNSON *v.* TEXAS. C. A. 2d Cir. Certiorari denied.

No. 1247, Misc. EVERETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

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No. 1378, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Julia P. Cooper* for the United States.

No. 1379, Misc. SCHRUDER *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1417, Misc. TORRES *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Leon B. Polsky* for petitioner. *Frank S. Hogan* for respondent.

No. 1430, Misc. ASHBY *v.* VIRGINIA. Sup. Ct. App. Va. Certiorari denied.

No. 167, Misc. COFFEY *v.* FAY, WARDEN. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *Alfred I. Rosner* and *Martin B. Rosner* for petitioner. Reported below: 356 F. 2d 460.

Rehearing Denied.

No. 571. VON CLEMM ET AL. *v.* SMITH, TREASURER OF THE UNITED STATES, ET AL., 385 U. S. 975;

No. 942. ALTERMAN TRANSPORT LINES, INC., ET AL. *v.* PUBLIC SERVICE COMMISSION OF TENNESSEE ET AL., *ante*, p. 262;

No. 1004. ARDEN FARMS CO. ET AL. *v.* STATE DEPARTMENT OF AGRICULTURE ET AL., *ante*, p. 350; and

No. 1198, Misc. SHANNON *v.* SEQUEECHI, SHERIFF, ET AL., *ante*, p. 481. Petitions for rehearing denied.

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Dismissal Under Rule 60.

No. 1340, Misc. MYRICKS *v.* UNITED STATES. C. A. 5th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 370 F. 2d 901.

Miscellaneous Orders.

No. 370, Misc., October Term, 1964. WILLIAMSON ET AL. *v.* GILMER ET AL.; and

No. 598, Misc., October Term, 1964. WILLIAMSON ET AL. *v.* GILMER ET AL. Motion to recall orders of this Court and other relief denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. [For earlier orders herein, see 379 U. S. 875, 955.]

No. 744. WALDRON, EXECUTRIX *v.* CITIES SERVICE CO. C. A. 2d Cir. (Certiorari granted, 385 U. S. 1024.) Motion of respondent to require certification of additional parts of record granted. The expense of printing such additional parts of record shall initially be paid by respondent and ultimately shall abide the judgment of the Court at the conclusion of this case. *Simon Rifkind, Edward N. Costikyan and Jay Greenfield* on the motion.

No. 1041. NEZ PERCE TRIBE OF INDIANS *v.* UNITED STATES. Ct. Cl. Motion of petitioner for clarification of order denying petition for writ of certiorari denied. *Donald C. Gormley and Charles A. Hobbs* on the motion. [For earlier order, see *ante*, p. 984.]

No. 1375, Misc. BRULOTTE ET AL. *v.* MERRILL ET AL., U. S. CIRCUIT JUDGES, ET AL. C. A. 9th Cir. Motion for leave to file petition for writ of mandamus denied. *Arlington C. White, Margaret E. White and Cutler W. Halverson* for petitioners.

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No. 9, Original. UNITED STATES *v.* LOUISIANA ET AL. Motion of the United States for preliminary injunction against the State of Texas denied on representation of the Attorney General of Texas that "Texas does not intend to lease any of the controverted area pending determination of this controversy." Case will be set in due course for oral argument on the issues raised in the application of the United States for entry of a supplemental decree and reply of Texas thereto. Plaintiff is given until July 25, 1967, for filing its brief and the defendant is given until September 25, 1967, to file its reply. THE CHIEF JUSTICE and MR. JUSTICE CLARK took no part in the consideration or decision of this motion. [For earlier actions herein, see, *e. g.*, *ante*, p. 979.]

Certiorari Denied. (See also No. 1098, *ante*, p. 713; and No. 1118, *ante*, p. 713.)

No. 804. MOFFATT ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. *Certiorari* denied. *Gerald G. Kelly* and *J. Patrick Whaley* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for respondent. Reported below: 363 F. 2d 262.

No. 910. SOUTH TEXAS RICE WAREHOUSE Co. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. *Certiorari* denied. *Homer L. Bruce* for petitioner. *Solicitor General Marshall*, *Acting Assistant Attorney General Pugh* and *Harry Baum* for respondent. Reported below: 366 F. 2d 890.

No. 1050. HENDERSON *v.* UNITED STATES. Ct. Cl. *Certiorari* denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 175 Ct. Cl. 690.

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No. 1037. TAI MUI *v.* ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. *Abraham Lebenkoff* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 371 F. 2d 772.

No. 1038. CHAN HING ET AL. *v.* ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. *Abraham Lebenkoff* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 371 F. 2d 772.

No. 1052. RETAIL CLERKS INTERNATIONAL ASSOCIATION, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. *S. G. Lippman* and *Tim L. Bornstein* for petitioners. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 125 U. S. App. D. C. 63, 366 F. 2d 642.

No. 1090. WOO CHENG HWA *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. *Jack Wasserman* and *David Carliner* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 371 F. 2d 772.

No. 1110. WWIZ, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Certiorari denied. *Carl L. Shipley* for petitioner. *Solicitor General Marshall* and *Henry Geller* for respondent.

No. 1129. JANOUSEK *v.* CHATTERTON ET AL. C. A. D. C. Cir. Certiorari denied.

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No. 1005. REEF CORP. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. *Homer L. Bruce* for petitioner. *Solicitor General Marshall, Acting Assistant Attorney General Pugh* and *Harry Baum* for respondent. Reported below: 368 F. 2d 125.

No. 1138. BANK OF UTAH ET AL. *v.* COMMERCIAL SECURITY BANK. C. A. 10th Cir. Certiorari denied. *David S. Kunz* for petitioners. *Moses Lasky* and *Neil R. Olmstead* for respondent. Reported below: 369 F. 2d 19.

No. 1140. NATIONAL SURETY CORP. *v.* RAUSCHER, PIERCE & Co., INC. C. A. 5th Cir. Certiorari denied. *Lloyd E. Elliott* and *Ralph D. Churchill* for petitioner. *Paul Carrington* for respondent. Reported below: 369 F. 2d 572.

No. 1141. DENVER & RIO GRANDE WESTERN RAILROAD Co. *v.* BROTHERHOOD OF RAILROAD TRAINMEN ET AL. C. A. 10th Cir. Certiorari denied. *Martin M. Lucente, George L. Saunders, Jr., Ernest Porter* and *Kenneth D. Barrows* for petitioner. *Edward J. Hickey, Jr.,* and *James L. Highsaw, Jr.,* for respondents. Reported below: 370 F. 2d 833.

No. 1203. UNITED STATES *v.* PRUDENTIAL INSURANCE Co. OF AMERICA. Ct. Cl. Certiorari denied. *Solicitor General Marshall, Assistant Attorney General Rogovin, Harold C. Wilkenfeld* and *Martin T. Goldblum* for the United States. *Francis A. Goodhue, Jr.,* for respondent. Reported below: 167 Ct. Cl. 598, 337 F. 2d 651.

No. 1300. ALI, AKA CLAY, ET AL. *v.* GORDON, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied. *Hayden C. Covington* for petitioners.

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No. 750. GRANELLO ET AL. v. UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Irving Anolik, Irwin Klein and Irwin Germaise* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin, Joseph M. Howard and John P. Burke* for the United States. Reported below: 365 F. 2d 990.

MR. JUSTICE DOUGLAS, dissenting.

There are two issues in this case, relating to entirely separate events. The first concerns the seizure by the police of a lawyer's documents in Pennsylvania from the premises where the lawyer stored them. If we assume that the premises were unlawfully raided by the police, a client's papers seized and used against the client in a criminal prosecution, does the client have standing to move to suppress the evidence? Whether petitioners were clients and Birrell their attorney are questions not fully resolved. But I think they are entitled to a hearing on the issue and on the legality of the search. I cannot, as of now, believe that if a lawyer-client relation is shown and if the search were held to be illegal, the client is without standing to move for suppression of the evidence. The dimensions of the problem are so great, in the setting of the Fourth Amendment and our enveloping regime of police surveillance, that we should put the case down for argument. Another issue, mentioned by my Brother FORTAS, relates to electronic surveillance conducted in Florida. On that, we should at least remand the case for findings on electronic surveillance as suggested by my Brother FORTAS in whose opinion I concur—without prejudice of course to the search and seizure question.

MR. JUSTICE FORTAS, with whom THE CHIEF JUSTICE joins, dissenting.

It is my opinion that certiorari should be granted and the case remanded for a hearing in the District Court with

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respect to the electronic surveillance which the Solicitor General has revealed to us. According to the Solicitor General, agents of the Federal Bureau of Investigation on or about May 11, 1962, surreptitiously and by trespass installed an electronic listening device in a "commercial establishment in Florida owned by an acquaintance of petitioner Levine and in which Levine may have had a proprietary interest." The device was in operation for nearly one year. During that time a number of conversations in which Levine participated were overheard. Some of those conversations were between Levine and attorneys representing him in prosecutions for interstate transport of counterfeit securities and for stock and mail fraud, matters then pending in a federal court in Florida.

The Solicitor General represents that this violation of petitioner Levine's constitutional rights had no connection with the present case, which involves a prosecution in New York for failure to file income tax returns for 1956 and 1957. He says that it originated in connection with an FBI investigation relating to the charges for which petitioner Levine was tried and convicted in Florida. See *Rogers v. United States*, 334 F. 2d 83 (C. A. 5th Cir.), cert. denied, *sub nom. Levine v. United States*, 380 U. S. 915; *Gradsky v. United States*, 342 F. 2d 147 (C. A. 5th Cir.), vacated and remanded *sub nom. Levine v. United States*, 383 U. S. 265. The Government represents that nothing was overheard which had anything to do with the present criminal tax case, and that neither the Internal Revenue Service nor prosecuting counsel was apprised of the existence of the surveillance. The Solicitor General says that petitioner Levine will be furnished with the logs so that he may take whatever action is appropriate in the District Court in Florida relating to the convictions obtained in that court.

It is entirely possible, perhaps even probable, that the Solicitor General's representations will be validated, and

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it may be that no reason will be developed for invalidating the present convictions because of the trespassory espionage or its fruits. But this is "dirty business." *Olmstead v. United States*, 277 U. S. 438, 470 (1928) (dissenting opinion of Mr. Justice Holmes). It is important enough for the Solicitor General to call to our attention. And an appraisal of the material and the circumstances by defense counsel may adduce facts affecting the weight to be given the unlawful operation which would never occur to the prosecutor. The prosecutorial eye is, after all, apt to yield an out-of-focus picture, as is the eye of the defense. But in our system we insist upon the perspective developed by both. See *Dennis v. United States*, 384 U. S. 855, 875 (1966). In any event, the facts, circumstances, yield, and fruits of the electronic surveillance should be exposed in the record of this case so that we may, at least, be sure that the Government's trespassory surveillance has not infected the trial of these petitioners. Cf. *O'Brien v. United States*, ante, p. 345; *Schipani v. United States*, 385 U. S. 372 (1966); *Black v. United States*, 385 U. S. 26 (1966).

No. 1144. UNITED STATES *v.* EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES. Ct. Cl. Certiorari denied. *Solicitor General Marshall, Assistant Attorney General Rogovin, Harold C. Wilkenfeld and Martin T. Goldblum* for the United States. *Daniel M. Gribbon* for respondent. Reported below: 177 Ct. Cl. 55, 366 F. 2d 967.

No. 528. BAUERS *v.* HEISEL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert W. Maris, Anthony G. Amsterdam and Melvin Wulf* for petitioner. *Thomas J. Beutel* for respondent. Reported below: 361 F. 2d 581.

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No. 911. *DAVANT ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Motion for leave to file supplement to petition granted. Certiorari denied. *Homer L. Bruce* for petitioners. *Solicitor General Marshall, Acting Assistant Attorney General Pugh* and *Harry Baum* for respondent. Reported below: 366 F. 2d 874.

No. 1128. *WARDEN, MARYLAND PENITENTIARY v. SMALLWOOD*. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Motion to strike appendix "C" to petition denied. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, and *Fred Oken*, Assistant Attorney General, for petitioner. Reported below: 367 F. 2d 945.

No. 136, Misc. *BROWN v. WAINWRIGHT, CORRECTIONS DIRECTOR, ET AL.* C. A. 5th Cir. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *James G. Mahorner*, Assistant Attorney General, for respondents. Reported below: 358 F. 2d 307.

No. 1288, Misc. *McCLELLAN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Petitioner *pro se*. *Harry Friberg* for respondent.

No. 1304, Misc. *MCKINNEY v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 1027, Misc. *BASHLOR v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied. Petitioner *pro se*. *Earl Faircloth*, Attorney General of Florida, and *George R. Georgieff*, Assistant Attorney General, for respondent. Reported below: 189 So. 2d 800.

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No. 830, Misc. FOSTER, AKA ASHLEY *v.* WASHINGTON. Super. Ct. Wash., King County. Certiorari denied. Petitioner *pro se.* *John J. O'Connell*, Attorney General of Washington, and *Paul J. Murphy*, Assistant Attorney General, for respondent.

No. 1109, Misc. WELLS *v.* WILLINGHAM, WARDEN. C. A. 10th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Robert G. Maysack* for respondent.

No. 1139, Misc. BRYAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, *R. L. Lattimore*, *Howard M. Fender*, *Robert E. Owen* and *Lonny F. Zwiener*, Assistant Attorneys General, and *A. J. Carubbi, Jr.*, for respondent. Reported below: 406 S. W. 2d 210.

No. 1220, Misc. ALLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Kenneth K. Simon* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 369 F. 2d 968.

No. 1242, Misc. ZURITA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Max Cohen* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Mervyn Hamburg* for the United States. Reported below: 369 F. 2d 474.

No. 1393, Misc. KROHN *v.* CHASE MANHATTAN BANK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Petitioner *pro se.* *Roy C. Haberkern, Jr.*, for respondent.

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No. 1274, Misc. *DULING v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *Robert E. Albright* for petitioner.

No. 1358, Misc. *READO v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 408 S. W. 2d 438.

No. 1376, Misc. *DAVIS 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: 370 F. 2d 310.

No. 1377, Misc. *HOBBS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 35 Ill. 2d 263, 220 N. E. 2d 469.

No. 1381, Misc. *TUCKER v. MARYLAND*. Ct. App. Md. Certiorari denied. *Milton B. Allen* for petitioner. Reported below: 244 Md. 488, 224 A. 2d 111.

No. 1384, Misc. *BARRY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1387, Misc. *WATKINS v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 1388, Misc. *ROSE v. GLADDEN, WARDEN*. Sup. Ct. Ore. Certiorari denied. Reported below: 245 Ore. —, 420 P. 2d 622.

No. 1398, Misc. *HUFFMAN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 181 Neb. 356, 148 N. W. 2d 321.

No. 1394, Misc. *DURRETT ET AL. v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *William C. Erbecker* for petitioners. Reported below: — Ind. —, 219 N. E. 2d 814.

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No. 1400, Misc. SARTAIN *v.* PITCHESS, SHERIFF. C. A. 9th Cir. Certiorari denied. Reported below: 368 F. 2d 806.

No. 1397, Misc. BAKER *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 1392, Misc. SIMONS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Marshall Tamor Golding* for the United States. Reported below: 374 F. 2d 993.

No. 1395, Misc. LINDSEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 368 F. 2d 633.

No. 1402, Misc. STILTNER *v.* RHAY, PENITENTIARY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 1404, Misc. COLLINS *v.* FIELD, MEN'S COLONY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 1405, Misc. THOMAS *v.* WILSON, WARDEN. Dist. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 243 Cal. App. 2d 681, 52 Cal. Rptr. 668.

No. 1406, Misc. DECLARA *v.* NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 1410, Misc. FOGGY *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 101 Ariz. 459, 420 P. 2d 934.

No. 1409, Misc. ANDERSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 367 F. 2d 553.

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No. 1414, Misc. *STILTNER v. RHAY, PENITENTIARY SUPERINTENDENT, ET AL.* Sup. Ct. Wash. Certiorari denied.

No. 1407, Misc. *ROBERTS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 1412, Misc. *HIGGERSON v. UNITED STATES ATTORNEY GENERAL.* C. A. 8th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for respondent. Reported below: 369 F. 2d 398.

No. 1413, Misc. *MENEFIELD ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Petitioners *pro se.* *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: See 355 F. 2d 662.

No. 1415, Misc. *ROLLINS v. VIRGINIA.* Sup. Ct. App. Va. Certiorari denied. *Harry P. Friedlander* for petitioner. Reported below: 207 Va. 575, 151 S. E. 2d 622.

No. 1424, Misc. *PHILLIPS v. CARROLL.* C. A. 7th Cir. Certiorari denied.

No. 1428, Misc. *SMITH v. MAXWELL, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 588, Misc. *DENNIS v. NEW YORK.* Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se.* *Michael F. Dillon* for respondent.

No. 793, Misc. *PONCE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Petitioner *pro se.* *Thomas C. Lynch, Attorney General of California, David N. Rakov, Deputy Attorney General, and William E. James, Assistant Attorney General,* for respondent.

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No. 1450, Misc. CARRIER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *H. Alva Brumfield* and *Sylvia Roberts* for petitioners. *Solicitor General Marshall* for the United States. Reported below: 369 F. 2d 322.

No. 1445, Misc. SCHACK *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 862, Misc. CHEVALLIER *v.* TEXAS. Crim. Dist. Ct. No. 4, Harris County, Texas. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William E. Gray* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *George M. Cowden*, First Assistant Attorney General, *R. L. Lattimore*, *Howard M. Fender* and *Gilbert J. Pena*, Assistant Attorneys General, and *A. J. Carubbi, Jr.*, for respondent.

Rehearing Denied.

No. 12. NEELY *v.* MARTIN K. EBY CONSTRUCTION CO., INC., *ante*, p. 317;

No. 937. BROWN ET AL. *v.* STERLING ALUMINUM PRODUCTS CORP., *ante*, p. 957;

No. 946. WOODY ET AL. *v.* STERLING ALUMINUM PRODUCTS, INC., ET AL., *ante*, p. 957;

No. 987. PORTER ET AL. *v.* PORTER, *ante*, p. 957;

No. 1007. LOCKLIN ET AL., DBA RADIANT COLOR CO. *v.* SWITZER BROTHERS, INC., *ante*, p. 963;

No. 1031. SPIGNER *v.* UNITED STATES, *ante*, p. 971;

No. 8, Misc. LOTT *v.* TEXAS, *ante*, p. 928;

No. 1225, Misc. DANIELS *v.* UNITED STATES, *ante*, p. 968;

No. 1290, Misc. KELLY, AKA SHANNON *v.* CHIEF OF POLICE, COFFEYVILLE POLICE DEPT., *ante*, p. 986;

No. 1613, Misc. ALI, AKA CLAY, ET AL. *v.* GORDON, U. S. DISTRICT JUDGE, *ante*, p. 1002. Petitions for rehearing denied.

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No. 1009. WESTERN NATURAL GAS CO. *v.* CITIES SERVICE GAS CO., *ante*, p. 964. Petition for rehearing denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition.

APRIL 25, 1967.

Dismissal Under Rule 60.

No. 1570, Misc. HAMPSON *v.* ROBB, CLERK, U. S. DISTRICT COURT, ET AL. Motion for leave to file petition for writ of habeas corpus dismissed pursuant to Rule 60 of the Rules of this Court.

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Miscellaneous Orders.

No. 1490, Misc. BENNETT *v.* PATE, WARDEN;

No. 1571, Misc. KIRK *v.* DUNBAR, CORRECTIONS DIRECTOR;

No. 1574, Misc. JOHNSON *v.* SCHNECKLOTH, SUPERINTENDENT, ET AL.; and

No. 1578, Misc. BALLARD *v.* DUTTON, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1534, Misc. MANSFIELD *v.* WILLINGHAM, 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 denied.

No. 1500, Misc. CARTER *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL.; and

No. 1506, Misc. WHITE *v.* CRIST, STATE HOSPITAL SUPERINTENDENT, ET AL. Motions for leave to file petitions for writs of mandamus denied.

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No. 30, Original. MICHIGAN *v.* OHIO.

IT IS ORDERED that the Honorable Albert B. Maris, Senior Judge of the United States Court of Appeals for the Third Circuit, be, and he is hereby, appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

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

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

[For earlier action herein, see *ante*, p. 1001.]

No. 1156. POAFYBITTY ET AL. *v.* SKELLY OIL CO. Sup. Ct. Okla. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1469, Misc. BIVENS *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. Motion for leave to file petition for writ of prohibition denied. Petitioner *pro se*. *Solicitor General Marshall* for respondent.

No. 1588, Misc. CATLINO *v.* TAFT ET AL. Motion for leave to file petition for writ of prohibition denied.

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Probable Jurisdiction Noted.

No. 730. ZSCHERNIG ET AL. v. MILLER, ADMINISTRATOR, ET AL. Appeal from Sup. Ct. Ore. Probable jurisdiction noted. *Peter A. Schwabe, Sr.*, for appellants. *Robert Y. Thornton*, Attorney General of Oregon, and *Wayne M. Thompson*, Assistant Attorney General, for appellee State Land Board of Oregon. *Solicitor General Marshall* filed a memorandum for the United States, by invitation of the Court, 385 U. S. 998. Reported below: 243 Ore. 567, 412 P. 2d 781, 415 P. 2d 15.

Certiorari Granted.

No. 1185. SIMON ET AL. v. WHARTON, TRUSTEE IN BANKRUPTCY. C. A. 2d Cir. Certiorari granted. *Marvin Schwartz* for petitioners. *Arthur Hill Christy* for respondent. Reported below: 373 F. 2d 649.

Certiorari Denied. (See also No. 1103, *ante*, p. 779; No. 1114, *ante*, p. 779; No. 1459, Misc., *ante*, p. 780; and No. 1534, Misc., *supra*.)

No. 850. BURBRIDGE ET AL. v. CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Aubrey Grossman* for petitioners.

No. 1047. BRUCE v. UNITED STATES. C. A. 5th Cir. Certiorari denied. *Homer L. Bruce*, petitioner, *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Rogovin*, *Grant W. Wiprud* and *Thomas L. Stapleton* for the United States. Reported below: 370 F. 2d 569.

No. 1059. SOUTHERN PACIFIC LAND CO. v. UNITED STATES. C. A. 9th Cir. Certiorari denied. *Walter H. Stammer* and *Roy Jerome* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Weisl* and *Roger P. Marquis* for the United States. Reported below: 367 F. 2d 161.

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No. 875. BURBRIDGE ET AL. *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of S. F. and/or Sup. Ct. Cal. Certiorari denied. *Seymour Farber* for petitioners. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci*, Deputy Attorney General, for respondent.

No. 1061. McADOO ET AL. *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Stanley Faulkner* for petitioners McAdoo et al. *Frank S. Hogan* for respondent. Reported below: 51 Misc. 2d 263, 272 N. Y. S. 2d 412.

No. 1064. STOCKTON PORT DISTRICT *v.* FEDERAL MARITIME COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. *J. Richard Townsend* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Turner*, *Howard E. Shapiro*, *Irwin A. Seibel* and *Robert N. Katz* for respondent Federal Maritime Commission et al.; *Edward D. Ransom* for respondent Pacific Westbound Conference; and *Thomas C. Lynch*, Attorney General, and *Miriam E. Wolff*, Deputy Attorney General, for respondent State of California. Reported below: 369 F. 2d 380.

No. 1074. SOUTHERN RAILWAY CO. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *W. Graham Claytor, Jr.*, *Henry P. Sailer* and *Charles J. Bloch* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Sanders* and *Kathryn H. Baldwin* for the United States. Reported below: 364 F. 2d 86.

No. 1149. HUSSEY *v.* PETITO ET AL. Ct. App. N. Y. Certiorari denied. *Stephen L. Hoffman* for petitioner.

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No. 1085. *RICH v. ATLANTIC COAST LINE RAILROAD Co.* Sup. Ct. Fla. Certiorari denied. *Lawrence V. Hastings* and *Irma Robbins Feder* for petitioner. *Reginald L. Williams* and *Frank G. Kurka* for respondent. Reported below: 192 So. 2d 2.

No. 1137. *EARL LATSHA LUMBER Co. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 3d Cir. Certiorari denied. *Louis J. Adler* for petitioner. *Solicitor General Marshall, Arnold Ordman, Dominick L. Manoli* and *Norton J. Come* for respondent. Reported below: 368 F. 2d 216.

No. 1142. *SMITH v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. *Lawrence Egerton, Jr.*, for petitioner. *T. W. Bruton*, Attorney General of North Carolina, and *Andrew A. Vanore, Jr.*, for respondent. Reported below: 268 N. C. 659, 151 S. E. 2d 596.

No. 1146. *COASTAL CLUB, INC. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *Gerald D. Morgan* and *Lee I. Park* for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for respondent. Reported below: 368 F. 2d 231.

No. 1147. *HALPIN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Melvin B. Lewis* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 374 F. 2d 493.

No. 1148. *HULBURT OIL & GREASE Co. (AN ILLINOIS CORP.) v. HULBURT OIL & GREASE Co. (A PENNSYLVANIA CORP.).* C. A. 7th Cir. Certiorari denied. *J. Willison Smith, Jr.*, for petitioner. *Norman A. Miller* for respondent. Reported below: 371 F. 2d 251.

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No. 1163. *ROBBINS, WARDEN v. SMALL*. C. A. 1st Cir. Certiorari denied. *James S. Erwin*, Attorney General of Maine, and *John W. Benoit, Jr.*, Assistant Attorney General, for petitioner. Reported below: 371 F. 2d 793.

No. 1165. *CALHOUN v. HERTWIG, TRUSTEE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 363 F. 2d 257.

No. 1166. *JORDAN ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Howard K. Berry, Jr.*, for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 370 F. 2d 126.

No. 1170. *LOCAL 1291, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (AFL-CIO) v. NATIONAL LABOR RELATIONS BOARD ET AL.* 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 National Labor Relations Board, and *John F. Lane, Jerome Powell, Robert M. Scott* and *Charles L. Bucy* for Pocahontas Steamship Co., respondents. Reported below: 368 F. 2d 107.

No. 1171. *NOLLA, GALIB & Co. v. LEBRON ET AL.* Sup. Ct. P. R. Certiorari denied. *Jorge Souss* for petitioner. Reported below: — P. R. R. —.

No. 1177. *GRAY ET AL. v. MORGAN, COMMISSIONER OF TAXATION OF WISCONSIN*. C. A. 7th Cir. Certiorari denied. *Adeline J. Geo-Karis* for petitioners. *Bronson C. La Follette*, Attorney General of Wisconsin, for respondent. Reported below: 371 F. 2d 172.

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No. 1179. *BURRUP ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *William Hurt Erickson* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 371 F. 2d 556.

No. 1181. *MAYTAG ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. *Stephen H. Hart* for petitioners. *Solicitor General Marshall* and *Assistant Attorney General Rogovin* for respondent. Reported below: 370 F. 2d 914.

No. 1183. *URBANO v. SONDERN, EXECUTRIX, ET AL.* C. A. 2d Cir. Certiorari denied. Petitioner *pro se. Thomas F. Daly* for Sondern, and *Thomas A. Diskin* for Fawcett Publications, Inc., respondents. Reported below: 370 F. 2d 13, 14.

No. 1188. *SHADID ET AL. v. CITY OF OKLAHOMA CITY*. Sup. Ct. Okla. Certiorari denied. *Charles Hill Johns* for petitioners. *Roy H. Semtner* for respondent.

No. 1189. *LUROS ET AL. v. SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Stanley Fleishman* for petitioners.

No. 1191. *NOVARRO v. PITCHESS, SHERIFF*. C. A. 9th Cir. Certiorari denied. *John N. Frolich* for petitioner. *Roger Arnebergh* and *Philip E. Grey* for respondent. Reported below: 368 F. 2d 803.

No. 1221. *DISTRICT OF COLUMBIA v. DAVIS*. C. A. D. C. Cir. Certiorari denied. *Charles T. Duncan* and *Henry E. Wixon* for petitioner. Reported below: 125 U. S. App. D. C. 311, 371 F. 2d 964.

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No. 1193. WISCONSIN EX REL. RIZZO *v.* COUNTY COURT OF KENOSHA COUNTY. Sup. Ct. Wis. Certiorari denied. *Dominic H. Frinzi* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, for respondent. Reported below: 32 Wis. 2d 642, 146 N. W. 2d 499.

No. 1195. CARLISLE & JACQUELIN ET AL. *v.* EISEN. C. A. 2d Cir. Certiorari denied. *Louis Lee Stanton, Jr.*, *Francis S. Bensel* and *William Eldred Jackson* for petitioners. *William E. Haudek* and *Robert Zicklin* for respondent. Reported below: 370 F. 2d 119.

No. 1223. WELLS *v.* CIVIL SERVICE COMMISSION OF PHILADELPHIA ET AL. Sup. Ct. Pa. Certiorari denied. *Seymour Kanter* for petitioner. Reported below: 423 Pa. 602, 225 A. 2d 554.

No. 1246. THARAUD ET UX. *v.* CHAUNCEY REAL ESTATE Co., LTD., ET AL. Ct. App. N. Y. Certiorari denied. *Clayton L. Burwell* for petitioners. *Robert Moers* for respondents.

No. 1258. POWELL *v.* COMMITTEE ON ADMISSIONS AND GRIEVANCES ET AL. C. A. D. C. Cir. Certiorari denied. *Diana Kearny Powell*, petitioner, *pro se.* *Edmund L. Jones*, *Francis W. Hill, Jr.*, and *Roger Robb* for respondents.

No. 1284. FORCELLA *v.* WARDEN, NEW JERSEY STATE PRISON. C. A. 3d Cir. Certiorari denied. *Lee A. Holley* and *Frank A. Paglianite* for petitioner. Reported below: 371 F. 2d 37.

No. 30, Misc. CRAGAN *v.* NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. ET AL. C. A. 1st Cir. Certiorari denied. *Bernard Kaplan* for petitioner. *Noel W. Deering* for respondents. Reported below: 352 F. 2d 463.

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No. 30. *PINKOWSKI v. COGLAY, DBA MOHAWK EQUIPMENT Co.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *John G. Phillips* for petitioner. *Herbert C. Brook* for respondent. Reported below: 347 F. 2d 411.

No. 500. *FENIX & SCISSON, INC. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Harry P. Thomson, Jr.*, for petitioner. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Gilbert E. Andrews* for the United States. Reported below: 360 F. 2d 260.

No. 211. *BROWN v. GENERAL MOTORS CORP.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Wm. Clarence Kluttz* and *Lewis P. Hamlin, Jr.*, for petitioner. *Bynum M. Hunter* for respondent. Reported below: 355 F. 2d 814.

No. 262. *KUBERSKI v. NEW YORK CENTRAL RAILROAD Co.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted and the judgment reversed. *Fenton F. Harrison* for petitioner. *Gerald H. Henley* for respondent. Reported below: 359 F. 2d 90.

No. 360. *MITSUBISHI SHIPPING Co. v. MILLS.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted and the judgment reversed. *Leroy Denman Moody* for petitioner. *Warner F. Brock* for respondent. Reported below: 358 F. 2d 609.

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No. 915. *MUNCY ET VIR v. GENERAL MOTORS CORP.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Franklin Jones* for petitioners. *Leon Jaworski* and *Sam H. Hood* for respondent. Reported below: 367 F. 2d 493.

No. 1143. *MADISON v. UNITED STATES.* Ct. Cl. Motion to dispense with printing petition granted. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States. Reported below: 174 Ct. Cl. 985.

No. 1178. *MUTH, ADMINISTRATRIX, ET AL. v. ATLAS ET AL.* C. A. 7th Cir. Motion of respondents to use record in Nos. 709 and 733, October Term, 1965, granted. Certiorari denied. *G. Kent Yowell, Harold A. Liebenson* and *Edward G. Raszus* for petitioners. *Edward B. Hayes* for respondents. Reported below: 375 F. 2d 122.

No. 1081, Misc. *AH CHIU PANG v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 3d Cir. Certiorari denied. *Gerald I. Roth* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 368 F. 2d 637.

No. 1345, Misc. *ENGLISH v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Petitioner *pro se.* *George F. McCannless, Attorney General of Tennessee,* and *Thomas E. Fox, Assistant Attorney General,* for respondent. Reported below: — Tenn. —, 411 S. W. 2d 702.

No. 1380, Misc. *PETERSON v. MANCUSI, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 1382, Misc. *BODDIE v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

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No. 1385, Misc. WILLIAMS *v.* UNITED STATES; and
No. 1390, Misc. GITLITZ *v.* UNITED STATES. C. A. 2d
Cir. Certiorari denied. Petitioner *pro se* in No. 1385,
Misc., and *Leon B. Polsky* for petitioner in No. 1390,
Misc. *Solicitor General Marshall, Assistant Attorney
General Vinson and Beatrice Rosenberg* for the United
States in both cases. Reported below: 368 F. 2d 501.

No. 1422, Misc. MOORE *v.* KENTUCKY. Ct. App. Ky.
Certiorari denied. Reported below: 407 S. W. 2d 136.

No. 1423, Misc. WILLIAMS ET AL. *v.* NEW JERSEY ET AL.
C. A. 3d Cir. Certiorari denied.

No. 1425, Misc. MACON *v.* INDIANA. Sup. Ct. Ind.
Certiorari denied. Reported below: — Ind. —, 221
N. E. 2d 428.

No. 1426, Misc. FOSTER *v.* UNITED STATES CIVIL
SERVICE COMMISSIONERS ET AL. C. A. 5th Cir. Certiorari
denied. Petitioner *pro se. Solicitor General Marshall*
for respondents. Reported below: 369 F. 2d 399.

No. 1433, Misc. CABRAL *v.* CALIFORNIA. Dist. Ct. App.
Cal., 2d App. Dist. Certiorari denied.

No. 1435, Misc. WILSON *v.* WEBER, U. S. DISTRICT
JUDGE. C. A. 3d Cir. Certiorari denied.

No. 1436, Misc. HANSEN *v.* WISCONSIN. Sup. Ct.
Wis. Certiorari denied. Reported below: 33 Wis. 2d 648,
148 N. W. 2d 4.

No. 1449, Misc. THOMASTON *v.* GLADDEN, WARDEN.
C. A. 9th Cir. Certiorari denied. Reported below: 369
F. 2d 693.

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No. 1440, Misc. RANDALL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1441, Misc. WHITE *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. *Aaron Kravitch* for petitioner.

No. 1443, Misc. BROWN *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: 370 F. 2d 874.

No. 1444, Misc. COOK *v.* MAXWELL, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 1446, Misc. NANCE *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied. *Thomas F. McKenna* for petitioner. *Boston E. Witt*, Attorney General of New Mexico, and *Myles E. Flint*, Assistant Attorney General, for respondent. Reported below: 77 N. M. 39, 419 P. 2d 242.

No. 1447, Misc. NELSON *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Petitioner *pro se*. *Joe Purcell*, Attorney General of Arkansas, for respondent. Reported below: 241 Ark. 136, 406 S. W. 2d 383.

No. 1453, Misc. MADDOX *v.* PATE, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied.

No. 1454, Misc. FURTAK *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1455, Misc. HAYES *v.* BOSLOW, INSTITUTION DIRECTOR. C. A. 4th Cir. Certiorari denied.

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No. 1461, Misc. *SHAW v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 1462, Misc. *COUTURE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Robert G. Maysack* for the United States.

No. 1472, Misc. *MERRILL v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. Reported below: 423 P. 2d 686.

No. 1475, Misc. *BELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States. Reported below: 371 F. 2d 35.

No. 1480, Misc. *WEBSTER v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 1481, Misc. *DAVIS v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 368 F. 2d 999.

No. 1482, Misc. *MYERS v. CITY COURT OF SALT LAKE CITY*. Sup. Ct. Utah. Certiorari denied.

No. 1484, Misc. *SYMONS v. FIELD, MEN'S COLONY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 372 F. 2d 47.

No. 1488, Misc. *LORENZANA v. PUERTO RICO*. Sup. Ct. P. R. Certiorari denied. *Stanley L. Feldstein* for petitioner. *J. B. Fernandez Badillo*, Solicitor General of Puerto Rico, for respondent. Reported below: — P. R. R. —.

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No. 1483, Misc. *ROBERTS 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.

No. 1491, Misc. *LAUGHLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Jerome M. Feit* for the United States. Reported below: 368 F. 2d 558.

No. 1492. *MOORE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 1493, Misc. *PINKNEY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 1494, Misc. *HENDRICKS v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 1510, Misc. *HOLLAND v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 1512, Misc. *POSTELL v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1558, Misc. *WOOD v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Henry Mark Holzer and Phyllis Tate Holzer* for petitioner. *Solicitor General Marshall* for the United States.

No. 365, Misc. *GRASS 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, for respondent.

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No. 1503, Misc. *LOUIE v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 68 Wash. 2d 304, 413 P. 2d 7.

No. 1514, Misc. *FINN v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1515, Misc. *ALEXANDER v. CALIFORNIA ADULT AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1551, Misc. *CHROMIAK v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1564, Misc. *SANDS v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied.

No. 942, Misc. *SCHACK v. ATTORNEY GENERAL OF THE UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this petition.

No. 1277, Misc. *SCHACK v. CLARK, ATTORNEY GENERAL*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE CLARK took no part in the consideration or decision of this petition.

Rehearing Denied.

No. 464, October Term, 1965. *LLOYD A. FRY ROOFING Co. v. VOLASCO PRODUCTS Co.*, 382 U. S. 904;

No. 159. *McCRAY v. ILLINOIS*, *ante*, p. 300;

No. 998. *ROGERS ET AL. v. CITY AND COUNTY OF DENVER ET AL.*, *ante*, p. 480;

No. 1012. *MITCHELL v. UNITED STATES*, *ante*, p. 972; and

No. 1013. *WORLEY ET AL. v. ILLINOIS*, *ante*, p. 972. Petitions for rehearing denied.

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No. 1044. KRANTZ ET AL. *v.* OLIN, *ante*, p. 982;

No. 1066. PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL. *v.* PENNSYLVANIA RAILROAD CO., *ante*, p. 982;

No. 857, Misc. LUPINO *v.* TAHASH, WARDEN, *ante*, p. 984;

No. 987, Misc. AZZONE *v.* TAHASH, WARDEN, *ante*, p. 980;

No. 933, Misc. BROOKS *v.* BETO, CORRECTIONS DIRECTOR, *ante*, p. 975;

No. 1120, Misc. GREENE *v.* UNITED STATES, *ante*, p. 976;

No. 1190, Misc. WEST *v.* McMANN, WARDEN, *ante*, p. 985; and

No. 1264, Misc. KNOLL ET AL. *v.* SOCONY MOBIL OIL CO., INC., ET AL., *ante*, p. 977. Petitions for rehearing denied.

No. 878. RAWDON *v.* UNITED STATES, *ante*, p. 909. Motion for leave to file petition for rehearing denied.

