

ORDERS OF JUNE 12, 1967.

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Miscellaneous Orders.

No. 6, October Term, 1964. *HENRY v. MISSISSIPPI.*

Respondent's motions that this Court reinstate the judgment of conviction and retax costs are denied. It is noted that the opinion of the Mississippi Supreme Court states: "If this case were again before us, we would reaffirm our former opinion and judgment." Further proceedings in the cause should be addressed to any new final judgment which may be entered by the Mississippi courts. Cf. *United States v. Shotwell Mfg. Co.*, 355 U. S. 233, 245-246; *Campbell v. United States*, 365 U. S. 85, 99.

MR. JUSTICE BLACK concurs in the denial of respondent's motions.

[For earlier orders herein, see, *e. g.*, 381 U. S. 908.]

No. —. *OSBORN v. UNITED STATES.* C. A. 6th Cir. Application for stay and bail presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. *Maclin P. Davis, Jr.*, for applicant. *Solicitor General Marshall* for the United States in opposition.

No. 838. *WYANDOTTE TRANSPORTATION CO. ET AL. v. UNITED STATES.* C. A. 5th Cir. (Certiorari granted, 386 U. S. 906.) Motion to remove case from summary calendar denied. *Lucian Y. Ray* for Wyandotte Transportation Co., *George B. Matthews* for Union Barge Line Corp., and *John W. Sims* for Cargill, Inc., et al. on the motion.

No. 1188, Misc. *O'BRIEN v. UNITED STATES.* Motion for leave to file petition for writ of mandamus denied. Petitioner *pro se.* *Solicitor General Marshall* for the United States.

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No. 952. PROTECTIVE COMMITTEE FOR INDEPENDENT STOCKHOLDERS OF TMT TRAILER FERRY, INC. *v.* ANDERSON, TRUSTEE IN BANKRUPTCY. C. A. 5th Cir. (Certiorari granted, 387 U. S. 929.) Motion to dispense with printing record granted. *Irwin L. Langbein* for petitioner on the motion.

No. 31, Original. UTAH *v.* UNITED STATES.

IT IS ORDERED that the Honorable J. Cullen Ganey, 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, 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 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 order herein, see 387 U. S. 902.]

No. 32, Misc. TETTAMBLE *v.* MISSOURI, 386 U. S. 265. Motion of petitioner for further relief denied.

No. 817, Misc. SLIVA *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

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No. 1767, Misc. *WALKER v. MAXWELL, WARDEN, ET AL.* Motion for leave to file petition for writ of mandamus and/or prohibition denied.

No. 1824, Misc. *HERD v. MICHIGAN.* Motion for leave to file petition for writ of habeas corpus and other relief denied. Petitioner *pro se.* *Frank J. Kelley*, Attorney General of Michigan, and *Robert A. Derengoski*, Solicitor General, for respondent.

No. 38. *MARCHETTI v. UNITED STATES.* C. A. 2d Cir. (Certiorari granted, 385 U. S. 1000.) The case is restored to the docket for reargument at the 1967 Term. In their briefs and oral arguments, counsel are requested to discuss, in addition to the questions specified in the original writ, the following:

(1) What relevance, if any, has the required records doctrine, *Shapiro v. United States*, 335 U. S. 1, to the validity under the Fifth Amendment of the registration and special occupational tax requirements of 26 U. S. C. §§ 4411, 4412?

(2) Can an obligation to pay the special occupational tax required by 26 U. S. C. § 4411 be satisfied without filing the registration statement provided for by 26 U. S. C. § 4412?

No. 1783, Misc. *BUDER v. KROPP, WARDEN, ET AL.* 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. 1766, Misc. *McKINNEY v. WILSON, WARDEN, ET AL.;*

No. 1768, Misc. *JADWIN v. WAINWRIGHT, CORRECTIONS DIRECTOR;* and

No. 1784, Misc. *BROOKS v. WAINWRIGHT, CORRECTIONS DIRECTOR.* Motions for leave to file petitions for writs of habeas corpus denied.

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No. 1753, Misc. *ALI, AKA CLAY, ET AL. v. CONNALLY ET AL.*, U. S. DISTRICT JUDGES. D. C. S. D. Tex. Motion for leave to file petition for writ of prohibition denied. *Hayden C. Covington* on the motion. *Solicitor General Marshall* for the United States in opposition.

No. 1517, Misc. *O'BRYAN v. CHANDLER*, U. S. DISTRICT JUDGE. Motion to dispense with printing petition granted. Motion for leave to file petition for writ of prohibition and/or mandamus denied. *Harvey L. Davis* on the motions. *Carl L. Shipley* for respondent.

No. 181. *GROSSO v. UNITED STATES*. C. A. 3d Cir. (Certiorari granted, 385 U. S. 810.) The case is restored to the docket for reargument at the 1967 Term. In their briefs and oral arguments, counsel are requested to discuss, in addition to the questions previously presented, the following:

(1) What relevance, if any, has the required records doctrine, *Shapiro v. United States*, 335 U. S. 1, to the validity under the Fifth Amendment of the obligation to pay the wagering excise tax imposed by 26 U. S. C. § 4401?

(2) Is satisfaction of an obligation to pay a wagering excise tax imposed by 26 U. S. C. § 4401 conditioned upon the filing of a return required under 26 U. S. C. § 6011 and pertinent regulations? If it is not, what information, if any, must accompany the payment of a wagering excise tax obligation in order to extinguish the taxpayer's liability for that obligation?

Probable Jurisdiction Noted.

No. 1022. *GINSBERG v. NEW YORK*. Appeal from App. Term, Sup. Ct. N. Y., 2d Jud. Dept. Probable jurisdiction noted and case set for oral argument immediately following Nos. 1109 and 1155. *Emanuel Redfield* for appellant. *William Cahn* for appellee.

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No. 1259. UNITED STATES *v.* THIRD NATIONAL BANK IN NASHVILLE ET AL. Appeal from D. C. M. D. Tenn. Probable jurisdiction noted. MR. JUSTICE FORTAS took no part in the consideration or decision of this case. *Solicitor General Marshall, Assistant Attorney General Turner and Richard A. Posner* for the United States. *Paul A. Porter, Dennis G. Lyons, E. William Henry and Frank M. Farris, Jr.,* for Third National Bank in Nashville et al., and *Robert Bloom, Joseph J. O'Malley and Charles H. McEnerney, Jr.,* for Camp, appellees. Reported below: 260 F. Supp. 869.

Certiorari Granted. (See also No. 2, *ante*, p. 440; No. 7, *ante*, p. 441; No. 10, *ante*, p. 442; No. 21, *ante*, p. 443; No. 26, *ante*, p. 444; No. 72, *ante*, p. 446; No. 149, *ante*, p. 447; No. 227, *ante*, p. 448; No. 323, *ante*, p. 449; No. 366, *ante*, p. 450; No. 865, *ante*, p. 452; No. 896, *ante*, p. 453; No. 1164, *ante*, p. 456; No. 1335, *ante*, p. 459; No. 79, Misc., *ante*, p. 461; No. 934, Misc., *ante*, p. 462; No. 1107, Misc., *ante*, p. 463; No. 1342, Misc., *ante*, p. 465; and No. 1421, Misc., *ante*, p. 466.)

No. 958. AVERY *v.* MIDLAND COUNTY ET AL. Sup. Ct. Tex. *Certiorari granted.* *Lyndon L. Olson* for petitioner. *Reagan H. Legg* for respondent Midland County, and *W. B. Browder* for respondents Brooks et al. Briefs of *amici curiae* were filed by *Solicitor General Marshall* for the United States, and by *Louis J. Lefkowitz*, Attorney General of New York, *pro se.* Reported below: 406 S. W. 422.

No. 1334. UNITED STATES *v.* CORRELL ET UX. C. A. 6th Cir. *Certiorari granted.* *Solicitor General Marshall, Assistant Attorney General Rogovin, Jack S. Levin and Gilbert E. Andrews* for the United States. *Carl A. Swafford* for respondents. Reported below: 369 F. 2d 87.

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No. 1087. *SIMMONS ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari granted. *George F. Callaghan* for petitioners. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg* for the United States. Reported below: 371 F. 2d 296.

No. 1274. *CONTINENTAL OIL CO. ET AL. v. FEDERAL POWER COMMISSION*;

No. 1287. *SUPERIOR OIL CO. v. FEDERAL POWER COMMISSION*;

No. 1291. *NEW MEXICO ET AL. v. FEDERAL POWER COMMISSION*;

No. 1292. *SUN OIL CO. v. FEDERAL POWER COMMISSION ET AL.*;

No. 1293. *CALIFORNIA ET AL. v. SKELLY OIL CO. ET AL.*;

No. 1294. *HUNT OIL CO. ET AL. v. FEDERAL POWER COMMISSION*;

No. 1295. *PACIFIC GAS & ELECTRIC CO. ET AL. v. SKELLY OIL CO. ET AL.*;

No. 1302. *BASS ET AL. v. FEDERAL POWER COMMISSION*;

No. 1342. *FEDERAL POWER COMMISSION v. SKELLY OIL CO. ET AL.*; and

No. 1412. *CITY OF LOS ANGELES v. SKELLY OIL CO. ET AL.* C. A. 10th Cir. These cases will hereafter be referred to collectively as the "Permian Basin Area Rate Cases."

Motions to supplement petitions in Nos. 1293 and 1295 granted. Petitions for writs of certiorari granted and cases consolidated for oral argument, eight hours being assigned for the hearing of these cases and any other cases which may be granted with respect to the "Permian Basin Area Rate Cases." Such time is to be divided among the parties, with four hours allotted to those supporting the order of the Federal Power Commission and four hours to those attacking such order, the division of time among

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counsel on each side to be settled among themselves. Briefs of those parties supporting the order of the Federal Power Commission shall be filed on or before August 25, 1967, and of those attacking such order shall be filed on or before October 9, 1967.

Bruce R. Merrill, Joseph C. Johnson and Thomas H. Burton for Continental Oil Co., and *Cecil N. Cook* for Midhurst Oil Corp., petitioners in No. 1274.

Murray Christian and *H. W. Varner* for petitioner in No. 1287.

Crawford C. Martin, Attorney General, *George M. Cowden*, First Assistant Attorney General, *Houghton Brownlee, Jr.*, *Linward Shivers* and *C. Daniel Jones, Jr.*, Assistant Attorneys General, and *A. J. Carubbi, Jr.*, for the State of Texas; and *Boston E. Witt*, Attorney General, and *William J. Cooley*, Special Assistant Attorney General, for the State of New Mexico, petitioners in No. 1291.

Robert E. May and *Louis Flax* for petitioner in No. 1292.

Mary Moran Pajalich and *J. Calvin Simpson* for petitioners in No. 1293.

Paul W. Hicks, Robert W. Henderson and *Donald K. Young* for petitioners in No. 1294.

Frederick T. Searls for petitioner Pacific Gas & Electric Co., and *John Ormasa* for petitioners Pacific Lighting Service & Supply Co. et al. in No. 1295.

J. Evans Attwell and *W. H. Drushel, Jr.*, for petitioners in No. 1302, and for respondents Bass et al. in Nos. 1293 and 1342.

Solicitor General Marshall, Ralph S. Spritzer, Richard A. Posner, Richard A. Solomon and *Peter H. Schiff* for petitioner in No. 1342.

Roger Arnebergh for petitioner in No. 1412.

Oliver L. Stone and *Thomas G. Johnson* for Shell Oil Co.; *Warren M. Sparks* and *Donald R. Arnett* for Gulf

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Oil Corp., et al.; *Kenneth Heady* and *John R. Rebman* for Phillips Petroleum Co.; *Joseph W. Morris* and *Edwin S. Nail* for Amerada Petroleum Corp.; *Homer E. McEwen, Jr.*, for Sunray DX Oil Co.; *Charles E. McGee* and *John T. Ketcham* for Sinclair Oil & Gas Co.; and *Francis R. Kirkham* and *Justin R. Wolf* for Standard Oil Co. of Texas, certain respondents in Nos. 1293, 1295, 1342 and 1412.

William K. Tell, Jr., for Texaco Inc.; *J. P. Hammond*, *T. C. McCorkle*, *William H. Emerson* and *Carroll L. Giliam* for Pan American Petroleum Corp.; *Carroll L. Giliam* for Mobil Oil Corp. et al.; *Hawley C. Kerr* and *Sherman S. Poland* for Skelly Oil Co.; *Clayton L. Orn*, *Joseph F. Diver* and *Jack Fariss* for Marathon Oil Co.; *Martin Erck* and *Bernard A. Foster, Jr.*, for Humble Oil & Refining Co.; *Stuart J. Scott* and *Bernard A. Foster, Jr.*, for Atlantic Richfield Co.; *Graydon D. Luthey* for Cities Service Oil Co. et al.; *Jerome M. Alper* for Reef Corp.; *Oscar J. Cadwallader, Jr.*, for Tidewater Oil Co.; *Richard F. Remmers* for Sohio Petroleum Co.; and *Bernard A. Foster, Jr.*, and *James D. McKinney, Jr.*, for Dorchester Gas Producing Co. et al., certain respondents in Nos. 1293, 1295 and 1342. Reported below: 375 F. 2d 6.

[For earlier order in No. 1342, see 387 U. S. 902.]

No. 1474, Misc. *HAYNES v. UNITED STATES*. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 181. *Charles Alan Wright* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Kirby W. Patterson* for the United States. Reported below: 372 F. 2d 651.

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No. 1562, Misc. BIGGERS *v.* TENNESSEE. Sup. Ct. Tenn. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 1087. *Jack Greenberg, Michael Meltsner, Anthony G. Amsterdam, Avon N. Williams* and *Z. Alexander Looby* for petitioner. *George F. McCannless*, Attorney General of Tennessee, and *Robert F. Hedgepath*, Assistant Attorney General, for respondent. Reported below: — Tenn. —, 411 S. W. 2d 696.

No. 1168. VOLKSWAGENWERK AKTIENGESELLSCHAFT *v.* FEDERAL MARITIME COMMISSION ET AL. C. A. D. C. Cir. Certiorari granted. *Walter Herzfeld, Cecilia H. Goetz, Richard A. Whiting, Robert J. Corber* and *Stanley J. Madden* for petitioner. *Robert N. Katz* and *Walter H. Mayo III* for Federal Maritime Commission, and *Solicitor General Marshall* and *Assistant Attorney General Turner* for the United States, respondents. *Edward D. Ransom* and *R. Frederic Fisher* for Pacific Maritime Association, intervenor below. Reported below: 125 U. S. App. D. C. 282, 371 F. 2d 747.

Certiorari Denied. (See also No. 807, *ante*, p. 451; No. 808, *ante*, p. 451; No. 1399, *ante*, p. 460; No. 836, Misc., *ante*, p. 461; No. 880, Misc., *ante*, p. 460; and Misc. Nos. 817 and 1783, *supra*.)

No. 522. PAULING *v.* GLOBE-DEMOCRAT PUBLISHING Co. C. A. 8th Cir. Certiorari denied. *John Raeburn Green* and *Lewis C. Green* for petitioner. *Lon Hocker* for respondent. Reported below: 362 F. 2d 188.

No. 1312. WARN *v.* BROOKS-SCANLON, INC. C. A. 9th Cir. Certiorari denied. *Marvin S. Nepom* for petitioner.

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No. 1202. *GWIN ET AL., DBA MOBILE SUPPLY CO. v. LIBERTY MUTUAL INSURANCE CO.* C. A. 5th Cir. Certiorari denied. *George E. Stone, Jr., and George F. Wood* for petitioners. *Thomas E. Twitty, Jr.,* for respondent. Reported below: 370 F. 2d 297.

No. 1297. *BOWERS v. KAISER STEEL CORP.* Sup. Ct. Alaska. Certiorari denied. *Edgar Paul Boyko* for petitioner. *George V. Powell* for respondent. Reported below: 422 P. 2d 848.

No. 1316. *AMES ET AL., ADMINISTRATORS v. IRVINE CO.* Ct. App. Cal., 4th App. Dist. Certiorari denied. *Manuel Ruiz* for petitioners. *William L. Anderson* for respondent. Reported below: 246 Cal. App. 2d 832, 55 Cal. Rptr. 180.

No. 1319. *BROOKS v. HUNTER ET AL.* C. A. D. C. Cir. Certiorari denied. *Homer Brooks,* petitioner, *pro se.* *F. Joseph Donohue* for respondents.

No. 1323. *CONTINENTAL OIL CO. ET AL. v. FEDERAL POWER COMMISSION.* C. A. 5th Cir. Certiorari denied. *Bruce R. Merrill, Joseph C. Johnson and Thomas H. Burton* for petitioner Continental Oil Co., *Henry B. Weaver, Jr., Stuart J. Scott and Bernard A. Foster, Jr.,* for petitioner Atlantic Richfield Co., and *Edmund D. Buckley* for petitioner Tidewater Oil Co. Reported below: 370 F. 2d 57.

No. 1325. *GROSSMAN ET AL. v. STUBBS ET AL.* Super. Ct. N. J. Certiorari denied.

No. 1435. *GULF OIL CORP. ET AL. v. WOLOWITZ.* C. A. D. C. Cir. Certiorari denied. *Henry T. Rathbun* for petitioners. *William D. Hall and Elliott I. Pollock* for respondent.

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No. 1329. *BALLOU ET UX. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Alan R. Vogeler* for petitioners. *Solicitor General Marshall, Assistant Attorney General Rogovin* and *Carolyn R. Just* for the United States. Reported below: 370 F. 2d 659.

No. 1331. *HOLLAND AMERICAN LINE v. PHILADELPHIA CEILING & STEVEDORING Co.* C. A. 3d Cir. Certiorari denied. *T. E. Byrne, Jr.*, for petitioner. *William J. O'Brien* and *Victor L. Drexel* for respondent. Reported below: 374 F. 2d 189.

No. 1332. *NATIONAL MOLASSES CO. v. BEEBE, ADMINISTRATOR, ET AL.* C. A. 3d Cir. Certiorari denied. *Thomas Byrne, Jr.*, and *Mark D. Alspach* for petitioner. *Gordon W. Gerber* for respondent Beebe. Reported below: 373 F. 2d 886.

No. 1336. *WILLIAMS v. TEXAS FARM PRODUCTS CO.* Ct. Civ. App. Tex., 12th Sup. Jud. Dist. Certiorari denied. *William L. Garwood, Robert J. Hearon, Jr.*, and *Benton Musslewhite* for petitioner. *Charles R. Cravens, Jr.*, for respondent. Reported below: 406 S. W. 2d 256.

No. 1350. *BOSSIER PARISH SCHOOL BOARD ET AL. v. LEMON ET AL.* C. A. 5th Cir. Certiorari denied. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *William P. Schuler*, Assistant Attorney General, for petitioners. Reported below: 370 F. 2d 847.

No. 1376. *MORIARTY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Marshall J. Seidman* and *John J. Duffy* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 375 F. 2d 901.

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No. 616. *WENZLER v. PITCHESS, SHERIFF, ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART would reverse on the basis of *Redrup v. New York*, 386 U. S. 767. *Stanley Fleishman* for petitioner. *Byron B. Gentry* for respondents. Reported below: 359 F. 2d 402.

No. 1216. *ALLYN v. FLANNERY ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Thomas R. Mulroy* and *Edward W. Rothe* for petitioner. Reported below: 75 Ill. App. 2d 365, 221 N. E. 2d 89.

No. 1015. *IN RE T. W. P.* Sup. Ct. Fla. and/or Ct. App. Fla., 3d Dist. Petition for writ of certiorari denied upon representation of the Attorney General of Florida that the case is moot. *Tobias Simon* and *Alfred I. Hopkins* for petitioner. *Earl Faircloth*, Attorney General, for the State of Florida. Reported below: 192 So. 2d 482; 184 So. 2d 507.

No. 1276. *RE ET AL. v. UNITED STATES.* C. A. 2d Cir. Motion to remand and certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this motion and petition. *Daniel H. Greenberg* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 372 F. 2d 641.

No. 1003, Misc. *JUAREZ 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, *S. Clark Moore*, Deputy Attorney General, for respondent. Reported below: 243 Cal. App. 2d 475, 52 Cal. Rptr. 556.

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No. 931. *AIELLO v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Joseph S. Accardi* for petitioner. Reported below: 91 N. J. Super. 457, 221 A. 2d 40.

No. 1321. *GRISWOLD v. ARIZONA*. Sup. Ct. Ariz. Motion to dispense with printing response granted. Certiorari denied. *John P. Frank* for petitioner. *Darrell F. Smith*, Attorney General of Arizona, for respondent. Reported below: 101 Ariz. 577, 422 P. 2d 693.

No. 1339. *SPEVACK v. PIKE*. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE is of the opinion that certiorari should be granted. *Carleton U. Edwards II* for petitioner. *Francis D. Thomas, Jr.*, for respondent.

No. 270, Misc. *BOYER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 385, Misc. *SMITH v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 63 Cal. 2d 779, 409 P. 2d 222.

No. 583, Misc. *GRAY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Benjamin W. Boley* and *Ralph J. Moore, Jr.*, for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Robert S. Erdahl* and *Kirby W. Patterson* for the United States.

No. 1328, Misc. *KELLY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *William W. Greenhalgh* and *James F. Bromley* for petitioner. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 125 U. S. App. D. C. 205, 370 F. 2d 227.

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No. 781, Misc. DANIEL *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 946, Misc. PRITCHETT *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.

No. 1013, Misc. BONEY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg for the United States.

No. 1111, Misc. KEETON *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Petitioner *pro se.* MacDonald Gal-
lion, Attorney General of Alabama, and David W. Clark, Assistant Attorney General, for respondent. Reported below: 280 Ala. 140, 190 So. 2d 694.

No. 1322, Misc. GOMEZ *v.* OLIVER, WARDEN. Sup. Ct. Cal. Certiorari denied. Petitioner *pro se.* Thomas C. Lynch, Attorney General of California, and Raymond M. Momboisse and Daniel J. Kremer, Deputy Attorneys General, for respondent.

No. 1337, Misc. THOMPSON *v.* THOMPSON ET AL. C. A. 3d Cir. Certiorari denied. Jerome L. Markovitz for petitioner. Morris M. Wexler for respondents. Reported below: 368 F. 2d 791.

No. 1370, Misc. FOSTER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. David Kaplan for petitioner. Robert Matthews, Attorney General of Kentucky, and Harold T. Hotopp, Assistant Attorney General, for respondent. Reported below: 415 S. W. 2d 373.

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No. 1371, Misc. OWEN ET AL. *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Petitioners *pro se.* *Darrell F. Smith*, Attorney General of Arizona, and *Carl Waag*, Assistant Attorney General, for respondent. Reported below: 101 Ariz. 156, 416 P. 2d 589.

No. 1403, Misc. TOVAR *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for respondent. Reported below: 368 F. 2d 1006.

No. 1434, Misc. HOWARD *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, Assistant Attorney General *Rogovin*, *Joseph M. Howard* and *Burton Berkley* for the United States. Reported below: 372 F. 2d 294.

No. 1464, Misc. CASTLE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se.* *Solicitor General Marshall*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States.

No. 1612, Misc. BROWN *v.* UNITED STATES; and

No. 1627, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *M. Michael Cramer* and *H. Thomas Sisk* for petitioner in No. 1612, Misc., and *Jean F. Dwyer* for petitioner in No. 1627, Misc. *Solicitor General Marshall*, Assistant Attorney General *Vinson* and *Beatrice Rosenberg* for the United States in both cases. Reported below: 126 U. S. App. D. C. 134, 375 F. 2d 310.

No. 1465, Misc. WALSH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Paul A. Renne* for petitioner. *Solicitor General Marshall*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg* and *Julia P. Cooper* for the United States. Reported below: 371 F. 2d 135.

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No. 1466, Misc. LUGO *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 992.

No. 1485, Misc. WILSON *v.* UNITED STATES. C. A. 5th 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: 371 F. 2d 824.

No. 1498, Misc. BARBOUR *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Sidney Ginsberg for petitioner. Solicitor General Marshall, Assistant Attorney General Vinson and Beatrice Rosenberg for the United States. Reported below: 372 F. 2d 666.

No. 1532, Misc. CALLAND *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 295.

No. 1554, Misc. MONROE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Petitioner *pro se*. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Mervyn Hamburg for the United States.

No. 1583, Misc. LEVINE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. George L. Saunders, Jr., for petitioner. Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer for the United States. Reported below: 372 F. 2d 70.

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No. 1555, Misc. *WILLIAMS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Petitioner *pro se*. *John J. Dillon*, Attorney General of Indiana, and *Douglas B. McFadden*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 222 N. E. 2d 397.

No. 1576, Misc. *LLANES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Philip R. Monahan* for the United States. Reported below: 374 F. 2d 712.

No. 1595, Misc. *HELICZER ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson* and *Beatrice Rosenberg* for the United States. Reported below: 373 F. 2d 241.

No. 1626, Misc. *POWELL 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: 374 F. 2d 386.

No. 1635, Misc. *WALKER v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. *James R. Walker, Jr.*, *pro se*, and *Samuel S. Mitchell* and *Romallus O. Murphy* for petitioner. *Thomas Wade Bruton*, Attorney General, for respondent State of North Carolina. Reported below: 372 F. 2d 129.

No. 1637, Misc. *SIRES v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 1641, Misc. *WHITE v. MYERS, CORRECTIONAL SUPERINTENDENT*. Sup. Ct. Pa. Certiorari denied.

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No. 1638, Misc. *DOHERTY v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 36 Ill. 2d 286, 222 N. E. 2d 501.

No. 1645, Misc. *SNOW v. RODRIGUEZ, ACTING WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 1647, Misc. *SOBOTA v. RODRIGUEZ, ACTING WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 371 F. 2d 909.

No. 1648, Misc. *NEWSOM v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. Reported below: 207 Va. 844, 153 S. E. 2d 235.

No. 1649, Misc. *SHORTS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1650, Misc. *BANDY v. WILLINGHAM, WARDEN*. C. A. 10th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall, Assistant Attorney General Rogovin and Joseph M. Howard* for respondent.

No. 1651, Misc. *LATTIMORE v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1657, Misc. *IN RE WILLIAMS*. Sup. Ct. N. C. Certiorari denied. *Samuel S. Mitchell, Romallus O. Murphy and Herman L. Taylor* for petitioner. *T. W. Bruton, Attorney General, and Andrew A. Vanore, Jr.*, for State of North Carolina. Reported below: 269 N. C. 68, 152 S. E. 2d 317.

No. 1659, Misc. *DAVIS v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied.

No. 1660, Misc. *PINA ET AL. v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

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No. 1661, Misc. ZACHERY *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 1662, Misc. WILSON *v.* RANDOLPH, DIRECTOR OF PUBLIC SAFETY, ET AL. C. A. 7th Cir. Certiorari denied.

No. 1668, Misc. WILLIAMS, ADMINISTRATOR *v.* LOUISVILLE & NASHVILLE RAILROAD Co. C. A. 6th Cir. Certiorari denied. *John S. Wrinkle* for petitioner. *W. D. Spears* for respondent. Reported below: 371 F. 2d 125.

No. 1669, Misc. DAVIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Petitioner *pro se*. *Solicitor General Marshall* for the United States.

No. 1673, Misc. SMITH *v.* IDAHO ET AL. C. A. 9th Cir. Certiorari denied. Petitioner *pro se*. *Allan G. Shepard*, Attorney General of Idaho, and *John S. Simko*, Assistant Attorney General, for respondents. Reported below: 373 F. 2d 149.

No. 1675, Misc. WRIGHT *v.* OKLAHOMA ET AL. C. A. 10th Cir. Certiorari denied. *Michael A. Williams* for petitioner.

No. 1681, Misc. DURGIN ET AL. *v.* GRAHAM ET AL. C. A. 5th Cir. Certiorari denied. Petitioners *pro se*. *Tom Fairfield Brown* for respondent Lindsay Newspapers, Inc. Reported below: 372 F. 2d 130.

No. 1682, Misc. DE WELLES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *A. L. Wirin* and *Fred Okrand* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 372 F. 2d 67.

No. 1696, Misc. KOEBRICH *v.* OLIVER, WARDEN. Ct. App. Cal., 4th App. Dist. Certiorari denied.

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No. 1683, Misc. BROECKEL ET AL. v. OHIO. Ct. App. Ohio, Cuyahoga County. Certiorari denied. *James R. Willis* for petitioners. *John T. Corrigan* and *Charles W. Fleming* for respondent. Reported below: 8 Ohio App. 2d 330, 222 N. E. 2d 443.

No. 1690, Misc. HIVES v. TITTLE. Ct. App. Ohio, Franklin County. Certiorari denied. *Ishmael C. Childs* for petitioner.

No. 1700, Misc. NITTI v. UNITED STATES. C. A. 7th Cir. Certiorari denied. *Terence F. MacCarthy* for petitioner. *Solicitor General Marshall* for the United States. Reported below: 374 F. 2d 750.

No. 1701, Misc. BALLINGER v. ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 36 Ill. 2d 620, 225 N. E. 2d 10.

No. 1711, Misc. DAYEN v. CALIFORNIA. Super. Ct. Cal., County of L. A. Certiorari denied.

No. 1716, Misc. BOURLAND v. CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 1718, Misc. LANDMAN v. PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. *Robert A. Cox, Jr.*, for petitioner. Reported below: 370 F. 2d 135.

No. 1722, Misc. WIMBERLEY v. CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1749, Misc. McCLOSKEY v. DIRECTOR, PATUXENT INSTITUTION. Ct. App. Md. Certiorari denied. Reported below: 245 Md. 497, 226 A. 2d 534.

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No. 1727, Misc. SCHNEIDER *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. *Zach H. Douglas* for petitioner. Reported below: 375 F. 2d 446.

No. 1732, Misc. GALLARDO *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 1740, Misc. KING *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1742, Misc. LADD *v.* SUPERIOR COURT OF THE COUNTY OF LOS ANGELES. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1748, Misc. BRYANT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1782, Misc. SCHACK *v.* FLORIDA. C. A. 5th Cir. Certiorari denied.

The following petitions for writs of certiorari are denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

No. 677, Misc. AGUILAR *v.* UNITED STATES. C. A. 9th Cir. *James M. Hall* for petitioner. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Anthony P. Nugent, Jr.*, for the United States. Reported below: 363 F. 2d 379.

No. 798, Misc. TAYLOR *v.* TENNESSEE. Sup. Ct. Tenn. Petitioner *pro se*. *George F. McCanless*, Attorney General of Tennessee, and *Robert F. Hedgepath*, Assistant Attorney General, for respondent.

No. 842, Misc. EARL *v.* UNITED STATES. C. A. D. C. Cir. *James E. Hogan* for petitioner. *Solicitor General*

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Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Sidney M. Glazer for the United States. Reported below: 124 U. S. App. D. C. 77, 361 F. 2d 531; 124 U. S. App. D. C. 273, 364 F. 2d 666.

No. 944, Misc. *MOTTRAM v. ROBBINS, WARDEN*. C. A. 1st Cir. Petitioner *pro se*. *James S. Erwin*, Attorney General of Maine, and *John W. Benoit*, Assistant Attorney General, for respondent.

No. 1007, Misc. *STUBBS v. CROUSE, WARDEN*. C. A. 10th Cir. Petitioner *pro se*. *Robert C. Londerholm*, Attorney General of Kansas, and *J. Richard Foth*, Assistant Attorney General, for respondent. Reported below: 366 F. 2d 753.

No. 1011, Misc. *GILBERT v. UNITED STATES*. C. A. 9th Cir. *James F. Kirkham* for petitioner. *Acting Solicitor General Spritzer, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 366 F. 2d 923.

No. 1015, Misc. *WINGFIELD v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Petitioner *pro se*. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent.

No. 1117, Misc. *POSLEY v. ILLINOIS*. Sup. Ct. Ill. *Gerald W. Getty* and *James J. Doherty* for petitioner. *William G. Clark*, Attorney General of Illinois, for respondent.

No. 1194, Misc. *FERGUSON ET AL. v. UNITED STATES*. C. A. 10th Cir. Petitioners *pro se*. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg and Ronald L. Gainer* for the United States. Reported below: 369 F. 2d 944.

No. 1195, Misc. *LABLANC v. COLORADO*. Sup. Ct. Colo. Petitioner *pro se*. *Duke W. Dunbar*, Attorney General of Colorado, *Frank E. Hickey*, Deputy Attorney General, and *Robert C. Miller*, Assistant Attorney Gen-

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eral, for respondent. Reported below: — Colo. —, 418 P. 2d 888.

No. 1219, Misc. *HATCH v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Reported below: 25 App. Div. 2d 947, 270 N. Y. S. 2d 478.

No. 1229, Misc. *HERRING v. NEW MEXICO*. Sup. Ct. N. M. Reported below: 77 N. M. 232, 421 P. 2d 767.

No. 1254, Misc. *WILLIAMS v. ILLINOIS*. Sup. Ct. Ill. Petitioner *pro se*. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 36 Ill. 2d 194, 222 N. E. 2d 321.

No. 1281, Misc. *MONROE v. MICHIGAN*. Sup. Ct. Mich. Petitioner *pro se*. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Curtis G. Beck*, Assistant Attorney General, for respondent.

No. 1285, Misc. *BONNER v. MINNESOTA*. Sup. Ct. Minn. Petitioner *pro se*. *Douglas M. Head*, Attorney General of Minnesota, and *Gerard W. Snell*, Acting Solicitor General, for respondent. Reported below: 275 Minn. 280, 146 N. W. 2d 770.

No. 1633, Misc. *LUXEM v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist.

No. 1674, Misc. *HENSLEY ET AL. v. UNITED STATES*. C. A. 6th Cir. *I. Philip Sipser*, *Paul O'Dwyer* and *Dan Jack Combs* for petitioners. *Solicitor General Marshall*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg* and *Sidney M. Glazer* for the United States. Reported below: 374 F. 2d 341.

No. 1709, Misc. *TALBOT v. CALIFORNIA*. Sup. Ct. Cal.

No. 1743, Misc. *JOHNSON v. LOUISIANA*. Sup. Ct. La. *Benjamin E. Smith* for petitioner. Reported below: 249 La. 950, 192 So. 2d 135.

No. 1747, Misc. *RHETTA v. FIELD, MENS COLONY SUPERINTENDENT*. Ct. App. Cal., 2d App. Dist.

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No. 514, Misc. POTTER ET AL. *v.* CALIFORNIA. Sup. Ct. Cal. Motion for leave to supplement petition granted. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William A. Dougherty* for petitioners. *Thomas C. Lynch*, Attorney General, *William E. James*, Assistant Attorney General, and *James H. Kline*, Deputy Attorney General, for respondent. Reported below: See 240 Cal. App. 2d 621, 49 Cal. Rptr. 892.

Rehearing Denied.

No. 888, October Term, 1965. UNITED BISCUIT CO. OF AMERICA *v.* FEDERAL TRADE COMMISSION, 383 U. S. 926;

No. 16. AUSTIN *v.* KENTUCKY, 386 U. S. 767;

No. 98. ANDERS *v.* CALIFORNIA, 386 U. S. 738;

No. 500. FENIX & SCISSON, INC. *v.* UNITED STATES, 386 U. S. 1036;

No. 768. SULLIVAN ET UX. *v.* UNITED STATES, 387 U. S. 905;

No. 915. MUNCY ET VIR *v.* GENERAL MOTORS CORP., 386 U. S. 1037;

No. 1011. ARMORED CARRIER CORP. *v.* UNITED STATES ET AL., 386 U. S. 778;

No. 1143. MADISON *v.* UNITED STATES, 386 U. S. 1037;

No. 1165. CALHOUN *v.* HERTWIG, TRUSTEE, ET AL., 386 U. S. 1033;

No. 1166. JORDAN ET AL. *v.* UNITED STATES, 386 U. S. 1033;

No. 1178. MUTH, ADMINISTRATRIX, ET AL. *v.* ATLASS ET AL., 386 U. S. 1037;

No. 1258. POWELL *v.* COMMITTEE ON ADMISSIONS AND GRIEVANCES ET AL., 386 U. S. 1035; and

No. 1217, Misc. FORREST *v.* UNITED STATES, 386 U. S. 995. Petitions for rehearing denied.

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No. 1324, Misc. OPPENHEIM ET AL. *v.* STERLING ET AL., 386 U. S. 1011;

No. 1411, Misc. LIPKA, ADMINISTRATRIX, ET AL. *v.* UNITED STATES ET AL., 387 U. S. 935;

No. 1597, Misc. BLANCHARD, DBA INFERNO CO. *v.* TEXSTEAM CORP. ET AL., 387 U. S. 936; and

No. 1623, Misc. BRYANS *v.* UNITED STATES, 387 U. S. 903. Petitions for rehearing denied.

No. 665. KLEIN *v.* KLEIN, 385 U. S. 973, 1032. Motion for leave to file second petition for rehearing denied.

No. 801, Misc., October Term, 1965. CORCORAN *v.* YORTY ET AL., see, *e. g.*, 384 U. S. 982. Motion for leave to file fourth petition for rehearing denied.

The first of these is the fact that the
 population of the United States has
 increased from 76,000,000 in 1900 to
 92,000,000 in 1910. This increase
 has been due to a number of causes,
 but the most important is the fact
 that the birth rate has been higher
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