

ORDERS FROM END OF OCTOBER TERM, 1967,
THROUGH MARCH 3, 1969.

CASES DISMISSED IN VACATION.

No. 137. IRVING ET AL. *v.* CAPEHART, TRUSTEE IN REORGANIZATION. C. A. 7th Cir. Petition for writ of certiorari dismissed July 12, 1968, pursuant to Rule 60 of the Rules of this Court. *Donald A. Schabel* for petitioners. *H. Earl Capehart, Jr.*, for respondent. Reported below: 394 F. 2d 900.

No. 4, Misc. HOBSON ET AL. *v.* HANSEN, SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA, ET AL. Appeal from D. C. D. C. Appeal dismissed July 19, 1968, pursuant to Rule 60 of the Rules of this Court. *William Kunstler* for appellants. *Solicitor General Griswold* for appellees. Reported below: 265 F. Supp. 902.

No. 103, Misc. DAVIS *v.* ILLINOIS. Sup. Ct. Ill. Petition for writ of certiorari dismissed August 8, 1968, pursuant to Rule 60 of the Rules of this Court. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole* and *Donald J. Veverka*, Assistant Attorneys General, for respondent.

No. 4. PAUL H. ASCHKAR & Co. *v.* KAMEN & Co. ET AL. C. A. 9th Cir. Writ of certiorari dismissed September 3, 1968, pursuant to Rule 60 of the Rules of this Court. *Allen E. Susman* for petitioner. *Jacob Shearer* for respondents. Reported below: 382 F. 2d 689. [For earlier order herein, see 390 U. S. 942.]

No. 457. SIMS ET AL. *v.* BANKS. C. A. 5th Cir. Petition for writ of certiorari dismissed September 23, 1968, pursuant to Rule 60 of the Rules of this Court. *John B. Miller* for petitioners. Reported below: 397 F. 2d 798.

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No. 79, Misc. COLANGELO *v.* UNITED STATES. C. A. 4th Cir. Petition for writ of certiorari dismissed September 25, 1968, pursuant to Rule 60 of the Rules of this Court. *Solicitor General Griswold* for the United States. Reported below: 390 F. 2d 874.

OCTOBER 7, 1968.

Miscellaneous Orders.

No. —. HAWTHORNE *v.* HARDAWAY, SECRETARY, BOARD OF ELECTIONS, ET AL. Sup. Ct. App. Va. Application for stay presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. *Flavius B. Walker, Jr.*, and *Jay J. Levit* for applicant. *R. D. McIlwaine III*, Assistant Attorney General of Virginia, for respondents in opposition.

No. —. MORSE ET AL. *v.* BOSWELL ET AL.;

No. —. BERKE ET AL. *v.* MACLAUGHLIN ET AL.;

No. —. MIAZGA ET AL. *v.* MACLAUGHLIN ET AL.;

No. —. FELBERBAUM ET AL. *v.* MACLAUGHLIN ET AL.;

and

No. —. LOONEY ET AL. *v.* MACLAUGHLIN ET AL. C. A. 4th Cir. Applications for stays presented to MR. JUSTICE DOUGLAS and by him referred to the Court, denied. *Elsbeth Levy Bothe* for Morse et al.; *Francis V. Lowden, Jr.*, for Berke et al.; *Mrs. Bothe* for Miazga et al.; *Philip J. Hirschkop* and *Michael J. Kunstler* for Felberbaum et al.; and *Mr. Lowden* for Looney et al. *Solicitor General Griswold* in opposition.

MR. JUSTICE DOUGLAS, dissenting.

On April 10, 1968, the President delegated to the Secretary of Defense power to activate units of the Ready Reserve.¹ On the following day, after receiving

¹ Exec. Order No. 11406, 33 Fed. Reg. 5735 (1968).

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a similar delegation of authority to activate such units from the Secretary of Defense,² the Secretary of the Army called several units of the Ready Reserve and their members to active duty.³ Applicants, who are members of those units, are challenging that call to active duty on the ground that it exceeds the authority of the Secretary of the Army, and is a violation of their enlistment contracts. After unsuccessfully seeking release from active duty by writ of habeas corpus, and before being able to petition this Court for certiorari, applicants were prepared for immediate shipment to Vietnam. To preserve their avenues of review they sought and I granted interim stays pending submission of the stay applications to the full Court.⁴ The question now before the Court, therefore, is whether these stays should continue pending our consideration of their petitions for certiorari.

Questions underlying the merits, which have already produced some judicial disagreement,⁵ are twofold:⁶ first, an alleged usurpation by the Secretary of the

² Memorandum for Secretaries of the Military Departments, April 11, 1968, as cited in Brief for Appellants 5, *Morse v. Boswell*, 401 F. 2d 544.

³ Joint Message form DA 859314, April 11, 1968, as cited in Brief for Appellants, *ibid*.

⁴ Applicant in *Winters v. United States*, 390 U. S. 993, had been called to duty as an individual rather than as part of a unit; and unlike applicants in these cases, apparently did not challenge the authority of the Secretary of the Army to call him for a full 24 months of active duty irrespective of time already served on active duty.

⁵ Compare *Winters v. United States*, 281 F. Supp. 289 (D. C. E. D. N. Y.), *aff'd per curiam*, 390 F. 2d 879 (C. A. 2d Cir. 1968), with *Gion v. McNamara*, Civ. No. 67-1563 (D. C. C. D. Calif., January 9, 1968).

⁶ Applicants have also raised other questions which I consider too unsubstantial to discuss.

Army of the limited authority delegated him; second, a purported conflict between the conditions of enlistment under which applicants entered the reserves and the subsequent Act of Congress calling them to active duty.

I.

First. Applicants argue that the Secretary of the Army improperly called them to active duty for a full period of 24 months, without giving them credit for time already served on active duty. They claim that, in doing so, he exceeded the power granted him. To substantiate their claim, applicants rely on the specific language of delegation, on the treatment of other reservists similarly situated, and on the original intent of Congress.

The language of delegation is in § 101 (e) of Pub. L. 89-687, Title I, October 15, 1966, 80 Stat. 981, 10 U. S. C. § 263 n. (1964 ed., Supp. III), under which applicants were called. Congress authorized the President to activate "any *unit* of the Ready Reserve of an armed force for a period of not to exceed twenty-four months." (Emphasis added.) The President, in turn, delegated his authority under subsection (e) to the Secretary of Defense to activate "any *unit* in the Ready Reserve . . . for a period of not to exceed 24 months."⁷ The Secretary of Defense then delegated his authority by that same language to the Secretary of the Army.⁸ The Secretary of the Army, however, called "[t]he above *units and [individual] members thereof* . . . to active duty for 24 consecutive months"⁹ Thus, instead, of calling the above units to active duty and granting their individual members credit for time already served on active duty, he ordered the individuals themselves to active duty for 24 consecutive months, irrespective of any time

⁷ *Supra*, n. 1 (emphasis added).

⁸ *Supra*, n. 2.

⁹ *Supra*, n. 3 (emphasis added).

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they may have already served on active duty. In doing so, he seems to have gone beyond the above language of delegation which referred exclusively to *units*. Moreover, he seems to have violated the organic language of Pub. L. 89-687, Title I, § 101 (c), October 15, 1966, 80 Stat. 981, which provides that:

"A member ordered to active duty under this section may be required to serve on active duty until his total service on active duty or active duty for training equals twenty-four months."

To uphold the Secretary's order would seem to discriminate against these applicants called to active duty as *part of units* under § 101 (e) in favor of those reservists called to active duty as *individuals* under §§ 101 (a) and (b), by withholding from the former credit which is concededly accorded the latter.¹⁰

Congress authorized the President to recall the Ready Reserve for two stated purposes: first, to free the President to mobilize those men without forcing him to declare a national emergency;¹¹ second, and more relevant to

¹⁰ In enacting Pub. L. 89-687, § 101, Congress made a distinction between reservists called as individuals and reservists called as units. That distinction, however, related only to its desire to keep reserve units as much intact as possible; consequently, it only authorized the call of those individual reservists who were not attached to such units, who had not been participating satisfactorily in their present units, or who had had less than 120 days of active duty experience. The distinction between individuals and units would seem to have nothing to do with the question whether reservists called as part of units should be credited for time already served on active duty. In making permanent the President's temporary authority to activate for 24 months those individuals not participating satisfactorily in their reserve units, Congress reaffirmed its intention to credit them for time already served on active duty. Pub. L. 90-40, June 30, 1967, § 6, 81 Stat. 105.

¹¹ 112 Cong. Rec. 19718 (1966) (remarks of Senator Russell, Chairman of Senate Armed Services Committee, and cosponsor of the amendment, which became Pub. L. 89-687).

this inquiry, to make the active duty obligation of those who enlist in the reserves commensurate with that of those who are drafted. It was felt that young men were enlisting in the reserves "to escape active military service in South Vietnam";¹² that Congress had allowed "the 6-month [reserve] training program to become 'an umbrella' for avoiding active service at a time when we are daily inducting large numbers of men into the active forces to fight in Vietnam";¹³ and, therefore, that "it was only fair that these reservists be put on the *same basis for service* in Vietnam as new enlistees and draftees."¹⁴ Thus, it seems that Congress intended to subject reservists to the same obligation for two years' active duty as is borne by draftees. To do so, it allowed the President to call them for the balance between the time they had already served on active duty and the outer time limit of 24 months.

The President and the Secretary of Defense apparently read the Act of October 15, 1966, as I do; for each of them activated only units of the reserve for 24 months. And a unit, of course, can serve 24 months even though its original members, having already served some time, are sooner discharged. The Secretary of the Army, on the other hand, has subjected these reservists to an additional obligation of 24 months over and above time already served.

II.

Second. The question just discussed covers, so far as I can tell from the fragmentary pleadings and findings, all of the applicants. The second question reaches

¹² 112 Cong. Rec. 7924 (1966) (remarks of Senator Lausche).

¹³ 112 Cong. Rec. 7920 (1966) (remarks of Senator Symington, member of Senate Armed Services Committee).

¹⁴ 112 Cong. Rec. 7900 (1966) (remarks of Senator Saltonstall, ranking minority member of the Senate Armed Services Committee and cosponsor of the amendment) (emphasis added).

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some of the applicants, but just how many I do not know. The record is not very revealing. But on oral argument, various attorneys stated that the contracts of enlistment vary. According to these informants, some provide for the rendering of active duty "in the event of a mobilization or emergency." Others provide for active duty in "time of war or of national emergency declared by Congress" as provided in 10 U. S. C. § 672. It should not lightly be concluded that a contract has been unilaterally changed by one party,¹⁵ or that the United States as a party will breach its contract. Cf. *Smyth v. United States*, 302 U. S. 329.

Where the enlistment contract provides for service in the event of "a mobilization or emergency," I would assume that a wide variety of events might encompass each term. Indeed the very summoning of reserves to active duty might itself be sufficient to constitute the condition subsequent. But where the enlistment contract contains a provision that active duty is only required in "time of war or of national emergency declared by Congress," I would, if possible, read the Act of October 15, 1966, to preserve that promise solemnly made to the reservists and not to cover those who were specifically required by contract to serve only in "time of war or of national emergency declared by Congress."

I assume that it is within the power of Congress to change existing law and no type of estoppel interferes with its law-making power. See Stone, J., concurring, in *Perry v. United States*, 294 U. S. 330, 359. The disappointment realized by those who relied only on general law but did not have that explicit promise from their government in contract form is disappointment of the kind shared by all citizens in a society of shifting law.

¹⁵ Cf. *Bell v. United States*, 366 U. S. 393; *Perry v. United States*, 294 U. S. 330; *In re Grimley*, 137 U. S. 147, 150.

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Where a reservist, however, has counted on a declaration of war or of an emergency before he is called up and has a contract calling for reserve duty on those precise terms, I would, if possible, read subsequent legislation so as to preserve the promise made in that enlistment contract. Cf. *Woods v. Stone*, 333 U. S. 472, 481 (dissenting opinion). 10 U. S. C. § 673 subjects reservists to call "[i]n time of national emergency declared by the President after January 1, 1953, or *when otherwise authorized by law*." The Congress has not yet declared either war or national emergency within the meaning of § 672; nor has the President declared a national emergency within the meaning of § 673. As stated by Senator Russell: ¹⁶

"Mr. President, I cannot see how any realistic answer can be raised against this amendment [calling up the reserves]. They say, 'You can call up the units.' In the first place, it cannot be done, because the President of the United States has to declare a national emergency, and very naturally he does not want to declare a national emergency at this time after we have gone this far without it. . . . [A] declaration of a national emergency would make us look ridiculous in the eyes of the world—to declare a state of emergency in regard to a third-rate power like North Vietnam."

Thus, the only other provision which §§ 672-673 include as a condition prescribed by law for activating the reserves under the second type of enlistment contract described above lies in the phrase "or when otherwise authorized by law."

The phrase in § 673 "when otherwise authorized by law" is not without meaning. It plainly refers to those additional conditions—other than war or national emer-

¹⁶ 112 Cong. Rec. 19726 (1966) (Chairman of Senate Armed Services Committee).

gency—under which members of the reserve can be called to active duty.¹⁷

One more issue remains. It has been suggested that 10 U. S. C. § 263 gives Congress the power to call the reserves not just in time of war or national emergency, but “[w]henever . . . needed for the national security.” No one, however, disputes that power. For the issue is not the plenary power of Congress under the Constitution, but how legislation shall be read in order, if possible, to avoid creating a “credibility gap” between the people and their government.

III.

“The war power of the United States, like its other powers . . . is subject to applicable constitutional limitations.” *Hamilton v. Kentucky Distilleries Co.*, 251 U. S. 146, 156. For that reason, this Court will exercise jurisdiction to review criminal adjudication by the military of civilian (*Reid v. Covert*, 354 U. S. 1) and military (*Burns v. Wilson*, 346 U. S. 137) personnel alike and to review administrative action by the military. Thus, in *Orloff v. Willoughby*, 345 U. S. 83, where a doctor inductee complained that the Secretary of the Army had wrongfully denied him medical detail, we were unanimous in agreeing that we had jurisdiction to review the power of the Secretary; that he had no power to deny petitioner such medical assignments; and that we were prepared to prevent him from doing so. Similarly here, where the Secretary purportedly has no power to recall reservists whom he promised to activate only

¹⁷ Under 10 U. S. C. § 672 (b), a reservist may be called to active duty at any time for a period of 15 days. Pursuant to 10 U. S. C. § 679 a reservist may sign an active duty agreement by which he obligates himself to serve at any time on active duty that he is called; furthermore, that obligation may be extended beyond the expiration date of the agreement in times of war or national emergency. 10 U. S. C. § 672 (d).

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in war or national emergency, we have jurisdiction to prevent him from doing so, at least where Congress has not precluded such jurisdiction. See *Harmon v. Brucker*, 355 U. S. 579, 581-583.

I would continue the stays until the merits of this important controversy can be resolved.

Certiorari Denied.

No. 606. CLEAVER ET AL. *v.* JORDAN, SECRETARY OF STATE OF CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Charles A. Barrett*, Assistant Attorney General, and *Jefferson Frazier*, Deputy Attorney General, for respondent.

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Dismissal Under Rule 60.

No. 145, Misc. THOMAS *v.* UNITED STATES. C. A. D. C. Cir. Petition for writ of certiorari dismissed October 8, 1968, pursuant to Rule 60 of the Rules of this Court.

Miscellaneous Order.

No. 613. MCARTHUR ET AL. *v.* CLIFFORD, SECRETARY OF DEFENSE, ET AL. C. A. 4th Cir. Application for stay denied. *Philip J. Hirschkop* for applicants.

OCTOBER 11, 1968.

Miscellaneous Order.

No. —. SULLIVAN ET AL. *v.* CUSHMAN ET AL. D. C. Mass. Motion for stay, referred to the Court, denied. MR. JUSTICE DOUGLAS would grant the stay. *Moses M. Falk* on the motion. *Solicitor General Griswold* for respondents in opposition. Reported below: 290 F. Supp. 659.

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Miscellaneous Orders.

No. 9, Orig. UNITED STATES *v.* LOUISIANA ET AL. Case set for argument on supplemental decrees proposed by the United States and the State of Texas. Motion of the State of Louisiana for additional time for oral argument on supplemental decree applicable to it denied. THE CHIEF JUSTICE and MR. JUSTICE MARSHALL took no part in the consideration or decision of these matters. *Jack P. F. Gremillion*, Attorney General of Louisiana, *John L. Madden*, Assistant Attorney General, and *Victor A. Sachse*, *Paul M. Hebert*, *Thomas W. Leigh*, *W. Scott Wilkinson*, *J. B. Miller*, *Oliver P. Stockwell*, *J. J. Davidson*, and *Frederick W. Ellis*, Special Assistant Attorneys General, on the motion. [For earlier order herein, see 391 U. S. 910.]

No. 19. UNIVERSAL INTERPRETIVE SHUTTLE CORP. *v.* WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION ET AL. C. A. D. C. Cir. [Certiorari granted, 390 U. S. 943.] Motion of respondent Washington Metropolitan Area Transit Commission to preclude argument on question not in issue, and the motion of respondent D. C. Transit System, Inc., to clarify the status of question regarding D. C. Transit System's franchise, denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these motions. *Russell W. Cunningham* for respondent Washington Metropolitan Area Transit Commission, and *Manuel J. Davis* for respondent D. C. Transit System, Inc., on the motions. *Jeffrey L. Nagin* and *Ralph S. Cunningham, Jr.*, for petitioner. *Solicitor General Griswold* for the United States, as *amicus curiae*, and *Mr. Davis* for respondent D. C. Transit System, Inc., in opposition to the motion of respondent Washington Metropolitan Area Transit Commission.

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No. 993, Misc. IN RE DISBARMENT OF LICHOTA. It is ordered that Edith Fischer Lichota, of Toledo, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. 39. PEREZ v. CALIFORNIA. Sup. Ct. Cal. [Certiorari granted, 390 U. S. 942.] Motion of petitioner for appointment of counsel granted. It is ordered that *Peter G. Fetros, Esquire*, of San Francisco, California, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 53. KAUFMAN v. UNITED STATES. C. A. 8th Cir. Motion of petitioner for transcription and certification of additional portions of record granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion. *Bruce R. Jacob* on the motion. [For earlier orders herein, see, *e. g.*, 391 U. S. 901.]

No. 56. LEAR, INC. v. ADKINS. Sup. Ct. Cal. [Certiorari granted, 391 U. S. 912.] Motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, granted and twenty minutes allotted for that purpose. A similar amount of time likewise allotted to counsel for respondent. *Solicitor General Griswold* for the United States on the motion.

No. 71. PRESBYTERIAN CHURCH IN THE UNITED STATES ET AL. v. MARY ELIZABETH BLUE HULL MEMORIAL PRESBYTERIAN CHURCH ET AL. Sup. Ct. Ga. [Certiorari granted, 392 U. S. 903.] Motion of Right Reverend John E. Hines, Presiding Bishop of the Protestant Episcopal Church in the United States of America, for leave to file a brief, as *amicus curiae*, granted.

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No. 44. *SKINNER ET AL. v. LOUISIANA*. Sup. Ct. La. [Certiorari granted, 391 U. S. 963.] Motion of petitioners for leave to proceed further herein *in forma pauperis* granted. *G. Wray Gill, Sr.*, on the motion.

No. 74. *STILES v. UNITED STATES*. C. A. 1st Cir. [Certiorari granted, 391 U. S. 903.] Motion of petitioner for appointment of counsel granted. It is ordered that *Charles J. Rogers, Jr., Esquire*, of Providence, Rhode Island, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 81. *BROTHERHOOD OF LOCOMOTIVE ENGINEERS v. McELROY ET AL.*; and

No. 128. *TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS v. McELROY ET AL.* C. A. 7th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 191. *SNELL ET AL. v. WYMAN, COMMISSIONER OF DEPARTMENT OF SOCIAL SERVICES OF NEW YORK, ET AL.* Appeal from D. C. S. D. N. Y. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 163. *YOUNGER, DISTRICT ATTORNEY OF LOS ANGELES COUNTY v. HARRIS ET AL.* Appeal from D. C. C. D. Cal. The Attorney General of California is invited to file a brief in this case expressing the views of the State of California.

No. 198. *SMITH v. HOOEY, JUDGE*. Sup. Ct. Tex. [Certiorari granted, 392 U. S. 925.] Motion of petitioner for appointment of counsel granted. It is ordered that *Charles Alan Wright, Esquire*, of Austin, Texas, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

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No. 193. *INTERNATIONAL SALT CO. v. OHIO TURNPIKE COMMISSION*. C. A. 8th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari granted. *Robert D. Stiles* on the motion.

No. 199. *HARRIS, U. S. DISTRICT JUDGE (WALKER, REAL PARTY IN INTEREST) v. NELSON, WARDEN*. C. A. 9th Cir. [Certiorari granted, 392 U. S. 925.] Motion of petitioner for appointment of counsel granted. It is ordered that *J. Stanley Pottinger, Esquire*, of San Francisco, California, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 620. *MOORE ET AL. v. SHAPIRO, GOVERNOR OF ILLINOIS, ET AL.* Appeal from D. C. N. D. Ill. Because of the representation of the State of Illinois that "it would be a physical impossibility" for the State "to effectuate the relief which the appellants seek," the "Motion to Advance and Expedite the Hearing and Disposition of this Cause" is denied. MR. JUSTICE FORTAS would grant the motion. *Richard F. Watt* on the motion. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole* and *Thomas E. Brannigan*, Assistant Attorneys General, for appellees in opposition. Reported below: 293 F. Supp. 411.

No. 197. *BUTENKO v. UNITED STATES*. C. A. 3d Cir. [Certiorari granted, 392 U. S. 923.] Motion of petitioner for appointment of counsel granted. It is ordered that *Charles Danzig, Esquire*, of Newark, New Jersey, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

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No. 647. *HADNOTT ET AL. v. AMOS, SECRETARY OF STATE OF ALABAMA, ET AL.* D. C. M. D. Ala. Application for restoration of temporary relief granted pending oral argument on the application, which is set for Friday, October 18, 1968, at 9 a. m. MR. JUSTICE BLACK took no part in the consideration or decision of this application. *Charles Morgan, Jr., Reber F. Boulton, Jr., Orzell Billingsley, Jr., Melvin L. Wulf, and Eleanor Holmes Norton* for applicants. Reported below: 295 F. Supp. 1003.

No. 594, Misc. *TIME, INC., ET AL. v. BON AIR HOTEL, INC.* C. A. 5th Cir and D. C. S. D. Ga. Motion for leave to file petition for writ of certiorari denied. *Harold R. Medina, Jr.*, on the motion.

No. 451, Misc. *JONES v. BLACKWELL, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied. *Solicitor General Griswold* for respondent in opposition.

No. 11, Misc. *WHARTON v. CROUSE, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied. THE CHIEF JUSTICE, MR. JUSTICE BLACK, MR. JUSTICE BRENNAN, and MR. JUSTICE STEWART would transfer this case to the United States District Court under 28 U. S. C. § 2241 (b). *Peyton v. Rowe*, 391 U. S. 54. *Robert C. Londerholm*, Attorney General of Kansas, and *Edward G. Collister, Jr.*, Assistant Attorney General, for respondent in opposition to the motion.

No. 140, Misc. *MILLER v. UDALL, SECRETARY OF THE INTERIOR, ET AL.* Motion for leave to file petition for writ of mandamus and/or prohibition denied. *Solicitor General Griswold, Assistant Attorney General Martz, and Roger P. Marquis* for respondent Udall in opposition.

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- No. 266, Misc. CHANDLER *v.* TURNER, WARDEN;
No. 272, Misc. MCCRAY *v.* WILLINGHAM, WARDEN;
No. 302, Misc. PELLETIER *v.* PARKER, WARDEN;
No. 346, Misc. MAGEE *v.* NELSON, WARDEN, ET AL.;
No. 347, Misc. JONES *v.* FOLLETTE, WARDEN;
No. 353, Misc. KANIESKI *v.* BURKE, WARDEN;
No. 367, Misc. IN RE KAMSLER;
No. 381, Misc. CARD *v.* KROPP, WARDEN;
No. 419, Misc. HOLSCHER *v.* YOUNG, WARDEN;
No. 436, Misc. TAYLOR *v.* BURKE, WARDEN;
No. 501, Misc. HAYMAN *v.* FITZHARRIS, TRAINING
FACILITY SUPERINTENDENT;
No. 509, Misc. ROBERTS *v.* PEYTON, PENITENTIARY
SUPERINTENDENT;
No. 511, Misc. LACAZE ET AL. *v.* BLACKWELL, WARDEN;
No. 558, Misc. BYRD *v.* NELSON, WARDEN;
No. 579, Misc. COWLING *v.* CRAVEN, WARDEN; and
No. 584, Misc. OWEN *v.* ARKANSAS. Motions for
leave to file petitions for writs of habeas corpus denied.
- No. 296, Misc. SMITH *v.* HOCKER, WARDEN;
No. 316, Misc. ANDERTEN *v.* WARDEN, SOUTH DA-
KOTA PENITENTIARY;
No. 334, Misc. NIELSON *v.* ERICKSON, WARDEN;
No. 361, Misc. WELSH *v.* NELSON, WARDEN;
No. 536, Misc. FOSSUM *v.* PORTER, SHERIFF; and
No. 576, Misc. WELSH *v.* NELSON, WARDEN. Mo-
tions for leave to file petitions for writs of habeas corpus
denied. Treating the papers submitted as petitions for
writs of certiorari, certiorari denied.
- No. 200, Misc. HARSHAW *v.* LEVIN, U. S. DISTRICT
JUDGE; and
No. 205, Misc. BIGGS *v.* CAMPBELL, U. S. DISTRICT
JUDGE. Motions for leave to file petitions for writs of
mandamus denied.

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No. 105, Misc. *ALLISON v. NELSON, WARDEN, ET AL.* Motion for leave to file petition for writ of habeas corpus denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris*, Assistant Attorney General, and *Charles R. B. Kirk*, Deputy Attorney General, for respondents in opposition.

No. 169, Misc. *WILSON v. CALIFORNIA*. C. A. 9th Cir. Motion for leave to file petition for writ of certiorari denied.

No. 526, Misc. *COLCHICO ET AL. v. SWEIGERT, U. S. DISTRICT JUDGE*. Motion for leave to file petition for writ of mandamus denied. *Melvin B. Belli* on the motion. *Solicitor General Griswold* for respondent in opposition.

No. 374, Misc. *OSBORN v. WEICK, CHIEF JUDGE, U. S. COURT OF APPEALS, ET AL.* Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion. *Maclin P. Davis, Jr.*, on the motion. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for respondent United States in opposition.

No. 448, Misc. *ORTEGA v. MONTANTE, JUDGE*; and

No. 532, Misc. *ANDERSON v. UNITED STATES ET AL.* Motions for leave to file petitions for writs of prohibition denied.

No. 516, Misc. *AMERICAN PIPE & CONSTRUCTION CO. v. PENCE, U. S. DISTRICT JUDGE*. Motion for leave to file petition for writ of prohibition and/or mandamus denied. *Norbert A. Schlei* and *George W. Jansen* on the motion. *William H. Ferguson* and *Charles S. Burdell* in opposition.

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Probable Jurisdiction Noted.

No. 258. *KRAMER v. UNION FREE SCHOOL DISTRICT NO. 15 ET AL.* Appeal from D. C. E. D. N. Y. Probable jurisdiction noted. *Melvin L. Wulf, Murray A. Miller, and Alan H. Levine* for appellant. *John P. Jehu* for appellees. *Louis J. Lefkowitz, pro se, and Daniel M. Cohen*, Assistant Attorney General, for the Attorney General of New York, intervenor below. Reported below: 282 F. Supp. 70.

No. 376. *DUNBAR-STANLEY STUDIOS, INC. v. ALABAMA.* Appeal from Sup. Ct. Ala. Probable jurisdiction noted. *J. Edward Thornton* for appellant. *MacDonald Gallion*, Attorney General of Alabama, and *Willard W. Livingston and William H. Burton*, Assistant Attorneys General, for appellee. Reported below: 282 Ala. 221, 210 So. 2d 696.

No. 48. *JULIAN MESSNER, INC., ET AL. v. SPAHN.* Appeal from Ct. App. N. Y. Probable jurisdiction noted. Counsel are requested to discuss in their briefs and oral arguments, in addition to the other questions presented, question whether injunctive relief provided in final judgment entered September 3, 1964, in the Supreme Court for the County of New York constitutes an unconstitutional restraint upon publication. *Selig J. Levitan* for appellants. *Frederic A. Johnson* for appellee. *Irwin Karp* for Authors League of America, Inc., as *amicus curiae*. Reported below: 21 N. Y. 2d 124, 233 N. E. 2d 840.

No. 370. *KOOTA, DISTRICT ATTORNEY OF KINGS COUNTY v. ZWICKLER.* Appeal from D. C. E. D. N. Y. Probable jurisdiction noted. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Brenda Soloff*, Assistant Attorney General, for appellant. Reported below: 290 F. Supp. 244.

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No. 293. *STANLEY v. GEORGIA*. Appeal from Sup. Ct. Ga. Probable jurisdiction noted. *Wesley R. Asinof* for appellant. *Lewis R. Slaton, J. Walter LeCraw*, and *J. Robert Sparks* for appellee. Reported below: 224 Ga. 259, 161 S. E. 2d 309.

No. 269. *GUNN, SHERIFF, ET AL. v. UNIVERSITY COMMITTEE TO END THE WAR IN VIET NAM ET AL.* Appeal from D. C. W. D. Tex. Probable jurisdiction noted. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Hawthorne Phillips* and *Howard M. Fender*, Assistant Attorneys General, for appellants. *Sam Houston Clinton, Jr.*, for appellees. Reported below: 289 F. Supp. 469.

No. 238. *WELLS v. ROCKEFELLER, GOVERNOR OF NEW YORK, ET AL.* Appeal from D. C. S. D. N. Y. Probable jurisdiction noted. Case set for oral argument to follow Nos. 30 and 31 [390 U. S. 939, October Term, 1967, Nos. 1116 and 1117]. *Robert B. McKay* for appellant. *Louis J. Lefkowitz*, Attorney General of New York, *pro se*, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *George D. Zuckerman*, Assistant Attorney General, for appellees. Reported below: 281 F. Supp. 821.

Certiorari Granted. (See also No. 263, *ante*, p. 15; No. 3, Misc., *ante*, p. 20; No. 39, Misc., *ante*, p. 21; No. 59, Misc., *ante*, p. 19; No. 86, Misc., *ante*, p. 16; No. 87, Misc., *ante*, p. 2; No. 133, Misc., *ante*, p. 10; No. 149, Misc., *ante*, p. 21; No. 187, Misc., *ante*, p. 5; and No. 458, Misc., *ante*, p. 2.)

No. 156. *KRAMER v. CARIBBEAN MILLS, INC.* C. A. 5th Cir. *Certiorari* granted. *Eugene Gressman* for petitioner. *Morris Harrell* for respondent. Reported below: 392 F. 2d 387.

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No. 158. BROTHERHOOD OF RAILROAD TRAINMEN ET AL. *v.* O'CONNELL ET AL. C. A. 2d Cir. Certiorari granted. *Arnold B. Elkind* for petitioners. *Ruth Weyand* for respondents. Reported below: 391 F. 2d 156.

No. 280. UNITED STATES *v.* SKELLY OIL CO. C. A. 10th Cir. Certiorari granted. *Solicitor General Griswold, Assistant Attorney General Rogovin, Harris Weinstein, Myron C. Baum, and Loring W. Post* for the United States. *Robert J. Casey and Thomas J. McCoy, Jr.*, for respondent. Reported below: 392 F. 2d 128.

No. 291. FEDERAL MARINE TERMINALS, INC. *v.* BURNSIDE SHIPPING CO., LTD. C. A. 7th Cir. Certiorari granted. *Robert C. Keck* for petitioner. *Lucian Y. Ray* for respondent. Reported below: 392 F. 2d 918.

No. 306. FORTNER ENTERPRISES, INC. *v.* UNITED STATES STEEL CORP. ET AL. C. A. 6th Cir. Certiorari granted. *John P. Sandidge* for petitioner. *Leo T. Wolford and W. H. Buchanan* for respondents.

No. 172. DIRKS ET AL. *v.* BIRKHOLZ ET AL. C. A. 7th Cir. Certiorari granted. Case set to follow No. 158 [*supra*]. *David Previant and David Leo Uelmen* for Dirks, *John J. Naughton* for Brotherhood of Railroad Trainmen, and *James P. Reedy* for Chicago, Milwaukee, St. Paul & Pacific Railroad Co., petitioners. *Ruth Weyand* for respondents. Reported below: 391 F. 2d 289.

No. 329, Misc. BOYKIN *v.* ALABAMA. Sup. Ct. Ala. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *E. Graham Gibbons* for petitioner. *MacDonald Gallion, Attorney General of Alabama, and David W. Clark, Assistant Attorney General*, for respondent. Reported below: 281 Ala. 659, 207 So. 2d 412.

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No. 273. SCOFIELD ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. Certiorari granted, reserving for decision, after argument, question of whether the petition for writ of certiorari was timely filed. *James Urdan* for petitioners. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for National Labor Relations Board, and *Joseph L. Rauh, Jr., John Silard, Harriett R. Taylor, and Stephen I. Schlossberg* for International Union, UAW, respondents. *Walter S. Davis* for Wisconsin Manufacturers' Assn. et al., as *amici curiae*, in support of the petition. A brief was filed by Illinois Manufacturers Assn., as *amicus curiae*, in support of the petition. Reported below: 393 F. 2d 49.

No. 60, Misc. DAVIS v. MISSISSIPPI. Sup. Ct. Miss. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the first question presented by the petition which reads as follows: "Whether the introduction into evidence at petitioner's criminal trial of his fingerprints, taken as a result of petitioner's illegal arrest, violated petitioner's rights under the Fourth and Fourteenth Amendments?" Case transferred to appellate docket. *Jack Greenberg, Michael Meltsner, Melvyn Zarr, Anthony G. Amsterdam, and Jack Young* for petitioner. *Joe T. Patterson*, Attorney General of Mississippi, and *G. Garland Lyell, Jr.*, Assistant Attorney General, for respondent. Reported below: 204 So. 2d 270.

No. 529, Misc. FRAZIER v. CUPP, WARDEN. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *R. W. Nahstoll* for petitioner. *Robert Y. Thornton*, Attorney General of Oregon, and *David H. Blunt*, Assistant Attorney General, for respondent. Reported below: 388 F. 2d 777.

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No. 68, Misc. OROZCO *v.* TEXAS. Ct. Crim App. Tex. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. Charles W. Tessmer for petitioner. Crawford C. Martin, Attorney General of Texas, Nola White, First Assistant Attorney General, A. J. Carubbi, Jr., Executive Assistant Attorney General, and Robert C. Flowers and Lonny F. Zwiener, Assistant Attorneys General, for respondent. Reported below: 428 S. W. 2d 666.

No. 560, Misc. BOULDEN *v.* HOLMAN, WARDEN. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. MacDonald Gallion, Attorney General of Alabama, and David W. Clark, Assistant Attorney General, for respondent. Reported below: 385 F. 2d 102, 393 F. 2d 932, 395 F. 2d 169.

No. 202, Misc. O'CALLAHAN *v.* PARKER, WARDEN. C. A. 3d Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the first question presented by the petition which reads as follows: "Does a court-martial, held under the Articles of War, Tit. 10, U. S. C. § 801 *et seq.*, have jurisdiction to try a member of the Armed Forces who is charged with commission of a crime cognizable in a civilian court and having no military significance, alleged to have been committed off-post and while on leave, thus depriving him of his constitutional rights to indictment by a grand jury and trial by a petit jury in a civilian court?" Case transferred to appellate docket. Victor Rabino-witz and Leonard B. Boudin for petitioner. Solicitor General Griswold for respondent. Reported below: 390 F. 2d 360.

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Certiorari Denied. (See also No. 159, *ante*, p. 10; No. 179, *ante*, p. 11; No. 270, *ante*, p. 16; No. 326, *ante*, p. 11; No. 197, Misc., *ante*, p. 15; No. 430, Misc., *ante*, p. 22; No. 473, Misc., *ante*, p. 20; and Misc. Nos. 296, 316, 334, 361, 536, and 576, *supra*.)

No. 58. *SOMERVILLE v. ILLINOIS*. App. Ct. Ill., 1st Dist. *Certiorari denied.* *Charles A. Bellows* for petitioner. *John J. Stamos* and *Joel M. Flaum* for respondent. Reported below: 88 Ill. App. 2d 134, 231 N. E. 2d 701.

No. 59. *SOMERVILLE ET AL. v. ILLINOIS*. App. Ct. Ill., 1st Dist. *Certiorari denied.* *Charles A. Bellows* for petitioners. *John J. Stamos* and *Joel M. Flaum* for respondent. Reported below: 88 Ill. App. 2d 212, 232 N. E. 2d 115.

No. 70. *PARRISH v. UNITED STATES*; and

No. 72. *PARZOW v. UNITED STATES*. C. A. 4th Cir. *Certiorari denied.* *Walter E. Rogers* for petitioner in No. 70, and *Raymond W. Bergan* and *Thomas R. Dyson, Jr.*, for petitioner in No. 72. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States in both cases. Reported below: 391 F. 2d 240.

No. 66. *ALVAREZ v. NEBRASKA*. Sup. Ct. Neb. *Certiorari denied.* *Melvin L. Wulf* and *Anthony G. Amsterdam* for petitioner. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Ralph H. Gillan*, Assistant Attorney General, for respondent. Reported below: 182 Neb. 358, 154 N. W. 2d 746.

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No. 64. *METHEANY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Murray L. Randall* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 390 F. 2d 559.

No. 75. *CAROLINA PIPELINE CO. v. YORK COUNTY NATURAL GAS AUTHORITY*. C. A. 4th Cir. Certiorari denied. *H. Simmons Tate, Jr.*, and *John M. Spratt* for petitioner. *David W. Robinson II* and *C. W. F. Spencer, Jr.*, for respondent. Reported below: 388 F. 2d 297.

No. 78. *BIG RUN COAL & CLAY CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Lowell T. Hughes* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 385 F. 2d 788.

No. 79. *DUBIN-HASKELL LINING CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Deane Ramey* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Elliott Moore* for respondent. Reported below: 386 F. 2d 306.

No. 83. *AMERICAN MANUFACTURING CO. OF TEXAS v. HEALD MACHINE CO.* C. C. P. A. Certiorari denied. *Munson H. Lane* for petitioner. *Norman S. Blodgett* for respondent. Reported below: 55 C. C. P. A. (Pat.) 838, 385 F. 2d 456.

No. 90. *GOODMAN ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. *Jay Leo Rothschild* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Philip R. Miller* for the United States. Reported below: 182 Ct. Cl. 662, 390 F. 2d 915.

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No. 86. AMP INC. *v.* COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL. C. A. 2d Cir. Certiorari denied. *Marshall M. Holcombe, Vincent A. Kleinfeld, Alan H. Kaplan, Selma M. Levine, and Joel E. Hoffman* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and James W. Knapp* for respondents. Reported below: 389 F. 2d 825.

No. 87. CLARK, GUARDIAN *v.* GREAT AMERICAN INSURANCE CO. OF NEW YORK. C. A. 5th Cir. Certiorari denied. *Cecil D. Franklin* for petitioner. Reported below: 387 F. 2d 710.

No. 89. STEADHAM ET AL. *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. *G. Hughel Harrison* for petitioners. Reported below: 224 Ga. 78, 159 S. E. 2d 397.

No. 92. DUGGAR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Joseph W. Louisell and Ivan E. Barris* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 391 F. 2d 433.

No. 93. GRIMES ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *W. O. Cooper, Jr.*, for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 391 F. 2d 709.

No. 96. ORLANDO DAILY NEWSPAPERS, INC., ET AL. *v.* BELL. C. A. 5th Cir. Certiorari denied. *William Y. Akerman* for petitioners. *Paul A. Louis and Bertha Claire Lee* for respondent. Reported below: 389 F. 2d 579.

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No. 88. *BARTSCH v. METRO-GOLDWYN-MAYER, INC.* C. A. 2d Cir. Certiorari denied. *Monroe E. Stein* and *Stanley Rothenberg* for petitioner. *Eugene L. Girden* for respondent. Reported below: 391 F. 2d 150.

No. 97. *POWE ET VIR v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. *M. M. Roberts* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Carolyn R. Just* for respondent. Reported below: 389 F. 2d 46.

No. 99. *CINCINNATI GAS & ELECTRIC CO. ET AL. v. FEDERAL POWER COMMISSION ET AL.* C. A. 6th Cir. Certiorari denied. *Walter E. Beckjord* for Cincinnati Gas & Electric Co., and *William A. McClain* for City of Cincinnati, petitioners. *Solicitor General Griswold*, *Richard A. Solomon*, and *Peter H. Schiff* for Federal Power Commission; *J. David Mann, Jr.*, for City of Hamilton; and *Christopher T. Boland*, *George J. Meiburger*, and *Robert O. Koch* for Texas Gas Transmission Corp., respondents. Reported below: 389 F. 2d 272.

No. 100. *SUTHER v. CITY OF MIDFIELD, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 389 F. 2d 1002.

No. 101. *DENIRO ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *James J. Carroll* for petitioners. *Solicitor General Griswold* for the United States. Reported below: 392 F. 2d 753.

No. 102. *SHAPARD v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. *David C. Shapard* for petitioner. *G. T. Blankenship*, Attorney General of Oklahoma, and *Penn Lerblance*, Assistant Attorney General, for respondent. Reported below: 437 P. 2d 565.

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No. 103. WINKLER *v.* PENNSYLVANIA RAILROAD Co. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 387 F. 2d 380.

No. 104. UNITED STATES *v.* CAJO TRADING, INC. C. C. P. A. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Weisl, John C. Eldridge, and Robert V. Zener* for the United States. *James R. Sharp* for respondent. Reported below: 55 C. C. P. A. (Cust.) 61, 403 F. 2d 268.

No. 105. CONTINENTAL CASUALTY Co. *v.* UNITED STATES FOR THE USE AND BENEFIT OF MINNEAPOLIS-HONEYWELL REGULATOR Co. C. A. 4th Cir. Certiorari denied. *Kahl K. Spriggs* for petitioner. Reported below: 389 F. 2d 387.

No. 107. IANNIELLO *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Maurice Edelbaum* and *William Sonenshine* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent. Reported below: 21 N. Y. 2d 418, 235 N. E. 2d 439.

No. 110. KOMITOR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 392 F. 2d 520.

No. 111. SMITH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Philip Blank* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States.

No. 118. VINCE ET UX. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 394 F. 2d 462.

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No. 112. DIFCO LABORATORIES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *Leonard A. Keller* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Leonard M. Wagman* for respondent. Reported below: 389 F. 2d 663.

No. 113. MANDASK COMPANIA DE VAPORES, S. A. *v.* FEDERAZIONE ITALIANA DEI CONSORZI AGRARI ET AL. C. A. 2d Cir. Certiorari denied. *Edwin Longcope and David C. Wood* for petitioner. *Walter P. Hickey* for respondents. Reported below: 388 F. 2d 434.

No. 115. DEL MAR ET AL., EXECUTORS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Brackley Shaw* for petitioners. *Solicitor General Griswold, Assistant Attorney General Rogovin, and Robert N. Anderson* for the United States. Reported below: 129 U. S. App. D. C. 51, 390 F. 2d 466.

No. 116. GENERAL LONGSHORE WORKERS, I. L. A., LOCAL UNION 1418, ET AL. *v.* NEW ORLEANS STEAMSHIP ASSN. C. A. 5th Cir. Certiorari denied. *Alvin J. Liska* for petitioners. *Samuel Lang* for respondent. Reported below: 389 F. 2d 369.

No. 121. ABINOJA ET AL. *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 7th Cir. Certiorari denied. *Melvyn E. Stein* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for respondent.

No. 127. BASSICK CO. ET AL. *v.* BLAKE ET AL. C. A. 7th Cir. Certiorari denied. *Dugald S. McDougall and Augustus G. Douvas* for petitioners. *John D. Dewey* for respondents. Reported below: 392 F. 2d 879.

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No. 123. *AMERICAN FINISHING CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *William W. Goodman* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 389 F. 2d 1004.

No. 125. *LURIA BROTHERS & Co., INC. v. FEDERAL TRADE COMMISSION*; and

No. 126. *BALDWIN-LIMA-HAMILTON CORP. ET AL. v. FEDERAL TRADE COMMISSION*. C. A. 3d Cir. Certiorari denied. *Morris Wolf* for petitioner in No. 125. *Arthur Littleton* for petitioner Baldwin-Lima-Hamilton Corp.; *Albert R. Connelly* for petitioner Bethlehem Steel Corp.; *Howard M. Holtzmann* for petitioner CF&I Steel Corp.; *C. M. Thorp, Jr.*, and *Charles Weiss* for petitioner Edgewater Steel Co.; *William R. Bascom* and *Edwin S. Taylor* for petitioner Granite City Steel Co.; *Roger T. Clapp* for petitioner Grinnell Corp.; *Samuel D. Slade* for petitioner Lukens Steel Co.; *William B. Cudlip* for petitioner McLouth Steel Corp.; *Mr. Weiss* for petitioners National Steel Corp. et al.; and *W. H. Buchanan* for petitioner United States Steel Corp., in No. 126. *Solicitor General Griswold, Assistant Attorney General Zimmerman, James McI. Henderson, and David B. Morris* for respondent in both cases. Reported below: 389 F. 2d 847.

No. 135. *FUNK v. FUNK ET AL.* Ct. App. Ariz. Certiorari denied. *Leven B. Ferrin* for petitioner. *Ralph E. Hunsaker* for respondents.

No. 140. *GOOD-ALL ELECTRIC MFG. CO. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. *James J. Fitzgerald, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, Crombie J. D. Garrett, and Louis M. Kauder* for respondent. Reported below: 391 F. 2d 775.

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No. 142. *GROGAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hubert Humphrey* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Sidney M. Glazer* for the United States. Reported below: 394 F. 2d 287.

No. 145. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *G. W. Gill, Sr.*, for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States. Reported below: 391 F. 2d 221.

No. 148. *FULLBRIGHT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *David C. Shapard* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 392 F. 2d 432.

No. 151. *NASON v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. *Rita E. Hauser* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for respondent. Reported below: 394 F. 2d 223.

No. 152. *TRUST CO. OF GEORGIA, EXECUTOR, ET AL. v. ROSS, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. *Francis Shackelford*, *James E. Thomas*, *H. C. Kilpatrick*, and *John W. Gillon* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Harry Baum* for respondent. Reported below: 392 F. 2d 694.

No. 153. *EATON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

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No. 154. FORT HOWARD PAPER CO. *v.* KIMBERLY-CLARK CORP. C. C. P. A. Certiorari denied. *Ellsworth M. Jennison* and *Arthur L. Morsell* for petitioner. *Jerome Gilson* for respondent. Reported below: 55 C. C. P. A. (Pat.) 947, 390 F. 2d 1015.

No. 155. ABRAMSON ET UX. *v.* COLONIAL OIL CO. C. A. 5th Cir. Certiorari denied. *Walter Warren* for petitioners. *C. Harris Dittmar* for respondent. Reported below: 390 F. 2d 873.

No. 157. HOUSTON ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *G. Edward Friar* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States.

No. 160. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW) *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. *Stephen I. Schlossberg*, *John A. Fillion*, *Jordan Rossen*, and *Bernard F. Ashe* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for National Labor Relations Board; and *Owen J. Neighbours* for Pierce Governor Co., Inc., respondents. Reported below: 129 U. S. App. D. C. 282, 394 F. 2d 757.

No. 162. GOLUBIN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *F. Lee Bailey* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 393 F. 2d 590.

No. 182. TRUCHINSKI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 393 F. 2d 627.

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No. 167. *BANCO CREDITO Y AHORRO PONCENO v. NATIONAL LABOR RELATIONS BOARD*. C. A. 1st Cir. Certiorari denied. *Guy Farmer* and *William Lesprier* for petitioner. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 110.

No. 169. *DEPUGH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Charles B. Blackmar* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Jerome M. Feit* for the United States. Reported below: 393 F. 2d 367.

No. 170. *LOCAL UNION No. 705, HOTEL & RESTAURANT EMPLOYEES & BARTENDERS UNION, AFL-CIO v. WIRTZ, SECRETARY OF LABOR*. C. A. 6th Cir. Certiorari denied. *Ernest Goodman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Alan S. Rosenthal*, and *Robert V. Zener* for respondent. Reported below: 389 F. 2d 717.

No. 171. *BRICKLAYERS, MASONS & PLASTERERS' INTERNATIONAL UNION OF AMERICA, LOCAL 11, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. *Irving Kessler* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent.

No. 173. *GORMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Anna R. Lavin* and *Edward J. Calihan, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Joseph M. Howard*, and *John M. Brant* for the United States. Reported below: 393 F. 2d 209.

No. 186. *MILLS v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. *Eugene P. Kenny* for petitioner. Reported below: 51 N. J. 277, 240 A. 2d 1.

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No. 174. *HANSEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Philip J. Lesser* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States. Reported below: 393 F. 2d 763.

No. 176. *REXACH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Walter L. Newsom, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, Meyer Rothwacks, and Louis M. Kauder* for the United States. Reported below: 390 F. 2d 631.

No. 178. *KRAMER v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *John A. Kendrick* for petitioner. *John F. Wilson* for respondent. Reported below: 72 Wash. 2d 904, 435 P. 2d 970.

No. 183. *A. J. INDUSTRIES, INC. v. UNITED STATES*. Ct. Cl. Certiorari denied. *Carl A. Stutsman, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, and Robert N. Anderson* for the United States. Reported below: 181 Ct. Cl. 1017, 388 F. 2d 701.

No. 185. *ATTOCKNIE v. UDALL, SECRETARY OF THE INTERIOR*. C. A. 10th Cir. Certiorari denied. *Durward McDaniel and David Cobb* for petitioner. *Solicitor General Griswold, Assistant Attorney General Martz, and Roger P. Marquis* for respondent. Reported below: 390 F. 2d 636.

No. 189. *JACOBSEN, ADMINISTRATOR v. INTERNATIONAL TRANSPORT, INC., ET AL.* C. A. 8th Cir. Certiorari denied. *Walter A. Newport, Jr.*, for petitioner. *George E. Wright* for respondents. Reported below: 391 F. 2d 49.

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No. 187. *PREUSS, TRUSTEE IN BANKRUPTCY v. GENERAL ELECTRIC Co., INC.* C. A. 2d Cir. Certiorari denied. *John A. Reilly* for petitioner. *John Hoxie* for respondent. Reported below: 392 F. 2d 29.

No. 188. *MIAMI BEACH FIRST NATIONAL BANK ET AL., EXECUTORS, ET AL. v. INTER-CONTINENTAL PROMOTIONS, INC.* C. A. 5th Cir. Certiorari denied. *Marion E. Sibley* and *Robert C. Ward* for petitioners. *Murray Sams, Jr.*, for respondent. Reported below: 367 F. 2d 293.

No. 190. *CAMPBELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Ernest J. Howard* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 848.

No. 194. *CARSON PIRIE SCOTT & CO. ET AL. v. FACTOR.* C. A. 7th Cir. Certiorari denied. *George W. McBurney* for Carson Pirie Scott & Co., *Jack Edward Dwork* for Kroch's & Brentano's, Inc., *Narcisse A. Brown* and *William F. McNally* for the Fair, and *Eloise Johnstone* for Brennan, petitioners. *Albert E. Jenner, Jr.*, *Philip W. Tone*, and *Keith F. Bode* for respondent. Reported below: 393 F. 2d 141.

No. 196. *DE SIMONE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Irving Anolik* for petitioner. *Solicitor General Griswold* for the United States.

No. 204. *BAUCH ET AL. v. CITY OF NEW YORK ET AL.* Ct. App. N. Y. Certiorari denied. *Samuel J. Cohen* for petitioners. *J. Lee Rankin*, *Norman Redlich*, and *Pauline K. Berger* for respondents. Reported below: 21 N. Y. 2d 599, 237 N. E. 2d 211.

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No. 192. *WALKER v. OHIO RIVER Co.* Sup. Ct. Pa. Certiorari denied. *Harry Alan Sherman* for petitioner. *Harold R. Schmidt* for respondent. Reported below: 428 Pa. 552, 239 A. 2d 206.

No. 202. *LEE RUBBER & TIRE CORP. v. UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA, AFL-CIO, LOCAL 102, ET AL.* C. A. 3d Cir. Certiorari denied. *Edwin P. Rome* and *Goncer M. Krestal* for petitioner. *Samuel L. Rothbard* for respondents. Reported below: 394 F. 2d 362.

No. 207. *MARYLAND PETITION COMMITTEE ET AL. v. JOHNSON, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 4th Cir. Certiorari denied. *Geo. Washington Williams* for petitioners. *Solicitor General Griswold* for respondents. Reported below: 391 F. 2d 933.

No. 208. *RAYEX CORP. ET AL. v. AMERICAN OPTICAL Co. ET AL.* C. A. 2d Cir. Certiorari denied. *John Vaughan Groner* and *Jules P. Kirsch* for petitioners. *Edward C. Wallace* for respondents. Reported below: 394 F. 2d 155.

No. 209. *MARCAN PRODUCTS CORP. ET AL. v. A. H. EMERY Co.* C. A. 2d Cir. Certiorari denied. *John M. Calimafde*, *Roy C. Hopgood*, and *Paul H. Blaustein* for petitioners. *John C. Blair* for respondent. Reported below: 389 F. 2d 11.

No. 213. *LANGLEY v. INDIANA.* Sup. Ct. Ind. Certiorari denied. *William C. Erbecker* for petitioner. *John J. Dillon*, Attorney General of Indiana, *Douglas B. McFadden*, Assistant Attorney General, and *Murray West*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 232 N. E. 2d 611.

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No. 215. *BAKER ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *George T. Davis* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States. Reported below: 393 F. 2d 604.

No. 217. *JOHNSON v. BENBROOK WATER & SEWER AUTHORITY*. Sup. Ct. Tex. and/or Ct. Civ. App. Tex., 2d Sup. Jud. Dist. Certiorari denied. *Henry E. Kerry* for petitioner. *S. G. Johndroe, Jr.*, for respondent. Reported below: 410 S. W. 2d 644.

No. 218. *ALCOA STEAMSHIP CO., INC. v. CHARLES FERRAN & CO., INC., ET AL.* C. A. 5th Cir. Certiorari denied. *Benjamin W. Yancey* for petitioner. *Leon Sarpy, James G. Burke, Jr., and Paul A. Nalty* for respondents. Reported below: 383 F. 2d 46.

No. 220. *SHAPIRO v. SHAPIRO*. App. Ct. Ill., 1st Dist. Certiorari denied. *Charles A. Bellows* for petitioner. *Samuel A. Rinella* for respondent.

No. 222. *WEYERHAEUSER CO. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Kenneth E. Roberts and Snyder J. King* for petitioner. *Solicitor General Griswold, Assistant Attorney General Martz, and Roger P. Marquis* for the United States. Reported below: 392 F. 2d 448.

No. 224. *J. P. STEVENS & CO., INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 2d Cir. Certiorari denied. *Whiteford S. Blakeney* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent National Labor Relations Board. Reported below: 388 F. 2d 896.

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No. 223. MAHONEY ET AL. *v.* FEDERAL SAVINGS & LOAN INSURANCE CORP. C. A. 7th Cir. Certiorari denied. *Willard J. Lassers, Alex Elson, and Aaron S. Wolff* for petitioners. *Solicitor General Griswold* for respondent. Reported below: 393 F. 2d 156.

No. 226. SILVER, INC., ET AL. *v.* WEBCOR, INC., ET AL. C. A. 7th Cir. Certiorari denied. *I. Harvey Levinson, Melvin E. Levinson, and Robert M. Woodward* for petitioners. *Arnold M. Quittner and Miles G. Seeley* for respondents International Fastener Research Corp. et al., and *William S. Collen* for Whiston, Trustee in Bankruptcy of Webcor, Inc., et al. Reported below: 392 F. 2d 893.

No. 227. AVELLA ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *George R. Sommer* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 395 F. 2d 762.

No. 232. RETAIL STORE EMPLOYEES UNION LOCAL 954 *v.* LANE DRUG CO. ET AL.; and

No. 233. LANE DRUG CO. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 6th Cir. Certiorari denied. *Joseph E. Finley* for petitioner in No. 232. *Leonard Lane* for petitioners in No. 233 and for respondents Lane Drug Co. et al. in No. 232. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for National Labor Relations Board in both cases. Reported below: 391 F. 2d 812.

No. 235. GIBRALTAR FACTORS CORP. *v.* BARANOW, TRUSTEE IN BANKRUPTCY. C. A. 2d Cir. Certiorari denied. *Sydney Krause* for petitioner. *Marshall S. Marcus* for respondent. Reported below: 393 F. 2d 60.

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No. 229. *McFARLAND v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Edward J. Walsh* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 392 F. 2d 192.

No. 234. *TONKIN CORP. OF CALIFORNIA, DBA SEVEN-UP BOTTLING CO. OF SACRAMENTO v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *Morton B. Jackson* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Elliott Moore* for respondent. Reported below: 392 F. 2d 141.

No. 236. *CONNOR v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Alameda. Certiorari denied.

No. 240. *SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, ET AL. v. WIRTZ, SECRETARY OF LABOR*. C. A. D. C. Cir. Certiorari denied. *Howard Schulman and Stephen Kurzman* for petitioners. *Solicitor General Griswold* for respondent.

No. 241. *CHING-SZU CHEN v. FOLEY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari denied. *Bernard E. Bernstein* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for respondent. Reported below: 385 F. 2d 929.

No. 252. *STUYVESANT INSURANCE CO. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Joseph I. Stone* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States. Reported below: 394 F. 2d 262.

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No. 245. *TALLER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Abraham Glasser* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 394 F. 2d 435.

No. 246. *MARKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Eugene Gressman* and *Randall S. Jones* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Joseph M. Howard* for the United States. Reported below: 391 F. 2d 210.

No. 253. *HAMMOND v. ARKANSAS EX REL. DAVIS, SHERIFF*. Sup. Ct. Ark. Certiorari denied. *Leon B. Catlett* for petitioner. Reported below: 244 Ark. 186, 424 S. W. 2d 861.

No. 254. *ARGONAUT SAVINGS & LOAN ASSN. ET AL. v. FEDERAL DEPOSIT INSURANCE CORP., RECEIVER*. C. A. 9th Cir. Certiorari denied. *Howard B. Crittenden, Jr.*, for petitioners. *Charles A. Legge*, *S. Rex Lewis*, and *Leslie H. Fisher* for respondent. Reported below: 392 F. 2d 195.

No. 255. *BRENNAN ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Theodore Rosenberg* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 394 F. 2d 151.

No. 259. *RHODES, GOVERNOR OF OHIO, ET AL. v. BUCHANAN ET AL.* C. A. 6th Cir. Certiorari denied. *William B. Saxbe*, Attorney General of Ohio, and *Charles S. Lopeman* for petitioners. *Richard M. Markus* for respondents. Reported below: 400 F. 2d 882.

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No. 256. *CEPEDA v. COWLES MAGAZINES & BROADCASTING, INC.* C. A. 9th Cir. Certiorari denied. *Marvin E. Lewis* for petitioner. *William K. Coblentz* for respondent. Reported below: 392 F. 2d 417.

No. 257. *IN RE YORK ET UX.* C. A. D. C. Cir. Certiorari denied. *Robert A. Diemer* for petitioners. *Charles T. Duncan, Hubert B. Pair, and Richard W. Barton* in opposition.

No. 261. *KLEBANOFF v. CO-ORDINATING COMMITTEE ON DISCIPLINE.* Ct. App. N. Y. Certiorari denied. *Milton Bard* for petitioner. *Angelo T. Cometa* for respondent. Reported below: 21 N. Y. 2d 920, 237 N. E. 2d 75.

No. 264. *GROW v. UNITED STATES*; and

No. 275. *MENSIK v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Edward P. Morgan and Thomas M. P. Christensen* for petitioner in No. 264, and *Kinsey T. James* for petitioner in No. 275. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States in both cases. Reported below: 394 F. 2d 182.

No. 265. *BERLIN v. BERLIN.* Ct. App. N. Y. Certiorari denied. *Wilfred R. Caron* for petitioner. *Helen L. Bittenwieser* for respondent. Reported below: 21 N. Y. 2d 371, 235 N. E. 2d 109.

No. 276. *SERV-AIR, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 10th Cir. Certiorari denied. *Frank Carter* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Glen M. Bendixsen* for respondent. Reported below: 395 F. 2d 557.

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No. 266. *FLORIDA v. EMELWON, INC., ET AL.* C. A. 5th Cir. Certiorari denied. *Joe N. Unger* for petitioner. *Al J. Cone* for respondents. Reported below: 391 F. 2d 9.

No. 268. *BURNS ET AL. v. NEW MEXICO ET AL.* Sup. Ct. N. M. Certiorari denied. *Joseph A. Calamia* for petitioners. *Boston E. Witt*, Attorney General of New Mexico, for respondents. Reported below: 79 N. M. 53, 439 P. 2d 702.

No. 274. *MOREALI v. WORKMEN'S COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *Arthur L. Johnson* for petitioner. *Everett A. Corten* for respondent Workmen's Compensation Appeals Board of California.

No. 277. *MONTGOMERY, EXECUTRIX, ET AL. v. GOOD-YEAR AIRCRAFT CORP.* C. A. 2d Cir. Certiorari denied. *Harry H. Lipsig* for petitioners. *Paul W. Williams*, *H. Richard Schumacher*, and *Robert F. Martin* for respondent. Reported below: 392 F. 2d 777.

No. 292. *UNITED MINE WORKERS OF AMERICA ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. *Edward L. Carey*, *Harrison Combs*, *Willard Owens*, and *M. E. Boiarsky* for petitioners. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 393 F. 2d 265.

No. 281. *KENNER ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold*, *Acting Assistant Attorney General Pugh*, *Gilbert E. Andrews*, and *Robert J. Campbell* for respondent. Reported below: 387 F. 2d 689.

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No. 272. BEASLEY ET AL. *v.* McFADDIN ET AL. C. A. 5th Cir. Certiorari denied. *Richard H. Cocke* for petitioners. *Major T. Bell, George A. Weller, and Ewell Strong* for respondents. Reported below: 393 F. 2d 68.

No. 267. JOHNSON *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *William H. Oltarsh* for petitioner. *Frank S. Hogan, Michael Juviler, and Michael R. Stack* for respondent.

No. 283. HANNAH ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joe Stamper* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 396 F. 2d 785.

No. 285. GENERAL TIRE & RUBBER CO. *v.* ISOCYANATE PRODUCTS, INC. C. A. 3d Cir. Certiorari denied. *John T. Kelton, Herbert Blecker, and Arthur G. Connolly, Jr.*, for petitioner. *C. Walter Mortenson, Charles A. Weigel, Jr., Virgil E. Woodcock, and John J. Mackiewicz* for respondent. Reported below: 391 F. 2d 936.

No. 287. AMERICAN PIPE & CONSTRUCTION CO. *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. *Norbert A. Schlei and George W. Jansen* for petitioner. *William H. Ferguson and Charles S. Burdell* for respondents. Reported below: 393 F. 2d 568. [See No. 516, Misc., *supra*, p. 817.]

No. 288. JEFFERSON CONSTRUCTION CO. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Philip M. Cronin* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, and John C. Eldridge* for the United States. Reported below: 183 Ct. Cl. 720, 392 F. 2d 1006.

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No. 289. *FIRST AMERICAN INSURANCE Co. v. O'CONNOR*. C. A. 5th Cir. Certiorari denied. *Joe N. Unger* for petitioner. *J. B. Spence* for respondent. Reported below: 392 F. 2d 588.

No. 294. *HAUFF v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Daniel C. Ahern* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 555.

No. 295. *LOTHRIDGE ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States.

No. 296. *PEARCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Philip G. Denman* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 397 F. 2d 375.

No. 300. *GRISHAM v. UNITED STATES*. Ct. Cl. Certiorari denied. *Lawrence J. Simmons* and *H. Clay Espey* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, John C. Eldridge, and Robert V. Zener* for the United States. Reported below: 183 Ct. Cl. 657, 392 F. 2d 980.

No. 301. *LTV ELECTROSYSTEMS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Robert T. Thompson* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Lawrence M. Joseph* for respondent. Reported below: 388 F. 2d 683.

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No. 299. ERWIN-NEWMAN CO. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *H. Struve Hensel* and *Harry Cohen* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 183 Ct. Cl. 822, 393 F. 2d 819.

No. 302. ODDO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Nicholas Capuano* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 396 F. 2d 806.

No. 304. SOUTHERN BLOWPIPE & ROOFING CO. ET AL. *v.* CHATTANOOGA GAS CO. C. A. 6th Cir. Certiorari denied. *Sizer Chambliss* for petitioners. *W. D. Spears* and *Jack Wilson* for respondent.

No. 308. RITTER *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Daniel M. Gribbon*, *Brice M. Clagett*, and *Michael Boudin* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Philip R. Miller* for the United States. Reported below: 183 Ct. Cl. 875, 393 F. 2d 823.

No. 309. KUBIK ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Louis M. Kaplan* and *John P. Diuguid* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 170.

No. 310. DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY *v.* NASH ET UX. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Martz*, and *Roger P. Marquis* for petitioner. *William T. Hannan* for respondents. Reported below: 129 U. S. App. D. C. 348, 395 F. 2d 571.

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No. 312. *CROUCH, ADMINISTRATRIX v. CHESAPEAKE & OHIO RAILWAY Co.* Sup. Ct. App. Va. Certiorari denied. *Milton Heller, Paul Whitehead, Morris Benson, and Arthur Meisnere* for petitioner. *Henry M. Sackett, Jr., and Aubrey R. Bowles, Jr.,* for respondent. Reported below: 208 Va. 602, 159 S. E. 2d 650.

No. 313. *GRAHAM v. COLON.* C. A. 7th Cir. Certiorari denied. *Joseph T. Helling* for petitioner. *Roland Obenchain, Jr.,* for respondent. Reported below: 393 F. 2d 166.

No. 316. *EDWARDS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. *J. B. Tietz* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Paul C. Summitt* for the United States. Reported below: 395 F. 2d 453.

No. 318. *VANCE TRUCKING Co., INC., ET AL. v. CANAL INSURANCE Co. ET AL.* C. A. 4th Cir. Certiorari denied. *W. Francis Marion and O. G. Calhoun* for petitioners. *Wesley M. Walker* for respondents Canal Insurance Co. et al. Reported below: 395 F. 2d 391.

No. 319. *RAO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Edward Bennett Williams* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 394 F. 2d 354.

No. 341. *ESTATE OF FREELAND ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. *George T. Altman and Adam Y. Bennion* for petitioners. *Solicitor General Griswold and Assistant Attorney General Rogovin* for respondent. Reported below: 393 F. 2d 573.

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No. 321. *HART v. HEDRICK, TRUSTEE IN BANKRUPTCY*. C. A. 5th Cir. Certiorari denied. *James H. Tucker* for petitioner. *David W. Hedrick*, respondent, *pro se*. Reported below: 390 F. 2d 10.

No. 327. *JACOBS v. TOLEDO BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. *Rankin M. Gibson* for petitioner. *Charles E. Ide, Jr.*, for respondent. Reported below: 13 Ohio St. 2d 147, 235 N. E. 2d 230.

No. 328. *WEBB v. CITY OF LYNCHBURG*. Sup. Ct. App. Va. Certiorari denied. *Paul Whitehead* and *Frank M. McCann* for petitioner.

No. 331. *EUCLID NATIONAL BANK v. FEDERAL HOME LOAN BANK BOARD ET AL.* C. A. 6th Cir. Certiorari denied. *Bingham W. Zellmer* for petitioner. *Solicitor General Griswold* for respondents. Reported below: 396 F. 2d 950.

No. 333. *PAN AMERICAN WORLD AIRWAYS, INC. v. ALLIED AIR FREIGHT INTERNATIONAL CORP.* C. A. 2d Cir. Certiorari denied. *Fowler Hamilton* and *George Weisz* for petitioner. *Milton Horowitz* for respondent. Reported below: 393 F. 2d 441.

No. 336. *LYSCZYK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Robert I. Perina* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 397 F. 2d 505.

No. 339. *MILLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *William C. Erbecker* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 395 F. 2d 116.

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No. 334. MIZNER *v.* MIZNER. Sup. Ct. Nev. Certiorari denied. *Richard C. Minor* for petitioner. Reported below: — Nev. —, 439 P. 2d 679.

No. 340. BREELAND *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *G. Wray Gill, Sr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 396 F. 2d 805.

No. 342. HENRY, REFORMATORY SUPERINTENDENT *v.* COTNER. C. A. 7th Cir. Certiorari denied. *John J. Dillon, Attorney General of Indiana, Douglas B. McFadden, Assistant Attorney General, and Rex P. Killian, Deputy Attorney General*, for petitioner. *William C. Erbecker* for respondent. Reported below: 394 F. 2d 873.

No. 345. GRAY ET AL. *v.* DEPARTMENT OF HIGHWAYS OF LOUISIANA ET AL. Sup. Ct. La. Certiorari denied. *Thomas C. Hall* for petitioners. Reported below: 252 La. 51, 209 So. 2d 18.

No. 346. MACDOUGALL, CORRECTIONS DIRECTOR, ET AL. *v.* BAILEY. C. A. 4th Cir. Certiorari denied. *Daniel R. McLeod, Attorney General of South Carolina, and Edward B. Latimer, Assistant Attorney General*, for petitioners. Reported below: 392 F. 2d 155.

No. 354. HANSEN, DBA H. J. HANSEN & Co. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. D. C. Cir. Certiorari denied. *Mark P. Friedlander, Mark P. Friedlander, Jr., and Blaine P. Friedlander* for petitioner. *Solicitor General Griswold, Philip A. Loomis, Jr., David Ferber, and Donald M. Feuerstein* for respondent. Reported below: 130 U. S. App. D. C. 45, 396 F. 2d 694.

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No. 351. MIKE ROBERTS COLOR PRODUCTIONS, INC. v. COLOURPICTURE PUBLISHERS, INC. C. A. 1st Cir. Certiorari denied. *Edward B. Gregg* and *William G. MacKay* for petitioner. Reported below: 394 F. 2d 431.

No. 353. RATCLIFF v. BRUCE ET AL. Sup. Ct. Tex. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi*, Executive Assistant Attorney General, and *J. C. Davis* and *John H. Banks*, Assistant Attorneys General, for respondents.

No. 359. GRAHAM v. GREENE, JUDGE, ET AL. C. A. D. C. Cir. Certiorari denied. *Charles T. Duncan*, *Hubert B. Pair*, *Richard W. Barton*, and *David P. Sutton* for Greene et al., and *Solicitor General Griswold* for Murphy et al., respondents.

No. 363. BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYES ET AL. v. NATIONAL MEDIATION BOARD ET AL. C. A. D. C. Cir. Certiorari denied. *Edward J. Hickey, Jr.*, *James L. Highsaw, Jr.*, and *William J. Donlon* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *John C. Eldridge* for National Mediation Board et al., and *David Previant* and *Herbert S. Thatcher* for International Brotherhood of Teamsters, respondents. Reported below: 131 U. S. App. D. C. 55, 402 F. 2d 196.

No. 365. HOLAHAN, TRUSTEE, ET AL. v. HENDERSON ET AL. C. A. 5th Cir. Certiorari denied. *George C. Connolly, Jr.*, for petitioners. *John L. Pitts* and *Grove Stafford, Jr.*, for respondent Henderson, and *Robert B. Neblett, Jr.*, for respondent Coleman. Reported below: 394 F. 2d 177.

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No. 361. *EQUITABLE LIFE INSURANCE CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Joseph F. Castiello* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent.

No. 362. *SCHMIDT v. MCCARTHY ET AL.* C. A. D. C. Cir. Certiorari denied. *Cornelius H. Doherty* for petitioner.

No. 371. *LOW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Saul Grayson* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States. Reported below: 391 F. 2d 61.

No. 381. *MINICHELLO ET AL. v. CAMP, COMPTROLLER OF THE CURRENCY, ET AL.* C. A. 3d Cir. Certiorari denied. *Anthony C. Falvello and Arthur D. Dalessandro* for petitioners. *Solicitor General Griswold* for respondent Camp. Reported below: 394 F. 2d 715.

No. 385. *PAXTON v. KANSAS*. Sup. Ct. Kan. Certiorari denied. *Elwaine F. Pomeroy* for petitioner. *Robert C. Londerholm*, Attorney General of Kansas, and *Edward G. Collister, Jr.*, for respondent. Reported below: 201 Kan. 353 and 607, 440 P. 2d 650.

No. 55. *PEYTON, PENITENTIARY SUPERINTENDENT v. COLES*. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Mr. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioner. *James R. Moore* for respondent. Reported below: 389 F. 2d 224.

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No. 82. MORRIS v. FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. *Richard Kanner* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Charles W. Musgrove*, Assistant Attorney General, for respondent.

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

By denying certiorari in this case, the Court once again sanctions the practice of automatically depriving plaintiffs of their lawsuits or defendants of their defenses merely because their lawyers have failed to file some paper within the time required by Court rules. This is a form of vicarious punishment against which I have frequently protested in both civil and criminal cases, but in vain. See, e. g., *Santana v. United States*, 385 U. S. 848 (1966); *Pittsburgh Towing Co. v. Barge Line*, 385 U. S. 32, 33 (1966); *Beaufort Concrete Co. v. Atlantic States Construction Co.*, 384 U. S. 1004 (1966); *Lord v. Helmandollar*, 383 U. S. 928 (1966); *Riess v. Murchison*, 383 U. S. 946 (1966); *Berman v. United States*, 378 U. S. 530 (1964); *Link v. Wabash R. Co.*, 370 U. S. 626, 636 (1962). See also my dissent from this Court's order transmitting to Congress Amendments to the Federal Rules, 383 U. S. 1031, 1032 (1966).

This is a criminal case, where the petitioner's retained attorney filed a timely notice of appeal. Petitioner then hired a new lawyer to handle the appeal. Later, the State moved to dismiss the appeal for failure to prosecute, notifying the defense attorney but not the petitioner who had been convicted. Petitioner's lawyer failed to take any further action, and the court dismissed the appeal with prejudice, thereby depriving petitioner of his right to appellate review. Although petitioner never did receive notice from his lawyer or from the court, when he learned that his case had been dismissed, he quickly asked the court to reinstate it, explaining that he had never been advised that the appeal

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was not being actively prosecuted or that the State had moved to dismiss it, and stating that he had now retained a new attorney who was prepared to proceed promptly with the appeal. The court, without ever giving the defendant the benefit of an opinion to explain its action, denied his motion. Now this Court refuses to review and hold that this defendant should be given the benefit of the first and most important rule of due process, which requires notice to a person before he is deprived of his liberty or his property. I would grant certiorari and hold that since Florida provides a right of appeal to criminal defendants in general, it is required to give this defendant an appellate review before he is stigmatized as a criminal.

Of course, the average litigants, who rarely get into court, are not well acquainted with the qualifications of lawyers and they may select poor ones. Even so, there is a vast difference between, on the one hand, holding the litigant responsible for errors in not objecting to evidence or pleadings, and, on the other hand, holding the litigant responsible for complete failure to file papers and then without notice to the litigant dismissing his entire case or defense. When a litigant hires a lawyer who has a state license to practice, he certainly has no reason to suspect that the State will reach into his pocket and make him pay money or take away his valuable cause of action because of his lawyer's neglect.

Many people justify such state action by saying that the litigant can sue his lawyer for malpractice. But there is a long distance between filing a malpractice suit and winning a damage award against an attorney for malpractice. Nor should courts render a judgment based on the idea that although they do a wrong to a litigant, he can be recompensed by a suit against his lawyer. There is a much simpler solution to this problem than malpractice lawsuits. Instead of holding a

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litigant responsible in a civil or criminal case for the mistakes of his lawyer, the courts can merely give the litigant notice of his lawyer's defaults and an opportunity to get a new lawyer to present his case. I would grant certiorari and reverse.

No. 94. *ACREE ET AL. v. AIR LINE PILOTS ASSN. ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Thomas L. Carter, Jr.*, and *Warren S. Gritzmacher* for petitioners. *Samuel J. Cohen* for Air Line Pilots Assn., and *W. Glen Harlan*, *E. Smythe Gambrell*, and *Charles A. Moye, Jr.*, for Eastern Air Lines, Inc., respondents. Reported below: 390 F. 2d 199.

No. 98. *AMELL ET AL. v. UNITED STATES.* Ct. Cl. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Lee Pressman* and *David Scribner* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Alan S. Rosenthal*, and *Robert E. Kopp* for the United States. Reported below: 182 Ct. Cl. 604, 390 F. 2d 880.

No. 119. *KAPATOS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Julius Lucius Echeles* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States.

No. 141. *COHEN v. NEW YORK.* Ct. App. N. Y. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Abraham Glasser* for petitioner. *Aaron E. Koota* and *William I. Siegel* for respondent.

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No. 136. *PEREZ ET AL. v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *McPherson Berrien E. Moore* and *Hiram W. Kwan* for petitioners.

No. 290. *CROWN COAT FRONT CO., INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Edwin J. McDermott* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *Alan S. Rosenthal* for the United States. Reported below: 395 F. 2d 160.

No. 108. *MORGAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Julian Herndon, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 237.

No. 120. *PALMISANO ET AL. v. BALTIMORE COUNTY WELFARE BOARD*. Ct. App. Md. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Louis Peregoff* for petitioners. *R. Bruce Alderman*, *Harris James George*, and *Jean G. Rogers* for respondent. Reported below: 249 Md. 94, 238 A. 2d 251.

No. 139. *REMENYI v. CLIFFORD, SECRETARY OF DEFENSE, ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Loyd Wright* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, and *Lee B. Anderson* for respondents. Reported below: 391 F. 2d 128.

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No. 122. *TORMEY v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John J. Abt* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for respondent.

No. 133. *FULTZ v. OHIO*. Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Richard J. Morr* for petitioner. *Melvin G. Rueger* and *Leonard Kirschner* for respondent. Reported below: 13 Ohio St. 2d 79, 234 N. E. 2d 593.

No. 164. *DAWKINS ET AL. v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. and/or Sup. Ct. Fla. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Murray A. Gordon* for petitioners. *Earl Faircloth*, *Attorney General of Florida*, and *Raymond L. Marky* and *George R. Georgieff*, *Assistant Attorneys General*, for respondent. Reported below: 208 So. 2d 119.

No. 177. *LOSCHI ET AL. v. MASSACHUSETTS PORT AUTHORITY*. Sup. Jud. Ct. Mass. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Vincent J. Celeste* for petitioners. *Warren F. Farr* for respondent. Reported below: 354 Mass. 53, 234 N. E. 2d 901.

No. 203. *THORESEN v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Melvin W. Miller* for petitioner. *James S. Erwin*, *Attorney General of Maine*, and *John W. Benoit, Jr.*, *Assistant Attorney General*, for respondent. Reported below: 239 A. 2d 654.

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No. 373. *TODD v. FRANKEL*, GUARDIAN. C. A. 3d Cir. Certiorari denied. *Norman Paul Harvey* for petitioner. Reported below: 393 F. 2d 435.

No. 219. *ROSADO v. FLOOD*, WARDEN. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Irving Anolik* for petitioner. *William Cahn* and *George Danzig Levine* for respondent. Reported below: 394 F. 2d 139.

No. 225. *MEACHAM, DBA "BARBARY COAST" v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *McPherson Berrien E. Moore* for petitioner. *Thomas C. Lynch*, Attorney General of California, and *Kenneth Scholtz*, Deputy Attorney General, for respondent.

No. 320. *OWENS v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Otto B. Mullinax* for petitioner. *Luther Hudson* for respondent. Reported below: 393 F. 2d 77.

No. 348. *IN RE THORESEN*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John P. Frank*, *John J. Flynn*, and *Peyton Ford* for petitioner. Reported below: 395 F. 2d 466.

No. 143. *BRUNS, NORDEMAN & Co. v. AMERICAN NATIONAL BANK & TRUST CO. ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK dissents. *David J. Colton* and *Spencer Pinkham* for petitioner. *Lawrence Gunnels* for respondent American National Bank & Trust Co. Reported below: 394 F. 2d 300.

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No. 147. *FERRELL ET AL. v. DALLAS INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. *Marvin Menaker* for petitioners. *Franklin E. Spafford* for respondents. Reported below: 392 F. 2d 697.

MR. JUSTICE DOUGLAS, dissenting.

It comes as a surprise that in a country where the States are restrained by an Equal Protection Clause, a person can be denied education in a public school because of the length of his hair. I suppose that a nation bent on turning out robots might insist that every male have a crew cut and every female wear pigtails. But the ideas of "life, liberty, and the pursuit of happiness," expressed in the Declaration of Independence, later found specific definition in the Constitution itself, including of course freedom of expression and a wide zone of privacy. I had supposed those guarantees permitted idiosyncrasies to flourish, especially when they concern the image of one's personality and his philosophy toward government and his fellow men.

Municipalities furnish many services to their inhabitants; and I had supposed that it would be an invidious discrimination to withhold fire protection, police protection, garbage collection, health protection, and the like merely because a person was an offbeat nonconformist when it came to hairdo and dress as well as to diet, race, religion, or his views on Vietnam.

I would grant the petition for certiorari in this Texas case and put it down for argument.

No. 298. *VAUGHN v. MUNICIPAL COURT, LOS ANGELES JUDICIAL DISTRICT.* Sup. Ct. Cal. Motion to dis-pense with printing petition granted. Certiorari denied. *Frank D. Reeves* for petitioner. *John H. Larson* for respondent.

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No. 349. THORESEN *v.* GOODWIN, U. S. DISTRICT JUDGE. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *John P. Frank, John J. Flynn, and Peyton Ford* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for respondent.

No. 184. ARKANSAS VALLEY G & T, INC., ET AL. *v.* FEDERAL POWER COMMISSION ET AL. C. A. D. C. Cir. Motion of Tri-State Generation & Transmission Association, Inc., for leave to file a brief, as *amicus curiae*, granted. Certiorari denied. *Wallace L. Duncan, Stephen A. West, and J. A. Riggins, Jr.*, for petitioners. *Solicitor General Griswold, Peter H. Schiff, and William H. Arkin* for respondent Federal Power Commission; *Reuben Goldberg* for respondent Minnkota Power Cooperative, Inc.; and *William C. Wise* for respondents Committee of Rural Electric Cooperatives et al. *Raphael J. Moses and John J. Conway* for Tri-State Generation & Transmission Association, Inc., as *amicus curiae*, in support of the petition. Reported below: 129 U. S. App. D. C. 117, 391 F. 2d 470.

No. 149. COURTNEY *v.* UNITED STATES. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. *F. Conger Fawcett* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Sidney M. Glazer* for the United States. Reported below: 390 F. 2d 521.

No. 211. NORTH CAROLINA *v.* LOGNER. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted and judgment reversed. *Daniel K. Edwards* for petitioner. Reported below: 392 F. 2d 222.

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No. 132. YUEN KAM CHUEN ET AL. *v.* ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Abraham Lebenkoff* and *Jules E. Coven* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for respondent. Reported below: See 279 F. Supp. 151.

No. 210. PARMAN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Daniel A. Rezneck* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 130 U. S. App. D. C. 188, 399 F. 2d 559.

No. 311. CONLEY ELECTRONICS CORP., DBA TELEPROMPTER OF LIBERAL, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition. *John P. Cole, Jr.*, and *Alan Raywid* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Zimmerman*, *Howard E. Shapiro*, *Henry Geller*, and *John H. Conlin* for respondents. Reported below: 394 F. 2d 620.

No. 303. PARKS *v.* SIMPSON TIMBER CO. ET AL.; and
No. 322. SIMPSON TIMBER CO. *v.* PARKS ET AL. C. A. 9th Cir. Motion in No. 303 to use record in No. 1335, October Term, 1966, granted. Certiorari denied. *Eugene Gressman* for petitioner in No. 303. *Kenneth E. Roberts* and *Albert Brick* for petitioner in No. 322 and for respondent Simpson Timber Co. in No. 303. Reported below: 390 F. 2d 353.

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No. 337. *TIME, INC., ET AL. v. BON AIR HOTEL, INC.* C. A. 5th Cir. Certiorari denied. *Harold R. Medina, Jr.*, for petitioners.

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

I would grant certiorari in this case and hold that the petitioners, Time, Inc., and Dan Jenkins, were entitled to summary judgment since, for the reasons stated in the separate opinions of MR. JUSTICE DOUGLAS and myself in *New York Times Co. v. Sullivan*, 376 U. S. 254, 293; *Rosenblatt v. Baer*, 383 U. S. 75, 94; and *Curtis Publishing Co. v. Butts*, 388 U. S. 130, 170, I believe that a libel judgment against these petitioners is forbidden by the First Amendment's guarantee that freedom of the press shall not be abridged, a guarantee made applicable to the States by the Fourteenth Amendment. This constitutional bar would apply to any state of facts that might be shown at the trial of this case. I believe the First Amendment was intended to leave the press free from the harassment and expense of suits such as this.

No. 214. *WHITE v. EVANSVILLE AMERICAN LEGION HOME ASSN.* Sup. Ct. Ind. Certiorari denied. MR. JUSTICE BLACK dissents from the denial of the petition for writ of certiorari. *Theodore Lockyear* for petitioner. *Frederick P. Bamberger* for respondent.

No. 314. *RAY v. SEABOARD AIR LINE RAILROAD CO.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. MR. JUSTICE BLACK dissents from the denial of certiorari in this case; he would grant certiorari and reverse summarily, believing it was clearly error to grant summary judgment against petitioner. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *James F. Lang* and *William N. Avera* for petitioner. *John S. Cox* for respondent. Reported below: 205 So. 2d 537.

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No. 350. *HAINES v. SOUTHERN PACIFIC Co.* Sup. Ct. Ariz. Certiorari denied. MR. JUSTICE BLACK dissents from denial of certiorari; he would grant certiorari and set the case down for oral argument. *Rex E. Lee* for petitioner. *Ralph W. Bilby* for respondent.

No. 367. *UTAH PIE Co. v. CONTINENTAL BAKING Co. ET AL.* C. A. 10th Cir. 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. *Joseph L. Alioto*, *Matthew P. Mitchell*, and *Robert W. Hughes* for petitioner. *John H. Schafer* for Continental Baking Co.; *Peter W. Billings* and *James R. Baird, Jr.*, for Carnation Co.; and *George P. Lamb*, *Carrington Shields*, *John P. Lipscomb*, and *Gene Mayfield* for Pet Milk Co., respondents. Reported below: 396 F. 2d 161.

No. 8, Misc. *O'HALLORAN v. RUNDLE, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. *Michael J. Rotko* and *Arlen Specter* for respondent. Reported below: 384 F. 2d 997.

No. 9, Misc. *MORALES v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Gloria F. DeHart*, Deputy Attorney General, for respondent.

No. 25, Misc. *NAPIER v. UNITED STATES*;

No. 26, Misc. *COWART v. UNITED STATES*; and

No. 27, Misc. *SKIPPER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 387 F. 2d 147.

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No. 12, Misc. JOHNSON ET AL. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *James H. Kline*, Deputy Attorney General, for respondent.

No. 14, Misc. SCHWEININGER *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *George J. Aspland* and *John Copertino* for respondent.

No. 15, Misc. LAUDERMILK *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Jack K. Weber*, Deputy Attorney General, for respondent. Reported below: 67 Cal. 2d 272, 431 P. 2d 228.

No. 17, Misc. SESSIONS *v.* PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. *Michael J. Rotko* and *Arlen Specter* for respondent.

No. 18, Misc. AGOSTO *v.* ALASKA. Sup. Ct. Alaska. Certiorari denied.

No. 19, Misc. FORD *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

No. 20, Misc. CLARKE *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. *Bronson C. La Follette*, Attorney General of Wisconsin, and *David J. Cannon* for respondent. Reported below: 36 Wis. 2d 263, 153 N. W. 2d 61.

No. 24, Misc. RENSING *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Aaron E. Koota* and *Stanley M. Meyer* for respondent. Reported below: 20 N. Y. 2d 936, 233 N. E. 2d 459.

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No. 21, Misc. *PETERS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Bertrand De Blanc* for respondent. Reported below: 251 La. 273, 204 So. 2d 284.

No. 28, Misc. *BANKS v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Nelson P. Kempsey*, Deputy Attorney General, for respondent.

No. 29, Misc. *MARTIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 386 F. 2d 213.

No. 30, Misc. *CINDLE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. *G. T. Blankenship*, Attorney General of Oklahoma, and *Hugh H. Collum*, Assistant Attorney General, for respondent. Reported below: 433 P. 2d 528.

No. 31, Misc. *TORRES v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Edward J. Horowitz*, Deputy Attorney General, for respondent.

No. 32, Misc. *CRAWFORD v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *William E. Gray* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Allo B. Crow, Jr.*, Assistant Attorneys General, for respondent. Reported below: 385 F. 2d 156.

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No. 33, Misc. *WHITED v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *H. G. Hamilton*, Assistant Attorney General, for respondent. Reported below: 182 Neb. 282, 154 N. W. 2d 508.

No. 34, Misc. *ALMEIDA v. RUNDLE, WARDEN*. C. A. 3d Cir. Certiorari denied. *Herbert G. Keene, Jr.*, for petitioner. *Michael J. Rotko* and *Arlen Specter* for respondent. Reported below: 383 F. 2d 421.

No. 35, Misc. *BOYD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Charles W. Tessmer* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 419 S. W. 2d 843.

No. 36, Misc. *KING v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. *George F. McCanless*, Attorney General of Tennessee, and *Thomas E. Fox*, Deputy Attorney General, for respondent.

No. 37, Misc. *HANKS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Kenneth K. Simon* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 388 F. 2d 171.

No. 38, Misc. *SALAS ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 387 F. 2d 121.

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No. 40, Misc. *RUSSEL v. CRAVEN, WARDEN, ET AL.* Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Gerald H. Genard*, Deputy Attorney General, for respondents.

No. 41, Misc. *RAY v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *James M. Weinberg* 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. Reported below: 252 Cal. App. 2d 932, 61 Cal. Rptr. 1.

No. 44, Misc. *HOLDEN v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Sidney M. Glazer* for the United States. Reported below: 388 F. 2d 240.

No. 42, Misc. *FLOURNOY v. VIRGINIA.* Sup. Ct. App. Va. Certiorari denied. *W. B. Keeling* for respondent.

No. 45, Misc. *WATROBA v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Gloria F. DeHart*, Deputy Attorney General, for respondent.

No. 49, Misc. *BALL v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole*, Assistant Attorney General, for respondent.

No. 53, Misc. *PERSINGER v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. Reported below: 72 Wash. 2d 561, 433 P. 2d 867.

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No. 46, Misc. *HANDY v. PATUXENT INSTITUTION DIRECTOR*. Ct. Sp. App. Md. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, and *Edward F. Borgerding*, Assistant Attorney General, for respondent.

No. 51, Misc. *BERNAL v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondent. Reported below: 254 Cal. App. 2d 283, 62 Cal. Rptr. 96.

No. 47, Misc. *SCHOEFFLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *William S. Hochman* and *Robert E. Lynch, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 390.

No. 48, Misc. *CHABOLLA-DELGADO v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. *Stella Gramer* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for respondent. Reported below: 384 F. 2d 360.

No. 54, Misc. *PADGETT v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Earl Faircloth*, Attorney General of Florida, and *David U. Tumin*, Assistant Attorney General, for respondent. Reported below: 387 F. 2d 387.

No. 56, Misc. *MILANI v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *William G. Clark*, Attorney General of Illinois, for respondent. Reported below: 39 Ill. 2d 22, 233 N. E. 2d 398.

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No. 58, Misc. *KENDRICK v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Roger E. Venturi*, Deputy Attorney General, for respondents.

No. 62, Misc. *USSERY ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 386 F. 2d 495.

No. 65, Misc. *HINDMARSH v. UNITED STATES*; and No. 66, Misc. *HINDMARSH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *William J. Dammarell* for petitioner in each case. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States in both cases. Reported below: 389 F. 2d 137.

No. 67, Misc. *McKINNEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 69, Misc. *STRAIN v. GOSLIN, SHERIFF.* C. A. 5th Cir. Certiorari denied. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *William P. Schuler*, Second Assistant Attorney General, for respondent.

No. 71, Misc. *LIMON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, and *Robert R. Granucci* and *Don Jacobson*, Deputy Attorneys General, for respondent. Reported below: 255 Cal. App. 2d 519, 63 Cal. Rptr. 91.

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No. 63, Misc. *NEWTON v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. *James B. Wilkinson* for respondent.

No. 70, Misc. *LOUX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Ralph J. Steinberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 389 F. 2d 911.

No. 72, Misc. *ST. CLAIR v. NAPOLI*, U. S. DISTRICT JUDGE, ET AL. C. A. 7th Cir. Certiorari denied.

No. 73, Misc. *BRADWELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Gerald F. Stevens* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 388 F. 2d 619.

No. 74, Misc. *SMITH v. EYMAN, WARDEN, ET AL.* Sup. Ct. Ariz. Certiorari denied. *Gary K. Nelson*, Attorney General of Arizona, and *James S. Tegart*, Assistant Attorney General, for respondents.

No. 76, Misc. *MINOR v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. *Bronson C. La Follette*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, for respondent.

No. 77, Misc. *VELASCO ET AL. v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Richard W. Lowery* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for respondent. Reported below: 386 F. 2d 283.

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No. 78, Misc. *GLORIOSO v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. *Richard W. Lowery* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for respondent. Reported below: 386 F. 2d 664.

No. 80, Misc. *TALBOT v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Edward P. O'Brien* and *George R. Nock*, Deputy Attorneys General, for respondent. Reported below: 390 F. 2d 801.

No. 82, Misc. *JOHNSON v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers*, *Dunklin Sullivan*, and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 383 F. 2d 197.

No. 84, Misc. *JENNINGS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Paul E. Gifford* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 391 F. 2d 512.

No. 85, Misc. *TAYLOR v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Blaine P. Friedlander* for petitioner. *Solicitor General Griswold* for the United States.

No. 90, Misc. *FITZSIMMONS v. YEAGER, PRINCIPAL KEEPER, ET AL.* C. A. 3d Cir. Certiorari denied. *John G. Thevos* for respondents. Reported below: 391 F. 2d 849.

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No. 91, Misc. *TAYLOR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Gordon W. Neilson* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. May-sack* for the United States. Reported below: 390 F. 2d 278.

No. 92, Misc. *DAVIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Ira B. Grudberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 390 F. 2d 879.

No. 93, Misc. *STOCKLEY v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. *Daniel Hartnett* for petitioner. *Wescott B. Northam* for respondent.

No. 94, Misc. *WELLS v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *Francis Conklin* for petitioner. Reported below: 72 Wash. 2d 492, 433 P. 2d 869.

No. 95, Misc. *THOMAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Joseph J. Rekofke* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 389 F. 2d 911.

No. 101, Misc. *KITT v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 2 Md. App. 306, 234 A. 2d 621.

No. 99, Misc. *ROY v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch, Attorney General of California, William E. James, Assistant Attorney General, and David B. Stanton, Deputy Attorney General*, for respondent.

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No. 97, Misc. *RAMER v. UNITED STATES*; and

No. 141, Misc. *CHURCH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Mervyn Hamburg* for the United States in both cases. Reported below: 390 F. 2d 564.

No. 100, Misc. *GREGORY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Charles L. Kellar* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. May-sack* for the United States. Reported below: 391 F. 2d 281.

No. 102, Misc. *LATTA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch, Attorney General of California, William E. James, Assistant Attorney General, and Jerold A. Prod, Deputy Attorney General*, for respondent.

No. 104, Misc. *BISHOP v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States.

No. 107, Misc. *COGHLAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Bernard G. Winsberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Theodore George Gilinsky* for the United States. Reported below: 391 F. 2d 371.

No. 108, Misc. *AVENT ET AL. v. NEWARK HOUSING AUTHORITY ET AL.* C. A. 3d Cir. Certiorari denied. *David L. Krooth, Norman S. Altman, Victor A. Altman, William S. Tennant, Augustine J. Kelly, and Michael M. Alercio* for respondents. Reported below: 384 F. 2d 151.

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No. 106, Misc. *McCoy v. New York*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Michael F. Dillon* for respondent.

No. 109, Misc. *Blumner et al. v. United States*. C. A. 2d Cir. Certiorari denied. *Jerome J. Londin* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 111, Misc. *Smith v. Montgomery Ward & Co., Inc.* C. A. 6th Cir. Certiorari denied. Reported below: 388 F. 2d 291.

No. 112, Misc. *Bynacker v. McMichael*. Sup. Ct. La. Certiorari denied. *Edward B. Dufreche* for petitioner. Reported below: 251 La. 654, 205 So. 2d 433.

No. 114, Misc. *Boggs et al. v. California*. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Norman H. Sokolow*, Deputy Attorney General, for respondent. Reported below: 255 Cal. App. 2d 693, 63 Cal. Rptr. 430.

No. 115, Misc. *Edgerton v. Maryland*. C. A. 4th Cir. Certiorari denied.

No. 117, Misc. *Dear v. Dear*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 87 Ill. App. 2d 72, 77, 230 N. E. 2d 385, 386.

No. 118, Misc. *Thomas v. Field, Men's Colony Superintendent, et al.* Sup. Ct. Cal. Certiorari denied.

No. 119, Misc. *Marcelin v. New York*. Ct. App. N. Y. Certiorari denied.

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No. 122, Misc. *BOONE v. MARYLAND*. Ct. App. Md. Certiorari denied.

No. 123, Misc. *BRODERICK v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *Ferdinand Samper* for petitioner. Reported below: — Ind. —, 231 N. E. 2d 526.

No. 124, Misc. *YOUNT v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 126, Misc. *VARONE v. VARONE*. C. A. 7th Cir. Certiorari denied. Reported below: 392 F. 2d 855.

No. 127, Misc. *JACKSON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 128, Misc. *BARRIO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 130, Misc. *GROGG v. WARDEN, MARYLAND PENITENTIARY*. C. A. 4th Cir. Certiorari denied.

No. 131, Misc. *HILL v. CITY OF SEATTLE*. Sup. Ct. Wash. Certiorari denied. *Michael H. Rosen* for petitioner. *A. L. Newbould* for respondent. Reported below: 72 Wash. 2d 786, 435 P. 2d 692.

No. 132, Misc. *CERDA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 391 F. 2d 219.

No. 134, Misc. *CARLINO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 390 F. 2d 624.

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No. 135, Misc. FLETCHER *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 137, Misc. BURNS *v.* TURNER, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 139, Misc. EVANS *v.* COUNTY OF DELAWARE, PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. Reported below: 390 F. 2d 617.

No. 142, Misc. DAVIS *v.* HARPER, CORRECTION COMMISSIONER. C. A. 6th Cir. Certiorari denied.

No. 146, Misc. CLARK *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 391 F. 2d 57.

No. 148, Misc. MANNI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 922.

No. 150, Misc. RUCKER *v.* CITY OF FLINT ET AL. C. A. 6th Cir. Certiorari denied.

No. 151, Misc. BOONE *v.* MARYLAND. C. A. 4th Cir. Certiorari denied.

No. 152, Misc. MINIARD *v.* LEWIS ET AL., TRUSTEES. C. A. D. C. Cir. Certiorari denied. *Julian H. Singman* for petitioner. *Welly K. Hopkins*, *Harold H. Bacon*, and *Joseph T. McFadden* for respondents. Reported below: 128 U. S. App. D. C. 299, 387 F. 2d 864.

No. 155, Misc. GUTKOWSKY *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 154, Misc. *SHERRICK v. EYMAN*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 389 F. 2d 648.

No. 157, Misc. *REDD v. VIRGINIA*. C. A. 4th Cir. Certiorari denied.

No. 159, Misc. *TAYLOR v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *Harland M. Britz* for petitioner. *Harry Friberg* for respondent.

No. 160, Misc. *THOMAS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 161, Misc. *MINHINNICK v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 162, Misc. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 391 F. 2d 543.

No. 163, Misc. *TENORIO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 390 F. 2d 96.

No. 164, Misc. *HARRIS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *H. H. Gearinger* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 348.

No. 165, Misc. *WILLIAMS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

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No. 166, Misc. JORDAN *v.* NORTH CAROLINA ET AL. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold* for respondent United States.

No. 168, Misc. LEYVA *v.* MARYLAND. Ct. App. Md. Certiorari denied.

No. 170, Misc. HENRY *v.* WEAVER, PAROLE ADMINISTRATOR. C. A. 9th Cir. Certiorari denied.

No. 171, Misc. LUSK *v.* STRICKLAND ET AL. C. A. 7th Cir. Certiorari denied. *Howard W. Campbell* for respondents Strickland et al.

No. 172, Misc. BURNS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 390 F. 2d 659.

No. 173, Misc. WILSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 174, Misc. WRIGHT *v.* PERINI, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied.

No. 175, Misc. STOCKMAN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 176, Misc. BAKER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Patrick J. Hughes, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 389 F. 2d 629.

No. 179, Misc. RAMOS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

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No. 177, Misc. HUDSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Louis C. Glasso* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 387 F. 2d 331.

No. 180, Misc. SMITH *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 181, Misc. DURAN *v.* PATTERSON, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 182, Misc. BREAUx *v.* G. H. LEIDENHEIMER CO., LTD., ET AL. Sup. Ct. La. Certiorari denied. *Floyd J. Reed* for petitioner.

No. 183, Misc. DARBY *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. *Earl Faircloth*, Attorney General of Florida, for respondent.

No. 184, Misc. JONES *v.* STANTON ET AL. C. A. 6th Cir. Certiorari denied. *Robert K. Dwyer*, Executive Assistant Attorney General of Tennessee, and *Eugene C. Gaerig*, Assistant Attorney General, for respondents.

No. 185, Misc. SYKES *v.* PURTELL, SHERIFF. Sup. Ct. Wis. Certiorari denied.

No. 186, Misc. NICHOLSON ET AL. *v.* SIGLER, WARDEN. Sup. Ct. Neb. Certiorari denied. Reported below: 183 Neb. 24, 157 N. W. 2d 872.

No. 191, Misc. JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States.

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No. 189, Misc. REEVES *v.* UTAH. Sup. Ct. Utah. Certiorari denied. Reported below: 20 Utah 2d 434, 439 P. 2d 288.

No. 190, Misc. BLACKWELDER *v.* NORTH CAROLINA. C. A. 4th Cir. Certiorari denied.

No. 192, Misc. DUVAL *v.* WILLINGHAM, WARDEN. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 203.

No. 193, Misc. LOCKETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 390 F. 2d 168.

No. 194, Misc. BROWN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 196, Misc. HEMPHILL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. Maysack* for the United States. Reported below: 392 F. 2d 45.

No. 198, Misc. BOONE *v.* MOYLAN ET AL. C. A. 4th Cir. Certiorari denied.

No. 199, Misc. LEVY ET AL. *v.* MONTGOMERY COUNTY ET AL. Ct. App. Md. Certiorari denied. *Alfred H. Carter and H. Christopher Malone, Jr.*, for respondents *Montgomery County, and Edgar F. Czarra, Jr.*, for respondents *Evening Star Broadcasting Co., Trustee, et al.* Reported below: 248 Md. 346, 236 A. 2d 737.

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No. 203, Misc. WOOLLASTON *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 204, Misc. OGLESBY *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 206, Misc. LOEWING *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 392 F. 2d 218.

No. 209, Misc. REA *v.* RUSSELL, WARDEN. Sup. Ct. Tenn. Certiorari denied. *George F. McCanless*, Attorney General of Tennessee, and *Paul E. Jennings*, Assistant Attorney General, for respondent.

No. 210, Misc. McTAGUE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold*, Assistant Attorney General Vinson, *Beatrice Rosenberg*, and *Edward Fenig* for the United States.

No. 212, Misc. NORDESTE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, Assistant Attorney General Vinson, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 393 F. 2d 335.

No. 213, Misc. HOOPER *v.* CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 214, Misc. TROTTER *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 218, Misc. RICE *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 37 Wis. 2d 392, 155 N. W. 2d 116.

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No. 215, Misc. DURHAM *v.* BREWER, SHERIFF. C. A. 5th Cir. Certiorari denied.

No. 216, Misc. BLAYLOCK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States.

No. 219, Misc. JACKSON *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 220, Misc. JACKSON *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. *Earl Faircloth, Attorney General of Florida, and Arden M. Siegendorf, Assistant Attorney General, for respondent.*

No. 222, Misc. ANCRUM *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States.

No. 225, Misc. STAHL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *John J. Cleary* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 393 F. 2d 101.

No. 228, Misc. MAYBERRY *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 229, Misc. TAYLOR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Clement Theodore Cooper* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 385 F. 2d 835.

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No. 230, Misc. STAMM *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 389 F. 2d 1006.

No. 232, Misc. TAYLOR *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: 421 S. W. 2d 310.

No. 233, Misc. CHACON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 234, Misc. MYERS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 390 F. 2d 793.

No. 236, Misc. WALLE *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 182 Neb. 642, 156 N. W. 2d 810.

No. 237, Misc. BELK *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. *Charles V. Bell* for petitioner. *Thomas Wade Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Deputy Attorney General, for respondent. Reported below: 272 N. C. 517, 158 S. E. 2d 335.

No. 238, Misc. FURTAKE *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 240, Misc. DETABLAN *v.* ADMINISTRATOR, U. S. VETERANS ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for respondent.

No. 243, Misc. RANDEL *v.* TEXAS BOARD OF PARDONS AND PAROLES ET AL. Ct. Crim. App. Tex. Certiorari denied.

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No. 239, Misc. ELTON *v.* OHIO. C. A. 6th Cir. Certiorari denied.

No. 241, Misc. NETTLES *v.* ILLINOIS. Cir. Ct., Will County, Ill. Certiorari denied.

No. 242, Misc. ESTRADA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. Maysack* for the United States. Reported below: 392 F. 2d 529.

No. 244, Misc. FAJERIAK *v.* ALASKA. Sup. Ct. Alaska. Certiorari denied. Reported below: 439 P. 2d 783.

No. 245, Misc. WILLIAMS *v.* ESSEX COUNTY WELFARE BOARD. Super. Ct. N. J. Certiorari denied. *William H. Sheil* for respondent.

No. 246, Misc. BURCHIL *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied.

No. 247, Misc. LEAVITT *v.* RHODE ISLAND. Sup. Ct. R. I. Certiorari denied. *F. Lee Bailey* for petitioner. *Herbert F. DeSimone*, Attorney General of Rhode Island, and *Richard J. Israel* and *Donald P. Ryan*, Assistant Attorneys General, for respondent. Reported below: — R. I. —, 237 A. 2d 309.

No. 250, Misc. POTTER *v.* FLORIDA. C. A. 5th Cir. Certiorari denied.

No. 256, Misc. HARVEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Wilfred C. Varn* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 390 F. 2d 662.

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No. 251, Misc. *PACHECO v. CARBERRY, SHERIFF, ET AL.* C. A. 9th Cir. Certiorari denied. *William Klein* and *Edward L. Cragen* for petitioner. Reported below: 389 F. 2d 93.

No. 253, Misc. *SIWAKOWSKI v. BETO, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied.

No. 254, Misc. *JONES ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *George A. Fath* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 392 F. 2d 567.

No. 257, Misc. *POOS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 259, Misc. *COLE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 260, Misc. *DAVIS v. CALIFORNIA.* Super. Ct. Cal., County of Butte. Certiorari denied.

No. 261, Misc. *JACKSON v. PERINI, CORRECTIONAL SUPERINTENDENT.* C. A. 6th Cir. Certiorari denied.

No. 264, Misc. *MANNING v. BRIERLEY, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. Reported below: 392 F. 2d 197.

No. 265, Misc. *ORTIZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 267, Misc. *MOODY v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. *Gerald I. Roth* for petitioner. Reported below: 429 Pa. 39, 239 A. 2d 409.

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No. 268, Misc. *COSTANZO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 441.

No. 270, Misc. *MARSHALL ET UX. v. SOUTHERN FARM BUREAU CASUALTY CO. ET AL.* Sup. Ct. La. Certiorari denied. *J. Minos Simon* for petitioners.

No. 273, Misc. *BLACKMAN v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 274, Misc. *YOUNGLOVE v. ATTORNEY GENERAL OF MICHIGAN*. Sup. Ct. Mich. Certiorari denied.

No. 275, Misc. *FURTAK v. McMANN, WARDEN*. Ct. App. N. Y. Certiorari denied.

No. 276, Misc. *PILLIS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 659.

No. 277, Misc. *GOINGS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Thomas H. Foye* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 393 F. 2d 884.

No. 278, Misc. *SHIFFLETT v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 281, Misc. *MARKS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 598.

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No. 279, Misc. SCOTT *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. *Raymond E. LaPorte* for petitioner. Reported below: 207 So. 2d 493.

No. 282, Misc. NASH *v.* REINCKE, WARDEN. Sup. Ct. Conn. Certiorari denied. Reported below: 156 Conn. 339, 240 A. 2d 877.

No. 283, Misc. CAGNOLATTI *v.* CALIFORNIA ADULT AUTHORITY ET AL. Sup. Ct. Cal. Certiorari denied.

No. 285, Misc. DAVIS *v.* CALIFORNIA MEDICAL FACILITY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 2d 754.

No. 286, Misc. ODDY *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 291, Misc. PEMBERTON *v.* OHIO. C. A. 6th Cir. Certiorari denied. *Lee C. Davies, Robert K. Lewis, Jr., and Louis A. Dirker* for petitioner. *James V. Barbuto and Stephan M. Gabalac* for respondent.

No. 293, Misc. COPELAND *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 295, Misc. MCGUIRE *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 39 Ill. 2d 244, 234 N. E. 2d 772.

No. 297, Misc. THOMPSON *v.* EVENING STAR NEWSPAPER Co. C. A. D. C. Cir. Certiorari denied. *Charles P. Howard, Jr.*, for petitioner. Reported below: 129 U. S. App. D. C. 299, 394 F. 2d 774.

No. 298, Misc. REDD *v.* VIRGINIA. Sup. Ct. App. Va. Certiorari denied.

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No. 301, Misc. REID *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 305, Misc. RUSSO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *W. Edward Morgan* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 1004.

No. 308, Misc. CHRISTMAN *v.* LESHER. C. A. 3d Cir. Certiorari denied.

No. 309, Misc. WRIGHT *v.* MCKENDRICK, WARDEN. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 310, Misc. HARPER *v.* RUSSELL, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 313, Misc. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 393 F. 2d 687.

No. 315, Misc. MISSMER *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 72 Wash. 2d 1022, 435 P. 2d 638.

No. 318, Misc. PIERCE *v.* COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 7th Cir. Certiorari denied. *Marshall Patner* for petitioner. *Solicitor General Griswold* for respondent. Reported below: 388 F. 2d 846.

No. 320, Misc. MCKEAN ET UX. *v.* CARMAE CORP. ET AL. Sup. Ct. La. Certiorari denied. *Benjamin E. Smith and Leonard E. Yokum, Jr.*, for petitioners.

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No. 311, Misc. *FURTAK v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 319, Misc. *KOVIC v. FLORIDA DEPARTMENT OF PUBLIC WELFARE*. C. A. 5th Cir. Certiorari denied.

No. 321, Misc. *ROGERS v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied.

No. 322, Misc. *JOERGER v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Earl Faircloth*, Attorney General of Florida, and *Arden M. Siegendorf*, Assistant Attorney General, for respondent.

No. 323, Misc. *TUNSTALL v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 325, Misc. *HARBOUR TOWER DEVELOPMENT CORP. ET AL. v. MATHESON ET AL., TRUSTEES*. C. A. 5th Cir. Certiorari denied. *Lyon L. Tyler, Jr.*, for petitioners. *Neal P. Rutledge* for respondents.

No. 326, Misc. *MARANZE v. TERRY*. C. A. 6th Cir. Certiorari denied.

No. 327, Misc. *ENGLEHART v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. *Elliot L. Richardson*, Attorney General of Massachusetts, and *Willie J. Davis*, Assistant Attorney General, for respondent. Reported below: 353 Mass. 561, 233 N. E. 2d 737.

No. 328, Misc. *PEREZ v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. *Richard J. Bruckner* for petitioner. Reported below: 182 Neb. 680, 157 N. W. 2d 162.

No. 332, Misc. *TAIT v. LANE, WARDEN*. C. A. 7th Cir. Certiorari denied.

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No. 331, Misc. *HINES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 333, Misc. *MOORE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Michael F. Dillon* for respondent.

No. 339, Misc. *WILLARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 393 F. 2d 118.

No. 340, Misc. *ANDERSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Emmett Colvin, Jr.*, for petitioner. Reported below: 424 S. W. 2d 923.

No. 341, Misc. *BOSTON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 342, Misc. *BOAG v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 344, Misc. *GUERRERO v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 345, Misc. *WILLOUGHBY v. INDIANA*. Sup. Ct. Ind. Certiorari denied.

No. 348, Misc. *SHELBY v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: — Ind. —, 232 N. E. 2d 363.

No. 350, Misc. *BALL v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

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No. 351, Misc. *HASKETT v. MARION COUNTY CRIMINAL COURT, DIVISION ONE, ET AL.* Sup. Ct. Ind. Certiorari denied. *Ferdinand Samper* for petitioner. *John J. Dillon*, Attorney General of Indiana, and *John F. Davis*, Deputy Attorney General, for respondents. Reported below: — Ind. —, 234 N. E. 2d 636.

No. 352, Misc. *GOGLEY v. VIRGINIA.* C. A. 4th Cir. Certiorari denied.

No. 355, Misc. *BAKER v. CRAVEN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 356, Misc. *BROWN v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Eleanor Jackson Piel* for petitioner. *Frank S. Hogan* and *H. Richard Uviller* for respondent.

No. 357, Misc. *BARFIELD v. BETO, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied.

No. 358, Misc. *HENDERSON v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 360, Misc. *RUTH v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Joseph L. Garrubbo* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. May-sack* for the United States. Reported below: 394 F. 2d 134.

No. 363, Misc. *WALLACE v. FIELD, MEN'S COLONY SUPERINTENDENT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 366, Misc. *NETTLES v. ILLINOIS.* Cir. Ct., Will County, Ill. Certiorari denied.

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No. 364, Misc. JONES *v.* HULSE ET AL. C. A. 8th Cir. Certiorari denied. *D. Jeff. Lance* for respondents. Reported below: 391 F. 2d 198.

No. 365, Misc. LUCIO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 394 F. 2d 511.

No. 368, Misc. WILLIFORD *v.* WILLINGHAM, WARDEN. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold* for respondent.

No. 370, Misc. CRISAFI *v.* OLIVER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 396 F. 2d 293.

No. 371, Misc. DILLON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Ivan E. Barris* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 391 F. 2d 433.

No. 372, Misc. HUBBARD *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 2 Md. App. 364, 234 A. 2d 775.

No. 375, Misc. TUCKER *v.* STEFFES, JUDGE. Sup. Ct. Wis. Certiorari denied. *Sydney M. Eisenberg* for petitioner.

No. 384, Misc. GARCIA *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 385, Misc. JENKINS *v.* KROPP, WARDEN. C. A. 6th Cir. Certiorari denied.

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No. 378, Misc. *GREER v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied. *Sidney Z. Karasik* and *Errett O. Graham* for petitioner. Reported below: 393 F. 2d 44.

No. 382, Misc. *MORTON v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 200 Kan. 259, 436 P. 2d 382.

No. 386, Misc. *DAVIS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 260 Cal. App. 2d 211, 67 Cal. Rptr. 35.

No. 388, Misc. *GILES v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. *William Earl Badgett* for petitioner. *George F. McCanless*, Attorney General of Tennessee, and *Lance D. Evans*, Assistant Attorney General, for respondent.

No. 389, Misc. *GARCIA v. TURNER, WARDEN*. Sup. Ct. Utah. Certiorari denied.

No. 390, Misc. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *H. Garland Head III* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 394 F. 2d 821.

No. 392, Misc. *WALCOTT v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *James E. Kennedy* for respondent. Reported below: 72 Wash. 2d 959, 435 P. 2d 994.

No. 393, Misc. *WATTS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

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No. 396, Misc. LEWIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *H. Elliot Wales* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 392 F. 2d 377.

No. 398, Misc. EARP *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 250 Ore. 19, 440 P. 2d 214.

No. 400, Misc. BLACK *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 401, Misc. WILLIAMSON *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied. Reported below: 78 N. M. 751, 438 P. 2d 161.

No. 402, Misc. HOSKINS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 404, Misc. VAUGHN *v.* TRUJILLO, SHERIFF, ET AL. C. A. 10th Cir. Certiorari denied.

No. 406, Misc. WILLIAMS *v.* FIELD, MEN'S COLONY SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 2d 329.

No. 407, Misc. FOX *v.* OREGON. Sup. Ct. Ore. Certiorari denied. Reported below: 250 Ore. 83, 439 P. 2d 1009.

No. 450, Misc. BOWMAN *v.* FIRST NATIONAL BANK OF HARRISONBURG ET AL. C. A. 4th Cir. Certiorari denied. *L. J. H. Herwig* for petitioner. *W. W. Wharton* for respondents First National Bank of Harrisonburg et al., and *Solicitor General Griswold* for respondent White. Reported below: 388 F. 2d 756.

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No. 415, Misc. *ANDREWS ET VIR v. BETANCOURT*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Daniel M. Semel* for respondent.

No. 426, Misc. *TURNER v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States et al.

No. 445, Misc. *PRITCHETT v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 446, Misc. *VIENNE v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 447, Misc. *MAGBY v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 452, Misc. *ROSA v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied. *Gerald W. Griffin* for petitioner. Reported below: 395 F. 2d 721.

No. 453, Misc. *MORTON v. AVERY, CORRECTION COMMISSIONER*. C. A. 6th Cir. Certiorari denied. Reported below: 393 F. 2d 138.

No. 454, Misc. *TOLIVER v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 456, Misc. *WILLIAMS v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 470, Misc. *MACEY v. SCAFATI, CORRECTIONAL SUPERINTENDENT*. C. A. 1st Cir. Certiorari denied. Reported below: 395 F. 2d 768.

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No. 457, Misc. LUCERO *v.* COLORADO. Sup. Ct. Colo. Certiorari denied.

No. 461, Misc. LOMAN *v.* INDIANA. Sup. Ct. Ind. Certiorari denied.

No. 464, Misc. YOUNG ET AL. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 465, Misc. FREDERICK *v.* BAKER, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 469, Misc. WADE *v.* YEAGER, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 471, Misc. FAIR *v.* ADAMS, SECRETARY OF STATE OF FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 472, Misc. McDANIELS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 474, Misc. HOLSTEIN *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. *Robert A. Green, Jr.*, for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Raymond L. Marky*, Assistant Attorney General, for respondent.

No. 476, Misc. CASSIDY *v.* RIDDLES. C. A. 4th Cir. Certiorari denied.

No. 477, Misc. MADDOX *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Leon B. Polsky* for petitioner.

No. 491, Misc. MARCUM *v.* KENTUCKY ET AL. C. A. 6th Cir. Certiorari denied. *John B. Breckinridge*, Attorney General of Kentucky, and *David Murrell*, Assistant Attorney General, for respondents.

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No. 527, Misc. HOHENSEE ET AL. *v.* MINEAR. Ct. App. Md. Certiorari denied. *Jo V. Morgan, Jr.*, for respondent.

No. 484, Misc. LEVINE ET AL. *v.* REVLON, INC., ET AL. C. A. 2d Cir. Certiorari denied.

No. 530, Misc. BIGLOW *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Sup. Ct. Fla. Certiorari denied. *Phillip A. Hubbart* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Harold Mendelow*, Assistant Attorney General, for respondent.

No. 538, Misc. SWANSON *v.* BRIDGES ET AL. C. A. 6th Cir. Certiorari denied. *J. Brad Reed* for respondents.

No. 556, Misc. MCCORPEN *v.* CENTRAL GULF STEAMSHIP CORP. C. A. 5th Cir. Certiorari denied. *Arthur J. Mandell* for petitioner. *Leroy Denman Moody* for respondent. Reported below: 396 F. 2d 547.

No. 582, Misc. TURNER *v.* SHEEHY, REFORMATORY SUPERINTENDENT. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for respondent.

No. 23, Misc. JORDAN *v.* OHIO ET AL. Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *David F. McLain* for respondents.

No. 55, Misc. SMOAK *v.* CALIFORNIA. Super. Ct. Cal., County of Orange. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

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No. 612, Misc. WASHINGTON *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Peter Murray* and *Richard Newman* for petitioner.

No. 61, Misc. EDWARDS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Roger E. Venturi*, Deputy Attorney General, for respondent.

No. 64, Misc. SMITH *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Irl B. Baris* for petitioner. *Norman H. Anderson*, Attorney General of Missouri, and *Howard L. McFadden* and *Richard E. Dorr*, Assistant Attorneys General, for respondent. Reported below: 422 S. W. 2d 50.

No. 98, Misc. BANKS *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *S. R. Zimmerman III* for petitioner. *Clarence C. Newcomer* for respondent. Reported below: 428 Pa. 571, 237 A. 2d 339.

No. 306, Misc. HASHFIELD *v.* CIRCUIT COURT OF MONROE COUNTY ET AL. Sup. Ct. Ind. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Ferdinand Samper* for petitioner. *John J. Dillon*, Attorney General of Indiana, *Douglas B. McFadden*, Assistant Attorney General, and *Duejean C. Garrett*, Deputy Attorney General, for respondents. Reported below: — Ind. —, 234 N. E. 2d 268.

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No. 125, Misc. *BOECKENHAUPT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Plato Cacheris* and *James C. Cacheris* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, and *Robert L. Keuch* for the United States. Reported below: 392 F. 2d 24.

No. 263, Misc. *WINTERS v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Moses M. Falk* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 390 F. 2d 879. [For earlier order herein, see, *e. g.*, 391 U. S. 910.]

No. 83, Misc. *WRIGHT v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari and other relief denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *James H. Kline*, Deputy Attorney General, for respondent.

No. 96, Misc. *SCHAWARTZBERG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States.

No. 338, Misc. *OQUENDO v. UNITED STATES*. C. A. 2d Cir. Motion of Youth Against War & Fascism for leave to file a brief, as *amicus curiae*, granted. Certiorari denied. *Conrad J. Lynn* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. *Marvin M. Karpatkin* for Youth Against War & Fascism, as *amicus curiae*, in support of the petition.

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No. 312, Misc. *LUCAS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Jay Greenfield* for petitioner. *Frank S. Hogan* and *Michael Juviler* for respondent.

No. 494, Misc. *CHARLES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *John J. Dwyer* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 130 U. S. App. D. C. 151, 397 F. 2d 712.

No. 113, Misc. *LEVY v. MACY, CHAIRMAN*, U. S. CIVIL SERVICE COMMISSION, ET AL. C. A. D. C. Cir. Motion to supplement record granted. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition. *Solicitor General Griswold* for respondents.

No. 121, Misc. *VIGLIANO v. THEVOS ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Leonard I. Garth* for petitioner. *Arthur J. Sills*, Attorney General of New Jersey, *William J. Brennan III*, Assistant Attorney General, and *Douglas J. Harper*, Deputy Attorney General, for respondents. Reported below: 390 F. 2d 55.

No. 158, Misc. *MILLER v. PATE, WARDEN*. C. A. 7th Cir. Motion of Radio Station W-A-I-T (Chicago) et al. for leave to file a brief, as *amici curiae*, granted. Certiorari denied. *Arthur G. Greenberg*, *Harry Golter*, *William R. Ming, Jr.*, and *Willard J. Lassers* for petitioner. *Roger W. Hayes* for respondent. *Maurice Rosenfield* for Radio Station W-A-I-T (Chicago) et al., as *amici curiae*, in support of the petition.

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No. 300, Misc. *FERMIN v. UNITED STATES*. Ct. Cl. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for the United States.

Rehearing Denied.

No. 247, October Term, 1967. *PUYALLUP TRIBE v. DEPARTMENT OF GAME OF WASHINGTON ET AL.*, 391 U. S. 392;

No. 405, October Term, 1967. *POWELL v. TEXAS*, 392 U. S. 514;

No. 508, October Term, 1967. *LEVY, ADMINISTRATRIX v. LOUISIANA THROUGH THE CHARITY HOSPITAL OF LOUISIANA AT NEW ORLEANS BOARD OF ADMINISTRATORS ET AL.*, 391 U. S. 68;

No. 639, October Term, 1967. *GLONA v. AMERICAN GUARANTEE & LIABILITY INSURANCE CO. ET AL.*, 391 U. S. 73;

No. 765, October Term, 1967. *WILLS v. UNITED STATES*, 392 U. S. 908;

No. 941, October Term, 1967. *CARCERANO v. GLADDEN, WARDEN*, 392 U. S. 631;

No. 1015, October Term, 1967. *WITHERSPOON v. ILLINOIS ET AL.*, 391 U. S. 510;

No. 1076, October Term, 1967. *PICKENS v. OLIVER, WARDEN*, 392 U. S. 300;

No. 1178, October Term, 1967. *FRANZEN v. TOWNSHIP OF ELK ET AL.*, 392 U. S. 909;

No. 1245, October Term, 1967. *IN RE WHITESIDE*, 391 U. S. 920;

No. 1255, October Term, 1967. *JONES v. LOUISIANA*, 392 U. S. 302; and

No. 501, Misc., October Term, 1967. *ROBINSON v. CIVIL SERVICE COMMISSION, CITY OF CLEVELAND*, 392 U. S. 944. Petitions for rehearing denied.

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No. 1261, October Term, 1967. *GOLDMAN v. NEW YORK*, 392 U. S. 643;

No. 1289, October Term, 1967. *COCHRAN ET AL. v. UNITED STATES*, 391 U. S. 913;

No. 1319, October Term, 1967. *HAGERTY v. LOUISIANA*, 391 U. S. 935;

No. 1330, October Term, 1967. *SKOLNICK ET AL. v. MOSES ET AL.*, 391 U. S. 600;

No. 1343, October Term, 1967. *O'KELLEY ET AL. v. CALIFORNIA*, 391 U. S. 965;

No. 1452, October Term, 1967. *SCARSELLETTI v. AETNA CASUALTY & SURETY Co.*, 392 U. S. 907;

No. 920, Misc., October Term, 1967. *ROBERTS v. RUSSELL*, 392 U. S. 293;

No. 969, Misc., October Term, 1967. *WOLFF v. FOLEY*, 392 U. S. 933;

No. 1030, Misc., October Term, 1967. *WEST v. McMANN, WARDEN*, 392 U. S. 933;

No. 1198, Misc., October Term, 1967. *HOBBS v. FRYE, WARDEN*, 392 U. S. 934;

No. 1224, Misc., October Term, 1967. *CARROLL v. TEXAS*, 392 U. S. 664;

No. 1262, Misc., October Term, 1967. *KOZUCK ET UX. v. LAL CONSTRUCTION Co.*, 392 U. S. 934;

No. 1309, Misc., October Term, 1967. *HODGE v. TENNESSEE*, 392 U. S. 912;

No. 1363, Misc., October Term, 1967. *BERCERA-SOTO v. UNITED STATES*, 391 U. S. 928;

No. 1401, Misc., October Term, 1967. *JACKSON v. UNITED STATES*, 392 U. S. 935;

No. 1447, Misc., October Term, 1967. *WATSON v. COMMON PLEAS COURT OF PHILADELPHIA ET AL.*, 391 U. S. 953; and

No. 1482, Misc., October Term, 1967. *SIEGAL v. UNITED STATES*, 391 U. S. 954. Petitions for rehearing denied.

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No. 1494, Misc., October Term, 1967. *PERKINS v. UNITED STATES*, 391 U. S. 954;

No. 1571, Misc., October Term, 1967. *McNEILL v. GARRITY, WARDEN*, 391 U. S. 971;

No. 1637, Misc., October Term, 1967. *FIELDS v. DEPARTMENT OF SOCIAL WELFARE*, 392 U. S. 297;

No. 1646, Misc., October Term, 1967. *CINNAMON v. KENTUCKY*, 392 U. S. 939;

No. 1653, Misc., October Term, 1967. *LANDMAN v. PEYTON, PENITENTIARY SUPERINTENDENT*, 392 U. S. 939;

No. 1674, Misc., October Term, 1967. *BIGGS v. UNITED STATES*, 392 U. S. 945;

No. 1675, Misc., October Term, 1967. *BIGGS v. CAMPBELL, CHIEF JUDGE, U. S. DISTRICT COURT*, 392 U. S. 922;

No. 1854, Misc., October Term, 1967. *BIGGS v. DOES ET AL.*, 392 U. S. 922;

No. 1861, Misc., October Term, 1967. *MORFORD v. HOCKER, WARDEN*, 392 U. S. 944; and

No. 1875, Misc., October Term, 1967. *HARRIS v. RHAY, PENITENTIARY SUPERINTENDENT*, 392 U. S. 921. Petitions for rehearing denied.

No. 469, October Term, 1962. *LARKIN, DBA LARKIN Co. v. PLATT CONTRACTING Co., INC., ET AL.*, 371 U. S. 924. Motion for leave to file petition for rehearing denied. MR. JUSTICE FORTAS and MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 232, October Term, 1967. *UNITED STATES v. O'BRIEN*; and

No. 233, October Term, 1967. *O'BRIEN v. UNITED STATES*, 391 U. S. 367. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

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No. 23, October Term, 1967. FIRST NATIONAL BANK OF ARIZONA *v.* CITIES SERVICE Co., 391 U. S. 253. Petition for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition.

No. 335, October Term, 1967. HANOVER SHOE, INC. *v.* UNITED SHOE MACHINERY CORP.; and

No. 463, October Term, 1967. UNITED SHOE MACHINERY CORP. *v.* HANOVER SHOE, INC., 392 U. S. 481. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 1200, October Term, 1967. POWELL *v.* COMMITTEE ON ADMISSIONS AND GRIEVANCES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, 392 U. S. 929. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 1269, October Term, 1967. CENTRAL BANK & TRUST Co. *v.* UNITED STATES ET AL.; and

No. 1270, October Term, 1967. BOYLE *v.* UNITED STATES ET AL., 391 U. S. 469. Petitions for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

No. 1364, October Term, 1967. COMMISSIONER OF INTERNAL REVENUE *v.* SUGAR DADDY, INC., ET AL., 392 U. S. 929. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 1389, October Term, 1967. WEINBERG ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE, 392 U. S. 929. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

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No. 974, October Term, 1967. *IN RE POWELL*, 392 U. S. 930. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 857, October Term, 1967. *MILLER, AKA COPPOLA v. UNITED STATES*, 392 U. S. 929. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 309, October Term, 1967. *AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA ET AL. v. CARROLL ET AL.*; and

No. 310, October Term, 1967. *CARROLL ET AL. v. AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES AND CANADA ET AL.*, 391 U. S. 99. Petition for rehearing denied. THE CHIEF JUSTICE and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 618, October Term, 1967. *FORTNIGHTLY CORP. v. UNITED ARTISTS TELEVISION, INC.*, 392 U. S. 390. Motion of Authors League of America, Inc., for leave to file a brief, as *amicus curiae*, in support of rehearing granted. Petition for rehearing denied. MR. JUSTICE DOUGLAS, MR. JUSTICE HARLAN, and MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition. *Irwin Karp* on the motion.

No. 1377, October Term, 1967. *WECHSLER ET AL. v. UNITED STATES*, 392 U. S. 932. Motion for leave to file supplement to petition for rehearing granted. Petition for rehearing denied.

No. 548, Misc., October Term, 1967. *MCCARTY ET AL. v. KANSAS*, 392 U. S. 308. Petition for rehearing by petitioner McCarty denied.

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No. 788, October Term, 1967. *McCOLLOUGH v. TRAVELERS INSURANCE Co. ET AL.*, 389 U. S. 1050;

No. 877, October Term, 1967. *NICHOLSON v. CALBECK, DEPUTY COMMISSIONER, ET AL.*, 389 U. S. 1051;

No. 1017, October Term, 1967. *HOUSER v. O'LEARY, DEPUTY COMMISSIONER, FOURTEENTH COMPENSATION DISTRICT, ET AL.*, 390 U. S. 954; and

No. 1369, October Term, 1967. *SONDEREGGER v. HEISS*, 392 U. S. 931. Motions for leave to file petitions for rehearing denied.

No. 883, Misc., October Term, 1967. *PARKER v. MARYLAND ET AL.*, 390 U. S. 982 and 1018. Motion for leave to file second petition for rehearing denied.

No. 1550, Misc., October Term, 1967. *CLARK v. PAYNE*, 391 U. S. 970. Motion of Lewis Clark for leave to file a brief, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing denied.

No. 1579, Misc., October Term, 1967. *SILVA v. BETO, CORRECTIONS DIRECTOR*, 392 U. S. 913. Motion for leave to file petition for rehearing denied.

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Miscellaneous Orders.

No. —. *CAVAGNARO v. CLARK, ATTORNEY GENERAL, ET AL.*; and

No. 889, Misc. *PAULEKAS v. CLARK, ATTORNEY GENERAL, ET AL.* Applications for stays, made to MR. JUSTICE DOUGLAS, were submitted by him to the Court and denied by it. MR. JUSTICE DOUGLAS, MR. JUSTICE HARLAN, and MR. JUSTICE STEWART would grant the stays. *Norman Leonard* for applicant in each case. *Solicitor General Griswold* for respondents in both cases. Reported below: 291 F. Supp. 606 (D. C. N. D. Cal.).

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No. —. *McABEE ET AL. v. MARTINEZ ET AL.* D. C. Md. Application for injunctive relief presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. *Peter R. Sherman* for applicants. Reported below: 291 F. Supp. 77.

OCTOBER 17, 1968.

Dismissal Under Rule 60.

No. 526. *TILLAMOOK CHEESE & DAIRY ASSN. v. STATE DEPARTMENT OF AGRICULTURE.* Sup. Ct. Ore. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Edwin J. Peterson* for petitioner. *Robert Y. Thornton*, Attorney General of Oregon, and *Harold E. Burke*, Assistant Attorney General, for respondent. Reported below: — Ore. —, 439 P. 2d 592; — Ore. —, 442 P. 2d 608.

OCTOBER 19, 1968.

Miscellaneous Order.

No. 647. *HADNOTT ET AL. v. AMOS, SECRETARY OF STATE OF ALABAMA, ET AL.* D. C. M. D. Ala. Order entered October 14, 1968 [*ante*, p. 815], restoring temporary relief is continued pending action upon the jurisdictional statement which has been filed. Motion to advance and expedite denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE dissent from continuance of the order restoring temporary relief. MR. JUSTICE BLACK took no part in the consideration or decision of this matter. *Charles Morgan, Jr.*, *Orzell Billingsley*, *Robert P. Schwenn*, and *Melvin L. Wulf* on the motion.

MR. JUSTICE HARLAN, concurring in part and dissenting in part.

The State of Alabama has excluded from its ballot in the forthcoming general election all but two of the candidates for local, state, and national office nominated

by the National Democratic Party of Alabama, a newly organized political group. Members of the Party, together with the Party itself, contend before us that the state statutes invoked in justification of Alabama's action violate rights guaranteed both by the Voting Rights Act of 1965, 79 Stat. 437, 42 U. S. C. § 1973 (1964 ed., Supp. III), and the Constitution of the United States.¹ It is clear to me that both the statutory and constitutional issues appellants have raised require plenary consideration of difficult and important questions that cannot be properly resolved in the time remaining before the ballots are cast, no matter how expeditiously the appeal is heard. Consequently, I concur in the Court's denial of the motion to advance plenary hearing on the merits of the case.

Such study as I have been able to make of the papers, in the short time since they were submitted to the Court, nevertheless convinces me that the chances of the Party's ultimate success on the merits are sufficiently substantial so that we may appropriately take steps to prevent the risk of an irretrievable loss of important federal rights in the approaching election. Unfortunately, while the Court properly seeks to protect appellants from irreparable injury, it has done so in a manner that is almost

¹ The three-judge District Court which initially heard this case issued a temporary injunction requiring Alabama to include on the ballot the names of all candidates of the National Democratic Party, and Alabama proceeded to comply. Upon consideration of the case on the merits, the District Court, with Chief Judge Frank M. Johnson dissenting, held against the plaintiffs and dissolved its temporary injunction. This occurred on October 11, 1968. A motion to reinstate the lower court's temporary relief was made to us on the following day and an appeal was filed on Monday, October 14, along with a motion to accelerate our consideration of the cause. On the same day, we set the two motions before us for argument on Friday, October 18, reinstating the District Court's injunction for the interim period.

bound to create substantial confusion in the minds of Alabama's voters when they cast their ballots for the Presidency of the United States. By ordering appellants' slate of Presidential Electors on the ballot, the Court has created a situation in which two different slates, both pledged to support Hubert H. Humphrey and Edmund S. Muskie, will be presented to the electorate in November. In addition to the National Democratic Party, the Alabama Independent Democratic Party—whose right to ballot position is uncontested—has advanced a list of Electors who are pledged to this same national ticket. Since many voters do not realize that they do not have a direct voice in the selection of the President, it will not be clear to them that the votes cast for the Humphrey-Muskie ticket on the National Democratic line of the ballot will not be cumulated in the final tabulation with the votes cast for these same national candidates on the Independent Democratic line. But that, of course, is precisely the legal result—for votes cast for two different Electoral slates are not properly counted together under state law. A split in the Humphrey-Muskie vote, which in large part may simply be the product of ignorance, will be the almost certain result.

In our recent decision in *Williams v. Rhodes*, ante, at 33 (opinion of the Court), and at 46-47 (MR. JUSTICE HARLAN, concurring in the result), we recognized that the State may properly take steps to prevent a clear risk of voter confusion. This interest should inform our decision here. Alabama's Presidential election will be much fairer, under all the circumstances, without the presence of the National Democratic Party. Moreover, it seems quite evident that it would be possible for the State's election officials to comply with a decision of this Court ordering that all National Democratic candidates, other than those running for the office of Presidential Elector,

be placed before the voters in November. My inspection of the sample ballots submitted to us leads me to believe that such an order would present no insuperable administrative obstacles,² and I do not understand counsel for the State to contend otherwise.³

² The names of each Party's 10 candidates for the office of Elector are not interspersed with the names of the candidates for other offices, but appear one after another in a bloc on the sample ballot that has been submitted to us.

³ At the argument, Alabama's counsel made the following statements as to the State's ability to comply with an order of this Court:

"Mr. Justice Brennan: What is the situation about the preparation and distribution of ballots?

"Mr. Redden (for Alabama): The probate judges in the various counties are charged with the preparation of the ballots in their particular county. I think the Court will readily understand as has been pointed out that this is not a complete ballot [pointing to a sample ballot], as the ballot will vary from county to county because of the fact that there are local and county offices up for election during 1968. So that on the ballot in each county you would have your statewide offices, you would have only one of these candidacies for Congress. We have eight congressional districts so that in the appropriate district you have a different ballot in each county.

"Mr. Justice Stewart: Is there only one ballot in each county, however?

"Mr. Redden: Sir?

"Mr. Justice Stewart: In other words, is there only one ballot . . . ?

"Mr. Redden: As I understand the question, there is only one ballot in each county.

"Mr. Justice Stewart: Yes—but each one is different

"Mr. Redden: To answer your question I would have to say that you would not have a uniform situation with reference to the degree of preparation of the ballot from county to county.

"Mr. Justice Brennan: Do we have any information as to what each probate court judge did when the interim order came down?

"Mr. Redden: I have some hearsay information solely. Remember that in the portions of the state voting on voting machines, those have been prepared in a great many cases following the District Court's order. In some other instances the ballots are being printed

Equity does not require the broad injunction the Court has issued, but rather an act of discretion that is fully cognizant of all the consequences of our actions.

by printers at the order of the probate judges. There is no uniformity right now. They are in various states of preparation.

"Mr. Justice Brennan: Well, is that to say then that to the extent that ballots are being prepared whether they are printed ballots or on voting machines, that they comply with the interim order and include the Column 7 [National Democratic Party] list?

"Mr. Redden: I would have to say that a good many do not, that probably more do not than do. We have made contact since the Court rendered the order here with as many [probate judges] as we have been able to contact to advise them of the issuance of this order and to have them to undertake to do whatever they can do with regard to trying to wait and trying to find a printer who can put them in a position of compliance. But really we are getting very close to the election and I am sorry that I am unable to tell the Court precisely what the situation is in each county . . .

"Mr. Justice Fortas: Now you did not—the Attorney General did not—in the telegram sent to this Court assert that it would be impossible to comply with an order, if there were any, granting the relief requested.

"Mr. Redden: That's my understanding.

"Mr. Justice Fortas: Are you now saying that compliance would be impossible or are you not?

"Mr. Redden: I would not represent that to the Court. I would say that the officials will make every effort to comply with any order this Court makes. I'm not sure that it will be [possible] in every case, but I make no assertion of impossibility. I am not prepared to.

"Mr. Justice Harlan: As I understand it, the restraining order in its present posture states that you would have on your ballot two sets of Presidential Electors, each of them pledged to Humphrey and Muskie, and then you have a third set pledged to Wallace, and a set pledged to Nixon and Agnew. Assuming for the moment that the restraining order were modified so as to eliminate the Electors of the appellant here but to leave their candidates on the ballot for other offices, what effect would that have on the Election? Could that be done? Could you eliminate from the ballot the Presidential Electors of these appellants and leave the other candidates on?

"Mr. Redden: I can't say that it cannot be done. I would only have to represent to you that if it can be done it would be an

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I would therefore modify the temporary relief this Court granted on October 14, 1968, to permit the State's election officials to remove from the ballot the Party's candidates for the office of Presidential Elector.

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Miscellaneous Orders.

No. 40. JOHNSON *v.* AVERY, CORRECTION COMMISSIONER, ET AL. C. A. 6th Cir. [Certiorari granted, 390 U. S. 943.] Motion of American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, granted. *Melvin L. Wulf* on the motion.

No. 217, Misc. SANDERS ET AL. *v.* BELL, U. S. CIRCUIT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied. *Joe W. Gerstein* for petitioners.

No. 463, Misc. GULLO *v.* DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS, DOMESTIC RELATIONS BRANCH, ET AL. Motion for leave to file petition for writ of mandamus denied. *Joseph S. Gullo* for petitioner.

extremely difficult thing to accomplish. I don't want to represent further than that because I don't have the knowledge adequate to do it.

"Mr. Justice Harlan: Would it be more difficult than taking all the names off?

"Mr. Redden: Yes, sir, for this reason, as I may point this out. The uniform removal may be accomplished in other ways that are very simple, whether to use a machine or a ballot because the intersplicing would be difficult. The District Court ruled in favor of the defendants on the constitutional issues and said that we exercised our discretion to refrain from deciding individual factual disputes. Those have not been ruled on.

"Mr. Justice Brennan: If, as you suggested, it might be difficult to delete the Electors now under the interim order to be on the ballot for this Party. Of course it would be much more difficult to substitute other names"

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No. 17, Orig. NEBRASKA v. IOWA.

IT IS ORDERED that the Honorable Joseph P. Willson, Senior Judge of the United States District Court for the Western District of Pennsylvania, be, and he is hereby, appointed Special Master in this case in the place of the Honorable Charles J. Vogel, resigned. The Special Master shall have authority to fix the time and conditions for the 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 order herein, see, *e. g.*, 392 U. S. 918.]

Probable Jurisdiction Noted.

No. 366. UNITED STATES v. COVINGTON. Appeal from D. C. S. D. Ohio. Probable jurisdiction noted and case set for oral argument immediately following No. 65 [No. 1365, October Term, 1967, 392 U. S. 903]. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 282 F. Supp. 886.

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No. 243. CITIZEN PUBLISHING CO. ET AL. *v.* UNITED STATES. Appeal from D. C. Ariz. Probable jurisdiction noted. MR. JUSTICE FORTAS took no part in the consideration or decision of this case. *Richard J. MacLaury, John L. Donahue, Jr., and George Read Carlock* for appellants. *Solicitor General Griswold, Assistant Attorney General Zimmerman, Howard E. Shapiro, and Charles D. Mahaffie, Jr.*, for the United States. *Robert L. Stern* for the Albuquerque Journal et al., and *Arthur B. Hanson* and *S. Chesterfield Oppenheim* for American Newspaper Publishers Assn., as *amici curiae*, in support of appellants. Reported below: 280 F. Supp. 978.

Certiorari Granted. (See also Nos. 247 and 248, *ante*, p. 71; No. 279, *ante*, p. 76; and No. 379, *ante*, p. 74.)

No. 109. SNYDER *v.* HARRIS ET AL. C. A. 8th Cir. *Certiorari* granted. *Hyman G. Stein* for petitioner. *Morris A. Shenker* for respondents. Reported below: 390 F. 2d 204.

No. 343. UNITED STATES *v.* AN ARTICLE OF DRUG . . . BACTO-UNIDISK. . . . C. A. 6th Cir. *Certiorari* granted. *Solicitor General Griswold, Assistant Attorney General Vinson, Lawrence G. Wallace, Beatrice Rosenberg, and William W. Goodrich* for the United States. *Edward Brown Williams* for respondent (Difco Laboratories, Inc., real party in interest). Reported below: 392 F. 2d 21.

No. 117. GAS SERVICE Co. *v.* COBURN. C. A. 10th Cir. *Certiorari* granted and case set for oral argument immediately following No. 109, *supra*. *Kirke W. Dale* and *Dale M. Stucky* for petitioner. *Robert Martin* and *D. Arthur Walker* for respondent. Reported below: 389 F. 2d 831.

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No. 297. IMMIGRATION AND NATURALIZATION SERVICE *v.* STANISIC. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted and petition for writ of certiorari granted. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Jerome M. Feit* for petitioner. *Dorothy McCullough Lee* for respondent. Reported below: 393 F. 2d 539.

No. 43, Misc. BANKS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Louise H. Renne*, Deputy Attorney General, for respondent.

Certiorari Denied. (See also No. 195, *ante*, p. 78; No. 352, *ante*, p. 76; and No. 364, *ante*, p. 77.)

No. 80. CANARD ET AL. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Russell E. Parsons* for petitioners. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondent. Reported below: 257 Cal. App. 2d 444, 65 Cal. Rptr. 15.

No. 146. GALLICCHIO *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Michael A. Querques* and *Daniel E. Isles* for petitioner. *Herbert H. Tate* for respondent. Reported below: 51 N. J. 313, 240 A. 2d 166.

No. 307. BRADY *v.* UNITED STATES. Ct. Cl. Certiorari denied. *William R. Kraham* and *Irvin M. Gottlieb* for petitioner. *Solicitor General Griswold* for the United States.

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No. 166. *RINALDI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Henry B. Rothblatt* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States. Reported below: 393 F. 2d 97.

No. 282. *NATIONAL PLAN, INC., ET AL. v. CHURCH OF CHRIST OF ECORSE, MICHIGAN, ET AL.*; and

No. 391. *CHURCH OF CHRIST OF ECORSE, MICHIGAN, ET AL. v. NATIONAL PLAN, INC., ET AL.* C. A. 5th Cir. Certiorari denied. *Rufus S. Garrett, Jr.*, for petitioners in No. 282, and *William Burrow* for petitioners in No. 391. Reported below: 391 F. 2d 357.

No. 305. *WESTREICH v. McFARLAND*. C. A. D. C. Cir. Certiorari denied. *Aaron R. Fodiman* and *Moses Krislov* for petitioner. *William O. Bittman* for respondent.

No. 315. *HOFFENBERG v. KAMINSTEIN, REGISTER OF COPYRIGHTS*. C. A. D. C. Cir. Certiorari denied. *Charles Rembar* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, and John C. Eldridge* for respondent. *Irwin Karp* for Authors League of America, Inc., as *amicus curiae*, in support of the petition. Reported below: 130 U. S. App. D. C. 35, 396 F. 2d 684.

No. 329. *BRAKEFIELD v. McFARLAND*. C. A. D. C. Cir. Certiorari denied. *Aaron R. Fodiman* and *Moses Krislov* for petitioner. *William O. Bittman* for respondent.

No. 347. *AMERICAN LIFE & ACCIDENT INSURANCE CO. OF KENTUCKY v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *Richard A. Chenoweth* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 394 F. 2d 616.

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No. 338. WINN *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. *Joseph F. McDermott* for petitioner. *William H. Adams III* for respondent. Reported below: 208 So. 2d 809.

No. 356. OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION, LONG BEACH LOCAL NO. 1-128 *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 9th Cir. Certiorari denied. *Jerry D. Anker* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for National Labor Relations Board, and *Willard Z. Carr, Jr.*, for MacMillan Ring-Free Oil Co., Inc., respondents. Reported below: 394 F. 2d 26.

No. 360. HALSTEAD *v.* REFINED SYRUPS & SUGARS, INC. C. A. D. C. Cir. Certiorari denied. *J. Sterling Halstead*, petitioner, *pro se. Sheldon E. Bernstein and Paul H. Mannes* for respondent.

No. 368. ASSOCIATION ON BROADCASTING STANDARDS, INC., ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 369. KING'S GARDEN, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.; and

No. 390. WBEN, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. 2d Cir. Certiorari denied. *Michael H. Bader and William J. Potts, Jr.*, for Association on Broadcasting Standards, Inc., and *James A. McKenna, Jr., Vernon L. Wilkinson, and John L. Tierney* for May Broadcasting Co. et al., petitioners in No. 368; *Lewis I. Cohen* for petitioner in No. 369; and *Frank U. Fletcher, Robert L. Heald, and Edward F. Kenehan* for petitioner in No. 390. *Solicitor General Griswold, Assistant Attorney General Zimmerman, Henry Geller, Daniel R. Ohlbaum, and Stuart F. Feldstein* for respondents in all three cases. Reported below: 396 F. 2d 601.

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No. 374. TOTTON, DBA TOTTON & DUNN CO. *v.* LOCAL 43, UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF PLUMBING & PIPE FITTING INDUSTRY OF THE UNITED STATES & CANADA. C. A. 6th Cir. Certiorari denied. *John A. Chambliss, Jr.*, and *Sizer Chambliss* for petitioner. *S. Del Fuston* for respondent.

No. 382. LATTA *v.* WELLS FARGO BANK ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 260 Cal. App. 2d 120, 66 Cal. Rptr. 832.

No. 330. LYNCH ET AL. *v.* MARYLAND. Ct. App. Md. Certiorari denied. MR. JUSTICE BLACK dissents. *Melvin L. Wulf* and *Elsbeth Bothe* for petitioners. *Francis B. Burch*, Attorney General of Maryland, *S. Leonard Rottman*, Assistant Attorney General, and *Charles E. Moylan, Jr.*, for respondent. Reported below: See 2 Md. App. 546, 236 A. 2d 45.

No. 378. DELAWARE VALLEY CONSERVATION ASSN. ET AL. *v.* RESOR, SECRETARY OF THE DEPARTMENT OF THE ARMY, ET AL. C. A. 3d Cir. Motion to dispense with printing petition granted. Certiorari denied. *Solicitor General Griswold* for respondents. Reported below: 392 F. 2d 331.

No. 50, Misc. DAEGELE *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied. *Robert C. Londerholm*, Attorney General of Kansas, and *J. Richard Foth* and *Edward G. Collister, Jr.*, Assistant Attorneys General, for respondent.

No. 289, Misc. SHOREY *v.* WARDEN, MARYLAND PENITENTIARY. C. A. 4th Cir. Certiorari denied. *Fred E. Weisgal* for petitioner. *Francis B. Burch*, Attorney General of Maryland, and *Fred Oken*, Assistant Attorney General, for respondent. Reported below: 401 F. 2d 474.

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No. 75, Misc. *TAYLOR v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *C. L. Ray, Jr.*, for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 421 S. W. 2d 403.

No. 418, Misc. *JOHNSON v. CRAVEN, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 420, Misc. *WILLIAMS v. CRAVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 421, Misc. *FLETCHER v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 424, Misc. *STEINHARDT v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 205 So. 2d 30.

No. 432, Misc. *BROWN v. CRAVEN, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 434, Misc. *GILMORE v. CALIFORNIA ADULT AUTHORITY ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 435, Misc. *NICHOLS v. PAGE, WARDEN, ET AL.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 441 P. 2d 470.

No. 439, Misc. *ROBBINS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty* and *James J. Doherty* for petitioner. Reported below: 88 Ill. App. 2d 447, 232 N. E. 2d 302.

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No. 433, Misc. RAY v. CALIFORNIA. Ct. App. Cal.,
2d App. Dist. Certiorari denied.

No. 468, Misc. TOWNSEND v. CITY OF HELENA. Sup.
Ct. Ark. Certiorari denied. Reported below: 244 Ark.
228, 424 S. W. 2d 856.

No. 488, Misc. MONTAGUE v. RHAY, PENITENTIARY
SUPERINTENDENT. Sup. Ct. Wash. Certiorari denied.

No. 489, Misc. CORN v. OKLAHOMA ET AL. C. A. 10th
Cir. Certiorari denied. Reported below: 394 F. 2d 478.

No. 492, Misc. ARNOLD v. ILLINOIS. App. Ct. Ill.,
1st Dist. Certiorari denied. Reported below: 89 Ill.
App. 2d 185, 232 N. E. 2d 483.

No. 493, Misc. DORIAN v. MARONEY, CORRECTIONAL
SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 496, Misc. PIERCE v. CALIFORNIA. Ct. App. Cal.,
2d App. Dist. Certiorari denied. Reported below: 260
Cal. App. 2d 852, 67 Cal. Rptr. 438.

No. 504, Misc. JOHNSON v. UNITED STATES. C. A.
2d Cir. Certiorari denied. *Phylis Skloot Bamberger* for
petitioner. *Solicitor General Griswold, Assistant Attor-*
ney General Vinson, and Beatrice Rosenberg for the
United States.

No. 510, Misc. FURTAK v. NEW YORK. Ct. App.
N. Y. Certiorari denied.

No. 518, Misc. McDONOUGH v. DIRECTOR, PATUXENT
INSTITUTION. Ct. Sp. App. Md. Certiorari denied.
Reported below: 3 Md. App. 539, 240 A. 2d 322.

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No. 514, Misc. *MELENDEZ v. WILSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 517, Misc. *COLLINS v. NELSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 519, Misc. *FAIR v. SCHLEMAN, TAX COLLECTOR, ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 523, Misc. *VALDEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 539, Misc. *URBANO v. SONDERN, EXECUTRIX*. C. A. 2d Cir. Certiorari denied.

No. 544, Misc. *HANKINS ET AL. v. KANE, COLLECTOR OF ESTATE*. C. A. D. C. Cir. Certiorari denied.

No. 549, Misc. *FERMIN v. UNITED STATES*. Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 551, Misc. *HALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Benjamin Lipsitz* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 396 F. 2d 841.

No. 574, Misc. *GREGORY v. WALLER*. Sup. Ct. App. Va. Certiorari denied.

No. 156, Misc. *ELLENBOGEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Daniel H. Greenberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Sidney M. Glazer* for the United States. Reported below: 390 F. 2d 537.

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No. 588, Misc. *WENDT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 394 F. 2d 627.

No. 623, Misc. *RAY v. UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 633, Misc. *DESMOND v. UNITED STATES BOARD OF PAROLE*. C. A. 1st Cir. Certiorari denied. *Thomas G. Dignan, Jr.*, for petitioner. *Solicitor General Griswold* for respondent. Reported below: 397 F. 2d 386.

No. 641, Misc. *GRAVES v. NEVADA*. Sup. Ct. Nev. Certiorari denied. *Harry E. Clairborne* for petitioner. *Harvey Dickerson*, Attorney General of Nevada, and *William J. Raggio* for respondent. Reported below: — Nev. —, 439 P. 2d 476.

No. 648, Misc. *KAYSER ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 394 F. 2d 601.

No. 583, Misc. *SPIESEL v. ROOS ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

Rehearing Denied.

No. 569, Misc., October Term, 1966. *GRIFFIN v. HENDRICK, COUNTY PRISONS SUPERINTENDENT*, 385 U. S. 981. Motion for leave to file petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 636, Misc., October Term, 1967. *RUCKER v. PARKER ET AL.*, 389 U. S. 995, 390 U. S. 930. Motion for leave to file second petition for rehearing denied.

OCTOBER 25, 1968.

Miscellaneous Orders.

No. —. JOHNSON ET AL. v. POWELL. C. A. 5th Cir. Application for stay of deployment presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Elsbeth Levy Bothe* for applicants. *Solicitor General Griswold* in opposition.

MR. JUSTICE DOUGLAS.

This application for a stay denied by my Brother BLACK was referred to me. I asked for a response from the Solicitor General so that the application could be submitted to the entire Conference October 25, 1968. I have now been advised that applicants were moved to Vietnam October 24.

This hurried calculated change in military plans has deprived applicants of the full hearing to which they are entitled. The question is not frivolous as Article I, Section 8, of the Constitution restricts members of the militia to service to "execute the Laws of the Union, suppress Insurrections and repel Invasions"—none of which, as I understand it, is relevant to service in Vietnam.

The Solicitor General maintains that the status of these applicants must be measured not as members of the "militia" but as members of the Ready Reserve with whom we dealt in *Morse v. Boswell*, ante, p. 802. That contention might in time prevail, but it is not free of doubt; and I am not yet persuaded that either the Army or the Solicitor General can play loosely with the concept of "militia" as used in the Constitution and thus create a credibility gap at the constitutional level. It is, after all, the Constitution that creates in our people the faith that no one—not even the Department of Justice or the military—is above the law.

It was for these reasons that I felt that the full Court should consider the question of law at the Octo-

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ber 25, 1968, Conference. Since, however, applicants have been spirited out of the country,¹ I have concluded to treat the case in practical effect, though not legally,² as moot.

No. 889, Misc. PAULEKAS *v.* CLARK, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Petition for rehearing from denial of stay of induction [*ante*, p. 903] granted, and the stay heretofore granted by MR. JUSTICE DOUGLAS is continued until further order of the Court. MR. JUSTICE FORTAS dissents.

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Miscellaneous Orders.

No. —. ROMAN *v.* CRITZ. C. A. 5th Cir. Application for stay of court-martial presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Stewart J. Alexander* for applicant.

No. 31, Orig. UTAH *v.* UNITED STATES. Report of Special Master received and ordered filed. Exceptions, if any, may be filed by the parties within 45 days. Reply briefs, if any, may be filed within 30 days thereafter. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter. [For earlier order herein, see, *e. g.*, 391 U. S. 962.]

¹ Rule 49 of the Rules of the Court were flouted by the Solicitor General and the Army, as subdivision (1) provides:

"Pending review of a decision in a habeas corpus proceeding commenced before a court, justice or judge of the United States for the release of a prisoner, a person having custody of the prisoner shall not transfer custody to another unless such transfer is directed in accordance with the provisions of this rule. Upon application of a custodian showing a need therefor, the court, justice or judge rendering the decision may make an order authorizing transfer and providing for the substitution of the successor custodian as a party."

² *Ex parte Endo*, 323 U. S. 283, 306; *Jones v. Cunningham*, 371 U. S. 236, 243-244.

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No. 71. PRESBYTERIAN CHURCH IN THE UNITED STATES ET AL. *v.* MARY ELIZABETH BLUE HULL MEMORIAL PRESBYTERIAN CHURCH ET AL. Sup. Ct. Ga. [Certiorari granted, 392 U. S. 903.] Motion of W. J. Williamson, Secretary of Concerned Presbyterians, Inc., for leave to file a brief, as *amicus curiae*, granted. *William J. McLeod, Jr.*, and *W. Calvin Wells, Jr.*, on the motion.

No. 161. CHOCTAW NATION ET AL. *v.* ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. C. A. 10th Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 425, Misc. MURPHY *v.* UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

Certiorari Granted. (See also No. 212, *ante*, p. 85; and No. 249, *ante*, p. 80.)

No. 403. MCKART *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. *Marshall Patner* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 906.

No. 413. NORTH CAROLINA ET AL. *v.* PEARCE. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. *Thomas Wade Bruton*, Attorney General of North Carolina, for petitioners. Reported below: 397 F. 2d 253.

Certiorari Denied.

No. 387. EVANS ET AL. *v.* ALLEN ET AL. C. A. 5th Cir. Certiorari denied. *Robert L. Mitchell* for petitioners. Reported below: 396 F. 2d 801.

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No. 383. MACKIEWICZ ET UX. v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Curtiss K. Thompson* for petitioners. *Solicitor General Griswold, Assistant Attorney General Rogovin, Joseph M. Howard, and John M. Brant* for the United States. Reported below: 401 F. 2d 219.

No. 384. NEW YORK CREDIT MEN'S ADJUSTMENT BUREAU, INC. v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Robert J. Clerkin, Harry A. Margolis, and Marks F. Paskes* for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, and Crombie J. D. Garrett* for the United States. Reported below: 394 F. 2d 340.

No. 386. SWINFORD v. ALLIED FINANCE CO. OF CASA VIEW. Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. *Thomas P. Brown III* for petitioner. *John Louis Shook and Dixon W. Holman* for respondent. Reported below: 424 S. W. 2d 298.

No. 388. MALCO MANUFACTURING CO. ET AL. v. NATIONAL CONNECTOR CORP. C. A. 8th Cir. Certiorari denied. *Erwin C. Heininger* for petitioner Amphenol Corp. *Ralph F. Merchant* for respondent. Reported below: 392 F. 2d 766.

No. 389. CONTINENTAL NUT CO. v. ROBERT L. BERNER Co. C. A. 7th Cir. Certiorari denied. *George L. Saunders, Jr., James C. Leaton, and Robert A. Sprecher* for petitioner. *James E. Knox, Jr.,* for respondent. Reported below: 393 F. 2d 283.

No. 392. SWAN v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frederick M. Reuss, Jr.,* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 396 F. 2d 883.

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No. 393. *MATZNER ET UX. v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. *F. Lee Bailey* for petitioners. *Arthur J. Sills*, Attorney General of New Jersey, *Joseph A. Hoffman*, First Assistant Attorney General, and *Elias Abelson*, Deputy Attorney General, for respondent. Reported below: 52 N. J. 7, 243 A. 2d 225.

No. 395. *POLLOCK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *William H. Bowman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Joseph M. Howard* for the United States. Reported below: 394 F. 2d 922.

No. 396. *AIR INDIA v. HOFFMAN, EXECUTOR, ET AL.* C. A. 5th Cir. Certiorari denied. *Jackson L. Peters* for petitioner. *Walter H. Beckham, Jr.*, for respondents. Reported below: 393 F. 2d 507.

No. 397. *STANDARD CIGAR CO. v. TABACALERA SEVERIANO JORGE, S. A., ET AL.* C. A. 5th Cir. Certiorari denied. *William A. Gillen* for petitioner. *Thomas H. Anderson* for respondents. Reported below: 392 F. 2d 706.

No. 398. *COBB ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Palmer K. Ward* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 397 F. 2d 416.

No. 402. *DiGIOVANNI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Edward J. Calihan, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 397 F. 2d 409.

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No. 401. *VALLEY v. COLORADO*. Sup. Ct. Colo. Certiorari denied. *Anthony F. Zarlengo* for petitioner. Reported below: — Colo. —, 441 P. 2d 14.

No. 404. *SCHEPPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Edwin M. Sigel* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Joseph M. Howard* for the United States. Reported below: 395 F. 2d 749.

No. 405. *MAYER v. ORDMAN, GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. *David G. Heilbrun* for petitioner. *Solicitor General Griswold*, *Arnold Ordman, pro se*, *Dominick L. Manoli*, *Norton J. Come*, and *Arthur A. Horowitz* for respondent. Reported below: 391 F. 2d 889.

No. 406. *MCCULLOUGH TOOL CO. v. WELL SURVEYS, INC., NOW DRESSER SIE, INC., ET AL.* C. A. 10th Cir. Certiorari denied. *R. Welton Whann* for petitioner. *Rufus S. Day, Jr.*, and *Robert J. Woolsey* for respondents. Reported below: 395 F. 2d 230.

No. 407. *HENDERSON, WARDEN v. PROGUE ET AL.* C. A. 5th Cir. Certiorari denied. *Jack P. F. Gre-million*, Attorney General of Louisiana, and *George A. Bourgeois*, Assistant Attorney General, for petitioner. Reported below: 393 F. 2d 938.

No. 408. *NUGARA v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Anna R. Lavin* for petitioner. Reported below: 39 Ill. 2d 482, 236 N. E. 2d 693.

No. 411. *F. H. SPARKS CO., INC. v. GEORGE SOLLITT CONSTRUCTION CO.* C. A. 7th Cir. Certiorari denied. *Francis X. Conway* for petitioner. *Albert E. Jenner, Jr.*, for respondent. Reported below: 397 F. 2d 439.

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No. 409. LOS ANGELES HERALD EXAMINER, A DIVISION OF HEARST CORP., ET AL. *v.* SAN FRANCISCO-OAKLAND NEWSPAPER GUILD ET AL. C. A. 9th Cir. Certiorari denied. *Charles G. Bakaly, Jr.*, for petitioners. *Stephen Reinhardt* and *George E. Bodle* for San Francisco-Oakland Newspaper Guild et al., and *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for Kennedy, respondents.

No. 412. GLAVIN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *G. G. Baumen* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 396 F. 2d 725.

No. 415. EBBERT ET AL. *v.* BRENNER, COMMISSIONER OF PATENTS. C. A. D. C. Cir. Certiorari denied. *John A. Blair* for petitioners. *Solicitor General Griswold* for respondent. Reported below: 130 U. S. App. D. C. 168, 398 F. 2d 762.

No. 249, Misc. THOMAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States.

No. 369, Misc. CLAY ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *William H. Bowen* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 394 F. 2d 281.

No. 521, Misc. FAILLA *v.* CALIFORNIA ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 256 Cal. App. 2d 869, 65 Cal. Rptr. 115.

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No. 405, Misc. FORD *v.* UNITED STATES; and

No. 414, Misc. HOWARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States in both cases. Reported below: 395 F. 2d 679.

No. 410, Misc. STEELE *v.* NELSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 411, Misc. STREETER *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 427, Misc. DENTIS *v.* OKLAHOMA ET AL. C. A. 10th Cir. Certiorari denied.

No. 478, Misc. JACKSON *v.* MARYLAND. Cir. Ct. Baltimore County. Certiorari denied.

No. 479, Misc. SMITH *v.* CALIFORNIA ADULT AUTHORITY ET AL. C. A. 9th Cir. Certiorari denied.

No. 486, Misc. FONTANA ET UX. *v.* WALKER ET AL. Ct. App. Md. Certiorari denied. Reported below: 249 Md. 459, 240 A. 2d 268.

No. 513, Misc. MORTON *v.* NEW YORK. C. A. 2d Cir. Certiorari denied. Reported below: 393 F. 2d 482.

No. 525, Misc. LAMB *v.* CITY OF EASTLAKE. Sup. Ct. Ohio. Certiorari denied. *Ronald M. Benjamin* and *David P. Freed* for petitioner.

No. 578, Misc. RAFFA *v.* CITY OF CLEVELAND. Sup. Ct. Ohio. Certiorari denied. *James R. Willis* for petitioner. *Thomas J. Italiano* for respondent. Reported below: 13 Ohio St. 2d 112, 235 N. E. 2d 138.

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No. 528, Misc. *BELL v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. *John D. Buchanan, Jr.*, for petitioner. Reported below: 208 So. 2d 474.

No. 535, Misc. *WOOD v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 537, Misc. *SWANSON v. WHITE HOUSE UTILITY DISTRICT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 573, Misc. *JACKSON v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 621, Misc. *KAMSLER v. TRI PAR RADIO & APPLIANCE Co., INC., ET AL.* C. A. 7th Cir. Certiorari denied.

No. 626, Misc. *CARROLL v. ALABAMA*. C. A. 5th Cir. Certiorari denied. *MacDonald Gallion*, Attorney General of Alabama, and *Robert P. Bradley* and *Walter S. Turner*, Assistant Attorneys General, for respondent.

No. 630, Misc. *HESLIP v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 294, Misc. *ROBINSON v. MARYLAND*. Ct. App. Md. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Francis B. Burch*, Attorney General of Maryland, and *Alfred J. O'Ferrall III*, Assistant Attorney General, for respondent. Reported below: 249 Md. 200, 238 A. 2d 875.

No. 408, Misc. *WHITE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE STEWART are of the opinion that certiorari should be granted. *Francis J. Larkin* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 395 F. 2d 5.

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No. 593, Misc. *PUTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for the United States. Reported below: 392 F. 2d 64.

No. 600, Misc. *McCLELLAN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS, MR. JUSTICE STEWART, and MR. JUSTICE FORTAS concur in the denial of certiorari, pointing out that the issues under *Witherspoon v. Illinois*, 391 U. S. 510, can be decided only upon consideration of a transcript of the *voir dire* of the jury, which is not now in the record but which can presumably be made available in state or federal collateral proceedings. *Harry Friberg* for respondent.

NOVEMBER 1, 1968.

Dismissal Under Rule 60.

No. 175. *LIBERTY NATIONAL BANK & TRUST CO. v. BUSCAGLIA, DIRECTOR, DIVISION OF SALES TAX, ERIE COUNTY, ET AL.* Appeal from Ct. App. N. Y. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Manly Fleischmann* for appellant. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Solicitor General, and *Robert W. Bush*, Assistant Attorney General, for appellees. Reported below: 21 N. Y. 2d 357, 235 N. E. 2d 101.

NOVEMBER 4, 1968.

Miscellaneous Order.

No. 1065, Misc. *VALENTI v. LUMBARD, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL.* Request for acceleration of time within which respondents may submit their response to motion for leave to file petition for mandamus denied without prejudice to consideration of petition on its merits.

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NOVEMBER 8, 1968.

Miscellaneous Order.

No. —. SHANKER ET AL. v. RANKIN, CORPORATION COUNSEL OF THE CITY OF NEW YORK. Ct. App. N. Y. Application for stay presented to MR. JUSTICE HARLAN, and by him referred to the Court, denied. *Ralph P. Katz* for applicants. *J. Lee Rankin, pro se*, and *Fred-eric S. Nathan* and *Stanley Buchsbaum* in opposition. Reported below: 23 N. Y. 2d 111, 242 N. E. 2d 802.

NOVEMBER 12, 1968.

Miscellaneous Orders.

No. 132, October Term, 1965. HOLT ET AL. v. KIRBY ET AL., 384 U. S. 28, 967. Motion of Morris Smith et al. to recall and amend judgment in this case denied. MR. JUSTICE FORTAS and MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion. *Robert L. Bobrick* on the motion. *John E. Tobin* and *Benjamin Vinar* for Kirby et al., and *Mark F. Hughes* and *Vincent R. Fitzpatrick* for Alleghany Corp., in opposition.

No. 65. LEARY v. UNITED STATES. C. A. 5th Cir. [Certiorari granted, 392 U. S. 903.] Motion of American Civil Liberties Union for leave to file a brief, as *amicus curiae*, granted. *Jonathan Sobeloff* and *Melvin L. Wulf* on the motion.

No. 644. BOULDEN v. HOLMAN, WARDEN. C. A. 5th Cir. [Certiorari granted, *ante*, p. 822.] Motion of petitioner for appointment of counsel granted. It is ordered that *William B. Moore, Jr., Esquire*, of Montgomery, Alabama, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

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No. 461. *SUFFIN v. PENNSYLVANIA RAILROAD CO. ET AL.* C. A. 3d Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 642. *BOYKIN v. ALABAMA.* Sup. Ct. Ala. [Certiorari granted, *ante*, p. 820.] Motion of petitioner for the appointment of counsel granted. It is ordered that *E. Graham Gibbons, Esquire*, of Mobile, Alabama, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 646. *O'CALLAHAN v. PARKER, WARDEN.* C. A. 3d Cir. [Certiorari granted, *ante*, p. 822.] Application for bail or release on personal recognizance presented to Mr. JUSTICE BRENNAN, and by him referred to the Court, denied. *Victor Rabinowitz* for applicant. *Solicitor General Griswold* filed a memorandum for respondent.

No. 670. *BANKS v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. [Certiorari granted, *ante*, p. 912.] Motion of petitioner for the appointment of counsel granted. It is ordered that *Thomas J. Klitgaard, Esquire*, of San Francisco, California, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 678, Misc. *MALENA v. CALIFORNIA ET AL.*;

No. 679, Misc. *IN RE HENDERSON*; and

No. 795, Misc. *DIAMOND v. NELSON, WARDEN.* Motions for leave to file petitions for writs of habeas corpus denied.

No. 568, Misc. *JULIANO v. OHIO ET AL.*;

No. 591, Misc. *FAIR v. PUBLIC SERVICE COMMISSION*;

No. 718, Misc. *FAIR v. TAYLOR, CLERK, CIRCUIT COURT OF HILLSBOROUGH COUNTY, ET AL.*; and

No. 786, Misc. *IN RE KAMSLER.* Motions for leave to file petitions for writs of mandamus denied.

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Certiorari Granted. (See also No. 399, *ante*, p. 122.)

No. 418. *SIMPSON, WARDEN v. RICE*. C. A. 5th Cir. *Certiorari* granted and case set for oral argument immediately following No. 413 [*ante*, p. 922]. *MacDonald Gallion*, Attorney General of Alabama, and *Paul T. Gish, Jr.*, Assistant Attorney General, for petitioner. *Oakley Melton, Jr.*, for respondent. Reported below: 396 F. 2d 499.

No. 436. *RODRIGUE ET AL. v. AETNA CASUALTY & SURETY CO. ET AL.* C. A. 5th Cir. *Certiorari* granted. *George Arceneaux, Jr.*, for petitioners *Rodrigue et al. W. Ford Reese* for respondents *Mayronne et al.* Reported below: 391 F. 2d 671; 395 F. 2d 216.

No. 463. *NATIONAL LABOR RELATIONS BOARD v. WYMAN-GORDON CO.* C. A. 1st Cir. *Certiorari* granted. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for petitioner. *Quentin O. Young* for respondent. Reported below: 397 F. 2d 394.

No. 453. *GREGG v. UNITED STATES*. C. A. 6th Cir. *Certiorari* granted limited to the questions raised with respect to Rule 32 (c)(1) of the Federal Rules of Criminal Procedure. *Palmer K. Ward* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Sidney M. Glazer* for the United States.

Certiorari Denied. (See also No. 533, *Misc.*, *ante*, p. 128.)

No. 221. *STIDHAM v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. *Certiorari* denied. *Neal Rutledge* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Charles W. Musgrove*, Assistant Attorney General, for respondent. Reported below: 204 So. 2d 359.

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No. 394. *HUCKABY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *James Easy* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 410. *DAVID v. STRELECKI*, DIRECTOR OF DIVISION OF MOTOR VEHICLES OF NEW JERSEY. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Patrick T. McGahn, Jr.*, for petitioner. *Arthur J. Sills*, Attorney General of New Jersey, *Joseph A. Hoffman*, First Assistant Attorney General, and *William J. Brennan III*, Assistant Attorney General, for respondent. Reported below: 51 N. J. 563, 242 A. 2d 371.

No. 416. *EPLING v. OHIO STATE BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. *George E. Tyack* for petitioner. *Samuel T. Gaines* for respondent. Reported below: 15 Ohio St. 2d 23, 238 N. E. 2d 558.

No. 419. *HART v. OHIO STATE BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. *George E. Tyack* for petitioner. *Samuel T. Gaines* and *James F. Shumaker* for respondent. Reported below: 15 Ohio St. 2d 97, 238 N. E. 2d 560.

No. 420. *LORAINÉ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Russell E. Parsons* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 396 F. 2d 335.

No. 421. *WANGROW ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 399 F. 2d 106.

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No. 422. *COCHRAN v. MORRIS ET AL., EXECUTORS AND TRUSTEES, ET AL.* Sup. Ct. Pa. Certiorari denied. *John A. Eichman* 3d for petitioner. *Joseph Neff Ewing* and *Thomas S. Weary* for respondents *Bryn Mawr Hospital et al.*; and *William C. Sennett*, Attorney General of Pennsylvania, *pro se*, and *Charles A. Woods, Jr.*, Deputy Attorney General, and *Edward Friedman*, Counsel General, for respondent Sennett. Reported below: 430 Pa. 318, 241 A. 2d 534.

No. 424. *DRESSER INDUSTRIES, INC. v. HERAEUS ENGELHARD VACUUM, INC.* C. A. 3d Cir. Certiorari denied. *Jerome Gilson* for petitioner. *Ralph D. Dinklage* for respondent. Reported below: 395 F. 2d 457.

No. 425. *MONROE AUTO EQUIPMENT CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. *J. Max Harding* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 392 F. 2d 559.

No. 427. *OWENS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. *Robert S. Rizley* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 396 F. 2d 540.

No. 428. *LANGEMYR, DBA TOM CARPENTRY CONSTRUCTION CO. v. CAMPBELL ET AL.* Ct. App. N. Y. Certiorari denied. *Gerard E. Molony* for petitioner. *Robert Silagi* for respondents. Reported below: 21 N. Y. 2d 796, 235 N. E. 2d 770.

No. 433. *BUXBOM v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of Riverside. Certiorari denied. *Stanley Fleishman* and *Sam Rosenwein* for petitioner.

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No. 429. *CAPPABIANCA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Ira B. Grudberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Kirby W. Patterson* for the United States. Reported below: 398 F. 2d 356.

No. 434. *DEPARTMENT OF FORESTS AND PARKS ET AL. v. GEORGE'S CREEK COAL & LAND CO.* Ct. App. Md. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, and *Richard C. Rice*, Special Assistant Attorney General, for petitioners. *William C. Walsh* for respondent. Reported below: 250 Md. 125, 242 A. 2d 165.

No. 435. *GENERAL ELECTRIC CREDIT CORP. v. NOBLETT*. C. A. 10th Cir. Certiorari denied. *James D. Fellers* for petitioner. Reported below: 400 F. 2d 442.

No. 437. *BARENFANGER, DBA BARENFANGER CONSTRUCTION Co. v. LOUIS*. Sup. Ct. Ill. Certiorari denied. *John Page Wham* for petitioner. *Irving M. Greenfield* for respondent. Reported below: 39 Ill. 2d 445, 236 N. E. 2d 724.

No. 440. *GEORGIA HIGHWAY EXPRESS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. *Alexander E. Wilson, Jr., and Donald G. Mayhall* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Elliott Moore* for respondent. Reported below: 131 U. S. App. D. C. 195, 403 F. 2d 921.

No. 442. *SWOFFORD ET AL., DBA PATHFINDER Co. v. B & W, INC.* C. A. 5th Cir. Certiorari denied. *Jack W. Hayden* for petitioners. *Tom Arnold* for respondent. Reported below: 395 F. 2d 362.

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No. 444. BAGGETT TRANSPORTATION CO. *v.* HUGHES TRANSPORTATION, INC., ET AL. C. A. 8th Cir. Certiorari denied. *William G. Somerville, Jr.*, for petitioner. *Albert Thomson* and *Frank B. Hand* for Hughes Transportation, Inc., and *Bernard A. Gould*, *Robert W. Ginane*, and *Fritz R. Kahn* for Interstate Commerce Commission, respondents. Reported below: 393 F. 2d 710.

No. 445. ROBERTS ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Crombie J. D. Garrett* for respondent. Reported below: 398 F. 2d 340.

No. 447. MUSTELL *v.* ROSE ET AL. Sup. Ct. Ala. Certiorari denied. *Robert C. Barnett* for petitioner. *Andrew J. Thomas* for respondents. Reported below: 282 Ala. 358, 211 So. 2d 489.

No. 448. LARIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Jack Wasserman* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 397 F. 2d 286.

No. 449. BRAKE *v.* SHOEMAKER ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Robert M. Brake*, petitioner, *pro se*. *William C. Steel* for respondents. Reported below: 208 So. 2d 107.

No. 450. HAMILTON MEMORIAL GARDENS, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *Jacquin D. Bierman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Louis M. Kauder*, and *Jonathan S. Cohen* for respondent. Reported below: 394 F. 2d 905.

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No. 452. *NEWLAND v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *Palmer K. Ward* for petitioner. *John J. Dillon*, Attorney General of Indiana, and *John F. Davis*, Deputy Attorney General, for respondent. Reported below: — Ind. —, 236 N. E. 2d 45.

No. 454. *EATON ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Julius Lucius Echeles* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 398 F. 2d 485.

No. 456. *CUMBERLAND FARMS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 1st Cir. Certiorari denied. *James L. Taft, Jr.*, for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Leonard M. Wagman* for respondent. Reported below: 396 F. 2d 866.

No. 458. *TELLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Anna L. Lavin* and *Edward J. Calihan, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States. Reported below: 397 F. 2d 494.

No. 459. *COASTWISE PACKET CO., INC. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *John M. Hall* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Morton Hollander*, and *Robert V. Zener* for the United States. Reported below: 398 F. 2d 77.

No. 466. *GYURO v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. *W. Paul Flynn* for petitioner. Reported below: 156 Conn. 391, 242 A. 2d 734.

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No. 460. *TURPIN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *William Sonenshine* for petitioner.

No. 464. *COURTESY CHEVROLET, INC. v. TENNESSEE WALKING HORSE BREEDERS' & EXHIBITORS' ASSOCIATION OF AMERICA*. C. A. 9th Cir. Certiorari denied. *John H. Finger* for petitioner. *John J. Hooker* for respondent. Reported below: 393 F. 2d 75.

No. 465. *FAUCETTE, TRUSTEE IN BANKRUPTCY v. VAN DOLSON*. C. A. 4th Cir. Certiorari denied. *Philip Wittenberg* for petitioner. *M. M. Weinberg, Jr.*, for respondent. Reported below: 397 F. 2d 287.

No. 467. *JUAIRE v. WALTER MARSHAK, INC.* C. A. 2d Cir. Certiorari denied. *Albert Averbach* and *Pierre Lorsy* for petitioner. *O. John Rogge* for respondent. Reported below: 395 F. 2d 373.

No. 468. *GYPSUM TRANSPORTATION, LTD. v. BOARD OF COMMISSIONERS OF PORT OF NEW ORLEANS*. Ct. App. La., 4th Cir. Certiorari denied. *Paul A. Nalty* and *Leon Sarpy* for petitioner. Reported below: 209 So. 2d 296.

No. 469. *PARKER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 470. *JANEL SALES CORP. ET AL. v. LANVIN PARFUMS, INC., NOW LANVIN-CHARLES OF THE RITZ, INC.* C. A. 2d Cir. Certiorari denied. *Morris Siegel* for petitioners. *Macdonald Flinn* for respondent. Reported below: 396 F. 2d 398.

No. 576. *HUCKABY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *James Easley* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 400 F. 2d 576.

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No. 578. *WYMAN-GORDON CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 1st Cir. Certiorari denied. *Quentin O. Young* for petitioner. *Solicitor General Griswold* and *Arnold Ordman* for respondent. Reported below: 397 F. 2d 394.

No. 205. *MURCHISON & CO. ET AL. v. GLO CO.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Robert H. Richards, Jr.*, and *E. Norman Veasey* for petitioner *Sunray DX Oil Co.* *William D. Bailey, Jr.*, for respondent. Reported below: 397 F. 2d 928.

No. 423. *BARATTA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Abraham Glasser* and *Herman Edelman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 397 F. 2d 215.

No. 462. *SMITH ET AL. v. KIRBY ET AL., GUARDIANS, ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Robert L. Bobrick* for petitioners. *John E. Tobin* for Kirby et al., *Samuel N. Greenspoon* for Fitzsimmons, and *Vincent R. FitzPatrick* for Alleghany Corp., respondents. Reported below: 394 F. 2d 381.

No. 430. *LYONS v. CHICAGO PARK DISTRICT*. Sup. Ct. Ill. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Franklin C. Salisbury* for petitioner. *Thomas M. Thomas* for respondent. Reported below: 39 Ill. 2d 584, 237 N. E. 2d 519.

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No. 144. PORT OF NEW YORK AUTHORITY ET AL. v. WOLIN. C. A. 2d Cir. Motion of respondent to dispense with printing response granted. Certiorari denied. *Sidney Goldstein* for petitioners. Reported below: 392 F. 2d 83.

No. 455. CAPERCI ET AL. v. HUNTOON ET AL. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. *Arthur V. Getchell* for petitioners. *Paul T. Smith* for respondents. Reported below: 397 F. 2d 799.

No. 509. SOBELL v. ATTORNEY GENERAL OF THE UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS, MR. JUSTICE HARLAN, and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. The renewed application for release presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. MR. JUSTICE DOUGLAS would grant bail for the reason that petitioner arguably has never received credit for the entire time he has served in prison. MR. JUSTICE WHITE took no part in the consideration or decision of this petition and application. *Thomas I. Emerson, David Rein, Morey M. Myers, and Joseph Forer* for petitioner. *Solicitor General Griswold, Assistant Attorney General Yeagley, and Kevin T. Maroney* for respondents. Reported below: 400 F. 2d 986.

No. 120, Misc. POE v. FITZHARRIS, PRISON SUPERINTENDENT. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch, Attorney General of California, Albert W. Harris, Jr., Assistant Attorney General, and Derald E. Granberg, Deputy Attorney General*, for respondent.

No. 138, Misc. SAPP v. NEW YORK. Ct. App. N. Y. Certiorari denied. *Daniel J. Sullivan* for respondent.

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No. 129, Misc. HOWARD *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Phillip G. Samovar*, Deputy Attorney General, for respondent.

No. 235, Misc. EVANS *v.* CUPP, WARDEN. C. A. 9th Cir. Certiorari denied. *Robert Y. Thornton*, Attorney General of Oregon, and *David H. Blunt*, Assistant Attorney General, for respondent.

No. 288, Misc. GEORGE *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Timothy A. Reardon*, Deputy Attorney General, for respondent. Reported below: 259 Cal. App. 2d 424, 66 Cal. Rptr. 442.

No. 303, Misc. GRAHAM *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 391 F. 2d 439.

No. 359, Misc. HARRIS *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. *George Howard, Jr.*, for petitioner. *Joe Purcell*, Attorney General of Arkansas, and *John Leslie Evitts*, Chief Deputy Attorney General, for respondent. Reported below: 244 Ark. 314, 425 S. W. 2d 293.

No. 377, Misc. SMITH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 392 F. 2d 169.

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No. 391, Misc. ROMAN-MORALES *v.* UNITED STATES; and

No. 497, Misc. JUAREZ-FLORES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States in both cases. Reported below: 394 F. 2d 161.

No. 399, Misc. WHITE *v.* PENNSYLVANIA. C. A. 3d Cir. Certiorari denied. *Robert W. Duggan* for respondent.

No. 437, Misc. LEWIS *v.* FRYE, WARDEN. Sup. Ct. Ill. Certiorari denied.

No. 438, Misc. JACKSON *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 440, Misc. FORD *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty and James J. Doherty* for petitioner. Reported below: 89 Ill. App. 2d 69, 233 N. E. 2d 51.

No. 444, Misc. DEFoe *v.* UNITED STATES; and

No. 462, Misc. MORGAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Clyde P. West* for petitioner in No. 444, Misc. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States in both cases. Reported below: 394 F. 2d 973.

No. 467, Misc. WALKER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Roland D. Hartshorn* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 393 F. 2d 491.

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No. 482, Misc. *WATTS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 498, Misc. *TEPLITSKY v. BUREAU OF COMPENSATION, UNITED STATES DEPARTMENT OF LABOR, ET AL.* C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for respondents. Reported below: 398 F. 2d 820.

No. 520, Misc. *VALENZUELA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 259 Cal. App. 2d 826, 66 Cal. Rptr. 825, 67 Cal. Rptr. 691.

No. 546, Misc. *JEMISON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *Bernard Cohen* for petitioner. Reported below: 14 Ohio St. 2d 47, 236 N. E. 2d 538.

No. 547, Misc. *CARDER v. WARDEN, MARYLAND PENITENTIARY*. Ct. Sp. App. Md. Certiorari denied. Reported below: 3 Md. App. 309, 239 A. 2d 143.

No. 567, Misc. *HUGHES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 595, Misc. *INDIA v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 598, Misc. *ALOBAYDI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner. Reported below: 433 S. W. 2d 440.

No. 624, Misc. *STUCKEY v. CLARK, ATTORNEY GENERAL, ET AL.* C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for respondents.

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No. 611, Misc. COTTLO *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 613, Misc. THOMAS *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 206 So. 2d 475.

No. 614, Misc. COONTS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 617, Misc. SHANNON *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 622, Misc. NASH *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 635, Misc. CANTRELL *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 201 Kan. 182, 440 P. 2d 580.

No. 636, Misc. COMBS *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 637, Misc. MARVEL *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

No. 653, Misc. MASTERSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States.

No. 661, Misc. KAMSLER *v.* STAMOS, STATE'S ATTORNEY FOR COOK COUNTY, ET AL. C. A. 7th Cir. Certiorari denied.

No. 664, Misc. HALE *v.* GOTTEN. C. A. 6th Cir. Certiorari denied. *Charles M. Murphy, Jr.*, for petitioner. *Robert L. Green* for respondent.

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No. 649, Misc. COLEMAN *v.* OHIO. Sup. Ct. Ohio. Certiorari denied.

No. 666, Misc. ESPARZA *v.* CRAVEN, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 671, Misc. MARTINEZ *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. *Allan G. Shepard*, Attorney General of Idaho, and *William D. Collins*, Assistant Attorney General, for respondent. Reported below: 92 Idaho 183, 439 P. 2d 691.

No. 677, Misc. BRINSON *v.* COMSTOCK, CONSERVATION CENTER SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 681, Misc. PEREZ *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Robert N. McAllister, Jr.*, for respondent.

No. 687, Misc. POLLARD *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 693, Misc. TURNER *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 696, Misc. ODES *v.* CIVIL SERVICE COMMISSION OF THE CITY OF CHICAGO ET AL. Sup. Ct. Ill. Certiorari denied.

No. 698, Misc. JOHNSON *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of L. A. Certiorari denied.

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No. 700, Misc. *SASSO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *James W. Marshall* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Kirby W. Patterson* for the United States. Reported below: 398 F. 2d 356.

No. 701, Misc. *MORGANTI v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 2d 679, 238 N. E. 2d 757.

No. 716, Misc. *WARD v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 723, Misc. *POSTON v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. *Joseph A. Ryan* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 396 F. 2d 103.

No. 746, Misc. *PRINCE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Conrad J. Lynn* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 398 F. 2d 686.

No. 758, Misc. *QUINONES v. NEW YORK*. Sup. Ct. N. Y., New York County. Certiorari denied. *Frank S. Hogan and Sybil Landau* for respondent.

No. 694, Misc. *FOSTER v. KROPP, WARDEN*. C. A. 6th Cir. Certiorari and other relief denied.

No. 695, Misc. *ALLISON v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Dist. Ct. App. Fla., 1st Dist. Certiorari and other relief denied.

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*Rehearing Denied.*No. 37, Misc. HANKS *v.* UNITED STATES, *ante*, p. 863;No. 46, Misc. HANDY *v.* PATUXENT INSTITUTION DIRECTOR, *ante*, p. 865;No. 54, Misc. PADGETT *v.* WAINWRIGHT, CORRECTIONS DIRECTOR, *ante*, p. 865;No. 137, Misc. BURNS *v.* TURNER, WARDEN, *ante*, p. 873;No. 293, Misc. COPELAND *v.* FLORIDA, *ante*, p. 884;No. 322, Misc. JOERGER *v.* WAINWRIGHT, CORRECTIONS DIRECTOR, *ante*, p. 886;No. 382, Misc. MORTON *v.* KANSAS, *ante*, p. 890; andNo. 419, Misc. HOLSCHER *v.* YOUNG, WARDEN, *ante*, p. 816. Petitions for rehearing denied.

NOVEMBER 18, 1968.

Dismissal Under Rule 60.

No. 193. INTERNATIONAL SALT CO. *v.* OHIO TURNPIKE COMMISSION. C. A. 8th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Robert D. Stiles* for petitioner. *James W. Shocknessy* for respondent. Reported below: 392 F. 2d 579. [For earlier order herein, see *ante*, p. 814.]

Miscellaneous Orders.

No. —. DRENT ET AL. *v.* MCKEAN ET AL. C. A. 5th Cir. Application for stay presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Bernard D. Fischman* for applicants.

No. 823, Misc. BUCHANAN *v.* BURKE, WARDEN. Motion for leave to file petition for writ of habeas corpus denied.

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No. 156, Misc. ELLENBOGEN *v.* UNITED STATES, *ante*, p. 918. Respondent requested to file a response to petition for rehearing within 30 days. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.

No. 30. KIRKPATRICK, SECRETARY OF STATE OF MISSOURI, ET AL. *v.* PREISLER ET AL.; and

No. 31. HEINKEL ET AL. *v.* PREISLER ET AL. Appeals from D. C. W. D. Mo. [Probable jurisdiction noted, 390 U. S. 939.] Motions of appellants for additional time for oral argument granted, and an additional 30 minutes, to be divided equally, allotted to counsel for appellants. An additional 30 minutes allotted to counsel for appellees. *Norman H. Anderson*, Attorney General of Missouri, and *Thomas J. Downey*, First Assistant Attorney General, on the motion in No. 30, and *John David Collins* on the motion in No. 31.

No. 505, Misc. BROWN *v.* BETO, CORRECTIONS DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, in opposition.

Probable Jurisdiction Noted.

No. 492. BRANDENBURG *v.* OHIO. Appeal from Sup. Ct. Ohio. Probable jurisdiction noted. The Attorney General of Ohio is invited to file a brief expressing the views of the State of Ohio. *Allen Brown*, *Melvin L. Wulf*, *Eleanor Holmes Norton*, and *Bernard A. Berkman* for appellant. *Melvin G. Rueger* and *Leonard Kirschner* for appellee.

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Certiorari Granted. (See also No. 323, *ante*, p. 166.)

No. 138. *POWELL ET AL. v. MCCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES, ET AL.* C. A. D. C. Cir. *Certiorari granted.* *Arthur Kinoy, William M. Kunstler, Edward Bennett Williams, Robert L. Carter, Hubert T. Delany, Herbert O. Reid, Sr., Frank D. Reeves, and Henry R. Williams* for petitioners. *Bruce Bromley, John R. Hupper, Thomas D. Barr, Lloyd N. Cutler, John H. Pickering, Louis F. Oberdorfer, and Max O. Truitt, Jr.,* for respondents. Reported below: 129 U. S. App. D. C. 354, 395 F. 2d 577.

No. 473. *BINGLER, DISTRICT DIRECTOR OF INTERNAL REVENUE v. JOHNSON ET AL.* C. A. 3d Cir. *Certiorari granted.* *Solicitor General Griswold, Assistant Attorney General Rogovin, Harris Weinstein, Jonathan S. Cohen, and Michael B. Arkin* for petitioner. *James C. Larrimer* for respondents. Reported below: 396 F. 2d 258.

No. 477. *UNITED STATES v. UNITED STATES COIN AND CURRENCY IN THE AMOUNT OF \$8,674 (ANGELINI, CLAIMANT).* C. A. 7th Cir. *Certiorari granted.* *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Jerome M. Feit* for the United States. *Anna R. Lavin* for respondent. Reported below: 393 F. 2d 499.

No. 231, Misc. *HARRINGTON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Motion for leave to proceed *in forma pauperis* granted. *Certiorari granted* and case transferred to appellate docket. *Thomas C. Lynch, Attorney General of California, William E. James, Assistant Attorney General, and James H. Kline, Deputy Attorney General,* for respondent. Reported below: 256 Cal. App. 2d 209, 64 Cal. Rptr. 159.

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No. 480. *BLASIUS v. UNITED STATES*. C. A. 2d Cir. Certiorari granted limited to Question 1 presented by the petition which reads as follows:

"Does an individual violate Section 33 of Title 35, United States Code, by representing that he is qualified to prepare applications for patent, when the individual is not registered with the Patent Office?

"(a) Did the Court of Appeals for the Second Circuit err in its opinion that the provisions of Section 33 of Title 35, United States Code, are clear, and not ambiguous as determined by the United States Court of Appeals for the District of Columbia Circuit in *Hull v. United States*, 390 F. 2d 462 (D. C. Cir. 1968), thus creating a conflict within the Circuits?

"(b) Does the word 'qualified' as used in Section 33 of Title 35, United States Code, mean skill or 'know-how' in performing the service or does it mean legal and actual authority from the Patent Office to perform a particular function?" *Peyton Ford* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Sidney M. Glazer* for the United States. *Jacob Stein*, *Eugene L. Bernard*, and *Donald R. Dunner* for the Bar Association of the District of Columbia, and *Eben M. Graves*, *Frank L. Neuhauser*, *W. Brown Morton, Jr.*, and *William H. Elliott, Jr.*, for the American Patent Law Association, as *amici curiae*. Reported below: 397 F. 2d 203.

No. 195, Misc. *JENKINS v. DELAWARE*. Sup. Ct. Del. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Henry N. Herndon, Jr.*, for petitioner. *Jay H. Conner*, Deputy Attorney General of Delaware, for respondent. Reported below: — Del. —, 240 A. 2d 146.

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No. 227, Misc. RODRIQUEZ *v.* UNITED STATES. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Solicitor General Griswold* for the United States. Reported below: 387 F. 2d 117.

Certiorari Denied.

No. 237. ANGELERI *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Michael A. Querques* and *Daniel E. Isles* for petitioner. *S. Philip Klein* for respondent. Reported below: 51 N. J. 382, 241 A. 2d 3.

No. 250. COYNE *v.* WATSON, SHERIFF. C. A. 6th Cir. Certiorari denied. *Richard J. Morr* for petitioner.

No. 278. LYNN ET AL. *v.* CARAWAY ET AL. C. A. 5th Cir. Certiorari denied. *W. Scott Wilkinson* for petitioners. *Benjamin C. King* for respondent Caraway, and *Marion K. Smith* for respondent Jones. Reported below: 379 F. 2d 943.

No. 471. PERFO-LOG, INC. *v.* WELL SURVEYS, INC., NOW DRESSER SYSTEMS, INC., ET AL. C. A. 10th Cir. Certiorari denied. *R. Welton Whann* for petitioner. *Rufus S. Day, Jr.*, for respondents. Reported below: 396 F. 2d 15.

No. 475. PAUL *v.* DADE COUNTY, FLORIDA. Sup. Ct. Fla. Certiorari denied. *D. P. S. Paul* and *P. D. Thomson* for petitioner. *William W. Gibbs* for respondent. Reported below: 210 So. 2d 200.

No. 476. SHROUT, DBA SHROUT AGENCY *v.* McDONALD'S SYSTEM, INC., ET AL. Sup. Ct. Ill. Certiorari denied. *Willard Lassers* for petitioner. *Jerome Gilson* for respondents.

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No. 481. FIRST CAMDEN NATIONAL BANK & TRUST Co. *v.* LAPINSOHN ET UX. Super. Ct. Pa. Certiorari denied. *John P. Hauch, Jr.*, for petitioner. *Yale B. Bernstein* for respondents. Reported below: 212 Pa. Super. 185, 240 A. 2d 90.

No. 482. MORETTI *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *George R. Sommer* for petitioner. Reported below: 52 N. J. 182, 244 A. 2d 499.

No. 484. SCROGGINS *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Byron N. Scott* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 184 Ct. Cl. 530, 397 F. 2d 295.

No. 485. LONDON & OVERSEAS INSURANCE CO. ET AL. *v.* BUNGE CORP. ET AL. C. A. 2d Cir. Certiorari denied. *William Warner, William Garth Symmers, and Frederick Fish* for petitioners. *Philip C. Scott* for Bunge Corp., and *Peter H. Kaminer, Edwin J. Wesely, and Marie L. McCann* for Banker, respondents. Reported below: 394 F. 2d 496.

No. 472. GARRETT ET AL. *v.* UNITED STATES. C. A. 5th Cir. Motion to dispense with printing petition granted. Certiorari denied. *Emmett Colvin, Jr., and Joe H. Tonahill* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 396 F. 2d 489.

No. 486. HOUSTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Marshall Tamor Golding* for the United States. Reported below: 397 F. 2d 261.

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No. 489. VAN DEN WYMELENBERG, EXECUTOR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Roger C. Minahan* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Jonathan S. Cohen* for the United States. Reported below: 397 F. 2d 443.

No. 495. FITZWATER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied. *Al Matthews* for petitioner. Reported below: 260 Cal. App. 2d 478, 67 Cal. Rptr. 190.

No. 497. BORDEN CO. ET AL. *v.* NATIONAL DAIRY PRODUCTS CORP. C. A. 7th Cir. Certiorari denied. *Stuart S. Ball* for Borden Co., *R. Howard Goldsmith* for L. D. Schreiber & Co. et al., and *Charles F. Meroni* for Safeway Stores, Inc., et al., petitioners. *John T. Chadwell* for respondent. Reported below: 394 F. 2d 887.

No. 493. WOODS *v.* OKLAHOMA. Ct. Crim. App. Okla. Motion to dispense with printing petition granted. Certiorari denied. *William L. Anderson* for petitioner. Reported below: 440 P. 2d 994.

No. 491. UTILITY USERS LEAGUE ET AL. *v.* FEDERAL POWER COMMISSION ET AL. C. A. 7th Cir. Motion to dispense with printing portions of appendix to petition granted. Certiorari denied. *Harry R. Booth* for petitioners. *Solicitor General Griswold*, *Richard A. Solomon*, *Peter H. Schiff*, *Drexel D. Journey*, and *Israel Convisser* for Federal Power Commission, and *Charles A. Bane* and *James E. Knox, Jr.*, for Commonwealth Edison Co., respondents. Reported below: 394 F. 2d 16.

No. 566, Misc. BAKER *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied.

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No. 498. NEWARK STEREOTYPERS' UNION No. 18 *v.* NEWARK MORNING LEDGER CO. ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *William R. Meagher* and *Thomas L. Morrissey* for petitioner. *Bernard G. Segal*, *Samuel D. Slade*, and *Donald A. Robinson* for respondents. Reported below: 397 F. 2d 594.

No. 314, Misc. PRUETT *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. *Irl B. Baris* for petitioner. *Norman H. Anderson*, Attorney General of Missouri, and *Walter W. Nowotny, Jr.*, Assistant Attorney General, for respondent. Reported below: 425 S. W. 2d 116.

No. 443, Misc. PHILLIPS *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. *John A. Gose* for petitioner. Reported below: 73 Wash. 2d 462, 438 P. 2d 876.

No. 475, Misc. BENSON *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. *Gary K. Nelson*, Attorney General of Arizona, and *Thomas M. Tuggle*, Assistant Attorney General, for respondent.

No. 581, Misc. MARSH *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 585, Misc. SALDANA *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 394 F. 2d 827.

No. 586, Misc. TYNAN *v.* EYMAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 397 F. 2d 53.

No. 639, Misc. FIERRO *v.* SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied.

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No. 592, Misc. HAINES ET AL. *v.* KINGSLEY. C. A. 10th Cir. Certiorari denied.

No. 602, Misc. SMITH *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 609, Misc. NICHOLS *v.* RUSSELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 628, Misc. HILL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 429 S. W. 2d 481.

No. 632, Misc. BLANCHEY *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied.

No. 638, Misc. MAXEY *v.* KROPP, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 646, Misc. PONCE, AKA DOMINGUEZ *v.* CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 689, Misc. VALDIVIA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 259 Cal. App. 2d 593, 66 Cal. Rptr. 615.

No. 692, Misc. CREIGHBAUM *v.* BURKE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 398 F. 2d 822.

No. 702, Misc. FRAZIER *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 620, Misc. LEVINE ET AL. *v.* LEVER BROTHERS Co. ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

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No. 682, Misc. *MIXON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

Rehearing Denied.

No. 196. *DE SIMONE v. UNITED STATES*, *ante*, p. 834;

No. 274. *MOREALI v. WORKMEN'S COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.*, *ante*, p. 841;

No. 341. *ESTATE OF FREELAND ET AL. v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 845;

No. 353. *RATCLIFF v. BRUCE ET AL.*, *ante*, p. 848;

No. 50, Misc. *DAEGELE v. CROUSE, WARDEN*, *ante*, p. 915;

No. 150, Misc. *RUCKER v. CITY OF FLINT ET AL.*, *ante*, p. 873;

No. 171, Misc. *LUSK v. STRICKLAND ET AL.*, *ante*, p. 875;

No. 367, Misc. *IN RE KAMSLER*, *ante*, p. 816;

No. 396, Misc. *LEWIS v. UNITED STATES*, *ante*, p. 891; and

No. 473, Misc. *LEMANSKI v. LEMANSKI*, *ante*, p. 20. Petitions for rehearing denied.

No. 946, October Term, 1967. *CIVIL AERONAUTICS BOARD v. PAN AMERICAN WORLD AIRWAYS, INC., ET AL.*, 391 U. S. 461. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 132. *YUEN KAM CHUEN ET AL. v. ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE*, *ante*, p. 858. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

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No. 800, October Term, 1967. *WORLD AIRWAYS, INC., ET AL. v. PAN AMERICAN WORLD AIRWAYS, INC., ET AL.*; and

No. 969, October Term, 1967. *AMERICAN SOCIETY OF TRAVEL AGENTS, INC. v. PAN AMERICAN WORLD AIRWAYS, INC., ET AL.*, 391 U. S. 461. Motion for leave to supplement petition for rehearing granted. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition.

NOVEMBER 20, 1968.

Dismissals Under Rule 60.

No. 483. *VIZCARRA-DELGADILLO v. UNITED STATES*. C. A. 9th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Milton T. Simmons* and *Donald L. Ungar* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 395 F. 2d 70.

No. 616. *STEWART ET AL. v. WOODWARD*. Sup. Ct. R. I. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Richard P. McMahon* and *S. Everett Wilkins* for petitioners. Reported below: — R. I. —, 243 A. 2d 917.

NOVEMBER 21, 1968.

Dismissal Under Rule 60.

No. 1065, Misc. *VALENTI v. LUMBARD, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL.* Motion for leave to file petition for writ of mandamus dismissed pursuant to Rule 60 of the Rules of this Court. *John Manning Regan* on the motion. *Louis J. Lefkowitz*, Attorney General of New York, and *Jean M. Coon*, Assistant Attorney General, for respondents.

NOVEMBER 25, 1968.

Miscellaneous Orders.

No. —. *ZAFFARANO v. FITZPATRICK, WARDEN*. C. A. 2d Cir. Application for bail presented to MR. JUSTICE HARLAN, and by him referred to the Court, denied. *Irving Spieler* for applicant.

No. 49. *ZENITH RADIO CORP. v. HAZELTINE RESEARCH, INC., ET AL.* C. A. 7th Cir. [Certiorari granted, 391 U. S. 933.] The Solicitor General is invited to file a brief expressing the views of the United States.

No. 838, Misc. *FARBENFABRIKEN BAYER A. G. v. UNITED STATES*. D. C. D. C.; and

No. 839, Misc. *FARBENFABRIKEN BAYER A. G. v. UNITED STATES*. C. A. D. C. Cir. Motions for leave to file petitions for writs of certiorari denied. *Allen F. Maulsby, Arnold M. Lerman, Max O. Truitt, Jr., and Daniel K. Mayers* on the motions in both cases.

No. 717, Misc. *COX v. BURKE, WARDEN*; and

No. 869, Misc. *ROBINSON v. PEYTON, PENITENTIARY SUPERINTENDENT*. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted. (See also No. 134, *ante*, p. 215; and No. 88, Misc., *ante*, p. 216.)

No. 252, Misc. *CHIMEL v. CALIFORNIA*. Sup. Ct. Cal. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondent. Reported below: 68 Cal. 2d 436, 439 P. 2d 333.

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No. 76. *CARDINALE v. LOUISIANA*. Sup. Ct. La. Certiorari granted. *Nathan Greenberg* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, *William P. Schuler*, Second Assistant Attorney General, *Leander H. Perez, Jr.*, and *Preston H. Hufft* for respondent. Reported below: 251 La. 827, 206 So. 2d 510.

No. 517. *NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS. ET AL. v. UNITED STATES*. Ct. Cl. Certiorari granted. *Ronald A. Jacks* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Martz*, *Roger P. Marquis*, and *S. Billingsley Hill* for the United States. Reported below: 184 Ct. Cl. 427, 396 F. 2d 467.

Certiorari Denied. (See also No. 499, *ante*, p. 214; and No. 501, *ante*, p. 215.)

No. 505. *FARBENFABRIKEN BAYER A. G. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Allen F. Maulsby*, *Arnold M. Lerman*, *Max O. Truitt, Jr.*, and *Daniel K. Mayers* for petitioner. *Solicitor General Griswold* for the United States.

No. 443. *PENNSYLVANIA PUBLIC UTILITY COMMISSION v. BESSEMER & LAKE ERIE RAILROAD CO. ET AL.*; and

No. 638. *CO-OPERATIVE LEGISLATIVE COMMITTEE, RAILROAD BROTHERHOODS IN THE STATE OF PENNSYLVANIA v. BESSEMER & LAKE ERIE RAILROAD CO. ET AL.* Sup. Ct. Pa. Certiorari denied. *William A. Goichman*, *Edward Munce*, and *Joseph C. Bruno* for petitioner in No. 443, and *G. P. MacDougall* for petitioner in No. 638. *R. N. Clattenburg*, *Donald A. Brinkworth*, and *Gordon E. Neuenschwander* for respondents in both cases. *Sheldon E. Bernstein* for Railway Labor Executives' Assn., as *amicus curiae*, in support of the petitions in both cases. Reported below: 430 Pa. 339, 243 A. 2d 358.

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No. 165. CALVARY BIBLE PRESBYTERIAN CHURCH OF SEATTLE ET AL. *v.* BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON. Sup. Ct. Wash. Certiorari denied. *William H. Botzer* for petitioners. *John J. O'Connell*, Attorney General of Washington, and *James B. Wilson*, Assistant Attorney General, for respondent. Reported below: 72 Wash. 2d 912, 436 P. 2d 189.

No. 494. ELDEN *v.* ADDISON FARMERS MUTUAL INSURANCE Co. App. Ct. Ill., 2d Dist. Certiorari denied. *William Elden*, petitioner, *pro se*. Reported below: 90 Ill. App. 2d 417, 233 N. E. 2d 42.

No. 503. KINGTON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *John T. Gilbertson* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 396 F. 2d 9.

No. 506. NEW YORK SHIPPING ASSN., INC., ET AL. *v.* DISTRICT 2, MARINE ENGINEERS BENEFICIAL ASSN. (AFL-CIO) ET AL. Ct. App. N. Y. Certiorari denied. *Alfred Giardino* and *E. Barrett Prettyman, Jr.*, for petitioners. *Howard Schulman* for respondents. Reported below: 22 N. Y. 2d 809, 239 N. E. 2d 650.

No. 508. QUALLS *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. *Frederick C. Kurth* for petitioner. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *James J. Wood*, Assistant Attorney General, for respondent.

No. 514. FINKS ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Walter E. Gillcrist* and *J. Gordon Forester, Jr.*, for petitioners. *Solicitor General Griswold* for the United States. Reported below: 184 Ct. Cl. 480, 395 F. 2d 999.

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No. 513. *GREY ET AL. v. FIRST NATIONAL BANK IN DALLAS ET AL.* C. A. 5th Cir. Certiorari denied. *Gerald Meyer* for petitioners. *Henry C. Coke, Jr., John N. Jackson, J. Edwin Fleming, and Ernest E. Figari, Jr.*, for First National Bank in Dallas; *E. Taylor Armstrong* for First National Bank in Dallas as trustee of the Morgan trust; *Royal H. Brin, Jr.*, for First National Bank in Dallas as trustee of the O'Connor trust; and *Crawford C. Martin, pro se, and Marvin H. Sentell*, Assistant Attorney General, for the Attorney General of Texas, respondents. Reported below: 393 F. 2d 371.

No. 516. *BERBERIAN v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. *Bernard L. Segal* for petitioner.

No. 518. *HOGAN ET AL. v. IVOR B. CLARK CO., INC.* C. A. 2d Cir. Certiorari denied. *William G. Grant* for petitioners. *Paul H. Tannenbaum* for respondent.

No. 519. *HAYUTIN v. UNITED STATES*; and

No. 567. *NASH v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. *Jesse Climenko* and *Milton S. Gould* for petitioner in No. 519, and *Jerome J. Londin* for petitioner in No. 567. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Kirby W. Patterson* for the United States in both cases. Reported below: 398 F. 2d 944.

No. 521. *DREYFUS v. MICHAEL REESE HOSPITAL & MEDICAL CENTER.* C. A. 7th Cir. Certiorari denied. *R. Wicks Stephens II* for petitioner. *Frank D. Mayer* for respondent. Reported below: 397 F. 2d 794.

No. 523. *ILLINOIS v. MILLER.* Sup. Ct. Ill. Certiorari denied. *John J. Stamos* for petitioner. *Charles A. Bellows* for respondent. Reported below: 40 Ill. 2d 154, 238 N. E. 2d 407.

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No. 522. CROWDER, TRADING AS HARRIMAN BROADCASTING Co. v. FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. *Vincent A. Pepper* for petitioner. *Solicitor General Griswold* and *Henry Geller* for Federal Communications Commission, and *Arthur H. Schroeder* and *John B. Kenkel* for Folkways Broadcasting Co., Inc., respondents. Reported below: 130 U. S. App. D. C. 198, 399 F. 2d 569.

No. 524. BOARD OF TRUSTEES OF ARKANSAS A. & M. COLLEGE ET AL. v. DAVIS. C. A. 8th Cir. Certiorari denied. *Joe Purcell*, Attorney General of Arkansas, and *Don Langston*, Deputy Attorney General, for petitioners. Reported below: 396 F. 2d 730.

No. 529. OWENS v. TRAYNOR, DEPUTY COMMISSIONER, UNITED STATES DEPARTMENT OF LABOR, ET AL. C. A. 4th Cir. Certiorari denied. *Joseph F. Lentz, Jr.*, for petitioner. *Solicitor General Griswold* for Traynor, and *Jesse Slingsluff* for Bethlehem Steel Corp., respondents. Reported below: 396 F. 2d 783.

No. 530. ESTATE OF VARIAN v. COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. *Paul E. Anderson*, *Valentine Brookes*, and *Richard M. Leonard* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Loring W. Post*, and *Jonathan S. Cohen* for respondent. Reported below: 396 F. 2d 753.

No. 532. DARLINGTON-HARTSVILLE COCA-COLA BOTTLING Co., INC., ET AL. v. UNITED STATES. C. A. 4th Cir. Certiorari denied. *J. M. Walters* and *B. E. Geer, Jr.*, for petitioners. *Solicitor General Griswold* and *Assistant Attorney General Rogovin* for the United States. Reported below: 393 F. 2d 494.

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No. 426. *KELLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Edward Bennett Williams* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States. Reported below: 395 F. 2d 727.

MR. CHIEF JUSTICE WARREN, dissenting.

The Court, by denying certiorari in this case, has ignored the interrelationship between its recent decision in *Marchetti v. United States*, 390 U. S. 39 (1968), and the well-established rule that the Government cannot comment upon the accused's decision to stand mute. See *Wilson v. United States*, 149 U. S. 60 (1893). Although I was the lone dissenter in *Marchetti*, see 390 U. S., at 77-84, I am puzzled by the Court's failure to apply the principles it so recently advocated.

Petitioner stands convicted of four related violations of the statutes governing those engaged in the business of accepting wagers: use of interstate facilities for transmitting wagering information in violation of 18 U. S. C. § 1084; use of interstate facilities with intent to carry on an unlawful gambling activity in violation of 18 U. S. C. § 1952; failing to pay the special tax imposed upon gamblers by 26 U. S. C. § 4401; and failing to register as a gambler as required by 26 U. S. C. §§ 4411-4412.¹ The Court of Appeals, on the authority of *Marchetti*, reversed his convictions on the tax and registration counts but affirmed his convictions imposed upon the other two counts. *United States v. Kelley*, 395 F. 2d 727 (C. A. 2d Cir. 1968).

In *Marchetti* the Court held that, given the widespread prohibition of gambling activities by both the state and federal sovereigns, the registration and taxation provisions of §§ 4401 and 4411-4412 compelled a gambler to

¹ Petitioner received the maximum sentence on each count, the sentences to run consecutively.

admit that he was engaging in or planned to engage in unlawful activities. Specific reference was made to the criminal sanctions imposed by both § 1084 and § 1952, the two sections which form the basis of petitioner's outstanding convictions. See 390 U. S., at 44. According to the *Marchetti* majority, the Government had in essence said to the accused gambler: either register and pay the tax, thereby exposing your activities, or be prosecuted for failing to incriminate yourself.

I find this rationale equally applicable to this case. The Government in the first two counts indicted petitioner for interstate gambling, yet at the same time in the last two accused him of failing to incriminate himself on the first two counts. Had government counsel introduced evidence that petitioner, when asked if he was a gambler, refused to reply and then argued to the jury that petitioner's silence indicated guilt, I have no doubt that a reversal would be mandated. See *Miranda v. Arizona*, 384 U. S. 436, 444, 468, n. 37 (1966).² I have difficulty understanding why this same principle is not involved where the Government joins the tax and registration offenses with the substantive gambling offenses, for evidence introduced under counts three and four is a formal government comment on petitioner's failure to confess to an essential element³ of counts one and two.⁴

² Petitioner's trial began in August 1966 and was thus after the applicable date of *Miranda*. See *Johnson v. New Jersey*, 384 U. S. 719 (1966).

³ The essential element is that the accused be a professional gambler. Section 1084 applies to individuals "engaged in the business of betting or wagering"; § 1952 refers to the use of interstate facilities to carry on "any business enterprise involving gambling"; and §§ 4411 and 4412 impose a tax and registration requirement upon those "engaged in the business of accepting wagers" as defined in § 4401.

⁴ The Court of Appeals intimated that petitioner did not properly preserve his present claim as he failed to move to sever the gambling

The joinder of the tax and registration counts with the interstate gambling charges also had the result of strengthening a relatively weak case on the gambling charges by combining those charges with a strong case on failure to register and pay the tax. The Government's proof disclosed that petitioner, a professional bookmaker, instructed his clients to call a number at a New York City hotel and ask for a fictitious name. The hotel operator would inform the prospective bettor that his party was not in; the bettor would thereupon give the operator a code name previously agreed upon between the bettor and petitioner. Thereafter, petitioner would call the bettor from his home in Brooklyn and consummate the wager.⁵

To prove its charges on the third and fourth counts the Government was required to show only that petitioner received wagers and had neither registered nor met his tax liability. The indictment on the first and second counts was based upon telephone calls made by bettors to the New York City number from outside New York State. The Government's theory of prosecution was that petitioner caused the out-of-state bettors to use

counts from the registration and tax counts. 395 F. 2d, at 729. However, prior to trial petitioner moved to dismiss the indictment on the theory that he could not be constitutionally convicted for violations of §§ 4401 and 4411-4412 on grounds subsequently adopted in *Marchetti*; petitioner added that combining charges of failing to register and pay the tax with the substantive gambling charges constituted a comment upon his failure to incriminate himself and therefore asked that the entire indictment be dismissed. On the day of trial this request was renewed. Certainly, these steps were adequate to preserve petitioner's claim.

⁵ The Government chose to place venue in the Southern District of New York, the situs of the bettors' telephone calls, rather than in the Eastern District, the district from which the return calls were made. See *United States v. Synodinos*, 218 F. Supp. 479 (D. C. Utah 1963); 18 U. S. C. § 3237.

telephone facilities to place their wagers. See 18 U. S. C. § 2 (b). The Government thus had to convince the jury that petitioner was the causative factor prompting the calls,⁶ proof not required for the third and fourth counts. Petitioner placed his defense upon the argument that it was unlikely that he, a lowly bookie, caused his customers, men of substantial means, to make the telephone calls. It is at least arguable that the jury, faced with overwhelming evidence of petitioner's guilt of the registration and tax charges, allowed this fact to influence their deliberations concerning the interstate gambling offenses. Furthermore, this risk was compounded by the fact that the trial judge told the jury that, although petitioner was charged with four distinct offenses, these offenses were "interrelated violations of Federal law." Simply, the Government was able to show via a prosecution for offenses which this Court has held constitutionally invalid that petitioner had violated the law; this demonstration may well have induced the jury to conclude that petitioner was guilty of the other charges as well. Cf. *Michelson v. United States*, 335 U. S. 469 (1948).

Furthermore, the joinder of these four charges can be viewed as a classic example of the improper use of "other-crimes" evidence.⁷ I have in mind the following situa-

⁶ The trial judge charged: "Thus the government has attempted to show that the defendant devised a method whereby he caused these individuals to phone the Eldorado number, ask for Mr. Mellon, which the government contends was the name the defendant supplied to them and which was the trigger for his return call to them with the specific wagering information or to accept the particular bet, and when we say the defendant caused the telephone to be used we do not mean that he coerced the bettors."

⁷ Typically, other-crimes evidence is introduced to establish intent, design, and system on the part of the accused where the other crimes are similar to the crimes for which he is charged. See *Lisenba v. California*, 314 U. S. 219, 227 (1941).

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tion. An individual presently charged with interstate gambling has previously suffered a conviction prior to the Court's decision in *Marchetti* for failure to register and pay the tax. Would the Government be able to introduce this previous conviction in the accused's post-*Marchetti* trial although the Court has determined that the statutory scheme under which this conviction was procured is unconstitutional? It appears that by joining the gambling offenses with the registration and tax offenses the Government has been able to utilize just such a procedure.

I would grant certiorari to resolve these issues.

No. 527. *CURRY ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Nicholas J. Capuano* for petitioners. *Solicitor General Griswold* and *Assistant Attorney General Rogovin* for the United States. Reported below: 396 F. 2d 630.

No. 623. *CALIFORNIA v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO (COPELAND ET AL., REAL PARTIES IN INTEREST)*. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Samuel N. Hecsh* for respondents Copeland et al. Reported below: 262 Cal. App. 2d 283, 68 Cal. Rptr. 629.

No. 502. *MORRISON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *William S. Thompson* for petitioner. *Solicitor General Griswold* for the United States.

No. 483, Misc. *DENTINE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Saverio A. Muschio* and *Paul A. Victor* for petitioner. *Daniel J. Sullivan* for respondent.

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No. 510. SGARLATO *v.* KLEIN. Ct. App. N. Y. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Morton Liftin* for petitioner. *Solomon A. Klein*, respondent, *pro se*.

No. 515. KAYE *v.* CO-ORDINATING COMMITTEE ON DISCIPLINE OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ET AL. Ct. App. N. Y. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Morton Liftin* for petitioner. *Angelo T. Cometa* for respondents.

No. 511. SIMONS ET AL. *v.* VINSON ET AL. C. A. 5th Cir. Certiorari and other relief denied. *Robert M. Helton* and *Frank Gibson* for petitioners. *James R. Ryan* for Vinson et al., and *Solicitor General Griswold*, *Assistant Attorney General Martz*, *Roger P. Marquis*, and *Raymond N. Zagone* for Department of the Interior et al., respondents. Reported below: 394 F. 2d 732.

No. 412, Misc. CABRERA *v.* VERMONT. Sup. Ct. Vt. Certiorari denied. Reported below: 127 Vt. 193, 243 A. 2d 784.

No. 542, Misc. IN RE RUSSO. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold* for the United States in opposition.

No. 561, Misc. BUNDY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States.

No. 577, Misc. WALLACE *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

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No. 580, Misc. *DISMUKE v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 587, Misc. *WADSWORTH v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 599, Misc. *OLVERA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 260 Cal. App. 2d 143, 67 Cal. Rptr. 45.

No. 604, Misc. *BELL v. ALABAMA*. C. A. 5th Cir. Certiorari denied. Reported below: 391 F. 2d 286.

No. 616, Misc. *SCHLETTE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 644, Misc. *GONZALEZ v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 647, Misc. *LOCKHART v. HENDRICK, COUNTY PRISONS SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 654, Misc. *HILBERRY v. MARONEY, PENITENTIARY SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 660, Misc. *GARVIE v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 669, Misc. *CALDWELL v. COINER, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 674, Misc. *PICHE v. RHAY, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Wash. Certiorari denied.

No. 706, Misc. *MERCER v. SPECTER ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 601, Misc. *BREWER v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 73 Wash. 2d 58, 436 P. 2d 473.

No. 676, Misc. *HILLIARD v. HARRIS, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 707, Misc. *DARLING v. MANCUSI, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 708, Misc. *CANTRELL v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 714, Misc. *GROVES v. SCHULTZ, SHERIFF, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 731, Misc. *CONOVER v. TV STATION WPTZ, CHANNEL 5, A ROLLINS STATION, PLATTSBURGH.* Ct. App. N. Y. Certiorari denied.

No. 737, Misc. *AGUIAR v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 257 Cal. App. 2d 597, 65 Cal. Rptr. 171.

No. 739, Misc. *WELSH v. NELSON, WARDEN.* Sup. Ct. Cal. Certiorari denied.

No. 756, Misc. *WATSON v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied.

No. 768, Misc. *MILLER v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 775, Misc. *MADISON v. BROWN.* C. A. 4th Cir. Certiorari denied.

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No. 380, Misc. STARRETT *v.* BRUCE, DBA BRUCE TRUCKING Co. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Raymond C. Jopling, Jr.*, for respondent. Reported below: 391 F. 2d 320.

No. 631, Misc. LAWS ET AL. *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Charles L. Bertini* for Laws and *Gerald E. Monaghan* for Washington, petitioners. *Guy W. Calissi* for respondent. Reported below: 50 N. J. 159, 233 A. 2d 633; 51 N. J. 494, 242 A. 2d 333.

Rehearing Denied.

No. 1511, Misc., October Term, 1967. COPELAND *v.* FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF LAKE COUNTY ET AL., 391 U. S. 955; and

No. 527, Misc. HOHENSEE ET AL. *v.* MINEAR, *ante*, p. 894. Motions for leave to file petitions for rehearing denied.

No. 242. ROSSO ET UX. *v.* PUERTO RICO, *ante*, p. 14. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.

No. 50. HANOVER INSURANCE CO. OF NEW YORK *v.* VICTOR, *ante*, p. 7;

No. 154. FORT HOWARD PAPER CO. *v.* KIMBERLY-CLARK CORP., *ante*, p. 831;

No. 159. BIDDLE, ADMINISTRATRIX *v.* BOWSER ET AL., *ante*, p. 10;

No. 270. PENJASKA ET AL. *v.* GOODBODY & Co., *ante*, p. 16; and

No. 281. KENNER ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 841. Petitions for rehearing denied.

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- No. 319. *RAO v. UNITED STATES*, *ante*, p. 845;
No. 321. *HART v. HEDRICK, TRUSTEE IN BANKRUPTCY*,
ante, p. 846;
No. 334. *MIZNER v. MIZNER*, *ante*, p. 847;
No. 343. *UNITED STATES v. AN ARTICLE OF DRUG . . .*
BACTO-UNIDISK . . ., *ante*, p. 911;
No. 359. *GRAHAM v. GREENE, JUDGE, ET AL.*, *ante*,
p. 848;
No. 126, Misc. *VARONE v. VARONE*, *ante*, p. 872;
No. 172, Misc. *BURNS v. UNITED STATES*, *ante*, p. 875;
No. 405, Misc. *FORD v. UNITED STATES*, *ante*, p. 927;
and
No. 424, Misc. *STEINHARDT v. FLORIDA*, *ante*, p. 916.
Petitions for rehearing denied.

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Miscellaneous Orders.

No. —. *GRANELLO, AKA BURNS v. UNITED STATES*.
C. A. 2d Cir. Application for bail presented to Mr. Jus-
TICE HARLAN, and by him referred to the Court, denied.
Mr. JUSTICE BRENNAN and Mr. JUSTICE MARSHALL took
no part in the consideration or decision of this applica-
tion. *Irving Anolik* for applicant. *Solicitor General*
Griswold for the United States in opposition.

No. —. *THOMAS v. CREVASSE, SHERIFF*. C. A. 5th
Cir. Application for bail presented to Mr. JUSTICE
BLACK, and by him referred to the Court, denied. *Rob-*
ert G. Petree for applicant. *Earl Faircloth*, Attorney
General of Florida, and *Raymond L. Marky*, Assistant
Attorney General, in opposition.

No. —. *HAIRSTON v. ILLINOIS*. Sup. Ct. Ill. Appli-
cation for bail presented to Mr. JUSTICE DOUGLAS, and
by him referred to the Court, denied. *Marshall Patner*
for applicant.

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No. —. FRAZIER *v.* UNITED STATES. C. A. 4th Cir. Application for bail presented to MR. JUSTICE BLACK, and by him referred to the Court, denied.

No. —. BLOSS *v.* MICHIGAN. Sup. Ct. Mich. Application for stay and bail presented to MR. JUSTICE STEWART, and by him referred to the Court, denied. *Stanley Fleishman* and *Sam Rosenwein* for applicant.

No. 40. JOHNSON *v.* AVERY, CORRECTION COMMISSIONER, ET AL. [Certiorari granted, 390 U. S. 943.] Motions of Harry D. Smith and Calvin C. Shobe for leave to file briefs, as *amici curiae*, denied.

No. 366. UNITED STATES *v.* COVINGTON. [Probable jurisdiction noted, *ante*, p. 910.] Motion of appellee for leave to proceed further herein *in forma pauperis* granted. Motion for appointment of counsel granted. It is ordered that *William J. Davis, Esquire*, of Columbus, Ohio, be, and he is hereby, appointed to serve as counsel for appellee in this case.

No. 413. NORTH CAROLINA ET AL. *v.* PEARCE. [Certiorari granted, *ante*, p. 922.] Motion of respondent for appointment of counsel granted. It is ordered that *Larry B. Sitton, Esquire*, of Greensboro, North Carolina, be, and he is hereby, appointed to serve as counsel for respondent in this case.

No. 65. LEARY *v.* UNITED STATES. [Certiorari granted, 392 U. S. 903.] Motion of National Student Assn. for leave to file a brief, as *amicus curiae*, granted. *Joseph S. Oteri* on the motion.

No. 794, Misc. ALEXANDER *v.* KAESS, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied. *Solicitor General Griswold* for respondent in opposition.

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No. —. SCHNITZLER *v.* FOLLETTE, WARDEN. C. A. 2d Cir. Application for bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. 703, Misc. PARK *v.* NELSON, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus and other relief denied.

No. 749. RODRIQUEZ *v.* UNITED STATES. [Certiorari granted, *ante*, p. 951.] Motion of petitioner for appointment of counsel granted. It is ordered that *William R. Wallace, Esquire*, of San Francisco, California, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 780, Misc. HARPER *v.* CRAVEN, WARDEN, ET AL.;

No. 886, Misc. STOUT *v.* MICHIGAN;

No. 913, Misc. TURNER *v.* SHEEHY, REFORMATORY SUPERINTENDENT, ET AL.; and

No. 963, Misc. SHIPP *v.* CRAVEN, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 788, Misc. STANDARD FRUIT & STEAMSHIP CO. *v.* LYNNE, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL. Motion for leave to file petition for writ of mandamus denied. *Eberhard P. Deutsch, Robert M. Moore, and René H. Himel, Jr.*, on the motion. *Solicitor General Griswold* for the United States, and *Hugh B. Cox and James H. McGlothlin* for United Fruit Co. in opposition.

Probable Jurisdiction Noted.

No. 244. BOYLE, JUDGE, ET AL. *v.* LANDRY ET AL. Appeal from D. C. N. D. Ill. Probable jurisdiction noted. *John J. Stamos, pro se, and Edward J. Hladis and Ronald Butler*, for appellants. *Robert L. Tucker* for appellees. Reported below: 280 F. Supp. 938.

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No. 548. JENKINS *v.* McKEITHEN, GOVERNOR OF LOUISIANA, ET AL. Appeal from D. C. E. D. La. Probable jurisdiction noted. *J. Minos Simon* for appellant. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ashton L. Stewart*, Special Assistant Attorney General, for appellees. Reported below: 286 F. Supp. 537.

No. 580. SAMUELS ET AL. *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL.; and

No. 844, Misc. FERNANDEZ *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL. Appeals from D. C. S. D. N. Y. Probable jurisdiction noted. Cases consolidated and one hour allotted for oral argument. Motion for leave to proceed *in forma pauperis* in No. 844, Misc., granted and case transferred to appellate docket. *Victor Rabinowitz* and *Leonard B. Boudin* for appellants in No. 580, and *Eleanor Jackson Piel* for appellant in No. 844, Misc. *Peter J. O'Connor* for Mackell, *Louis J. Lefkowitz*, Attorney General of New York, *pro se*, and *Mortimer Sattler*, Assistant Attorney General, for appellees in both cases. Reported below: 288 F. Supp. 348.

Certiorari Granted.

No. 574. UNITED STATES *v.* ESTATE OF GRACE ET AL. Ct. Cl. Certiorari granted. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Harris Weinstein*, *Harry Baum*, and *Philip R. Miller* for the United States. *William S. Downard* for respondents. Reported below: 183 Ct. Cl. 745, 393 F. 2d 939.

No. 488. DANIEL ET AL. *v.* PAUL. C. A. 8th Cir. Certiorari granted. *Jack Greenberg*, *James M. Nabrit III*, and *Norman C. Amaker* for petitioners. Reported below: 395 F. 2d 118.

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No. 228. WILLINGHAM, WARDEN, ET AL. *v.* MORGAN. C. A. 10th Cir. Certiorari granted. *Solicitor General Griswold, Assistant Attorney General Weisl, and Morton Hollander* for petitioners. Reported below: 383 F. 2d 139.

No. 528. NACIREMA OPERATING CO., INC., ET AL. *v.* JOHNSON ET AL.; and

No. 663. TRAYNOR ET AL., DEPUTY COMMISSIONERS *v.* JOHNSON ET AL. C. A. 4th Cir. Motion of respondent Avery in No. 528 to dispense with printing his brief in opposition granted. Certiorari granted. Cases are consolidated and one hour allotted for oral argument. *William A. Grimes and Randall C. Coleman* for Nacirema Operating Co., Inc., and *William B. Eley* for Liberty Mutual Insurance Co., petitioners in No. 528; and *Solicitor General Griswold, Assistant Attorney General Weisl, and John C. Eldridge* for petitioners in No. 663. *John J. O'Connor, Jr., and Leroy W. Preston* for respondents Johnson et al., and *Ralph Rabinowitz* for respondent Avery, in No. 528. *Francis A. Scanlan, Edward D. Vickery, Scott H. Elder, and J. Stewart Harrison* for National Association of Stevedores et al., as *amici curiae*, in support of the petition in No. 528. Reported below: 398 F. 2d 900.

No. 442, Misc. DUVERNAY *v.* UNITED STATES. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 403 [*ante*, p. 922]. *Benjamin Smith, Morton Stavis, Arthur Kinoy, and William M. Kunstler* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Philip R. Monahan* for the United States. Reported below: 394 F. 2d 979.

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Certiorari Denied. (See also No. 423, Misc., *ante*, p. 221; and No. 747, Misc., *ante*, p. 221.)

No. 180. *COSENTINO v. ROYAL NETHERLANDS STEAMSHIP Co.* C. A. 2d Cir. *Certiorari* denied. *Jacob Rassner* for petitioner. *William L. F. Gardiner* for respondent. Reported below: 389 F. 2d 726.

No. 487. *NATIONAL DAIRY PRODUCTS CORP. v. FEDERAL TRADE COMMISSION.* C. A. 7th Cir. *Certiorari* denied. *John T. Chadwell*, *Richard W. McLaren*, and *William E. Nuessle* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Zimmerman*, *James McI. Henderson*, and *Alvin L. Berman* for respondent. Reported below: 395 F. 2d 517.

No. 531. *WYNDHAM ASSOCIATES ET AL. v. BINTLIFF ET AL.* C. A. 2d Cir. *Certiorari* denied. *Howard M. Jaffe* for petitioners. *Leo T. Kissam* for respondent *Bintliff*; *Frank W. Adams* for respondents *McNeese et al.*; *John Logan O'Donnell* and *Donald F. Johnston, Jr.*, for respondent *Moroney, Beissner & Co., Inc.*; *Samuel R. Pierce, Jr.*, for respondent *A. G. Becker & Co., Inc.*; *Thomas A. McGovern* and *Burton L. Knapp* for respondent *American Stock Exchange*; and *Edward J. Reilly* for respondent *Chase Manhattan Bank, N. A.* Reported below: 398 F. 2d 614.

No. 533. *GREEN ET AL. v. TEXAS GULF SULPHUR CO. ET AL.* C. A. 5th Cir. *Certiorari* denied. *Sizer Chambliss* and *Andrew A. Wassick* for petitioners. *Major T. Bell*, *George A. Weller*, and *Ewell Strong* for *Texas Gulf Sulphur Co. et al.*; *Crawford C. Martin*, *Attorney General of Texas*, *Nola White*, *First Assistant Attorney General*, *A. J. Carubbi, Jr.*, *Executive Assistant Attorney General*, and *Ben M. Harrison* and *Houghton Brownlee, Jr.*, *Assistant Attorneys General*, for *Sadler*, respondents. Reported below: 393 F. 2d 67.

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No. 534. *WHAYNE v. M. V. SHUTTLE, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* and *Avram G. Adler* for petitioner. *Mark D. Alspach* for respondents. Reported below: 397 F. 2d 287.

No. 535. *WESTERN & SOUTHERN LIFE INSURANCE CO. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 3d Cir. Certiorari denied. *John G. Wayman* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 391 F. 2d 119.

No. 536. *REITER ET AL., TRUSTEES v. FEDERAL SAVINGS & LOAN INSURANCE CORP.* C. A. 7th Cir. Certiorari denied. *William R. Quinlan* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *John C. Eldridge* for respondent. Reported below: 396 F. 2d 407.

No. 537. *HENDRY CORP. v. UNITED STATES FIDELITY & GUARANTY CO.* C. A. 5th Cir. Certiorari denied. *Stanley W. Rosenkranz* and *Charles W. Pittman* for petitioner. *E. Dixie Beggs* for respondent. Reported below: 391 F. 2d 13.

No. 538. *LAVINO SHIPPING CO. v. AMERICAN-WEST AFRICAN LINE, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *Thomas F. Mount* for petitioner. *James F. Young* for respondents. Reported below: 397 F. 2d 170.

No. 539. *RESOLUTE INSURANCE CO. v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. *Wade H. Penny, Jr.*, for petitioner. *Thomas Wade Bruton*, Attorney General of North Carolina, and *Ralph Moody*, Deputy Attorney General, for respondents. Reported below: 397 F. 2d 586.

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No. 540. *EASTERN AIR LINES, INC. v. SCOTT, ADMINISTRATOR*. C. A. 3d Cir. Certiorari denied. *J. Grant McCabe III* and *John J. Martin* for petitioner. *John R. McConnell* for respondent. Reported below: 399 F. 2d 14.

No. 541. *LELAURIN v. FROST NATIONAL BANK, TRUSTEE, ET AL.* C. A. 5th Cir. Certiorari denied. *Edward V. Dylla* for petitioner. *C. Stanley Banks, Jr.*, for respondents. Reported below: 391 F. 2d 687.

No. 545. *TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Norman J. Gundlach* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Sidney M. Glazer* for the United States. Reported below: 397 F. 2d 467.

No. 547. *RAMANTANIN v. DEPARTMENT OF PERSONNEL OF THE CITY OF NEW YORK*. Ct. App. N. Y. Certiorari denied. *J. Lee Rankin* and *Stanley Buchsbaum* for respondent.

No. 549. *SENCAL ET AL. v. CARROLL, TRUSTEE*. C. A. 10th Cir. Certiorari denied. *Harvey L. Davis* for petitioners. *Harry L. Dyer* for respondent. Reported below: 394 F. 2d 797.

No. 551. *CORN PRODUCTS CO. v. BAXTER LABORATORIES, INC.* C. A. 7th Cir. Certiorari denied. *John A. Dienner* and *Richard R. Wolfe* for petitioner. *Edward A. Haight* for respondent. Reported below: 394 F. 2d 892.

No. 560. *ARNOLD CONSTABLE CORP. v. EUDOWOOD SHOPPING CENTER, INC.* Ct. App. Md. Certiorari denied. *Norman P. Ramsey* for petitioner. *Robert L. Sullivan, Jr.*, for respondent.

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No. 550. *SLOUGH v. FEDERAL TRADE COMMISSION*. C. A. 5th Cir. Certiorari denied. *Fredric T. Suss* for petitioner. *Solicitor General Griswold* and *James McI. Henderson* for respondent. Reported below: 396 F. 2d 870.

No. 552. *N. V. STOOMVAART MAATSCHAPPIJ "NEDERLAND" v. STANDARD OIL CO. OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied. *Francis L. Tetreault* for petitioner. *Stanley J. Madden* for respondent. Reported below: 398 F. 2d 835.

No. 554. *SCAM INSTRUMENT CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. *David C. Newman* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Allison W. Brown, Jr.*, for respondent. Reported below: 394 F. 2d 884.

No. 557. *PARK v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *Wesley R. Asinof* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *Marion O. Gordon*, Assistant Attorney General, for respondent. Reported below: 224 Ga. 467, 162 S. E. 2d 359.

No. 564. *CONFEDERATION LIFE ASSN. v. VEGA Y ARMINAN*. Sup. Ct. Fla. Certiorari denied. *John G. Laylin*, *Cotton Howell*, *William H. Allen*, and *George V. Allen, Jr.*, for petitioner. *Thomas B. DeWolf* for respondent. Reported below: 211 So. 2d 169.

No. 565. *FREDKIN v. IRASEK*. C. C. P. A. Certiorari denied. *Robert H. Rines*, *David Rines*, and *Nelson H. Shapiro* for petitioner. *John Hoxie* and *William T. Estabrook* for respondent. Reported below: 55 C. C. P. A. (Pat.) 1302, 397 F. 2d 342.

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No. 566. *SULGER v. POCHYLA ET AL.* C. A. 9th Cir. Certiorari denied. *George T. Davis* for petitioner. *Solicitor General Griswold* for respondents. Reported below: 397 F. 2d 173.

No. 569. *CURRY v. FLORIDA BAR.* Sup. Ct. Fla. Certiorari denied. *Paul A. Louis, Bertha Claire Lee, and Fay L. Becker* for petitioner. *Lyle D. Holcomb, Jr.*, for respondent. Reported below: 211 So. 2d 169.

No. 570. *SNELLING & SNELLING OF BALTIMORE, INC. v. MASCARO ET AL.* Ct. App. Md. Certiorari denied. *Benjamin Lipsitz* and *Hyman K. Cohen* for petitioner. *Ambler H. Moss* for respondent Mascaro. Reported below: 250 Md. 215, 243 A. 2d 1.

No. 571. *SYLVIA v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Milton E. Grusmark* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Melvin B. Grossman*, Assistant Attorney General, for respondent. Reported below: 210 So. 2d 286.

No. 575. *PRESTON v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. *Kenneth J. Ehlenbach* for petitioner. *Warren H. Resh* for respondent. Reported below: 38 Wis. 2d 582, 157 N. W. 2d 615.

No. 577. *GLIMCO ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. *Edward J. Calihan, Jr.*, for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Harry Baum*, and *Louis M. Kauder* for respondent. Reported below: 397 F. 2d 537.

No. 590. *JAYSON ET AL. v. UNITED STATES.* Ct. Cl. Certiorari denied. *O. P. Easterwood, Jr.*, for petitioners. *Solicitor General Griswold* for the United States.

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No. 581. *GROSSMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Ralph N. Strayhorn* and *E. C. Bryson, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Marshall Tamor Golding* for the United States. Reported below: 400 F. 2d 951.

No. 583. *SANNER ET UX. v. TRUSTEES OF THE SHEPARD & ENOCH PRATT HOSPITAL*. C. A. 4th Cir. Certiorari denied. *D. Robert Cervera* for petitioners. *Norman P. Ramsey* for respondent. Reported below: 398 F. 2d 226.

No. 586. *TRUJILLO-M v. BANK OF NOVA SCOTIA*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Michael M. Platzman* for petitioner. *Henry Harfield* for respondent.

No. 588. *HLH PRODUCTS, DIVISION OF HUNT OIL CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. *Owen J. Neighbours* and *Robert W. Henderson* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 396 F. 2d 270.

No. 589. *MARXUACH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Albert J. Krieger* and *Theodore Krieger* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States. Reported below: 398 F. 2d 548.

No. 178, Misc. *GRUENWALD v. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 2d Cir. Certiorari denied. *Edward Q. Carr* and *Julius C. Biervliet* for petitioner. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 591.

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No. 556. *ANDERSON ET AL. v. EMPIRE SEAFOODS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Roger Robb* and *H. Donald Kistler* for petitioners. *Roland R. Parent* for respondent Cleary Bros. Construction Co. Reported below: 398 F. 2d 204.

No. 558. *PENNINGTON ET AL. v. UNITED MINE WORKERS OF AMERICA.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *John A. Rowntree* and *Robert S. Young, Jr.*, for petitioners. *Edward L. Carey*, *Harrison Combs*, *Willard P. Owens*, *E. H. Rayson*, and *M. E. Boiarsky* for respondent. Reported below: 400 F. 2d 806.

No. 568. *QUINN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Samuel E. Hirsch* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States. Reported below: 398 F. 2d 298.

No. 584. *RAMOS ET UX. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Jerome A. Duffy* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Gilbert E. Andrews*, and *Loring W. Post* for the United States. Reported below: 393 F. 2d 618.

No. 89, Misc. *DVORSKY v. UNITED STATES.* Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 173 Ct. Cl. 638, 352 F. 2d 373.

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No. 116, Misc. *SMALL v. COHEN*, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 390 F. 2d 186.

No. 136, Misc. *SHALE, DBA J & C Co., INC., DBA SOUTHERN HOME PROPERTIES, INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John Paul Howard* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for the United States. Reported below: 388 F. 2d 616.

No. 207, Misc. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Robert P. Jaye* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for the United States. Reported below: 129 U. S. App. D. C. 332, 394 F. 2d 957.

No. 248, Misc. *FRAZIER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Jerome M. Feit* for the United States. Reported below: 394 F. 2d 258.

No. 262, Misc. *REED v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 392 F. 2d 865.

No. 304, Misc. *GALLAGHER v. UNITED STATES*. Ct. Cl. Certiorari denied. *Richard A. Baenen* and *Jerry C. Straus* for petitioner. *Solicitor General Griswold* for the United States.

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No. 324, Misc. GRAY ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Lawrence C. Cantor* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 394 F. 2d 96.

No. 335, Misc. WATSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 391 F. 2d 927.

No. 343, Misc. MOORE *v.* CUPP, WARDEN. C. A. 9th Cir. Certiorari denied. *Robert Y. Thornton*, Attorney General of Oregon, and *David H. Blunt*, Assistant Attorney General, for respondent.

No. 413, Misc. GILBERT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 416, Misc. ALAWAY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 428, Misc. HILL *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 503, Misc. McHALE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Francis C. Browne* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 130 U. S. App. D. C. 163, 398 F. 2d 757.

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No. 460, Misc. *DAVIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 392 F. 2d 291.

No. 466, Misc. *DAUGHERTY v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Crawford C. Martin, Attorney General of Texas, Nola White, First Assistant Attorney General, A. J. Carubbi, Jr., Executive Assistant Attorney General, and Robert C. Flowers and Gilbert J. Pena, Assistant Attorneys General*, for respondent. Reported below: 388 F. 2d 810.

No. 481, Misc. *CORNISH v. KENNEY, U. S. ATTORNEY, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 548, Misc. *HALL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 396 F. 2d 428.

No. 552, Misc. *SCOTT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Ira M. Lowe* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 129 U. S. App. D. C. 396, 395 F. 2d 619.

No. 554, Misc. *ROGERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States.

No. 575, Misc. *HEISLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 394 F. 2d 692.

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No. 607, Misc. MATHERNE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *James David McNeill* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States. Reported below: 397 F. 2d 406.

No. 659, Misc. CALLOWAY ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Albert J. Ahern, Jr.*, for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 130 U. S. App. D. C. 273, 399 F. 2d 1006.

No. 672, Misc. CIFARELLI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 401 F. 2d 512.

No. 673, Misc. DAVIS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *H. Elliot Wales* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 399 F. 2d 948.

No. 675, Misc. BAUMAN *v.* BAUMAN. Sup. Ct. Pa. Certiorari denied. *Melvin Hirshman and Sebert H. Keiffer* for petitioner.

No. 697, Misc. MARTIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Harry D. Steward* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 149.

No. 713, Misc. DAVIS ET AL. *v.* TURNER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 395 F. 2d 671.

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No. 645, Misc. ROBINSON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 704, Misc. PEREZ *v.* CROUSE, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 705, Misc. SWANSON ET AL. *v.* BOYERS, JUDGE, ET AL. C. A. 6th Cir. Certiorari denied.

No. 722, Misc. MUNIZ *v.* BETO, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. Certiorari denied. *Joseph A. Calamia* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, *Robert C. Flowers* and *Allo B. Crow, Jr.*, Assistant Attorneys General, and *W. Barton Boling* for respondent.

No. 740, Misc. BELTOWSKI *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 281 Minn. 28, 160 N. W. 2d 705.

No. 748, Misc. LEE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 749, Misc. HILL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty* for petitioner.

No. 750, Misc. ROLAND *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty*, *James J. Doherty*, and *Marshall J. Hartman* for petitioner. Reported below: 93 Ill. App. 2d 97, 237 N. E. 2d 553.

No. 754, Misc. MORALES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

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No. 760, Misc. HAUGHEY *v.* RHAY, PENITENTIARY SUPERINTENDENT, ET AL. Sup. Ct. Wash. Certiorari denied.

No. 761, Misc. RAULLERSON *v.* PATTERSON, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 765, Misc. SMITH *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 4 Md. App. 550, 243 A. 2d 897.

No. 771, Misc. IN RE GASKINS. Sup. Ct. Pa. Certiorari denied. *Mary Bell Hammerman* for petitioner. Reported below: 430 Pa. 298, 244 A. 2d 662.

No. 772, Misc. GREEN *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied.

No. 777, Misc. NICHOLS *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 783, Misc. LEMON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 784, Misc. SCHULTZ *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 787, Misc. WILLARD *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 789, Misc. CATALANOTTO *v.* ASSOCIATES DISCOUNT CORP. Sup. Ct. La. Certiorari denied. *Edward B. Dufreche* for petitioner. Reported below: 252 La. 105, 209 So. 2d 38.

No. 800, Misc. COURTNEY *v.* VIRGINIA STATE PAROLE BOARD. C. A. 4th Cir. Certiorari denied.

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No. 792, Misc. *BROOKS v. BUDER*, JUDGE. Sup. Ct. Mo. Certiorari denied. *John L. Davidson, Jr.*, for petitioner.

No. 802, Misc. *CRAIG v. HOCKER*, WARDEN. Sup. Ct. Nev. Certiorari denied.

No. 805, Misc. *MARTINEZ v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: — Colo. —, 442 P. 2d 422.

No. 809, Misc. *CHINOWITH v. INSURANCE CO. OF NORTH AMERICA*. C. A. 5th Cir. Certiorari denied. *Luther E. Jones, Jr.*, for petitioner. Reported below: 393 F. 2d 916.

No. 816, Misc. *HOGAN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 821, Misc. *CONWAY v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 822, Misc. *JONES v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 824, Misc. *THOMPSON ET UX. v. WALSH ET AL.*, U. S. DISTRICT JUDGES. C. A. D. C. Cir. Certiorari denied. *Charles P. Howard, Jr.*, for petitioners.

No. 827, Misc. *PRILLERMAN v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 290, Misc. *EDWARDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States.

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No. 825, Misc. STAPLETON *v.* SUPERIOR COURT, LOS ANGELES COUNTY. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 853, Misc. BRADSHAW *v.* ISLAND CREEK COAL CO. C. A. 4th Cir. Certiorari denied. Reported below: 396 F. 2d 501.

No. 280, Misc. GUNSTON *v.* UNITED STATES. Ct. Cl. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for the United States.

No. 299, Misc. O'DAY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Edward Fenig* for the United States.

No. 651, Misc. BRANDON *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Allen E. Stim* for petitioner. *Frank S. Hogan and Michael R. Stack* for respondent. Reported below: 22 N. Y. 2d 476, 239 N. E. 2d 885.

No. 711, Misc. SUMRALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Lawrence A. Aschenbrenner and Elliott C. Lichtman* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 397 F. 2d 924.

No. 742, Misc. JOHNSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari and other relief denied.

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No. 725, Misc. *LINGO v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Charles Morgan, Jr., Reber F. Boulton, Albert M. Horn, Melvin L. Wulf, Eleanor Norton*, and *Martin Garbus* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, *Marion O. Gordon*, Assistant Attorney General, and *William R. Childers, Jr.*, Deputy Assistant Attorney General, for respondent. Reported below: 224 Ga. 333, 162 S. E. 2d 1.

Rehearing Denied.

No. 149. *COURTNEY v. UNITED STATES*, *ante*, p. 857;

No. 212. *OVERTON v. NEW YORK*, *ante*, p. 85;

No. 249. *FULLER v. ALASKA*, *ante*, p. 80;

No. 364. *LAKE ET VIR v. POTOMAC LIGHT & POWER Co.*, *ante*, p. 77;

No. 381. *MINICHELLO ET AL. v. CAMP, COMPTROLLER OF THE CURRENCY, ET AL.*, *ante*, p. 849;

No. 414. *LICHTEN ET AL. v. TEXAS*, *ante*, p. 86;

No. 82, Misc. *JOHNSON v. BETO, CORRECTIONS DIRECTOR*, *ante*, p. 868;

No. 544, Misc. *HANKINS ET AL. v. KANE, COLLECTOR OF ESTATE*, *ante*, p. 918;

No. 621, Misc. *KAMSLER v. TRI PAR RADIO & APPLIANCE Co., INC., ET AL.*, *ante*, p. 928;

No. 661, Misc. *KAMSLER v. STAMOS, STATE'S ATTORNEY FOR COOK COUNTY, ET AL.*, *ante*, p. 944; and

No. 786, Misc. *IN RE KAMSLER*, *ante*, p. 931. Petitions for rehearing denied.

No. 239. *ESTATE OF BURNELL v. COLORADO*, *ante*, p. 13;

No. 316, Misc. *ANDERTEN v. WARDEN, SOUTH DAKOTA PENITENTIARY*, *ante*, p. 816; and

No. 421, Misc. *FLETCHER v. CALIFORNIA*, *ante*, p. 916. Motions for leave to file petitions for rehearing denied.

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No. 375. MENGELKOCH ET AL. *v.* INDUSTRIAL WELFARE COMMISSION ET AL., *ante*, p. 83. Petition for rehearing by appellant Mengelkoch denied.

No. 300, Misc. FERMIN *v.* UNITED STATES, *ante*, p. 898. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

DECEMBER 11, 1968.

Dismissals Under Rule 60.

No. 765. WESTSIDE MARKET, INC. *v.* KIRBY, DIRECTOR, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA. Appeal from Ct. App. Cal., 2d App. Dist., dismissed pursuant to Rule 60 of the Rules of this Court. *Harold Easton* for appellant. *Thomas C. Lynch*, Attorney General of California, and *Lynn Henry Johnson*, Deputy Attorney General, for appellee.

No. 1149, Misc. ADAMS *v.* CLERK, DELAWARE COUNTY COURT. Motion for leave to file petition for writ of mandamus dismissed pursuant to Rule 60 of the Rules of this Court.

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Miscellaneous Orders.

No. —. GAVIN *v.* LYNCH. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Application for stay presented to MR. JUSTICE BLACK, and by him referred to the Court, denied. *Daniel H. Mahoney* for applicant.

No. —. SKOLNICK ET AL. *v.* MAYOR OF CHICAGO ET AL. C. A. 7th Cir. Application for stay presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Raymond F. Simon*, *Marvin E. Aspen*, and *Edmund Hatfield* for Mayor of Chicago et al. in opposition.

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No. —. GREAT NORTHERN RAILWAY MERGER CASE. D. C. D. C. Applications by the United States and the City of Auburn, Washington, for stay of effectiveness of orders of the Interstate Commerce Commission, dated November 30, 1967, and April 11, 1968, authorizing merger of Great Northern Railway Co., Northern Pacific Railway Co., Chicago, Burlington & Quincy Railroad Co., Pacific Coast Railway Co., and Spokane, Portland & Seattle Railway Co., granted, said stay to remain in effect until further order of the Court. MR. JUSTICE FORTAS took no part in the consideration or decision of these applications. *Solicitor General Griswold* for the United States, and *Robert L. Wald* and *Joel E. Hoffman* for the City of Auburn on the applications. *Valentine B. Deale* for Livingston Anti-Merger Committee in support of the applications. Memoranda in opposition were filed by *Hugh B. Cox*, *Ray Garrett*, *D. Robert Thomas*, *Anthony Kane*, *Louis E. Torinus*, *Earl F. Requa*, *Frank S. Farrell*, *Eldon Martin*, and *Richard J. Flynn* for Great Northern Railway Co. et al.; *Robert W. Ginnane*, *Fritz R. Kahn*, and *Jerome Nelson* for Interstate Commerce Commission and by 230 Pacific Northwest Shippers.

No. 201. BENTON v. MARYLAND. Ct. Sp. App. Md. [Certiorari granted, 392 U. S. 925.] Case restored to the docket for reargument on March 24, 1969, limited to the following question, not specified in the original writ: Does the "concurrent sentence doctrine," enunciated in *Hirabayashi v. United States*, 320 U. S. 81, 105, and subsequent cases, have continuing validity in light of such decisions as *Ginsberg v. New York*, 390 U. S. 629, 633, n. 2, *Peyton v. Rowe*, 391 U. S. 54, *Carafas v. LaVallee*, 391 U. S. 234, 237-238, and *Sibron v. New York*, 392 U. S. 40, 50-58? The Solicitor General is invited to file a brief expressing the views of the United States and to participate in oral argument.

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No. 49. ZENITH RADIO CORP. *v.* HAZELTINE RESEARCH, INC., ET AL. C. A. 7th Cir. Request for additional time granted and a total of three hours allotted for oral argument. [For earlier orders herein, see, *e. g.*, *ante*, p. 958.]

No. 243. CITIZEN PUBLISHING CO. ET AL. *v.* UNITED STATES. Appeal from D. C. Ariz. [Probable jurisdiction noted, *ante*, p. 911]. Motion of Robert L. Stern for leave to participate in oral argument, for *amici curiae*, denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion. *Robert L. Stern, pro se*, on the motion.

No. 273. SCOFIELD ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. [Certiorari granted, *ante*, p. 821.] Motion of respondent International Union, UAW, to argue orally granted and twenty additional minutes allotted for that purpose. Counsel for petitioners likewise allotted twenty additional minutes for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion. *Joseph L. Rauh, Jr.*, *John Silard*, and *Stephen I. Schlossberg* on the motion.

No. 379. INTERNATIONAL TERMINAL OPERATING CO., INC. *v.* N. V. NEDERL. AMERIK STOOMV. MAATS., *ante*, p. 74. Motion to recall and amend 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 Second Circuit. *Edmund F. Lamb* on the motion.

No. 889, Misc. PAULEKAS *v.* CLARK, ATTORNEY GENERAL, ET AL. Stay heretofore granted by this Court on October 25, 1968 [*ante*, p. 921], is hereby dissolved.

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No. 646. O'CALLAHAN *v.* PARKER, WARDEN. C. A. 3d Cir. [Certiorari granted, *ante*, p. 822.] Motion to remove case from summary calendar denied. *Victor Rabinowitz* on the motion.

No. 841, Misc. DOOLEY *v.* ALABAMA. Motion for leave to file petition for writ of habeas corpus denied.

No. 860, Misc. SCHMIEDEBERG *v.* WALTON, JUDGE. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 620. MOORE ET AL. *v.* SHAPIRO, GOVERNOR OF ILLINOIS, ET AL. Appeal from D. C. N. D. Ill. Probable jurisdiction noted. *Richard F. Watt* for appellants. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole* and *Thomas E. Brannigan*, Assistant Attorneys General, for appellees. Reported below: 293 F. Supp. 411.

No. 647. HADNOTT ET AL. *v.* AMOS, SECRETARY OF STATE OF ALABAMA, ET AL. D. C. M. D. Ala. Motion to dispense with printing jurisdictional statement granted. Probable jurisdiction noted and case set for oral argument on January 21, 1969, together with motion for an order to show cause why Judge Herndon should not be held in contempt and for other relief. Appellants' briefs shall be filed by January 3, 1969, and responding briefs by January 17, 1969. Case may be presented on original record, without printing. MR. JUSTICE BLACK took no part in the consideration or decision of these matters. *Charles Morgan, Jr.*, *Reber F. Boulton, Jr.*, *Orzell Billingsley, Jr.*, *Robert P. Schwenn*, and *Melvin L. Wulf* on the motion. [For earlier orders herein, see, *e. g.*, *ante*, p. 904.]

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Certiorari Granted.

No. 573. NATIONAL LABOR RELATIONS BOARD *v.* GISSEL PACKING CO., INC., ET AL.; and

No. 691. FOOD STORE EMPLOYEES UNION, LOCAL NO. 347, AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, AFL-CIO *v.* GISSEL PACKING CO., INC. C. A. 4th Cir. Certiorari granted. Cases consolidated and a total of two hours allotted for oral argument. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for petitioner in No. 573, and *Albert Gore* for petitioner in No. 691. *Lewis P. Hamlin, Jr.*, for respondent General Steel Products, Inc., in No. 573. Reported below: 398 F. 2d 336, 337, and 339.

No. 585. SINCLAIR CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari granted and case set for oral argument immediately following Nos. 573 and 691, *supra*. *Edward B. Schwartz* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 397 F. 2d 157.

No. 622. MAXWELL *v.* BISHOP, PENITENTIARY SUPERINTENDENT. C. A. 8th Cir. Certiorari granted limited to Questions 2 and 3 of the petition which read as follows:

"2. Whether Arkansas' practice of permitting the trial jury absolute discretion, uncontrolled by standards or directions of any kind, to impose the death penalty violates the Due Process Clause of the Fourteenth Amendment?

"3. Whether Arkansas' single-verdict procedure, which requires the jury to determine guilt and punishment simultaneously and a defendant to choose between presenting mitigating evidence on the punishment issue or maintaining his privilege against self-incrimination on

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the guilt issue, violates the Fifth and Fourteenth Amendments?"

Case set for oral argument immediately following No. 642 [*Boykin v. Alabama*, ante, p. 820]. *Jack Greenberg, James M. Nabrit III, Norman C. Amaker, Michael Meltsner, George Howard, Jr., and Anthony G. Amsterdam* for petitioner. *Joe Purcell*, Attorney General of Arkansas, and *Don Langston*, Deputy Attorney General, for respondent. Reported below: 398 F. 2d 138.

No. 167, Misc. *WILLIAMS v. CITY OF OKLAHOMA CITY ET AL.* Ct. Crim. App. Okla. Certiorari granted. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Giles K. Ratcliffe* for respondents. Reported below: 439 P. 2d 965.

Certiorari Denied.

No. 525. *MATSON NAVIGATION Co. v. SMITH, SECRETARY OF COMMERCE, ET AL.* C. A. 9th Cir. Certiorari denied. *Alvin J. Rockwell, Willis R. Deming, and George D. Rives* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, and John C. Eldridge* for respondent Smith, and *Edward D. Ransom* for respondent States Steamship Co. Reported below: 394 F. 2d 514.

No. 597. *MISSISSIPPI POWER Co. ET AL. v. SOUTH MISSISSIPPI ELECTRIC POWER ASSN.* Sup. Ct. Miss. Certiorari denied. *James S. Eaton and Thomas H. Watkins* for Mississippi Power Co., and *Sherwood W. Wise* for Mississippi Power & Light Co., petitioners. *T. Harvey Hedgpeeth and Donald Wadsworth Williamson, Jr.*, for respondent. Reported below: 211 So. 2d 827.

No. 602. *BARR ET AL. v. CHATMAN ET AL.* C. A. 7th Cir. Certiorari denied. *Franklin J. Lunding, Jr.*, for petitioners. Reported below: 397 F. 2d 515.

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No. 593. PORTER, ADMINISTRATRIX *v.* ST. LOUIS-SAN FRANCISCO RAILWAY Co. Sup. Ct. Miss. Certiorari denied. *Frank E. Everett, Jr.*, for petitioner. *C. R. Bolton, E. D. Grinnell*, and *W. W. Dalton* for respondent. Reported below: 211 So. 2d 530.

No. 594. LEGAL INTEGRITY PRESERVATION SOCIETY, INC., ET AL. *v.* MURPHY ET AL. C. A. D. C. Cir. Certiorari denied. *Irvin Lechliter* for petitioners. Respondent *Eugene X. Murphy, pro se.*

No. 599. PHOENIX TITLE & TRUST Co., NOW TRANS-AMERICA TITLE INSURANCE Co. *v.* MARKEL. Sup. Ct. Ariz. Certiorari denied. *Carl W. Divelbiss* for petitioner. *Leven B. Ferrin* for respondent. Reported below: 103 Ariz. 353, 442 P. 2d 97.

No. 600. ARCHITECTURAL MODELS, INC. *v.* NEKLASON ET AL., DBA SCALE MODELS UNLIMITED. C. A. 9th Cir. Certiorari denied. *James M. Naylor, Frank A. Neal*, and *Karl A. Limbach* for petitioner. *Edward B. Gregg* for respondents. Reported below: 397 F. 2d 405.

No. 601. HOWIE *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. *Esther M. Stevens* for petitioner. *Elliot L. Richardson*, Attorney General of Massachusetts, *Ruth I. Abrams* and *Willie Davis*, Assistant Attorneys General, and *John J. Droney* for respondent. Reported below: 354 Mass. 769, 238 N. E. 2d 373.

No. 604. STILLEY *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Byron N. Scott* for petitioner. *Solicitor General Griswold* for the United States.

No. 607. CRIBB *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *J. Sewell Elliott* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 397 F. 2d 361.

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No. 603. CONTINENTAL NUT CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Kenneth C. McGuinness* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 395 F. 2d 830.

No. 612. THEATRICAL PROTECTIVE UNION No. 1, INTERNATIONAL ALLIANCE OF THEATRICAL & STAGE EMPLOYEES, AFL-CIO *v.* PHALEN ET AL. Ct. App. N. Y. Certiorari denied. *Harold P. Spivak* and *Louis Kantor* for petitioner. *Solomon D. Monshine* for respondents. Reported below: 22 N. Y. 2d 34, 238 N. E. 2d 295.

No. 614. COMMERCIAL NATIONAL BANK OF KANSAS CITY ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. *Robert B. Langworthy* and *Glenn Thomas* for petitioners. *Solicitor General Griswold, Assistant Attorney General Rogovin, Melva M. Graney, and Louis M. Kauder* for the United States. Reported below: 404 F. 2d 927.

No. 618. ALABAMA POWER CO. *v.* ALABAMA ELECTRIC COOPERATIVE, INC., ET AL. C. A. 5th Cir. Certiorari denied. *S. Eason Balch, John Bingham, and Merrell E. Clark, Jr.*, for petitioner. *J. M. Williams, Jr., and Bennett Boskey* for Alabama Electric Cooperative, Inc., and *Solicitor General Griswold, Assistant Attorney General Weisl, Alan S. Rosenthal, and Leonard Schaitman* for the United States et al., respondents. Reported below: 394 F. 2d 672.

No. 621. RAGEN *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Herman F. Selvin* for petitioner. Reported below: 262 Cal. App. 2d 392, 68 Cal. Rptr. 700.

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No. 687. YOUNGER, DISTRICT ATTORNEY OF COUNTY OF LOS ANGELES *v.* SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (SIRHAN, REAL PARTY IN INTEREST). Ct. App. Cal., 2d App. Dist. Certiorari denied. *Evelle J. Younger*, petitioner, *pro se.* *Joseph A. Ball* for respondent.

No. 591. BARRON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Motion to dispense with printing petition granted. Certiorari denied. *Milton E. Grusmark* for petitioner. *Earl Faircloth*, Attorney General of Florida, and *Edward D. Cowart* and *Jesse J. McCrary, Jr.*, Assistant Attorneys General, for respondent. Reported below: 207 So. 2d 696.

No. 592. BENNETT, WARDEN *v.* STUMP. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACK, MR. JUSTICE HARLAN, and MR. JUSTICE WHITE are of the opinion that certiorari should be granted. *Richard C. Turner*, Attorney General of Iowa, and *David A. Elderkin* and *William A. Claerhout*, Assistant Attorneys General, for petitioner. Reported below: 398 F. 2d 111.

No. 595. HINGER *v.* CITY OF PIQUA. Sup. Ct. Ohio. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BLACK, and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Leo H. Faust* for petitioner. *Richard K. Wilson* for respondent. Reported below: 15 Ohio St. 2d 110, 238 N. E. 2d 766.

No. 608. THECKSTON ET UX. *v.* TRIANGLE PUBLICATIONS, INC., ET AL. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE FORTAS is of the opinion that certiorari should be granted. *Harry Green* and *Sidney W. Bookbinder* for petitioners. *Harold E. Kohn* for respondents. Reported below: 52 N. J. 173, 244 A. 2d 302.

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No. 613. McARTHUR ET AL. v. CLIFFORD, SECRETARY OF DEFENSE, ET AL. C. A. 4th Cir. Motions to dispense with printing petition and to amend petition granted. Certiorari denied. *Philip J. Hirschkop* for petitioners. *Solicitor General Griswold* for respondents. Reported below: 402 F. 2d 58.

MR. JUSTICE DOUGLAS, dissenting.

I dissent from a denial of certiorari in this case. An important unresolved constitutional issue of immediate importance to many Americans is involved. It is whether men may be sent abroad to fight in a war which has not been declared by Congress. This is a point on which I wrote rather elaborate dissents in *Holmes v. United States*, 391 U. S. 936, and *Hart v. United States*, 391 U. S. 956. This certainly is a substantial question and one which has never been resolved by this Court.

The question of the power of the President to conduct a war without a declaration of war was raised in the *Prize Cases*, 2 Black 635, during the Civil War. That was an internal insurrection which would perhaps be analogous here if the Vietnamese were invading the United States.

It was a five-to-four decision, upholding Presidential power. Would it have been the same if Lincoln had had an expeditionary force fighting a "war" overseas?

There should not be the slightest doubt that whenever the Chief Executive of the country takes any citizen by the neck and either puts him in prison or subjects him to some ordeal or sends him overseas to fight in a war, the question is a justiciable one. To call issues of that kind "political" would be to abdicate the judicial function which the Court honored in the midst of the Civil War in the *Prize Cases*.

The spectre of executive war-making is an ominous threat to our republican institutions. What can be done

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in Vietnam can be done in many areas of this troubled world without debate or responsible public decision.

I would put the case down for argument and resolve this important constitutional problem.

No. 258, Misc. JONES *v.* SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT, ET AL. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Arnold O. Overoye*, Deputy Attorney General, for respondents.

No. 287, Misc. OWENS *v.* RUSSELL, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied. *Paul Bender* for petitioner. *William C. Sennett*, Attorney General of Pennsylvania, and *Stanley Asher Winikoff* and *Frank P. Lawley, Jr.*, Deputy Attorneys General, for respondents.

No. 336, Misc. PINCUS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Elliott Golden* and *Harold M. Brown* for respondent.

No. 373, Misc. EARLY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 394 F. 2d 117.

No. 441, Misc. BEAVER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 459, Misc. BEAN ET AL. *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. *Douglas W. Thomson* for petitioners. *Douglas M. Head*, Attorney General of Minnesota, *Richard H. Kyle*, Solicitor General, and *William B. Randall* for respondent. Reported below: 280 Minn. 35, 157 N. W. 2d 736.

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No. 531, Misc. *SHELDON v. IOWA*. Sup. Ct. Iowa. Certiorari denied. *Richard C. Turner*, Attorney General of Iowa, and *David A. Elderkin*, Assistant Attorney General, for respondent.

No. 596, Misc. *ZERSCHAUSKY v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Fred A. Semaan* and *James R. Gillespie* for petitioner. *Crawford Martin*, Attorney General of Texas, *Lonnie Zwiener*, Assistant Attorney General, *James E. Barlow*, and *Preston H. Dial, Jr.*, for respondent. Reported below: 396 F. 2d 356.

No. 597, Misc. *VAN ERMEN v. BURKE, WARDEN*. C. A. 7th Cir. Certiorari denied. *Bronson C. La Follette*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, for respondent. Reported below: 398 F. 2d 329.

No. 615, Misc. *LEMON v. OREGON*. Sup. Ct. Ore. Certiorari denied. *George Van Hoomissen* and *Jacob B. Tanzer* for respondent.

No. 658, Misc. *BANDY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Acting Solicitor General Friedman*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 396 F. 2d 929.

No. 685, Misc. *LESSARD v. DICKSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 2d 88.

No. 727, Misc. *GRIMSLEY v. PINTO, PRISON SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 690, Misc. *WARNER v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Peter L. F. Sabbatino* for petitioner. *William Cahn* for respondent.

No. 499, Misc. *TOLBERT v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *John N. Crudup* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *Marion O. Gordon*, *Mathew Robins*, and *Frank E. Blankenship*, Assistant Attorneys General, for respondent. Reported below: 224 Ga. 291, 161 S. E. 2d 279.

No. 763, Misc. *ROBERTS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* and *Phyllis Skloot Bamberger* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 401 F. 2d 538.

No. 767, Misc. *JORDAN v. UNITED STATES*; and
No. 774, Misc. *STOKES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *John W. Condon, Jr.*, for petitioner in No. 767, Misc., and *Herald Price Fahringer* for petitioner in No. 774, Misc. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Mervyn Hamburg* for the United States in both cases. Reported below: 399 F. 2d 610.

No. 769, Misc. *PLAISANCE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *Jack Peebles* for petitioner. Reported below: 252 La. 212, 210 So. 2d 323.

No. 778, Misc. *KNEPFLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States. Reported below: 396 F. 2d 819.

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No. 814, Misc. *HOLLIS v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied.

No. 810, Misc. *WILLIAMS v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. *Michael Meltsner* for petitioner. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent. Reported below: 208 Va. 724, 160 S. E. 2d 781.

No. 818, Misc. *BANDY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Acting Solicitor General Friedman*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 398 F. 2d 333.

No. 845, Misc. *CONWAY v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 861, Misc. *BENNETT v. NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied.

No. 866, Misc. *WILLIAMS v. MARYLAND*. Ct. App. Md. Certiorari denied.

No. 896, Misc. *BLUNT v. SHEEHY, REFORMATORY SUPERINTENDENT, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 897, Misc. *WILLIAMS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 898, Misc. *HENLEY v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *Louis A. Ginocchio* and *Thomas Stueve* for petitioner. *Melvin G. Rueger*, *Calvin W. Prem*, and *Leonard Kirschner* for respondent. Reported below: 15 Ohio St. 2d 86, 228 N. E. 2d 773.

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No. 843, Misc. *STUDENROTH v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 430 Pa. 425, 243 A. 2d 352.

No. 903, Misc. *DELANEY v. CUPP, WARDEN*. Sup. Ct. Ore. Certiorari denied.

No. 147, Misc. *POOL v. NELSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari and other relief denied. *Thomas C. Lynch*, Attorney General of California, and *Derald E. Granberg* and *William D. Stein*, Deputy Attorneys General, for respondents.

No. 223, Misc. *MENDEZ v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Daniel J. Kremer*, Deputy Attorneys General, for respondent.

No. 330, Misc. *COLEMAN v. MAXWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William B. Saxbe*, Attorney General of Ohio, and *Leo J. Conway*, Assistant Attorney General, for respondent. Reported below: 387 F. 2d 134.

No. 255, Misc. *HILL v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 390 F. 2d 640.

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Rehearing Denied.

No. 696, Misc. ODES *v.* CIVIL SERVICE COMMISSION OF THE CITY OF CHICAGO ET AL., *ante*, p. 945; and

No. 698, Misc. JOHNSON *v.* CALIFORNIA, *ante*, p. 945. Petitions for rehearing denied.

No. 86, Misc. BATES ET AL. *v.* NELSON, WARDEN, *ante*, p. 16; and

No. 132, Misc. CERDA *v.* UNITED STATES, *ante*, p. 872. Motions for leave to file petitions for rehearing denied.

JANUARY 10, 1969.

Dismissal Under Rule 60.

No. 1159, Misc. SMALLS *v.* IVES, HIGHWAY COMMISSIONER OF CONNECTICUT. Appeal from D. C. Conn. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Bernard D. Fischman* for appellant. *Robert K. Killian*, Attorney General of Connecticut, and *Jack Rubin* and *Clement J. Kichuk*, Assistant Attorneys General, for appellee. Reported below: 296 F. Supp. 448.

JANUARY 13, 1969.

Dismissal Under Rule 60.

No. 480. BLASIUS *v.* UNITED STATES. C. A. 2d Cir. [Certiorari granted, *ante*, p. 950.] Writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Peyton Ford* and *Harry Grossman* for petitioner. *Solicitor General Griswold* for the United States. *Donald R. Dunner* for American Patent Law Assn. et al., as *amici curiae*.

Miscellaneous Orders.

No. 216. MARTONE *v.* MORGAN ET AL., *ante*, p. 12. Motion to consolidate this case with No. 548 [*ante*, p. 975] denied. *J. Minos Simon* on the motion.

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No. —. DICKENS *v.* UNITED STATES. Application for bail pending appeal presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Murry L. Randall* for applicant. *Solicitor General Griswold* for the United States in opposition.

No. —. SCHONBRUN *v.* COMMANDING OFFICER ET AL. C. A. 2d Cir. Application for reconsideration of denial of stay of mandate presented to MR. JUSTICE HARLAN, and by him referred to the Court, denied. MR. JUSTICE DOUGLAS is of the opinion that the application should be granted. *Julius B. Kuriansky* for applicant.

No. 13. BALTIMORE & OHIO RAILROAD CO. ET AL. *v.* ABERDEEN & ROCKFISH RAILROAD CO. ET AL., *ante*, p. 87. Appellees are requested to file within 30 days a response to the petition for rehearing.

No. 44. SKINNER ET AL. *v.* LOUISIANA. Sup. Ct. La. Motion of petitioners for leave to file brief after argument granted, and such brief shall be filed within 10 days. *G. Wray Gill, Sr.*, and *George M. Leppert* for Skinner et al., and *Robert S. Link, Jr.*, for Charbonnet, on the motion. [For earlier orders herein, see, *e. g.*, *ante*, p. 813.]

No. 138. POWELL ET AL. *v.* McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES, ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 949.] Motion to remove case from summary calendar granted. *Herbert O. Reid* and *Arthur Kinoy* on the motion.

No. 1029, Misc. WESTENDORF *v.* PATTERSON, 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.

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No. 297. IMMIGRATION AND NATURALIZATION SERVICE *v.* STANISIC. C. A. 9th Cir. [Certiorari granted, *ante*, p. 912.] Motion of respondent for appointment of counsel granted. It is ordered that *G. Bernhard Fedde, Esquire*, of Portland, Oregon, be, and he is hereby, appointed to serve as counsel for respondent in this case.

No. 418. SIMPSON, WARDEN *v.* RICE. C. A. 5th Cir. [Certiorari granted, *ante*, p. 932.] Motions of respondent for leave to proceed further herein *in forma pauperis* and for the appointment of counsel granted. It is ordered that *Oakley W. Melton, Esquire*, of Montgomery, Alabama, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for respondent in this case.

No. 453. GREGG *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, *ante*, p. 932.] Motions of petitioner for leave to proceed further herein *in forma pauperis* and for appointment of counsel granted. It is ordered that *Dean E. Richards, Esquire*, of Indianapolis, Indiana, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 750. HARRINGTON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. [Certiorari granted, *ante*, p. 949.] Motion of respondent to dispense with printing appendix denied. *Thomas C. Lynch*, Attorney General of California, and *James H. Kline*, Deputy Attorney General, on the motion.

No. 1021, Misc. FAIR *v.* ADAMS, SECRETARY OF STATE OF FLORIDA, ET AL.; and

No. 1049, Misc. FAIR *v.* FLORIDA PUBLIC SERVICE COMMISSION. Motions for leave to file petitions for writs of mandamus denied.

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No. 770. *CHIMEL v. CALIFORNIA*. Sup. Ct. Cal. [Certiorari granted, *ante*, p. 958.] Joint motion to dispense with printing appendix denied. Request by petitioner for additional time for oral argument denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondent on the joint motion.

No. 1005, Misc. *ALLOWAY v. EYMAN, WARDEN, ET AL.*;
No. 1044, Misc. *McCARTHY v. NORTH CAROLINA*;
No. 1058, Misc. *MONTALBANO v. FIELD, MEN'S COL-
ONY SUPERINTENDENT*;
No. 1063, Misc. *CUPP v. CROUSE, WARDEN*;
No. 1071, Misc. *SCHWAMB v. BURKE, WARDEN, ET AL.*;
No. 1081, Misc. *BERRY v. FITZHARRIS, WARDEN*;
No. 1083, Misc. *PIPPIN v. BLACKWELL, WARDEN*;
No. 1092, Misc. *BRYANT v. CRAVEN, WARDEN*;
No. 1101, Misc. *SCHMITT v. BURKE, WARDEN*;
No. 1102, Misc. *ARCHULETA v. TURNER, WARDEN*;
and

No. 1125, Misc. *CHILDRESS v. WAINWRIGHT, CORREC-
TIONS DIRECTOR*. Motions for leave to file petitions for
writs of habeas corpus denied.

No. 977, Misc. *BIGGS v. JUSTICES OF THE SUPREME
COURT OF ILLINOIS*. Motion for leave to file petition
for writ of mandamus and other relief denied.

Probable Jurisdiction Noted.

No. 701. *GASTON COUNTY, NORTH CAROLINA v.
UNITED STATES*. Appeal from D. C. D. C. Probable
jurisdiction noted. *Grady B. Stott* and *Wesley E.
McDonald, Sr.*, for appellant. *Solicitor General Gris-
wold*, *Assistant Attorney General Pollak*, and *Nathan
Lewin* for the United States. Reported below: 288 F.
Supp. 678.

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No. 610. SULLIVAN, TAX COMMISSIONER OF CONNECTICUT, ET AL. *v.* UNITED STATES ET AL. Appeal from C. A. 2d Cir. Probable jurisdiction noted. *Robert K. Killian*, Attorney General of Connecticut, and *F. Michael Ahern*, *Ralph G. Murphy*, and *Richard A. Gitlin*, Assistant Attorneys General, for appellants. *Solicitor General Griswold* for the United States. Brief of *amici curiae*, in support of appellants, was filed by: *MacDonald Gallion*, Attorney General, and *Willard W. Livingston* for the State of Alabama; *Duke W. Dunbar*, Attorney General, and *Aurel M. Kelly*, Assistant Attorney General, for the State of Colorado; *Arthur K. Bolton*, Attorney General, and *William L. Harper*, Assistant Attorney General, for the State of Georgia; *John B. Breckinridge*, Attorney General, and *William F. Riley*, Assistant Attorney General, for the State of Kentucky; *James S. Erwin*, Attorney General, and *John R. Doyle*, Assistant Attorney General, for the State of Maine; *Francis B. Burch*, Attorney General, and *Jon. F. Oster*, Assistant Attorney General, for the State of Maryland; *Elliot L. Richardson*, Attorney General, and *Alan J. Dimond*, Assistant Attorney General, for the State of Massachusetts; *Frank J. Kelley*, Attorney General, and *Maurice Barbour*, Assistant Attorney General, for the State of Michigan; *Douglas M. Head*, Attorney General, for the State of Minnesota; *Norman H. Anderson*, Attorney General, and *Walter W. Nowotny, Jr.*, Assistant Attorney General, for the State of Missouri; *Ralph H. Gillan*, Assistant Attorney General, for the State of Nebraska; *Harvey Dickerson*, Attorney General, for the State of Nevada; *Thomas Wade Bruton*, Attorney General, and *Robert L. Gunn*, Assistant Attorney General, for the State of North Carolina; *William C. Sennett*, Attorney General, and *Edward T. Baker*, Deputy Attorney General, for the State of Pennsylvania; *Crawford C. Martin*, Attorney General, *Nola White*, First Assistant

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Attorney General, *Kerns B. Taylor*, Assistant Attorney General, and *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, for the State of Texas; *Robert Y. Button*, Attorney General, and *M. Harris Parker*, Assistant Attorney General, for the State of Virginia; *James Barrett*, Attorney General, for the State of Wyoming; and the States of Louisiana and Oklahoma. Reported below: 398 F. 2d 672.

No. 163. *YOUNGER, DISTRICT ATTORNEY OF LOS ANGELES COUNTY v. HARRIS ET AL.* Appeal from D. C. C. D. Cal. Motion to dispense with printing motion to affirm granted. Probable jurisdiction noted. *Evelle J. Younger*, appellant, *pro se*. *Frank S. Pestana*, *A. L. Wirin*, and *Fred Okrand* for appellees. *Thomas C. Lynch*, Attorney General, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Clifford K. Thompson, Jr.*, Deputy Attorney General, filed a brief for the State of California, by invitation of the Court, *ante*, p. 813. Reported below: 281 F. Supp. 507.

Certiorari Granted. (See also No. 221, Misc., *ante*, p. 314.)

No. 624. *PERKINS v. STANDARD OIL CO. OF CALIFORNIA.* C. A. 9th Cir. *Certiorari* granted. *Earl W. Kintner*, *George R. Kucik*, *Roger Tilbury*, *Ernest Bonyhadi*, and *Bruce M. Hall* for petitioner. *Francis R. Kirkham*, *Richard J. MacLaury*, and *H. Helmut Loring* for respondent. Reported below: 396 F. 2d 809.

No. 672. *UNITED STATES v. KING.* Ct. Cl. *Certiorari* granted. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Harris Weinstein*, and *John C. Eldridge* for the United States. *Neil B. Kabatchnick* for respondent. Reported below: 182 Ct. Cl. 631, 390 F. 2d 894.

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No. 717. UNITED STATES ET AL. *v.* RADIO TELEVISION NEWS DIRECTORS ASSN. ET AL. C. A. 7th Cir. Certiorari granted and set for oral argument immediately following No. 2 [*Red Lion Broadcasting Co., Inc., et al. v. Federal Communications Commission et al.*, certiorari granted, 389 U. S. 968]. Solicitor General Griswold, Assistant Attorney General Zimmerman, Henry Geller, and Daniel R. Ohlbaum for the United States et al. Archibald Cox, W. Theodore Pierson, Robert M. Lichtman, and Maurice Rosenfield for Radio Television News Directors Assn. et al., Lloyd N. Cutler, J. Roger Wollenberg, Timothy B. Dyk, and Herbert Wechsler for Columbia Broadcasting System, Inc., and Lawrence J. McKay, Raymond L. Falls, Jr., Corydon B. Dunham, Jr., and Howard E. Monderer for National Broadcasting Co., Inc., respondents. Reported below: 400 F. 2d 1002.

Certiorari Denied. (See also No. 719, *ante*, p. 320; No. 871, Misc., *ante*, p. 322; and No. 1029, Misc., *supra*.)

No. 332. MOSKOWITZ *v.* KINDT ET AL. C. A. 3d Cir. Certiorari denied. Abraham J. Brem Levy for petitioner. Solicitor General Griswold for respondents. Reported below: 394 F. 2d 648.

No. 400. VERES *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Phillip Weeks for petitioner. Gary K. Nelson, Attorney General of Arizona, and William E. Eubank, Chief Assistant Attorney General, for respondent.

No. 451. FORT *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Marshall Patner for petitioner. Elmer C. Kissane for respondent. Reported below: 91 Ill. App. 2d 212, 234 N. E. 2d 384.

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No. 81. BROTHERHOOD OF LOCOMOTIVE ENGINEERS *v.* McELROY ET AL.; and

No. 128. TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS *v.* McELROY ET AL. C. A. 7th Cir. Certiorari denied. *Harold A. Ross* and *John H. Haley, Jr.*, for petitioner in No. 81 and for respondent Brotherhood of Locomotive Engineers in No. 128. *James A. Wilcox* for petitioner in No. 128. *Charles R. Judge* for respondents McElroy et al. in both cases. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Peter L. Strauss*, and *John C. Eldridge* filed a brief for the United States, as *amicus curiae*, by invitation of the Court, *ante*, p. 813, in both cases. Reported below: 392 F. 2d 966.

No. 441. BRYANT ET UX. *v.* ILLINOIS ET AL. Sup. Ct. Ill. Certiorari denied. *R. Dickey Hamilton* for petitioners. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole*, Assistant Attorney General, for respondents.

No. 512. GENERAL TIME CORP. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. C. A. 2d Cir. Certiorari denied. *Edward R. Neaher* and *Paul G. Pennoyer, Jr.*, for petitioner. *Solicitor General Griswold* and *Philip A. Loomis, Jr.*, for Securities and Exchange Commission, *Breck P. McAllister*, *Walter L. Stratton*, and *Benjamin Vinar* for Talley Industries, Inc., and *Clendon H. Lee* and *Stanley L. Sabel* for American Investors Fund, Inc., et al., respondents. Reported below: 399 F. 2d 396.

No. 631. YELLOW CAB CO. *v.* DEMOCRATIC UNION ORGANIZING COMMITTEE, LOCAL 777, S. I. U. N. A., AFL-CIO. C. A. 7th Cir. Certiorari denied. *Robert E. Haythorne* for petitioner. *Harold A. Katz* and *Irving M. Friedman* for respondent. Reported below: 398 F. 2d 735.

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No. 625. *HABIB v. EDWARDS*. C. A. D. C. Cir. Certiorari denied. *Raphael G. Urciolo* and *Herman Miller* for petitioner. Reported below: 130 U. S. App. D. C. 126, 397 F. 2d 687.

No. 627. *LIBBEY-OWENS-FORD GLASS CO. v. McCULLOCH, CHAIRMAN, NATIONAL LABOR RELATIONS BOARD, ET AL.* C. A. D. C. Cir. Certiorari denied. *Guy Farmer* and *Arnold F. Bunge, Sr.*, for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli*, and *Norton J. Come* for respondents. Reported below: 131 U. S. App. D. C. 190, 403 F. 2d 916.

No. 629. *IN RE SUCCESSION OF ANDRAU (BANK OF THE SOUTHWEST NATIONAL ASSN., HOUSTON v. SIEGLER ET AL.)*. Sup. Ct. La. Certiorari denied. *L. Keith Simmer* for petitioner. *Claude R. Miller* for respondents *Siegler et al.*

No. 630. *BARNES ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. *Eberhard P. Deutsch, René H. Himel, Jr.*, and *Charles K. Reasonover* for petitioners. *Solicitor General Griswold, Assistant Attorney General Weisl*, and *Alan S. Rosenthal* for the United States.

No. 635. *FRIEDMAN ET UX. v. CHESAPEAKE & OHIO RAILWAY CO. ET AL.* C. A. 2d Cir. Certiorari denied. *Abraham Glasser* for petitioners. *Carl E. Newton* and *M. Lauck Walton* for Chesapeake & Ohio Railway Co., and *Eugene Z. DuBose* and *John L. Rogers, Jr.*, for Baltimore & Ohio Railroad Co., respondents. Reported below: 395 F. 2d 663.

No. 640. *ULTIMATE RESEARCH & DEVELOPMENT CORP. ET AL. v. TAYLOR WINE CO., INC.* C. A. 2d Cir. Certiorari denied. *Hoffman Stone* for petitioners. Reported below: 397 F. 2d 784.

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No. 628. *ANDERSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. *H. Dale Cook* for petitioner. Reported below: 444 P. 2d 239.

No. 637. *TOWN OF HEMPSTEAD ET AL. v. AMERICAN AIRLINES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. *Howard E. Levitt* for petitioners. *Fowler Hamilton, Lyman M. Tondel, Jr., and George Weisz* for American Airlines, Inc., et al., *Sidney Goldstein, Daniel B. Goldberg, and Joseph Lesser* for Port of New York Authority, *Samuel J. Cohen* for Ruby et al., and *Solicitor General Griswold, Assistant Attorney General Weisl, John C. Eldridge, and Norman Knopf* for the Administrator of the Federal Aviation Agency, respondents. Reported below: 398 F. 2d 369.

No. 639. *WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION v. UNITED STATES ET AL.*; and

No. 658. *WASHINGTON, VIRGINIA & MARYLAND COACH CO., INC., ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. *Russell W. Cunningham* for petitioner in No. 639, and *Manuel J. Davis and Samuel M. Langerman* for petitioners in No. 658. *Solicitor General Griswold, Assistant Attorney General Martz, Roger P. Marquis, Thomas L. McKeivitt, and A. Donald Mileur* for the United States et al. in both cases. Reported below: 130 U. S. App. D. C. 171, 398 F. 2d 765.

No. 649. *DUGGER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Kenneth K. Simon* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 396 F. 2d 279.

No. 653. *PRESCOTT v. SHELL OIL Co., INC.* C. A. 6th Cir. Certiorari denied. *Leslie A. Nicholson* for petitioner. *J. Martin Regan* for respondent. Reported below: 398 F. 2d 592.

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No. 654. SOUTHALL, TRADING AS SOUTHALL REALTY Co. v. BROWN. C. A. D. C. Cir. Certiorari denied. *Raphael G. Urciolo* and *Herman Miller* for petitioner. *Florence Wagman Roisman* for respondent.

No. 655. DAVIS v. LITTELL. C. A. 9th Cir. Certiorari denied. *Laurence Davis*, petitioner, *pro se*. *Joseph S. Jenckes, Jr.*, for respondent. Reported below: 398 F. 2d 83.

No. 656. NORMAN ET AL. v. UNITED STATES. Ct. Cl. Certiorari denied. *Richard L. Merrick* for Norman et al., and *Clifford A. Dougherty* for Martin, petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *John C. Eldridge* for the United States. Reported below: 183 Ct. Cl. 41, 392 F. 2d 255.

No. 661. SHOTT v. CONROY, TRUSTEE IN BANKRUPTCY. C. A. 6th Cir. Certiorari denied. *James G. Andrews, Jr.*, for petitioner. *J. Vincent Aug* and *William H. Neiman* for respondent.

No. 664. RANSBURG ELECTRO-COATING CORP. v. IONIC ELECTROSTATIC CORP. C. A. 4th Cir. Certiorari denied. *James P. Hume* and *Clyde F. Willian* for petitioner. *John S. McDaniel, Jr.*, for respondent. Reported below: 395 F. 2d 92.

No. 666. TRICE, EXECUTRIX v. COMMERCIAL UNION ASSURANCE Co., LTD., ET AL. C. A. 6th Cir. Certiorari denied. *Fyke Farmer* for petitioner. *Lon P. MacFarland* for respondents. Reported below: 397 F. 2d 889.

No. 669. IVANCIE v. THORNTON, ATTORNEY GENERAL OF OREGON, ET AL. Sup. Ct. Ore. Certiorari denied. *Floyd A. Fredrickson* for petitioner. Reported below: 250 Ore. 550, 443 P. 2d 612.

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No. 674. PRESTON ET AL. *v.* UNITED STATES TRUST CO. OF NEW YORK ET AL., TRUSTEES, ET AL. C. A. 2d Cir. Certiorari denied. *C. Dickerman Williams* for petitioners. *Louis L. Stanton, Jr.*, and *Stanley F. Reed, Jr.*, for United States Trust Co. of New York et al., and *Standish F. Medina* for Hutchings et al., respondents. Reported below: 394 F. 2d 456.

No. 677. POPROWSKI *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Certiorari denied. *Robert Gerard Tardif* for petitioner. *Solicitor General Griswold* for respondent. Reported below: 394 F. 2d 987.

No. 678. FLAMBEAU PLASTICS CORP. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. Certiorari denied. *Walter S. Davis* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for National Labor Relations Board, and *David Previant* for Local No. 380, International Union, Allied Industrial Workers of America, AFL-CIO, respondents. Reported below: 401 F. 2d 128.

No. 679. IN RE SHAVIN. Sup. Ct. Ill. Certiorari denied. *George D. Crowley* for petitioner. *John Cadwalader Menk* for Commissioners of the Supreme Court of Illinois in opposition to the petition. Reported below: 40 Ill. 2d 254, 239 N. E. 2d 790.

No. 688. UNITED STEELWORKERS OF AMERICA *v.* CCI CORP. C. A. 10th Cir. Certiorari denied. *Elliot Bredhoff*, *Michael H. Gottesman*, *George H. Cohen*, *Chris Dixie*, and *Bernard Kleiman* for petitioner. *Carl D. Hall, Jr.*, for respondent. Reported below: 395 F. 2d 529.

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No. 680. *BYRD v. LANE, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. *Ferdinand Samper* for petitioner. *John J. Dillon*, Attorney General of Indiana, and *John F. Davis*, Deputy Attorney General, for respondents. Reported below: 398 F. 2d 750.

No. 681. *JARBOE BROS. STORAGE WAREHOUSE, INC. v. ALLIED VAN LINES, INC.* C. A. 4th Cir. Certiorari denied. *Howard G. Reamer* for petitioner. *Francis D. Murnaghan, Jr.*, and *Joseph H. H. Kaplan* for respondent. Reported below: 400 F. 2d 743.

No. 685. *UNION RAILWAY Co. v. SWIFT & Co.* C. A. 6th Cir. Certiorari denied. *Cooper Turner, Jr.*, for petitioner. *Jack Petree* for respondent. Reported below: 396 F. 2d 798.

No. 686. *BALL v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Milton E. Grusmark* for petitioner. Reported below: 207 So. 2d 492.

No. 689. *FAMIANO v. ENYEART ET AL.* C. A. 7th Cir. Certiorari denied. *Benjamin Piser* for petitioner. *Nathan Levy* and *George N. Beamer, Jr.*, for respondents. Reported below: 398 F. 2d 661.

No. 690. *STOLTZFUS ET UX. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Converse Murdoch* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Joseph M. Howard*, and *John M. Brant* for the United States. Reported below: 398 F. 2d 1002.

No. 692. *DEMING NATIONAL BANK v. MORRISON FLYING SERVICE.* C. A. 10th Cir. Certiorari denied. *Benjamin M. Sherman* for petitioner. *John H. Risken* for respondent. Reported below: 404 F. 2d 856.

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No. 693. *ZAKUTANSKY ET AL. v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. *Bernard H. Sokol* for petitioners. *Solicitor General Griswold, Assistant Attorney General Rogovin, Joseph M. Howard, and John M. Brant* for the United States et al. Reported below: 401 F. 2d 68.

No. 695. *INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION NO. 5 v. UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.* C. A. 3d Cir. Certiorari denied. *Loyal H. Gregg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Pollak, and Russell Specter* for respondent. Reported below: 398 F. 2d 248.

No. 696. *CITY OF MIAMI BEACH v. KUGEL ET UX.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Raphael Steinhardt* for petitioner. *Martin Greenbaum* for respondents. Reported below: 206 So. 2d 282.

No. 697. *ROMERO ET UX. v. TEN EYCK-SHAW, INC.* C. A. 9th Cir. Certiorari denied. *Alfred C. Marquez* for petitioners. *Madison B. Graves* for respondent. Reported below: 400 F. 2d 81.

No. 700. *HUNT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Luther E. Jones, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 306.

No. 702. *SAMUELS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Ben F. Foster and Gordon G. Hawn* for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, and Joseph M. Howard* for the United States. Reported below: 398 F. 2d 964.

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No. 694. *PAGANO v. MARTIN ET AL.* C. A. 4th Cir. Certiorari denied. *Robert M. Harcourt* and *Philip J. Hirschkop* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *John C. Eldridge*, and *Walter H. Fleischer* for respondents. Reported below: 397 F. 2d 620.

No. 707. *BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. v. CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.* C. A. 7th Cir. Certiorari denied. *Alex Elson*, *Harold C. Heiss*, *Willard J. Lassers*, and *Aaron S. Wolff* for petitioners. *James P. Reedy* for respondent. Reported below: 397 F. 2d 541.

No. 710. *BLACKBURN v. UNITED STATES*; and

No. 723. *CALL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. *Larry S. Moore* and *Julius A. Rouseau, Jr.*, for petitioner in No. 710, and *Franklin Smith* for petitioner in No. 723. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for the United States in both cases. Reported below: No. 710, 401 F. 2d 574; No. 723, 401 F. 2d 540.

No. 714. *ESTATE OF TALBOTT (CARVER, EXECUTOR) v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. *Walter E. Barton* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Harry Baum* for respondent. Reported below: 403 F. 2d 851.

No. 725. *PATRIARCA ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. *Francis J. DiMento* for petitioner *Patriarca* and *Ronald J. Chisholm* for petitioner *Cassesso*. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 402 F. 2d 314.

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No. 718. *DAWSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Benjamin Ungerman* for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, Joseph M. Howard, and John M. Brant* for the United States. Reported below: 400 F. 2d 194.

No. 721. *DARLINGTON MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD ET AL.*; and

No. 722. *DEERING MILLIKEN, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 4th Cir. Certiorari denied. *Thornton H. Brooks, Hugh B. Cox, Brice M. Claggett, and George V. Allen, Jr.*, for petitioner in No. 721, and *Stuart N. Updike and John R. Schoemer, Jr.*, for petitioners in No. 722. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Nancy M. Sherman* for respondent National Labor Relations Board in both cases. Reported below: 397 F. 2d 760.

No. 724. *MARCUS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Marvin J. Bloch* for petitioner. *Solicitor General Griswold, Assistant Attorney General Rogovin, Joseph M. Howard, and John P. Burke* for the United States. Reported below: 401 F. 2d 563.

No. 727. *BURGESS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Charles Fuller Blanchard* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. May-sack* for the United States. Reported below: 402 F. 2d 85.

No. 728. *CLEMENS v. CENTRAL RAILROAD CO. OF NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied. *Lawrence J. Richette* for petitioner. *Robert H. Kleeb* for respondents. Reported below: 399 F. 2d 825.

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No. 729. INTERNATIONAL WOODWORKERS OF AMERICA, LOCAL UNION 3-3, AFL-CIO *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Joseph L. Rauh, Jr.*, and *John Silard* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. *James C. Dezendorf* for Western Wirebound Box Co., defendant below, in opposition.

No. 730. SHELTON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Fred Blanton, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, and *Robert L. Keuch* for the United States. Reported below: 131 U. S. App. D. C. 315, 404 F. 2d 1292.

No. 737. NAPUE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *R. Eugene Pincham*, *Earl E. Strayhorn*, *Charles B. Evins*, and *Sam Adam* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 401 F. 2d 107.

No. 742. TRANSIT CASUALTY CO. ET AL. *v.* SECURITY TRUST CO. ET AL. C. A. 5th Cir. Certiorari denied. *Samuel J. Powers, Jr.*, and *George P. Bowie* for petitioners. *James A. Dixon* and *Sam Daniels* for respondent Security Trust Co., and *John M. Allison* for respondent Treasurer and Insurance Commissioner of Florida. Reported below: 396 F. 2d 803, 399 F. 2d 665.

No. 747. STRUCTURAL LAMINATES, INC. *v.* DOUGLAS FIR PLYWOOD ASSN. C. A. 9th Cir. Certiorari denied. *Kenneth E. Roberts* for petitioner. *Alfred J. Schweppe* and *Arthur S. Langlie* for respondent. Reported below: 399 F. 2d 155.

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No. 736. CAIN, DBA CAIN'S BAR *v.* STATE BEVERAGE DEPARTMENT OF FLORIDA ET AL. Sup. Ct. Fla. Certiorari denied. *A. K. Black* for petitioner.

No. 743. FREEMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Jack G. Day* and *Frank E. Haddad, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 400 F. 2d 992.

No. 739. MORGAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joe J. Harrell* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 399 F. 2d 93.

No. 746. CONVERSE *v.* UDALL, SECRETARY OF THE INTERIOR. C. A. 9th Cir. Certiorari denied. *William Braly Murray* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Martz*, *S. Billingsley Hill*, and *George R. Hyde* for respondent. Reported below: 399 F. 2d 616.

No. 751. CANNERY WORKERS UNION OF THE PACIFIC *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Robert W. Gilbert* and *Louis A. Nissen* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 396 F. 2d 955.

No. 752. MILTON FRANK ALLEN PUBLICATIONS, INC. *v.* GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC. Sup. Ct. Ga. Certiorari denied. *Lynwood A. Maddox* for petitioner. *James A. Mackay* and *Cleburne E. Gregory, Jr.*, for respondent. Reported below: 224 Ga. 518, 162 S. E. 2d 724.

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No. 821. *GENERAL TIME CORP. v. SECURITIES AND EXCHANGE COMMISSION ET AL.* C. A. 2d Cir. Certiorari denied. *Edward R. Neaher* and *Paul G. Pennoyer, Jr.*, for petitioner. *Walter L. Stratton*, *Breck P. McAllister*, and *Benjamin Vinar* for respondent Talley Industries, Inc., *Clendon H. Lee* and *Stanley L. Sabel* for respondents American Investors Fund, Inc., et al. Reported below: 407 F. 2d 65.

No. 633. *KREBS ET AL. v. ASHBROOK ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Melvin L. Wulf*, *Philip J. Hirschkop*, *Arthur Kinoy*, *William M. Kunstler*, and *Jeremiah Gutman* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, and *Lee B. Anderson* for respondents. Reported below: — U. S. App. D. C. —, 407 F. 2d 306.

No. 709. *WHITFIELD v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Claude L. Rowe* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Joseph M. Howard*, and *John M. Brant* for the United States. Reported below: 401 F. 2d 480.

No. 716. *GENERAL TIME CORP. v. TALLEY INDUSTRIES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Edward R. Neaher* and *Paul G. Pennoyer, Jr.*, for petitioner. *Walter L. Stratton* and *Benjamin Vinar* for respondents Talley Industries, Inc., et al., and *Clendon H. Lee* and *Stanley L. Sabel* for respondent American Investors Fund, Inc. Reported below: 403 F. 2d 159.

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No. 754. *TARBORO v. READING Co.* C. A. 3d Cir. Certiorari denied. *Abraham E. Freedman* and *Avram G. Adler* for petitioner. *Levy Anderson* for respondent. Reported below: 396 F. 2d 941.

No. 636. *YEAGER, PRINCIPAL KEEPER v. JOHNSON ET AL.* C. A. 3d Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. *A. Morton Shapiro* for petitioner. *Curtis R. Reitz*, *Stanford Shmukler*, and *M. Gene Haeberle* for respondents. Reported below: 399 F. 2d 508.

No. 657. *SAN JACINTO SAND Co., INC. v. SOUTHWESTERN BELL TELEPHONE Co.* Ct. Civ. App. Tex., 14th Sup. Jud. Dist. Motion to enlarge record granted. Certiorari denied. *Alvin Diamond* for petitioner. *David T. Searls* for respondent. Reported below: 426 S. W. 2d 338.

No. 667. *GARNER ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Motion to dispense with printing petition granted. Certiorari denied. *Solicitor General Griswold* for respondent.

No. 711. *BARTONE v. UNITED STATES.* C. A. 6th Cir. Motion to dispense with printing petition granted. Certiorari denied. *Arlene B. Steuer* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, and *Joseph M. Howard* for the United States. Reported below: 400 F. 2d 459.

No. 676. *GENOVESE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Wilfred L. Davis* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States.

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No. 671. LEONARD, ADMINISTRATRIX *v.* WHARTON, ADMINISTRATOR. C. A. 4th Cir. Motion to dispense with printing petition granted. Certiorari denied. Reported below: 396 F. 2d 452.

No. 683. ROSE *v.* NEW MEXICO. Sup. Ct. N. M. Motion to dispense with printing petition granted. Certiorari denied. *Dean Zinn* for petitioner. Reported below: 79 N. M. 277, 442 P. 2d 589.

No. 682. DITTO *v.* CITY OF CHICAGO 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. *Richard F. Watt* and *Stanley A. Bass* for petitioner. *Raymond F. Simon* and *Robert E. Wiss* for respondents. Reported below: 86 Ill. App. 2d 340, 230 N. E. 2d 41.

No. 16, Misc. WALKER *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Stewart H. Freeman*, Assistant Attorney General, for respondent.

No. 201, Misc. McCULLOUGH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Charles Jay Bogdanoff* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Paul C. Summitt* for the United States. Reported below: 389 F. 2d 563.

No. 317, Misc. MIXON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Edmond B. Mamer*, Deputy Attorney General, for respondent.

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No. 349, Misc. *MENENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John Paul Howard* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Marshall Tamor Golding* for the United States. Reported below: 393 F. 2d 312.

No. 354, Misc. *KRUG v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Thomas C. Lynch, Attorney General of California, Doris H. Maier, Assistant Attorney General, and Edward A. Hinz, Jr., Deputy Attorney General*, for respondent. Reported below: 256 Cal. App. 2d 219, 63 Cal. Rptr. 813.

No. 362, Misc. *BRADLEY v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. *Earl Faircloth, Attorney General of Florida, and William D. Roth, Assistant Attorney General*, for respondent. Reported below: 206 So. 2d 657.

No. 376, Misc. *LACEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *John F. X. Peloso* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 395 F. 2d 881.

No. 383, Misc. *HOLSEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 392 F. 2d 292.

No. 643, Misc. *BAILEY ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *John M. Linsenmeyer* for petitioners. *Elliott Golden and Frank Di Lalla* for respondent.

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No. 394, Misc. *OLIVERI v. IOWA*. Sup. Ct. Iowa. Certiorari denied. *Richard C. Turner*, Attorney General of Iowa, and *James C. Sell*, Assistant Attorney General, for respondent. Reported below: — Iowa —, 156 N. W. 2d 688.

No. 455, Misc. *MOORE, AKA LOUIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Ralph L. Crawford* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States. Reported below: 394 F. 2d 818.

No. 495, Misc. *ZAMORA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, and *Edsel W. Haws* and *Roger E. Venturi*, Deputy Attorneys General, for respondent.

No. 555, Misc. *MACK v. WALKER, WARDEN*. C. A. 5th Cir. Certiorari denied. *James Domengeaux* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, for respondent. Reported below: 372 F. 2d 170.

No. 557, Misc. *TYLER v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 391 F. 2d 993.

No. 563, Misc. *CARLTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Frank A. Bauman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 395 F. 2d 10.

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No. 565, Misc. *HENDRICKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 394 F. 2d 807.

No. 569, Misc. *TOLEVER v. SMITH, WARDEN*. Sup. Ct. Ga. Certiorari denied. *Reuben A. Garland* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, *Marion O. Gordon* and *Mathew Robins*, Assistant Attorneys General, and *Courtney Wilder Stanton*, Deputy Assistant Attorney General, for respondent. Reported below: 224 Ga. 270, 161 S. E. 2d 266.

No. 603, Misc. *MILLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Mervyn Hamburg* for the United States. Reported below: 396 F. 2d 492.

No. 610, Misc. *MENDEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *S. Clark Moore*, Deputy Attorney General, for respondent.

No. 650, Misc. *BAROFSKY v. GENERAL ELECTRIC CORP.* C. A. 9th Cir. Certiorari denied. *William H. Pavitt, Jr.*, for petitioner. *Ford W. Harris, Jr.*, and *Thomas A. Briody* for respondent. Reported below: 396 F. 2d 340.

No. 655, Misc. *BAUERLIEN v. WARDEN, MARYLAND PENITENTIARY*. C. A. 4th Cir. Certiorari denied.

No. 657, Misc. *PRICE v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied.

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No. 670, Misc. *TINCH v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States.

No. 684, Misc. *BOYKIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States. Reported below: 398 F. 2d 483.

No. 719, Misc. *LEWIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States.

No. 728, Misc. *RETOLAZA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *H. Thomas Howell* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States. Reported below: 398 F. 2d 235.

No. 735, Misc. *HOPKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 736, Misc. *NELSON v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 759, Misc. *WOLENSKI v. SHOVLIN, STATE HOSPITAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 764, Misc. *LLANES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Murray M. Segal* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Ronald L. Gainer* for the United States. Reported below: 398 F. 2d 880.

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No. 779, Misc. *HART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Joseph J. De Raad* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 396 F. 2d 243.

No. 782, Misc. *HILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John S. Tucker, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. Maysack* for the United States. Reported below: 395 F. 2d 694.

No. 791, Misc. *PEABODY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Philip R. Monahan* for the United States. Reported below: 394 F. 2d 175.

No. 796, Misc. *YANT v. BLACKWELL, WARDEN*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 396 F. 2d 808.

No. 803, Misc. *WEBB v. COMSTOCK, CONSERVATION CENTER SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 806, Misc. *ARNOLD v. HENDRICK, COUNTY PRISONS SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 808, Misc. *BIRRELL v. HERLANDS, U. S. DISTRICT JUDGE*. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for respondent. Reported below: 399 F. 2d 343.

No. 835, Misc. *DOONER v. BUCKMAN, STATE HOSPITAL DIRECTOR*. Ct. App. N. Y. Certiorari denied.

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No. 811, Misc. *LUPINO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 817, Misc. *COLAVECCHIO ET AL. v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied. *James R. Willis* for petitioners. *John T. Corrigan* for respondent.

No. 819, Misc. *HAMLETT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States.

No. 820, Misc. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 399 F. 2d 492.

No. 830, Misc. *STRICKLAND v. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 4th Cir. Certiorari denied. *John B. Culbertson* for petitioner. *Solicitor General Griswold* for respondent. Reported below: 396 F. 2d 954.

No. 832, Misc. *BLAKEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States.

No. 833, Misc. *BUMPUS v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. *William P. Homans, Jr.*, for petitioner. *Howard M. Miller*, *Assistant Attorney General of Massachusetts*, and *Bruce G. McNeill*, *Deputy Assistant Attorney General*, for respondent.

No. 837, Misc. *HENDERSON v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 842, Misc. *McCloskey v. Boslow, Institution Director*. Ct. Sp. App. Md. Certiorari denied. Reported below: 4 Md. App. 581, 244 A. 2d 463.

No. 846, Misc. *Bond v. United States*. C. A. 10th Cir. Certiorari denied. *James R. West* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 397 F. 2d 162.

No. 848, Misc. *Woodside v. Florida*. Sup. Ct. Fla. Certiorari denied.

No. 849, Misc. *Tortorice v. New York*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Michael F. Dillon* for respondent.

No. 852, Misc. *Hibbert v. New York City Transit Authority*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Herman Adlerstein* for petitioner. *Helen R. Cassidy* for respondent.

No. 854, Misc. *Furlong v. Walker*. C. A. 3d Cir. Certiorari denied.

No. 856, Misc. *Leeman v. United States*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 398 F. 2d 835.

No. 862, Misc. *Zimmerman v. Warden, Maryland House of Correction*. Ct. Sp. App. Md. Certiorari denied.

No. 863, Misc. *Wurtzburger v. New York*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Leon B. Polsky* for petitioner.

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No. 864, Misc. *LARSON v. BENNETT, WARDEN*. Sup. Ct. Iowa. Certiorari denied. Reported below: — Iowa —, 160 N. W. 2d 303.

No. 868, Misc. *NEW ENGLAND ENTERPRISES, INC., ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Stanley M. Brown* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 58.

No. 870, Misc. *CLARK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. Maysack* for the United States. Reported below: 400 F. 2d 83.

No. 872, Misc. *MCCARTHY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 873, Misc. *WATKINS v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 39 Wis. 2d 718, 159 N. W. 2d 675.

No. 874, Misc. *LENT v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 876, Misc. *JOHNSON v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 878, Misc. *BOYDEN v. CURTIS, U. S. DISTRICT JUDGE*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. Maysack* for respondent.

No. 882, Misc. *BRACAMONTE v. FIELD, MEN'S COLONY SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

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No. 879, Misc. *NORMAN v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *James J. Wood*, Assistant Attorney General, for respondent.

No. 880, Misc. *DESROCHE v. LIBERTY MUTUAL INSURANCE CO. ET AL.* Sup. Ct. La. Certiorari denied. *Floyd J. Reed* for petitioner. *Robert B. Acomb, Jr.*, for respondents.

No. 881, Misc. *ALAWAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States.

No. 885, Misc. *SNELL v. SIMPSON, WARDEN*. Sup. Ct. Ala. Certiorari denied.

No. 888, Misc. *NORMAN v. CHAMBERS, U. S. CIRCUIT JUDGE, ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for respondents.

No. 889, Misc. *PAULEKAS v. CLARK, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. *Norman Leonard* for petitioner. *Solicitor General Griswold* for respondents.

No. 890, Misc. *CARLIN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 261 Cal. App. 2d 30, 67 Cal. Rptr. 557.

No. 891, Misc. *WILSON v. PROCUNIER, CORRECTIONS DIRECTOR, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 892, Misc. *LEWIS v. CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

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No. 893, Misc. *BASKIN v. TOURLENTES ET AL.* C. A. 7th Cir. Certiorari denied. *William G. Clark*, Attorney General of Illinois, *John J. O'Toole*, Assistant Attorney General, and *Stuart D. Perlman*, Special Assistant Attorney General, for Tourlentes et al., and *Sheldon P. Migdal* for Carson et al., respondents.

No. 895, Misc. *SHAIRD v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 899, Misc. *HOFLER v. SPEARIN, PRESTON & BURROWS, INC., ET AL., DBA SPEARIN-TULLY*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Morton Alpert* for petitioner. *Emil V. Pilz* and *George Foster Mackey* for respondents.

No. 900, Misc. *HILL v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 902, Misc. *OWENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 904, Misc. *PINKNEY v. KORET OF CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *Everett A. Corten* for respondent Workmen's Compensation Appeals Board of California.

No. 906, Misc. *ELLIOTT v. OREGON*. Sup. Ct. Ore. Certiorari denied.

No. 918, Misc. *TARRANCE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. *G. Wray Gill, Sr.*, and *George M. Leppert* for petitioner. Reported below: 252 La. 396, 211 So. 2d 304.

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No. 908, Misc. *MILLER v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 397 F. 2d 363.

No. 911, Misc. *RIFFON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 914, Misc. *CAMMANN v. BURKE*, U. S. DISTRICT JUDGE, ET AL. C. A. 9th Cir. Certiorari denied.

No. 915, Misc. *FURTAKE v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 916, Misc. *KNAUB v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. Reported below: 443 P. 2d 44.

No. 917, Misc. *NASSAR v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. *William P. Homans, Jr.*, for petitioner. *Elliot L. Richardson*, Attorney General of Massachusetts, *John J. Jennings*, Special Assistant Attorney General, *Howard M. Miller*, Assistant Attorney General, *Wilmot R. Hastings*, First Assistant Attorney General, and *John M. Finn*, Deputy Assistant Attorney General, for respondent. Reported below: 354 Mass. 249, 237 N. E. 2d 39.

No. 920, Misc. *STEVENS v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. Reported below: 443 P. 2d 600.

No. 922, Misc. *MARTIN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 925, Misc. *WALLER v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 927, Misc. *MACE v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 427 S. W. 2d 507.

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No. 910, Misc. DELANEY *v.* GLADDEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 397 F. 2d 17.

No. 928, Misc. MCCRIMMON *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 930, Misc. CATLETT *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 931, Misc. DORSEY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States.

No. 932, Misc. HART *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 933, Misc. KEPLINGER *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied.

No. 935, Misc. WARD *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 941, Misc. MAGEE *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

No. 942, Misc. PEACOCK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 400 F. 2d 992.

No. 957, Misc. EVANS *v.* UNITED STATES VETERANS ADMINISTRATION HOSPITAL. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 391 F. 2d 261.

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No. 944, Misc. JACKSON *v.* PINTO, PRISON FARM SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 945, Misc. PICHE *v.* WASHINGTON. Sup. Ct. Wash. Certiorari denied. Reported below: 74 Wash. 2d 9, 442 P. 2d 632.

No. 948, Misc. MURRAY *v.* MACY, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL. C. A. 5th Cir. Certiorari denied. *Guy Sparks, Melvin L. Wulf, Charles Morgan, Jr., and Reber F. Boulton, Jr.,* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, and Alan S. Rosenthal* for respondents.

No. 950, Misc. SMILEY *v.* PREGERSON ET AL. C. A. 9th Cir. Certiorari denied.

No. 954, Misc. OWENS *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 955, Misc. BURCHFIELD *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 958, Misc. ELLIOTT *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied. Reported below: 283 Ala. 67, 214 So. 2d 420.

No. 961, Misc. ANDERTEN *v.* ERICKSON, WARDEN. Sup. Ct. S. D. Certiorari denied.

No. 962, Misc. AKIN *v.* BOARD OF EDUCATION OF RIVERSIDE UNIFIED SCHOOL DISTRICT. Ct. App. Cal., 4th App. Dist. Certiorari denied. *A. L. Wirin, Fred Okrand, and Laurence R. Sperber* for petitioner. Reported below: 262 Cal. App. 2d 161, 68 Cal. Rptr. 557.

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No. 965, Misc. *ALDABE v. ALDABE*. Sup. Ct. Nev. Certiorari denied. *Paul A. Richards* for respondent. Reported below: — Nev. —, 441 P. 2d 691.

No. 970, Misc. *BICKMAN v. PATE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 972, Misc. *PIPKIN v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 974, Misc. *CARTER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Emmett Colvin, Jr.*, for petitioner. Reported below: 431 S. W. 2d 8.

No. 975, Misc. *PEELE v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. *Jerry C. Wilson* for petitioner. *Thomas Wade Bruton*, Attorney General of North Carolina, *Harry W. McGalliard*, Deputy Attorney General, and *Millard R. Rich, Jr.*, Assistant Attorney General, for respondent. Reported below: 274 N. C. 106, 161 S. E. 2d 568.

No. 983, Misc. *SAWYER v. DEPARTMENT OF CORRECTION ET AL.* C. A. 4th Cir. Certiorari denied.

No. 989, Misc. *WILLIAMSON v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 1000, Misc. *HATCHER v. WAINWRIGHT, CORRECTIONS DIRECTOR*. Sup. Ct. Fla. Certiorari denied.

No. 1008, Misc. *SCHIAVONI, ADMINISTRATOR v. HONUS WAGNER CO.* C. A. 3d Cir. Certiorari denied. *Harry Alan Sherman* for petitioner. Reported below: 396 F. 2d 757.

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No. 1002, Misc. CHANDLER *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 262 Cal. App. 2d 350, 68 Cal. Rptr. 645.

No. 1007, Misc. VACCA *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1009, Misc. NATHANIEL *v.* TEXAS. Dist. Ct. Brazoria County, Tex., 23d Jud. Dist. Certiorari denied.

No. 1011, Misc. ARGO *v.* SIMPSON, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 1012, Misc. KROLL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 402 F. 2d 221.

No. 1013, Misc. PEREZ *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1016, Misc. BROWN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1028, Misc. MAYBERRY *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Richard Newman* for petitioner. Reported below: 52 N. J. 413, 245 A. 2d 481.

No. 397, Misc. PRENDEZ *v.* CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART are of the opinion that certiorari should be granted, the judgment vacated, and the case remanded for further consideration in light of *Peyton v. Rowe*, 391 U. S. 54. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Edward A. Hinz, Jr.*, Deputy Attorney General, for respondent.

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No. 1017, Misc. *KLECHKA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 1025, Misc. *GRANT v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 422, Misc. *FORNEY v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *James A. Lake* for petitioner. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Harold Mosher*, Assistant Attorney General, for respondent. Reported below: 182 Neb. 802, 157 N. W. 2d 403.

No. 572, Misc. *McWILLIAMS v. UNITED STATES*. C. A. 8th Cir. Motion to remand and petition for writ of certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition. *Bernard J. Mellman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Philip R. Monahan* for the United States. Reported below: 394 F. 2d 41.

No. 743, Misc. *GRAY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States.

No. 884, Misc. *CACHOIAN v. UNITED STATES*. C. A. 2d Cir. Motion for leave to supplement petition granted. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States.

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No. 924, Misc. CUNNINGHAM *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari and other relief denied. Reported below: 397 F. 2d 724.

Rehearing Denied.

No. 131. PALMIERI *v.* FLORIDA, *ante*, p. 218;

No. 423. BARATTA *v.* UNITED STATES, *ante*, p. 939;

No. 443. PENNSYLVANIA PUBLIC UTILITY COMMISSION *v.* BESSEMER & LAKE ERIE RAILROAD CO. ET AL., *ante*, p. 959;

No. 519. HAYUTIN *v.* UNITED STATES, *ante*, p. 961;

No. 521. DREYFUS *v.* MICHAEL REESE HOSPITAL & MEDICAL CENTER, *ante*, p. 961;

No. 560. ARNOLD CONSTABLE CORP. *v.* EUDOWOOD SHOPPING CENTER, INC., *ante*, p. 979;

No. 567. NASH *v.* UNITED STATES, *ante*, p. 961;

No. 36, Misc. KING *v.* TENNESSEE, *ante*, p. 863;

No. 62, Misc. USSERY ET AL. *v.* UNITED STATES, *ante*, p. 866;

No. 521, Misc. FAILLA *v.* CALIFORNIA ET AL., *ante*, p. 926;

No. 704, Misc. PEREZ *v.* CROUSE, WARDEN, *ante*, p. 988; and

No. 740, Misc. BELTOWSKI *v.* MINNESOTA, *ante*, p. 988. Petitions for rehearing denied.

No. 16. BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. *v.* CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. ET AL., *ante*, p. 129;

No. 18. HARDIN, PROSECUTING ATTORNEY, ET AL. *v.* CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. ET AL., *ante*, p. 129; and

No. 558. PENNINGTON ET AL. *v.* UNITED MINE WORKERS OF AMERICA, *ante*, p. 983. Petitions for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of these petitions.

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No. 374. *TOTTON, DBA TOTTON & DUNN Co. v. LOCAL 43, UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF PLUMBING & PIPE FITTING INDUSTRY OF THE UNITED STATES & CANADA*, *ante*, p. 915;

No. 394. *HUCKABY v. UNITED STATES*, *ante*, p. 933;

No. 576. *HUCKABY v. UNITED STATES*, *ante*, p. 938;

No. 472. *GARRETT ET AL. v. UNITED STATES*, *ante*, p. 952; and

No. 692, Misc. *CREIGHBAUM v. BURKE, WARDEN*, *ante*, p. 955. Motions for leave to file petitions for rehearing denied.

No. 568. *QUINN v. UNITED STATES*, *ante*, p. 983. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

JANUARY 17, 1969.

Dismissals Under Rule 60.

No. 48. *JULIAN MESSNER, INC., ET AL. v. SPAHN*. Appeal from Ct. App. N. Y. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Selig J. Levitan* for appellants. *Frederic A. Johnson* for appellee. [For earlier order herein, see *ante*, p. 818.]

No. 825. *CLIFFORD, SECRETARY OF DEFENSE, ET AL. v. FAULKNER*. Appeal from D. C. E. D. N. Y. Appeal dismissed pursuant to Rule 60 of the Rules of this Court. *Solicitor General Griswold, Assistant Attorney General Weisl, Morton Hollander, and Robert V. Zener* for appellants. *Stanley Faulkner* for appellee. Reported below: 289 F. Supp. 895.

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Miscellaneous Orders.

No. 582. *CONTINENTAL CASUALTY Co. ET AL. v. ROBERTSON LUMBER Co.* Appeal from Sup. Ct. N. D. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 580. SAMUELS ET AL. *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL.; and

No. 813. FERNANDEZ *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, *ante*, p. 975.] Joint motion of appellants to enlarge time for oral argument of these consolidated cases granted, and 15 additional minutes allotted for that purpose. Counsel for appellees likewise allotted 15 additional minutes for oral argument. *Victor Rabinowitz* for Samuels et al. in No. 580, and *Eleanor Jackson Piel* for Fernandez in No. 813, on the motion.

No. 670. BANKS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Motion of respondent to dispense with printing record denied. *Thomas C. Lynch*, Attorney General of California, and *Edward P. O'Brien*, Deputy Attorney General, on the motion. *Thomas J. Klitgaard* for petitioner in opposition. [For previous orders herein, see, *e. g.*, *ante*, p. 931.]

No. 1014, Misc. HENDRIX *v.* BLACKWELL, WARDEN;
No. 1129, Misc. SMITH *v.* PAGE, WARDEN, ET AL.;
No. 1132, Misc. FOSSUM *v.* PORTER, SHERIFF; and
No. 1168, Misc. WHITE *v.* WARDEN, MARYLAND PENITENTIARY. Motions for leave to file petitions for writs of habeas corpus denied.

Certiorari Granted.

No. 791. CRANE *v.* CEDAR RAPIDS & IOWA CITY RAILWAY Co. Sup. Ct. Iowa. Certiorari granted. *E. Barrett Prettyman, Jr.*, for petitioner. *William M. Dallas* and *John F. Gaston* for respondent. Reported below: — Iowa —, 160 N. W. 2d 838.

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No. 830. *NOYD v. BOND ET AL.* C. A. 10th Cir. Certiorari granted. Stay heretofore granted by MR. JUSTICE DOUGLAS shall remain in effect pending issuance of judgment of this Court or until further order of this Court. *Marvin M. Karpatkin, Melvin L. Wulf, and William F. Reynard* for petitioner. *Solicitor General Griswold* for respondents. Reported below: 402 F. 2d 441.

Certiorari Denied.

No. 161. *CHOCTAW NATION ET AL. v. ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL.* C. A. 10th Cir. Certiorari denied. *J. D. McLaughlin* for petitioners. *Streeter B. Flynn* for respondents Atchison, Topeka & Santa Fe Railway Co. et al. *Solicitor General Griswold* filed a memorandum for the United States, as *amicus curiae*, by invitation of the Court, *ante*, p. 922, in opposition. Reported below: 396 F. 2d 578, 582, 583.

No. 542. *DUGAS v. LOUISIANA.* Sup. Ct. La. Certiorari denied. *Sam J. D'Amico* for petitioner. *Jack P. F. Gremillion*, Attorney General of Louisiana, and *Ralph L. Roy* for respondent. Reported below: 252 La. 345, 211 So. 2d 285.

No. 712. *INTERNATIONAL ASSOCIATION OF MACHINISTS v. BRADY*;

No. 713. *TRANS WORLD AIRLINES, INC. v. BRADY*; and

No. 735. *BRADY v. TRANS WORLD AIRLINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *Edward J. Hickey, Jr.*, and *James L. Highsaw, Jr.*, for petitioner in No. 712 and for respondent International Association of Machinists in No. 735. *Harold L. Warner, Jr.*, and *Carl S. Rowe* for petitioner in No. 713. *Morris Duane* for petitioner in No. 735 and for respondent in Nos. 712 and 713. Reported below: 401 F. 2d 87.

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No. 757. *WELCH ET AL. v. LEAVEY*, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL. C. A. 5th Cir. Certiorari denied. *W. Jiles Roberts* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *Morton Hollander* for Leavey, and *E. D. Vickery* for Atlantic & Gulf Stevedores, Inc., et al., respondents. Reported below: 397 F. 2d 189.

No. 758. *JOHN LANGENBACHER CO., INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. *Algernon M. Miller* for petitioner. *Solicitor General Griswold* and *Arnold Ordman* for respondent. Reported below: 398 F. 2d 459.

No. 759. *INTERTYPE CO., A DIVISION OF HARRIS-INTERTYPE CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 4th Cir. Certiorari denied. *Kenneth C. McGuinness* and *Flournoy L. Largent, Jr.*, for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 401 F. 2d 41.

No. 761. *BEATY ET AL. v. M. S. STEEL CO., INC.* C. A. 4th Cir. Certiorari denied. *Eugene A. Alexander III* for petitioners. *Patrick A. O'Doherty* and *Hamilton O'Dunne* for respondent. Reported below: 401 F. 2d 157.

No. 760. *HESSION ET UX. v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *W. Bradley Ward* and *Samuel D. Slade* for petitioners. *William C. Sennett*, Attorney General of Pennsylvania, and *Robert W. Cunliffe*, Assistant Attorney General, for respondent. Reported below: 430 Pa. 273, 242 A. 2d 432.

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No. 766. *LEA ET AL., TRADING AS HARRY R. LEA & CO. v. CONSOLIDATED SUN RAY, INC., ET AL.* C. A. 3d Cir. Certiorari denied. *Arthur R. Littleton* for petitioners. *Robert H. Malis* for respondents. Reported below: 401 F. 2d 650.

No. 767. *DELTA THEATRES, INC. v. PARAMOUNT PICTURES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. *C. Ellis Henican* for petitioner. *Harry McCall, Jr.,* and *Ashton Phelps* for respondents. Reported below: 398 F. 2d 323.

No. 768. *CROLL-REYNOLDS CO., INC., ET AL. v. PERINI-LEAVELL-JONES-VINELL ET AL.* C. A. 5th Cir. Certiorari denied. *Jennings Bailey, Jr.,* and *Nelson Littell, Jr.,* for petitioners. *William A. Denny* for respondents. Reported below: 399 F. 2d 913.

No. 771. *ORSINI v. REINCKE, WARDEN.* C. A. 2d Cir. Certiorari denied. *Igor I. Sikorsky, Jr.,* for petitioner. Reported below: 397 F. 2d 977.

No. 774. *BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN ET AL. v. LOUISVILLE & NASHVILLE RAILROAD CO. ET AL.* C. A. 6th Cir. Certiorari denied. *Alex Elson, Willard J. Lassers, Aaron S. Wolff, Herbert L. Segal, Harold C. Heiss, Russell Day,* and *Robert E. Hogan* for petitioners. *John P. Sandidge, Joseph L. Lenihan, Marvin D. Jones,* and *David M. Yearwood* for Louisville & Nashville Railroad Co., and *Harold A. Ross* and *Charles I. Dawson* for Brotherhood of Locomotive Engineers, respondents. Reported below: 400 F. 2d 572.

No. 762. *KIMBRELL v. LAWRENCE COUNTY BAR ASSN. ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

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No. 769. CITY OF AMARILLO ET AL. *v.* EAKENS ET AL., TRUSTEES. C. A. 5th Cir. Certiorari denied. *C. J. Taylor, Jr.*, and *R. A. Wilson* for petitioners. *Stephen P. Killough* for respondents. Reported below: 399 F. 2d 541.

No. 775. BROWN *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Ronald Podolsky* for petitioner.

No. 779. GARRISON *v.* ALABAMA. Ct. App. Ala. Certiorari denied. *Roscoe B. Hogan* for petitioner. *MacDonald Gallion*, Attorney General of Alabama, and *Robert P. Bradley*, Assistant Attorney General, for respondent. Reported below: 44 Ala. App. 463, 213 So. 2d 369.

No. 786. WILCOX MANUFACTURING CO. *v.* JEFFREY GALION MANUFACTURING CO. C. A. 4th Cir. Certiorari denied. *John W. Malley* and *William T. Bullinger* for petitioner. *William H. Webb*, *John M. Webb*, and *David Young* for respondent. Reported below: 400 F. 2d 960.

No. 789. SNYDER ET AL. *v.* CITY OF BOULDER. C. A. 10th Cir. Certiorari denied. *Anthony F. Zarlengo* for petitioners. Reported below: 396 F. 2d 853.

No. 559. CALIFORNIA *v.* JOHNSON. Sup. Ct. Cal. Motion to dispense with printing respondent's brief granted. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Edsel W. Haws* and *Arnold O. Overoye*, Deputy Attorneys General, for petitioner. *Robert J. Nareau* for respondent. Reported below: 68 Cal. 2d 646, 441 P. 2d 111.

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No. 781. *URBANO v. READERS DIGEST ASSN., INC.* C. A. 2d Cir. Motion to dispense with printing petition granted. Certiorari denied. *Purvis Brearley* for petitioner. *Thomas F. Daly* for respondent.

No. 764. *MORSE ET AL. v. BOSWELL ET AL.* C. A. 4th Cir. Certiorari denied. *Fred Okrand* and *Elsbeth Levy Bothe* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, and *Morton Hollander* for respondents. Reported below: 401 F. 2d 544.

MR. JUSTICE DOUGLAS, dissenting.

When this case was before us earlier on an application for a stay, I filed a dissenting opinion, *ante*, p. 802, indicating that the issues to be presented on the petition for certiorari were at least in part substantial.

Some of the enlistment contracts with which we deal provide that these reservists agree to active duty in "time of war or of national emergency declared by Congress," as provided in 10 U. S. C. § 672. That section calls for active duty "[i]n time of war or of national emergency declared by Congress, or when otherwise authorized by law." And see 10 U. S. C. § 673.

The call-up was pursuant to a 1966 Act, 80 Stat. 981, 10 U. S. C. § 263 n. (1964 ed., Supp. III), which authorized the President to activate any unit of the Reserve for a period not to exceed 24 months.

There has been no declaration of a national emergency either by Congress or by the President.

There has been no declaration of war by the Congress.

How then can 10 U. S. C. § 672 and the enlistment contracts be dishonored?

The only answer given is that the phrase "when otherwise authorized by law" contained in 10 U. S. C. § 672 covers all future laws that may be passed.

That phrase, as I understand it, refers to existing law, not to any law that may be passed. Mr. Justice Holmes

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said as much in *United States v. Dalcour*, 203 U. S. 408, 421. In that case the words were "otherwise provided by law" and he said:

"These words must be taken to refer to existing provisions and not to be merely a futile permission to future legislatures to make a change."

The meaning must of course depend on the precise setting of the phrase. It does real violence to reason and to morality to read § 672 as an open-end power to change any promise willy-nilly. As I indicated in my dissent when the stay was before us, the phrase "when otherwise authorized by law" has meaning when construed as referring to existing law alone. See *ante*, at 808-809, and n. 17.

When we allow it a more expanded meaning as embracing all future laws passed, we become an agency for helping to create an awesome credibility gap.

We should construe laws as fulfilling, not breaking, promises made by this all-powerful government to its citizens, unless no alternative is open to us.

The alternative is plain: to apply the 1966 Act to all enlistment contracts that do not contain the solemn promise that active duty starts only on a declaration of war or a declaration of a national emergency.

This case should be set for argument.

No. 782. LEE, ADMINISTRATRIX, ET AL. v. UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Lee S. Kreindler* and *Samuel N. Hecsh* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *Morton Hollander*, and *Leonard Schaitman* for the United States. Reported below: 400 F. 2d 558.

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No. 785. CHENG FU SHENG ET AL. v. UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. *David Carliner* and *Robert S. Bixby* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for respondent. Reported below: 400 F. 2d 678.

MR. JUSTICE DOUGLAS, dissenting.

I would grant this petition and put the case down for argument.

Under § 243 (h) of the Immigration and Nationality Act, 66 Stat. 214, as amended, 79 Stat. 918, 8 U. S. C. § 1253 (h) (1964 ed., Supp. III), the Attorney General is authorized to withhold deportation of any alien who would, if returned to his country, be subject "to persecution on account of . . . political opinion."

Taiwan's intolerance of criticism is well known. Lei Chen, after a one-day military trial, was sentenced to 10 years for trying to form a non-Communist political party in opposition to the Kuomintang. Military trials of men expressing "radical" ideas are common. The pressures to conform to Kuomintang orthodoxy are so great that no more than 5% of the students who go abroad to study return to Taiwan.

These petitioners, who have denounced the Chiang Kai-shek regime as a "police state," will most assuredly either face a firing squad on their return or receive heavy sentences. Any person critical of the regime is called a "defector." The list of political victims of Taipei's intolerance is too long and the secret military trials of dissidents too notorious for me to acquiesce in denial of certiorari here.

No. 686, Misc. MCINTYRE v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 396 F. 2d 859.

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No. 763. *ROSEE v. BOARD OF TRADE OF THE CITY OF CHICAGO ET AL.* C. A. 7th Cir. Motion to dispense with printing portions of appendix denied. Motion to amend petition granted. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Weisl, and John C. Eldridge* for respondents Kibby et al.

No. 787. *CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA v. UNITED STATES.* Ct. Cl. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS, and MR. JUSTICE BRENNAN are of the opinion that certiorari should be granted. *John W. Cragun, Charles A. Hobbs, and Richard A. Baenen* for petitioners. *Solicitor General Griswold, Assistant Attorney General Martz, Roger P. Marquis, and Edmund B. Clark* for the United States. Reported below: 185 Ct. Cl. 421, 401 F. 2d 785.

No. 788. *KNICKERBOCKER INSURANCE CO. v. FAISON ET AL.* Ct. App. N. Y. Motion of Motor Vehicle Accident Indemnification Corp. for leave to file a brief, as *amicus curiae*, granted, and brief filed. Certiorari denied. *Arnold Davis* for petitioner. *Jacob D. Fuchsberg* for respondents. Reported below: 22 N. Y. 2d 554, 240 N. E. 2d 34.

No. 431, Misc. *GONZALES v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch, Attorney General of California, and Philip C. Griffin, Deputy Attorney General*, for respondent. Reported below: 68 Cal. 2d 467, 439 P. 2d 655.

No. 522, Misc. *BUTCHER v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. *W. S. Moore* for petitioner. *Joe T. Patterson, Attorney General of Mississippi, and G. Garland Lyell, Jr., Assistant Attorney General*, for respondent.

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No. 502, Misc. *ERB v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *David B. Stanton*, Deputy Attorney General, for respondent. Reported below: 259 Cal. App. 2d 159, 66 Cal. Rptr. 274.

No. 570, Misc. *KAST ET AL. v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of S. F. Certiorari denied. *Leigh Athearn* for petitioners. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Derald E. Granberg* and *James B. Cuneo*, Deputy Attorneys General, for respondent.

No. 634, Misc. *ADAMS v. BETO, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied. *William E. Gray* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 430 S. W. 2d 194.

No. 745, Misc. *MARSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Max O. Truitt, Jr.*, for petitioner. *Solicitor General Griswold*, Assistant Attorney General *Vinson*, *Beatrice Rosenberg*, and *Ronald L. Gainer* for the United States. Reported below: 408 F. 2d 644.

No. 855, Misc. *SULLIVAN v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. *David Berman* for petitioner. *Elliot L. Richardson*, Attorney General of Massachusetts, and *Willie J. Davis*, Assistant Attorney General, for respondent. Reported below: 354 Mass. 598, 239 N. E. 2d 5.

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No. 662, Misc. JONES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 396 F. 2d 66.

No. 799, Misc. BEARDSLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 834, Misc. BARRINGER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 130 U. S. App. D. C. 186, 399 F. 2d 557.

No. 858, Misc. FLORES *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 68 Cal. 2d 563, 440 P. 2d 233.

No. 887, Misc. ROBINSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Steven B. Duke* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States. Reported below: 394 F. 2d 823.

No. 894, Misc. KANE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 399 F. 2d 730.

No. 919, Misc. HORMAN *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *William Cahn* for respondent. Reported below: 22 N. Y. 2d 378, 239 N. E. 2d 625.

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No. 905, Misc. MONTGOMERY ET AL. v. UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Glenn A. Mitchell* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States.

No. 923, Misc. BERNIER v. MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. *Willie Davis, Assistant Attorney General of Massachusetts, John J. Droney, and Ruth I. Abrams* for respondent. Reported below: 354 Mass. 193, 236 N. E. 2d 642.

No. 926, Misc. CUNNINGHAM v. FOLLETTE, WARDEN. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky and Gretchen White Oberman* for petitioner. Reported below: 397 F. 2d 143.

No. 934, Misc. PHILLIPS v. RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 940, Misc. COLEMAN v. MAXWELL, WARDEN. C. A. 6th Cir. Certiorari denied. *James R. Willis* for petitioner. Reported below: 399 F. 2d 662.

No. 949, Misc. HOWARD v. UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 396 F. 2d 867.

No. 951, Misc. PAROUTIAN v. UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 395 F. 2d 673.

No. 990, Misc. McDONALD v. CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied.

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No. 969, Misc. GOODMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 976, Misc. MURRAY *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 30 App. Div. 2d 584, 290 N. Y. S. 2d 292.

No. 998, Misc. THOMPSON *v.* PARKER, WARDEN. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 399 F. 2d 774.

No. 1020, Misc. MUSZALSKI *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 260 Cal. App. 2d 611, 67 Cal. Rptr. 378.

No. 1032, Misc. MURRAY *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 444 P. 2d 236.

No. 1035, Misc. LEAVER *v.* INDIANA. Sup. Ct. Ind. Certiorari denied.

No. 1036, Misc. SUPER *v.* YEAGER, PRINCIPAL KEEPER. C. A. 3d Cir. Certiorari denied.

No. 1047, Misc. McNEILL *v.* STATE USE INDUSTRIES, AUTOMOBILE REGISTRATION PLATES DEPARTMENT. C. A. 4th Cir. Certiorari denied.

No. 798, Misc. JOHNSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Edward Fenig* for the United States. Reported below: 396 F. 2d 779.

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No. 1128, Misc. *QUARLES v. CLARK, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for respondents.

No. 1130, Misc. *RAMIREZ v. EYMAN, WARDEN, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 1118, Misc. *WOOD v. BLACKWELL, WARDEN.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for respondent. Reported below: 402 F. 2d 62.

Rehearing Denied. (See also Nos. 478 and 479, *ante*, p. 407.)

No. 442. *SWOFFORD ET AL., DBA PATHFINDER CO. v. B & W, INC., ante*, p. 935;

No. 223, Misc. *MENDEZ v. CALIFORNIA, ante*, p. 1007;

No. 711, Misc. *SUMRALL v. UNITED STATES, ante*, p. 991;

No. 778, Misc. *KNEPFLER v. UNITED STATES, ante*, p. 1005;

No. 787, Misc. *WILLARD v. FLORIDA, ante*, p. 989; and

No. 861, Misc. *BENNETT v. NORTH CAROLINA, ante*, p. 1006. Petitions for rehearing denied.

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Miscellaneous Orders.

No. 138. *POWELL ET AL. v. MCCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES, ET AL.* C. A. D. C. Cir. Further consideration of respondents' suggestion of mootness postponed to hearing of case on the merits. [For earlier orders herein, see, *e. g., ante*, p. 1009.]

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No. 228. WILLINGHAM, WARDEN, ET AL. v. MORGAN. C. A. 10th Cir. [Certiorari granted, *ante*, p. 976.] Motion of respondent for leave to proceed further herein *in forma pauperis* and for assistance of counsel granted. It is ordered that *Joseph M. Snee, Esquire*, of Washington, D. C., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel to brief and argue this case in this Court on behalf of respondent.

No. 488. DANIEL ET AL. v. PAUL. C. A. 8th Cir. [Certiorari granted, *ante*, p. 975.] *James W. Gallman, Esquire*, of Fayetteville, Arkansas, a member of the Bar of this Court, is invited to brief and argue this case, as *amicus curiae*, in support of the judgment below.

No. 1106, Misc. IRWIN v. DOWNIE, 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. 1062, Misc. HARRIS v. RHAY, PENITENTIARY SUPERINTENDENT. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted.

No. 705. CIPRIANO v. CITY OF HOUMA ET AL. Appeal from D. C. E. D. La. Probable jurisdiction noted. *Kenneth Watkins* for appellant. *E. E. Huppenbauer, Jr.*, for appellees. Reported below: 286 F. Supp. 823.

Certiorari Granted. (See also No. 95, *ante*, p. 478; and No. 752, Misc., *ante*, p. 482.)

No. 820. PHELPS v. MISSOURI-KANSAS-TEXAS RAILROAD Co. Sup. Ct. Mo. Certiorari granted. *John H. Haley, Jr.*, *James T. Williamson*, and *Thomas J. Conway* for petitioner. *Howard A. Crawford* for respondent. Reported below: 438 S. W. 2d 181.

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No. 211, Misc. CONWAY *v.* CALIFORNIA ADULT AUTHORITY ET AL. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *George R. Nock*, Deputy Attorney General, for respondents.

Certiorari Denied. (See also No. 1106, Misc., *supra.*)

No. 461. SUFFIN *v.* PENNSYLVANIA RAILROAD CO. ET AL. C. A. 3d Cir. Certiorari denied. *Mordecai Rosenfeld*, *William E. Haudek*, and *Irving Morris* for petitioner. *David L. Wilson* for Pennsylvania Railroad Co. (now Penn Central Co.), *William S. Potter* for Pennsylvania Co., and *Francis S. Bensel* for Norfolk & Western Railway Co., respondents. *Solicitor General Griswold* filed a memorandum for the United States, as *amicus curiae*, by invitation of the Court, *ante*, p. 931. Reported below: 396 F. 2d 75.

No. 507. PYNE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Edward J. Calihan, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Roger A. Pauley* for the United States. Reported below: 398 F. 2d 464.

No. 800. IRWIN ET AL. *v.* CLARK, DBA OILFIELD VACUUM SERVICE. C. A. 9th Cir. Certiorari denied. *Thomas R. Davis* for petitioners. *Luther Kenneth Say* for respondent. Reported below: 400 F. 2d 882.

No. 801. HIRSCHFELD ET AL. *v.* BARRETT, CLERK OF COOK COUNTY. Sup. Ct. Ill. Certiorari denied. *L. Louis Karton* and *Myer H. Gladstone* for petitioners. Reported below: 40 Ill. 2d 224, 239 N. E. 2d 831.

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No. 611. MOORE ET AL. *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. *Jefferson Greer* for petitioners. *Joe Purcell*, Attorney General of Arkansas, and *Don Langston*, Deputy Attorney General, for respondent. Reported below: 244 Ark. 1197, 429 S. W. 2d 122.

No. 793. DETROIT, TOLEDO & IRLINGTON RAILROAD CO. *v.* LONES ET AL. C. A. 6th Cir. Certiorari denied. *Robert B. Gosline* for petitioner. *Donald P. Traci* and *Thomas A. Heffernan* for respondents. Reported below: 398 F. 2d 914.

No. 794. GIVENS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Michael Washor* for petitioner. Reported below: 22 N. Y. 2d 897, 241 N. E. 2d 744.

No. 795. ALEXANDER ET UX. *v.* MORRISON-KNUDSEN CO., INC., ET AL. Sup. Ct. Colo. Certiorari denied. *Walter L. Gerash* and *John S. Carroll* for petitioners. *Robert A. Schiff* for Morrison-Knudsen Co., Inc., *M. O. Shivers, Jr.*, *John J. Conway*, and *John A. Hughes* for Colorado-Ute Electric Assn., Inc., and *I. Martin Leavitt* for Yampa Valley Electric Assn., Inc., respondents. Reported below: — Colo. —, 444 P. 2d 397.

No. 802. BLACK & DECKER MANUFACTURING CO. *v.* PORTER-CABLE MACHINE CO. ET AL. C. A. 4th Cir. Certiorari denied. *Theodore S. Kenyon*, *Benjamin C. Howard*, and *C. Willard Hayes* for petitioner. *John D. Nies* for respondents. Reported below: 402 F. 2d 517.

No. 803. FIRST NATIONAL BANK IN ANOKA *v.* KENNEDY, TRUSTEE IN BANKRUPTCY. C. A. 8th Cir. Certiorari denied. *Thomas G. Lovett, Jr.*, for petitioner. *Michael Langdon Culhane* for respondent. Reported below: 400 F. 2d 838.

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No. 805. *HICKS v. HARDIN, SECRETARY OF AGRICULTURE*. C. A. 4th Cir. Certiorari denied. *Robinson O. Everett, Irving I. Geller, Elmer A. Ambrogne, and Charles O. Verrill, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, and Alan S. Rosenthal* for respondent. Reported below: 397 F. 2d 193.

No. 806. *WAYNE KNITTING MILLS ET AL. v. RUSSELL HOSIERY MILLS, INC.* C. A. 4th Cir. Certiorari denied. *Joseph W. Grier, Jr., and David H. Semmes* for petitioners. *Thomas B. Van Poole, Charles R. Fenwick, and Welch Jordan* for respondent. Reported below: 400 F. 2d 964.

No. 807. *CITY OF WEST ALLIS ET AL. v. COUNTY OF MILWAUKEE*. Sup. Ct. Wis. Certiorari denied. *Maxwell H. Herriott* for petitioners. *Robert P. Russell* for respondent. Reported below: 39 Wis. 2d 356, 159 N. W. 2d 36.

No. 808. *INTERNATIONAL TERMINAL OPERATING CO., INC. v. ALEXANDER ET AL.* C. A. 2d Cir. Certiorari denied. *J. Edmund de Castro, Jr.*, for petitioner. *Stuart Goldstein* for respondent Alexander. Reported below: 382 F. 2d 963.

No. 809. *ARNOLD v. ARNOLD*. C. A. 9th Cir. Certiorari denied.

No. 815. *OHIO CASUALTY INSURANCE CO. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Samuel L. Finn* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, John C. Eldridge, and Norman Knopf* for the United States. Reported below: 399 F. 2d 387.

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No. 810. MYERS ET AL. v. HARRIS. Sup. Ct. Pa. Certiorari denied. *Roland J. Christy* for petitioners. *Walter Phipps, Jr.*, for respondent. Reported below: 431 Pa. 293, 245 A. 2d 647.

No. 812. HILL v. OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. *David C. Shapard* for petitioner. Reported below: 444 P. 2d 223.

No. 816. UNITED STATES STEEL CORP. v. GUY ET AL. C. A. 3d Cir. Certiorari denied. *Gilbert J. Helwig* and *Steven A. Stepanian II* for petitioner.

No. 817. BROWN ET AL. v. COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. *R. Monroe Schwartz* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Gilbert E. Andrews*, and *Stuart A. Smith* for respondent. Reported below: 398 F. 2d 832.

No. 818. NELSON, WARDEN, ET AL. v. COLEMAN. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Derald E. Granberg* and *Gloria F. DeHart*, Deputy Attorneys General, for petitioners. Reported below: 401 F. 2d 536.

No. 819. MAGNESIUM CASTING CO. v. HOBAN, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari denied. *Vernon C. Stoneman* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 401 F. 2d 516.

No. 337, Misc. NEGRON v. NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Sybil H. Landau* for respondent.

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No. 796. *DREDGE CORP. v. PENNY, STATE SUPERVISOR, BUREAU OF LAND MANAGEMENT, ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *George W. Nilsson* for petitioner. *Solicitor General Griswold, Assistant Attorney General Martz, and Roger P. Marquis* for respondents Penny et al. Reported below: 398 F. 2d 791.

No. 804. *SCHULTER v. RORAFF, JUDGE.* Sup. Ct. Wis. Motion to dispense with printing petition granted. Certiorari denied. *Robert Frieber* for petitioner. *Bronson C. La Follette*, Attorney General of Wisconsin, *William F. Eich*, Deputy Attorney General, and *Betty R. Brown*, Assistant Attorney General, for respondent. Reported below: 39 Wis. 2d 342, 159 N. W. 2d 25.

No. 811. *MISKUNAS v. UNION CARBIDE CORP.* C. A. 7th Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE DOUGLAS, and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Myron J. Hack* for petitioner. *Harry T. Ice* for respondent. Reported below: 399 F. 2d 847.

No. 449, Misc. *MACIAS ET AL. v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. *Sam Adam* for petitioners. *William G. Clark*, Attorney General of Illinois, and *John J. O'Toole* and *Donald J. Veverka*, Assistant Attorneys General, for respondent. Reported below: 39 Ill. 2d 208, 234 N. E. 2d 783.

No. 524, Misc. *CASSASA v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Clifford K. Thompson, Jr.*, Deputy Attorney General, for respondent.

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No. 292, Misc. *ROBINSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Burton B. Roberts* and *Daniel J. Sullivan* for respondent. Reported below: 21 N. Y. 2d 338, 234 N. E. 2d 687.

No. 541, Misc. *MCALLISTER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 395 F. 2d 852.

No. 543, Misc. *ROOTS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 130 U. S. App. D. C. 203, 399 F. 2d 574.

No. 618, Misc. *TYLER v. McMANN, WARDEN*. C. A. 2d Cir. Certiorari denied. *Harry C. Batchelder, Jr.*, for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Lillian Z. Cohen*, Assistant Attorney General, for respondent.

No. 667, Misc. *HALE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 397 F. 2d 427.

No. 699, Misc. *STUCKEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 130 U. S. App. D. C. 203, 399 F. 2d 574.

No. 710, Misc. *WILLOCK v. KENTUCKY*. Ct. App. Ky. Certiorari denied. *David Kaplan* for petitioner. *John B. Breckinridge*, Attorney General of Kentucky, and *James H. Barr*, Assistant Attorney General, for respondent. Reported below: 435 S. W. 2d 771.

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No. 715, Misc. *ARGO v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. *MacDonald Gallion*, Attorney General of Alabama, and *John C. Tyson III*, Assistant Attorney General, for respondent.

No. 793, Misc. *INGENITO v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. *A. Morton Shapiro* for respondent.

No. 797, Misc. *BUICK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 396 F. 2d 912.

No. 801, Misc. *CORBBINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Roger A. Pauley* for the United States. Reported below: 397 F. 2d 790.

No. 812, Misc. *HARLING v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 130 U. S. App. D. C. 327, 401 F. 2d 392.

No. 847, Misc. *BOSTICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 400 F. 2d 449.

No. 859, Misc. *MCDOWELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

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No. 939, Misc. O'SHEA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *William P. Homans, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 78.

No. 946, Misc. CHUNING *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. *Robert C. Londerholm*, Attorney General of Kansas, and *Edward G. Collister, Jr.*, Assistant Attorney General, for respondent. Reported below: 201 Kan. 784, 443 P. 2d 248.

No. 953, Misc. LANGLEY *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 156 Conn. 598, 244 A. 2d 366.

No. 967, Misc. WILSON ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 398 F. 2d 331.

No. 985, Misc. WILKES *v.* LAVALLEE, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 987, Misc. GIBSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *James R. Willis* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Marshall Tamor Golding* for the United States.

No. 992, Misc. KROLL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 923.

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No. 971, Misc. *LYNCH v. LANDY, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, UNITED STATES DEPARTMENT OF LABOR, ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for respondents Landy et al. Reported below: 396 F. 2d 440.

No. 997, Misc. *RAMOS v. NEW JERSEY.* Sup. Ct. N. J. Certiorari denied.

No. 1006, Misc. *SPENCER v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1022, Misc. *HORTON v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 1023, Misc. *THOMPSON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1026, Misc. *DuVALL v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 262 Cal. App. 2d 417, 68 Cal. Rptr. 708.

No. 1030, Misc. *BEVERLY v. NELSON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 1034, Misc. *PALMER v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 214 So. 2d 661.

No. 1052, Misc. *BOYD v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 1053, Misc. *SMITH v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 40 Ill. 2d 290, 239 N. E. 2d 782.

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No. 1054, Misc. *FONSECA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 1060, Misc. *BOSTICK v. CRAVEN, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 1070, Misc. *WALKER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1079, Misc. *SMITH v. MARESCA, UNITED STATES MARSHAL, ET AL.* C. A. 2d Cir. Certiorari denied. *Frederic A. Johnson* and *Rudolph Lion Zalowitz* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for respondents.

No. 571, Misc. *FITZPATRICK v. PATTERSON, WARDEN*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Duke W. Dunbar*, Attorney General of Colorado, and *James F. Pamp*, Assistant Attorney General, for respondent.

No. 781, Misc. *NELLOMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Howard Moore, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 399 F. 2d 295.

No. 829, Misc. *SHEPTIN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *P. D. Thomson* for petitioner. *Ellen J. Morphonios* for respondent.

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No. 1061, Misc. STUBBLEFIELD *v.* BETO, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 399 F. 2d 424.

No. 1088, Misc. TAYLOR *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court. *C. H. Erskine Smith* for petitioner.

Rehearing Denied.

No. 89, Misc. DVORSKY *v.* UNITED STATES, *ante*, p. 983; and

No. 723, Misc. POSTON *v.* UNITED STATES ET AL., *ante*, p. 946. Motions for leave to file petitions for rehearing denied.

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Miscellaneous Orders.

No. 1635, Misc. MALAGON-RAMIREZ *v.* UNITED STATES. C. A. 9th Cir. Treating the papers in this case as a petition for a writ of certiorari and as a motion of counsel to be relieved from perfecting and prosecuting the petition, we take no present action on the petition and refer the motion to the Court of Appeals for the Ninth Circuit for consideration and action in the light of what petitioner's counsel refers to as paragraph 4 (c) of the "provisions for the representation on appeal of defendants financially unable to obtain representation, adopted by the Judicial Council of the Ninth Circuit, pursuant to the provisions of the Criminal Justice Act of 1964," which is said to require counsel appointed in the Court of Appeals to file a petition for certiorari "if requested to do so by the defendant." *J. Perry Langford* for petitioner. Reported below: 404 F. 2d 604.

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No. —. FUKUMOTO *v.* UNITED STATES. C. A. 9th Cir. Application for bail pending appeal presented to MR. JUSTICE BLACK, and by him referred to the Court, denied.

No. 138. POWELL ET AL. *v.* MCCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES, ET AL. C. A. D. C. Cir. Motion of George Meader for leave to file a brief, as *amicus curiae*, granted. *George Meader, pro se*, on the motion. [For earlier orders herein, see, *e. g.*, *ante*, p. 1060.]

No. 413. NORTH CAROLINA ET AL. *v.* PEARCE. C. A. 4th Cir. [Certiorari granted, *ante*, p. 922]; and

No. 418. SIMPSON, WARDEN *v.* RICE. C. A. 5th Cir. [Certiorari granted, *ante*, p. 932.] Motion of American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, granted. *William W. Van Alstyne* and *Melvin L. Wulf* on the motion.

No. 463. NATIONAL LABOR RELATIONS BOARD *v.* WYMAN-GORDON Co. C. A. 1st Cir. [Certiorari granted, *ante*, p. 932.] Motion of respondent to postpone oral argument denied. *Quentin O. Young* on the motion. *Solicitor General Griswold* for petitioner in opposition.

No. 580. SAMUELS ET AL. *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL.; and

No. 813. FERNANDEZ *v.* MACKELL, DISTRICT ATTORNEY OF QUEENS COUNTY, ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, *ante*, p. 975.] Motion of appellee Mackell to require certification of additional record denied. *Thomas J. Mackell, pro se*, on the motion. *Victor Rabinowitz* for appellants in No. 580 in opposition.

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No. 622. *MAXWELL v. BISHOP, PENITENTIARY SUPER-INTENDENT*. C. A. 8th Cir. [Certiorari granted, *ante*, p. 997.] Motion of the State of California to remove case from summary calendar granted. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *Robert R. Granucci*, Deputy Attorney General, on the motion.

No. 663. *TRAYNOR ET AL., DEPUTY COMMISSIONERS v. JOHNSON ET AL.* C. A. 4th Cir. [Certiorari granted, *ante*, p. 976.] Request of petitioners for additional time for oral argument granted and 20 additional minutes allotted for that purpose. Respondents likewise allotted 20 additional minutes for oral argument.

No. 894. *WEITZEN ET AL. v. HEIT ET AL.* C. A. 2d Cir. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 269, Misc. *IN RE DISBARMENT OF ROTHBARD*. It having been reported to the Court that Sol Rothbard of Washington, District of Columbia, has been disbarred from the practice of law by the United States Court of Appeals for the District of Columbia Circuit, duly entered on the 18th day of April, 1968, and this Court by order of May 20, 1968 [391 U. S. 911], having suspended the said Sol Rothbard from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

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

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No. 750. HARRINGTON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. [Certiorari granted, *ante*, p. 949.] Motion of petitioner for appointment of counsel granted. It is ordered that *Roger S. Hanson, Esquire*, of Woodland Hills, California, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 993, Misc. IN RE DISBARMENT OF LICHOTA. Edith Fischer Lichota, of Twinsburg, Ohio, having resigned as a member of the Bar of this Court, it is ordered that her name be stricken from the roll of attorneys admitted to practice in this Court. The rule to show cause heretofore issued [*ante*, p. 812] is discharged.

No. 883, Misc. BISHOP *v.* CICCONE, WARDEN;

No. 1001, Misc. PETERSON *v.* SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT;

No. 1175, Misc. SMITH *v.* ROGERS, STATE HOSPITAL SUPERINTENDENT;

No. 1181, Misc. WOOD *v.* TURNER, WARDEN;

No. 1188, Misc. WILLIAMS *v.* CALIFORNIA CONSERVATION CENTER SUPERINTENDENT;

No. 1192, Misc. FURTAK *v.* MANCUSI, WARDEN;

No. 1208, Misc. VINSON *v.* EYMAN, WARDEN, ET AL.;

No. 1260, Misc. McMAHON *v.* FIELD, MEN'S COLONY SUPERINTENDENT;

No. 1295, Misc. RABON *v.* EYMAN, WARDEN, ET AL.;

No. 1296, Misc. JONES *v.* TURNER, WARDEN;

No. 1312, Misc. HUNT *v.* CRAVEN, WARDEN;

No. 1322, Misc. BOONE *v.* FITZBERGER, WARDEN;

No. 1325, Misc. PEARSON *v.* ADULT PAROLE AUTHORITY OF OHIO ET AL.;

No. 1332, Misc. McGURRIN *v.* SHOVLIN, STATE HOSPITAL SUPERINTENDENT; and

No. 1399, Misc. SMITH *v.* NELSON, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 1284, Misc. GARRETT ET AL. *v.* UNITED STATES. Motion for leave to file petition for writ of habeas corpus denied. *Joe Tonahill* and *Morris Lavine* on the motion.

No. 1251, Misc. GARNER *v.* NEW YORK. Motion for leave to file petition for writ of habeas corpus and other relief denied.

No. 1094, Misc. BURKHART *v.* UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied. *Solicitor General Griswold* for the United States in opposition.

No. 1157, Misc. BELCHER *v.* HALLOWS, CHIEF JUSTICE, SUPREME COURT OF WISCONSIN, ET AL. Motion for leave to file petition for writ of mandamus denied.

No. 1187, Misc. MCKINNEY *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

Probable Jurisdiction Noted.

No. 662. DEBACKER *v.* BRAINARD, SHERIFF. Appeal from Sup. Ct. Neb. Probable jurisdiction noted. *William G. Line* and *John F. Kerrigan* for appellant. *Melvin Kent Kammerlohr*, Assistant Attorney General of Nebraska, for appellee. Reported below: 183 Neb. 461, 161 N. W. 2d 508.

No. 829. DUTTON, WARDEN *v.* EVANS. Appeal from C. A. 5th Cir. Probable jurisdiction noted. *Arthur K. Bolton*, Attorney General of Georgia, and *Alfred L. Evans, Jr.*, *Marion O. Gordon*, and *Mathew Robins*, Assistant Attorneys General, for appellant. *Robert B. Thompson* for appellee. Reported below: 400 F. 2d 826.

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No. 899. UNITED STATES *v.* INTERSTATE COMMERCE COMMISSION ET AL.;

No. 942. BRUNDAGE ET AL. *v.* UNITED STATES ET AL.;

No. 999. CITY OF AUBURN *v.* UNITED STATES ET AL.;
and

No. 1003. LIVINGSTON ANTI-MERGER COMMITTEE *v.* INTERSTATE COMMERCE COMMISSION ET AL. Appeals from D. C. D. C. Probable jurisdiction noted. Cases consolidated and a total of four hours allotted for oral argument for these appeals and any other appeals taken from the same judgment as to which jurisdiction may hereafter be noted. MR. JUSTICE FORTAS took no part in the consideration or decision of this matter. *Solicitor General Griswold, Assistant Attorney General Zimmerman, Deputy Solicitor General Springer, and Howard E. Shapiro* for the United States, appellant, in No. 899; *Louis B. Dailey and Harry Tyson Carter* for appellants Brundage et al. in No. 942; *Robert L. Wald and Joel E. Hoffman* for appellant in No. 999; and *Valentine B. Deale* for appellant in No. 1003. *Robert W. Ginnane, Fritz R. Kahn, and Jerome Nelson* for appellee Interstate Commerce Commission in all four cases; *Alan F. Wohlstetter* for appellees 230 Pacific Northwest Shippers in No. 899; *Robert Y. Thornton, Attorney General of Oregon, and Richard W. Sabin* for appellee Public Utility Commissioner in No. 899; *Hugh B. Cox, Ray Garrett, D. Robert Thomas, Lee B. McTurnan, Anthony Kane, Louis E. Torinus, Earl F. Requa, Frank S. Farrell, Eldon Martin, and Richard J. Flynn* for appellees Great Northern Railway Co. et al. in all four cases; and *Edwin O. Schiewe, Raymond K. Merrill, Thomas H. Ploss, and Edward H. Foley* for appellee Chicago, Milwaukee, St. Paul & Pacific Railroad Co. in No. 899. [For earlier order herein, see *ante*, p. 994, *sub nom. Great Northern Railway Merger Case.*]

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No. 842. *TURNER ET AL. v. FOCHE ET AL.* Appeal from D. C. S. D. Ga. Probable jurisdiction noted. *Jack Greenberg, Michael Meltsner, and Howard Moore, Jr.*, for appellants. *Charles J. Bloch and Wilbur D. Owens, Jr.*, for Fouche et al., and *Arthur K. Bolton*, Attorney General, and *Alfred L. Evans, Jr.*, and *J. Lee Perry*, Assistant Attorneys General, for the State of Georgia, appellees. Reported below: 290 F. Supp. 648.

No. 921. *BROCKINGTON v. RHODES, GOVERNOR OF OHIO, ET AL.* Appeal from Sup. Ct. Ohio. Probable jurisdiction noted. *Ralph Rudd* for appellant. *Paul W. Brown*, Attorney General of Ohio, *Charles S. Lopeman*, First Assistant Attorney General, and *Julius J. Nemeth*, Assistant Attorney General, for Rhodes et al., and *John T. Corrigan* and *John L. Dowling* for Cipollone et al., appellees.

No. 828, Misc. *CAVITT v. NEBRASKA.* Appeal from Sup. Ct. Neb. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case transferred to appellate docket. *Richard A. Huebner* for appellant. *Clarence A. H. Meyer*, Attorney General of Nebraska, and *Melvin Kent Kammerlohr*, Assistant Attorney General, for appellee. Reported below: 182 Neb. 712, 157 N. W. 2d 171; 183 Neb. 243, 159 N. W. 2d 566.

Certiorari Granted. (See also No. 91, *ante*, p. 527; No. 57, Misc., *ante*, p. 533; No. 81, Misc., *ante*, p. 531; No. 110, Misc., *ante*, p. 533; and No. 153, Misc., *ante*, p. 532.)

No. 130. *SNIADACH v. FAMILY FINANCE CORPORATION OF BAY VIEW ET AL.* Sup. Ct. Wis. *Certiorari* granted. *Jack Greenberg, James M. Nabrit III, Leroy D. Clark, and William F. Young, Jr.*, for petitioner. *Byron E. Kopp* for respondent Family Finance Corp. of Bay View. Reported below: 37 Wis. 2d 163, 154 N. W. 2d 259.

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No. 934. *BRYSON v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. *Richard Gladstein* and *Norman Leonard* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Yeagley*, *Kevin T. Maroney*, and *Lee B. Anderson* for the United States. Reported below: 403 F. 2d 340.

No. 777. *FIRST NATIONAL BANK IN PLANT CITY v. DICKINSON, COMPTROLLER OF FLORIDA, ET AL.*; and

No. 932. *CAMP, COMPTROLLER OF THE CURRENCY v. DICKINSON, COMPTROLLER OF FLORIDA, ET AL.* C. A. 5th Cir. Motion of First National Bank of Cornelia, Georgia, et al. for leave to file a brief, as *amici curiae*, granted. Petitions for writs of certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. MR. JUSTICE FORTAS took no part in the consideration or decision of this motion and these petitions. *Robert S. Edwards* for petitioner in No. 777, and *Solicitor General Griswold*, *Assistant Attorney General Weisl*, *John C. Eldridge*, and *Robert E. Kopp* for petitioner in No. 932. *Wm. Reece Smith, Jr.*, and *V. Carroll Webb* for respondents in both cases. *E. Barrett Prettyman, Jr.*, on the motion in both cases in support of the petitions. Reported below: 400 F. 2d 548.

No. 409, Misc. *WADE v. WILSON, WARDEN, ET AL.* C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case transferred to appellate docket. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris*, Assistant Attorney General, and *Karl S. Mayer*, Deputy Attorney General, for respondents. Reported below: 390 F. 2d 632.

Certiorari Denied. (See also No. 431, *ante*, p. 528; No. 632, *ante*, p. 529; and No. 859, *ante*, p. 527.)

No. 753. *PORTER v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. *Betty M. Sloan* for petitioner. Reported below: 251 S. C. 393, 162 S. E. 2d 843.

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No. 77. *HOLLAND ET AL. v. LUCAS COUNTY BOARD OF ELECTIONS ET AL.* Sup. Ct. Ohio. Certiorari denied. *Robert L. Carter* for petitioners. *John A. DeVictor, Jr.*, for respondents.

No. 262. *NAPLES v. MAXWELL, WARDEN.* C. A. 6th Cir. Certiorari denied. *Dan W. Duffy* for petitioner. *William B. Saxbe*, Attorney General of Ohio, and *David L. Kessler* and *Leo J. Conway*, Assistant Attorneys General, for respondent. Reported below: 393 F. 2d 615.

No. 372. *CALIFORNIA v. SESSLIN.* Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Daniel J. Kremer*, Deputy Attorney General, for petitioner. Reported below: 68 Cal. 2d 418, 439 P. 2d 321.

No. 432. *PEREZ v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Max Cohen* for petitioner. *Solicitor General Griswold*, Assistant Attorney General *Vinson*, and *Philip R. Monahan* for the United States. Reported below: 398 F. 2d 658.

No. 562. *BENSON v. CARTER, PROBATION OFFICER, ET AL.* C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Evelle J. Younger* for respondents. Reported below: 396 F. 2d 319.

No. 835. *D. H. OVERMYER WAREHOUSE CO., INC., ET AL. v. FLORIDA STEEL CORP.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Cotton Howell* and *Russell Morton Brown* for petitioners. *Robert C. Ward* for respondent.

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No. 650. *MARTIN v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *W. Walters Miller* for petitioner. *Paul Klasen* for respondent. Reported below: 73 Wash. 2d 616, 440 P. 2d 429.

No. 673. *BROCKER v. BROCKER*. Sup. Ct. Pa. Certiorari denied. *Armand I. Robinson* for petitioner. *John Murrin* for respondent. Reported below: 429 Pa. 513, 241 A. 2d 336.

No. 778. *KENT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Julius L. Sherwin* and *Theodore R. Sherwin* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States. Reported below: 397 F. 2d 446.

No. 783. *D. C. TRANSIT SYSTEM, INC. v. WILLIAMS ET AL.* C. A. D. C. Cir. Certiorari denied. *Harvey M. Spear*, *Leon G. R. Spoliansky*, and *Edmund L. Jones* for petitioner. *Leonard N. Bebhick*, *pro se*, and for *Williams et al.*, and *Russell W. Cunningham* for Washington Metropolitan Area Transit Commission, respondents. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 824. *LYONS ET AL. v. DAVOREN, SECRETARY OF STATE OF MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. *Elliot L. Richardson*, Attorney General of Massachusetts, *pro se*, *Alan J. Dimond*, Assistant Attorney General, and *Mark L. Cohen*, Deputy Assistant Attorney General, for respondents. Reported below: 402 F. 2d 890.

No. 826. *MARIANI v. FOLEY*, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied. *Leonard Litz* for petitioner. *Solicitor General Griswold* for respondent.

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No. 827. *PINES v. ZEMURRAY ET AL.* C. A. 5th Cir. Certiorari denied. *Jacob Rassner* for petitioner. Reported below: 397 F. 2d 810.

No. 828. *STERNBACK v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. *Charles A. Bellows* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 402 F. 2d 353.

No. 833. *LOKER v. MARYLAND.* Ct. App. Md. Certiorari denied. *Frederick Bernays Wiener* for petitioner. Reported below: 250 Md. 677, 245 A. 2d 814.

No. 840. *HECHT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. *Frederick Klaessig* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 843. *LEACH v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *W. S. Moore* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 402 F. 2d 268.

No. 845. *SCOTT v. ALASKA.* Sup. Ct. Alaska. Certiorari denied. *Joseph H. Shortell* for petitioner. Reported below: 445 P. 2d 39.

No. 847. *LANDWER v. VILLAGE OF NORTH BARRINGTON.* App. Ct. Ill., 2d Dist. Certiorari denied. *Eva Schwartzman* for petitioner. *Willard L. King and Gerald C. Snyder* for respondent. Reported below: 94 Ill. App. 2d 265, 237 N. E. 2d 350.

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No. 848. *HALL ET UX. v. BLEISCH ET UX.* C. A. 5th Cir. Certiorari denied. *Royal H. Brin, Jr.*, for petitioners. Reported below: 400 F. 2d 896.

No. 850. *FUNSETH v. GREAT NORTHERN RAILWAY Co.* C. A. 9th Cir. Certiorari denied. *Carlton R. Reiter* for petitioner. *Anthony Kane* and *Woodrow L. Taylor* for respondent. Reported below: 399 F. 2d 918.

No. 855. *ULLMAN ET AL. v. GRAINGER.* C. A. 9th Cir. Certiorari denied. *John N. Frolich* for petitioners. *Arnold M. Quittner* for respondent. Reported below: 396 F. 2d 635.

No. 856. *EXCHANGE NATIONAL BANK OF CHICAGO v. BONHIVER, RECEIVER, ET AL.* C. A. 8th Cir. Certiorari denied. *Edgar Bernhard* for petitioner. *J. Neil Morton* for respondent Bonhiver.

No. 858. *MOORE, DBA MOORE'S BARBECUE RESTAURANT v. WOOTEN ET AL.* C. A. 4th Cir. Certiorari denied. *Douglas P. Connor* for petitioner. Reported below: 400 F. 2d 239.

No. 860. *LEWRON TELEVISION, INC. v. D. H. OVERMYER LEASING Co., INC.* C. A. 4th Cir. Certiorari denied. *Edward L. Blanton, Jr.*, for petitioner. *Russell Morton Brown* for respondent. Reported below: 401 F. 2d 689.

No. 863. *RABY v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. *Leo E. Holt* for petitioner. *Elmer C. Kissane* for respondent. Reported below: 40 Ill. 2d 392, 240 N. E. 2d 595.

No. 866. *BRUNWASSER v. SUAVE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 400 F. 2d 600.

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No. 864. CITY OF HIGHLAND PARK *v.* FIORE ET UX. App. Ct. Ill., 2d Dist. Certiorari denied. *Samuel T. Lawton, Jr.*, for petitioner. Reported below: 93 Ill. App. 2d 24, 235 N. E. 2d 23.

No. 865. BYCZYNSKI ET UX. *v.* NEW YORK CENTRAL DEVELOPMENT CORP. ET AL. App. Ct. Ill., 3d Dist. Certiorari denied. *John A. Berry* and *John E. Cassidy* for petitioners. *D. Robert Thomas* for respondents. Reported below: 95 Ill. App. 2d 474, 238 N. E. 2d 414.

No. 867. SCHERER *v.* MORROW. C. A. 7th Cir. Certiorari denied. *Julius L. Sherwin* and *Theodore R. Sherwin* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Ruckelshaus*, and *Alan S. Rosenthal* for respondent. Reported below: 401 F. 2d 204.

No. 868. SHOFFEITT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Robert B. Thompson* for petitioner. *Solicitor General Griswold*, *Acting Assistant Attorney General Kossack*, and *Beatrice Rosenberg* for the United States. Reported below: 403 F. 2d 991.

No. 869. F. J. BUCKNER CORP., DBA UNITED ENGINEERING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *George R. Richter, Jr.*, for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 401 F. 2d 910.

No. 873. BEAL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *William H. Beck* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Joseph M. Howard*, and *John M. Brant* for the United States. Reported below: 404 F. 2d 58.

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No. 871. GREGORY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. *Richard F. Watt* and *John M. Bowlus* for petitioner. *Elmer C. Kissane* for respondent. Reported below: 95 Ill. App. 2d 396, 237 N. E. 2d 720.

No. 872. DAVIS *v.* UNITED FRUIT CO. C. A. 2d Cir. Certiorari denied. *James David Auslander* for petitioner. *William M. Kimball* for respondent. Reported below: 402 F. 2d 328.

No. 877. HUGHES *v.* GENGLER. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 404 F. 2d 229.

No. 879. HENZEL *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Daniel A. Rezneck* for petitioner. Reported below: 212 So. 2d 92.

No. 881. DAYTON FOOD FAIR STORES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *Jerome Goldman* for petitioner. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, and *Norton J. Come* for respondent. Reported below: 399 F. 2d 153.

No. 882. REDDY *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Eugene X. Giroux* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Jerome M. Feit* for the United States. Reported below: 403 F. 2d 26.

No. 890. KING *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. *William Earl Badgett* for petitioner. *Thomas E. Fox*, Deputy Attorney General of Tennessee, and *Lance D. Evans*, Assistant Attorney General, for respondent.

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No. 884. *SHAFTER ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jacob Rassner* for petitioners. *Solicitor General Griswold, Acting Assistant Attorney General Eardley, Morton Hollander, and Bruno A. Ristau* for the United States. Reported below: 400 F. 2d 584.

No. 885. *HOLT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Herbert K. Hyde* for petitioner. *Solicitor General Griswold, Acting Assistant Attorney General Kossack, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 404 F. 2d 914.

No. 886. *UNITED JEWISH APPEAL OF GREATER NEW YORK, INC., ET AL. v. SCHAEFLER, EXECUTOR, ET AL.* Ct. App. N. Y. Certiorari denied. *Joseph T. Arenson* for petitioners. *Richard Henry Pershan* for respondents *Schaeffler et al.* Reported below: 22 N. Y. 2d 456, 239 N. E. 2d 875.

No. 891. *COHEN ET UX. v. BREDEHOEFT ET AL.* C. A. 5th Cir. Certiorari denied. *Presley E. Werlein, Jr., and Charles A. Easterling* for petitioners. *Edward A. Cazares* for respondents. Reported below: 402 F. 2d 61.

No. 903. *BAILEY'S BAKERY, LTD. v. CONTINENTAL BAKING CO. ET AL.* C. A. 9th Cir. Certiorari denied. *Maxwell Keith, Shiro Kashiwa, and David Berger* for petitioner. *John H. Schafer and Herbert Dym* for respondents. Reported below: 401 F. 2d 182.

No. 909. *HAHN v. KENTUCKY ALCOHOLIC BEVERAGE CONTROL BOARD ET AL.* Ct. App. Ky. Certiorari denied. *William F. Hopkins* for petitioner. *Chat Chancellor* for respondents. Reported below: 431 S. W. 2d 501.

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No. 905. *MORRISON v. RARICK*. Sup. Ct. La. Certiorari denied. *Bascom D. Talley, Jr.*, for petitioner. Reported below: 252 La. 872, 214 So. 2d 545.

No. 907. *PIONEER MOTOR SERVICE, INC. v. PIONEER TRANSFER & WAREHOUSE CO. ET AL.* C. A. 7th Cir. Certiorari denied. *Irving Goodman* for petitioner. *Roy Van Der Kamp* for respondents. Reported below: 402 F. 2d 438.

No. 910. *DRENT ET AL. v. MCKEAN ET AL.* C. A. 5th Cir. Certiorari denied. *Bernard D. Fischman* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Ruckelshaus*, *Morton Hollander*, and *Robert E. Kopp* for respondents.

No. 915. *COLSON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. *Gerald F. White* for petitioner. *Robert Morgan*, Attorney General of North Carolina, and *Bernard A. Harrell*, Assistant Attorney General, for respondent. Reported below: 274 N. C. 295, 163 S. E. 2d 376.

No. 918. *HARLEYSVILLE MUTUAL INSURANCE CO. v. JOHNSON*. Super. Ct. Pa. Certiorari denied. *Paul A. Lockrey* for petitioner. Reported below: 212 Pa. Super. 89, 239 A. 2d 828.

No. 919. *COBB ET AL. v. JOHNS ET AL.* C. A. D. C. Cir. Certiorari denied. *John M. Bixler*, *James F. Gordy*, and *James A. Crooks* for petitioners. *William J. Grove* and *John F. Doyle* for respondents. Reported below: 131 U. S. App. D. C. 85, 402 F. 2d 636.

No. 930. *ELLENBURG v. SHEPHERD ET AL.* C. A. 6th Cir. Certiorari denied. *Philip M. Carden* for petitioner. *Herbert R. Silvers* for respondents.

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No. 920. THOMAS, ADMINISTRATRIX, ET AL. *v.* DISTRICT OF COLUMBIA. C. A. D. C. Cir. Certiorari denied. *Henry Lincoln Johnson, Jr.*, for Thomas, and *Philip J. Lesser* and *I. Irwin Bolotin* for Wynn, petitioners. *Charles T. Duncan, Hubert B. Pair, Richard W. Barton*, and *John R. Hess* for respondent. Reported below: 130 U. S. App. D. C. 365, 401 F. 2d 430.

No. 923. CONSUMERS PRODUCTS OF AMERICA, INC., ET AL. *v.* FEDERAL TRADE COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. *Theodore R. Mann* for petitioners. *Solicitor General Griswold, Assistant Attorney General McLaren, Howard E. Shapiro, James McI. Henderson*, and *Charles C. Moore, Jr.*, for respondent Federal Trade Commission. Reported below: 400 F. 2d 930.

No. 926. WRIGHT ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Joseph H. Davis* for petitioners. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 403 F. 2d 43.

No. 936. FESTA *v.* CITY OF PORTSMOUTH. Sup. Ct. App. Va. Certiorari denied. *Willard J. Moody* for petitioner. *M. A. Korb, Jr.*, for respondent.

No. 943. LOUISVILLE & JEFFERSON COUNTY AIR BOARD *v.* SHIPP ET UX. Ct. App. Ky. Certiorari denied. *James W. Stites* for petitioner. *J. W. Jones* for respondents. Reported below: 431 S. W. 2d 867.

No. 966. CORRIGAN, ADMINISTRATOR *v.* E. W. BOHREN TRANSPORT CO. C. A. 6th Cir. Certiorari denied. *C. D. Lambros* and *Anthony O. Calabrese, Jr.*, for petitioner. *S. Burns Weston* for respondent. Reported below: 408 F. 2d 301.

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No. 963. *KATZ v. STATE BOARD OF MEDICAL EXAMINERS*. Sup. Ct. Fla. Certiorari denied. *Milton E. Grusmark* for petitioner. *William J. Roberts* for respondent. Reported below: 213 So. 2d 714.

No. 344. *BROWN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Carl E. F. Dally* for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, for respondent. Reported below: 437 S. W. 2d 828.

No. 587. *SHELTON v. STYNCHCOMBE, SHERIFF*. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Pierre Howard* and *James L. Mayson* for petitioner. *Lewis R. Slaton* and *Carter Goode* for respondent. Reported below: 224 Ga. 451, 162 S. E. 2d 426.

No. 822. *BOYLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John M. Brant* for the United States. Reported below: 395 F. 2d 413.

No. 922. *BURTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *J. B. Tietz* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Marshall Tamor Golding* for the United States. Reported below: 402 F. 2d 536.

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No. 651. CHRISTOFFERSON ET AL. v. WASHINGTON. Sup. Ct. Wash. Certiorari denied. *Francis Hoague* for petitioners. *James E. Kennedy* for respondent. Reported below: 74 Wash. 2d 154, 443 P. 2d 815.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissenting.

The Fourth Amendment, made applicable to the States by the Fourteenth Amendment, commands that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation." The question presented by this case is whether the Constitution requires that, at or before the time a warrant issues, the judicial officer make a permanent record of the evidentiary basis for its issuance. In this case the entire record of the proceeding on the application for the warrant consisted of the complaint for the warrant, a copy of the warrant, and the return on the warrant. The complaint, considered alone, failed to state sufficient probable cause for the warrant and, on that ground, petitioner made a motion to suppress the evidence seized on its authority. The State resisted the motion on the basis of affidavits of the judge who issued the warrant, of the prosecuting attorney who applied for it, and of two police officers, purporting to set forth what had transpired at the hearing on the application. The finding of probable cause was sustained on the basis that the affidavits supplied the evidentiary basis not provided in the complaint. Federal courts have held that this procedure cannot be countenanced under Fed. Rule Crim. Proc. 41 (c), *United States v. Birrell*, 242 F. Supp. 191 (1965); *Rosencranz v. United States*, 356 F. 2d 310 (1966); *United States v. Walters*, 193 F. Supp. 788 (1961); *United States v. Sterling*, 369 F. 2d 799, 802 n. 2 (1966). The substantive right created by the requirement of probable cause is hardly accorded full sweep without an effective procedural means of assuring meaningful review of a deter-

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mination by the issuing magistrate of the existence of probable cause. Reliance on a record prepared after the fact involves a hazard of impairment of that right. It is for this reason that some States have imposed the requirement of a contemporaneous record. Thus, in *Glodowski v. State*, 196 Wis. 265, 271-272, 220 N. W. 227, 230 (1928), the Wisconsin Supreme Court stated:

"It is an anomaly in judicial procedure to attempt to review the judicial act of a magistrate issuing a search warrant upon a record made up wholly or partially by oral testimony taken in the reviewing court long after the search warrant was issued. Judicial action must be reviewed upon the record made at or before the time that the judicial act was performed. The validity of judicial action cannot be made to depend upon the facts recalled by fallible human memory at a time somewhat removed from that when the judicial determination was made. This record of the facts presented to the magistrate need take no particular form. The record may consist of the sworn complaint, of affidavits, or of sworn testimony taken in shorthand and later filed, or of testimony reduced to longhand and filed, or of a combination of all these forms of proof. The form is immaterial. The essential thing is that proof be reduced to permanent form and made a part of the record which may be transmitted to the reviewing court."

It seems to me that there is a substantial constitutional issue presented by the question tendered by petitioner.

I would therefore grant the petition.

No. 500, Misc. *METZE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Eleanor Jackson Piel* for petitioner. *Elliott Golden* and *Aaron Nussbaum* for respondent.

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No. 931. CHICAGO, BURLINGTON & QUINCY RAILROAD Co. v. STATE TAX COMMISSION OF MISSOURI ET AL. Sup. Ct. Mo. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *William H. Allen* for petitioner. *John C. Danforth*, Attorney General of Missouri, and *Louis C. DeFeo, Jr.*, and *Walter W. Nowotny, Jr.*, Assistant Attorneys General, for respondents. Reported below: 436 S. W. 2d 650.

No. 626. LYNCH, ATTORNEY GENERAL OF CALIFORNIA, ET AL. v. GILMORE ET AL. C. A. 9th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *pro se*, and *Robert R. Granucci* and *George R. Nock*, Deputy Attorneys General, for petitioners. Reported below: 400 F. 2d 228.

No. 744. BETO, CORRECTIONS DIRECTOR v. SPENCER. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *A. J. Carubbi, Jr.*, Executive Assistant Attorney General, and *Robert C. Flowers*, *Jim Vollers*, and *Howard M. Fender*, Assistant Attorneys General, for petitioner. *Anthony G. Amsterdam*, *Michael D. Matheny*, and *Jack Greenberg* for respondent. Reported below: 398 F. 2d 500.

No. 836. POST ET AL. v. UNITED STATES. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Edward Bennett Williams* and *Raymond W. Bergan* for Post et al., and *Thomas R. Dyson, Jr.*, for Pickett, petitioners. *Solicitor General Griswold* for the United States. Reported below: — U. S. App. D. C. —, 407 F. 2d 319.

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No. 862. PEYTON, PENITENTIARY SUPERINTENDENT *v.* GILLESPIE. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. *Robert Y. Button*, Attorney General of Virginia, and *Reno S. Harp III*, Assistant Attorney General, for petitioner. *Henry H. Tiffany* for respondent. Reported below: 399 F. 2d 683.

No. 797. SLOANE ET UX. *v.* FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and petition. *Paul E. Sloane*, *pro se*, and for other petitioner. *Solicitor General Griswold*, *Acting Assistant Attorney General Eardley*, and *Alan S. Rosenthal* for respondent. Reported below: 396 F. 2d 641.

No. 832. WESTERN SEED PRODUCTION CORP. *v.* CAMPBELL, JUDGE. Sup. Ct. Ore. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE are of the opinion that certiorari should be granted. *Robert A. Leedy* for petitioner. *E. Frederick Velikanje* for respondent. Reported below: 250 Ore. 262, 442 P. 2d 215.

No. 888. PACIFIC FAR EAST LINE, INC., ET AL. *v.* PACIFIC SEAFARERS, INC., ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Frederick M. Rowe*, *Edward D. Ransom*, and *R. Frederic Fisher* for petitioners. *Robert E. Sher*, *Abraham J. Harris*, and *Marvin J. Coles* for respondents. Reported below: 131 U. S. App. D. C. 226, 404 F. 2d 804.

No. 506, Misc. RAINES *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

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No. 912. IMPERIAL TOBACCO CO. (OF GREAT BRITAIN AND IRELAND), LTD. *v.* PHILIP MORRIS INC. C. A. 4th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *W. Brown Morton, Jr.*, for petitioner. *Leslie D. Taggart* and *Lewis T. Booker* for respondent. Reported below: 401 F. 2d 179.

No. 849. INGALLS ET UX. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Frank Bainbridge* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Rogovin*, *Meyer Rothwacks*, and *Louis M. Kauder* for the United States. Reported below: 399 F. 2d 143.

No. 853. BATSELL *v.* UNITED STATES. C. A. 8th Cir. Motion to dispense with printing petition granted. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 403 F. 2d 395.

No. 875. ARMEMENT DEPPE, S. A., ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. *Leonard G. James* and *F. Conger Fawcett* for petitioners. *Solicitor General Griswold*, *Acting Assistant Attorney General Eardley*, and *John C. Eldridge* for the United States. Reported below: 399 F. 2d 794.

No. 284, Misc. ORR *v.* NEW YORK. C. A. 2d Cir. Certiorari denied. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Lillian Z. Cohen*, Assistant Attorney General, for respondent.

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No. 927. GRANELLO, AKA BURNS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Irving Anolik* and *Michael P. Dizenzo* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John P. Burke* for the United States. Reported below: 403 F. 2d 337.

No. 941. CROSS ET AL. *v.* THE KAIMANA ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE FORTAS are of the opinion that certiorari should be granted. *Richard Ernst* and *John Paul Jennings* for petitioners. *John Hays* for Pacific Far East Line, Inc., on behalf of S. S. *Kaimana et al.*, and *Solicitor General Griswold* for the United States on behalf of S. S. *Coast Progress*, respondents. Reported below: 401 F. 2d 182.

No. 490, Misc. SOYKA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 394 F. 2d 443 and 452.

No. 507, Misc. TOLSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 553, Misc. ROACH *v.* MAULDIN, SHERIFF, ET AL. C. A. 5th Cir. Certiorari denied. *L. Hugh Kemp* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *Marion O. Gordon* and *Mathew Robins*, Assistant Attorneys General, for respondents. Reported below: 391 F. 2d 907.

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No. 625, Misc. *OTERO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. *John W. Watson III* for petitioner. Reported below: 211 So. 2d 214.

No. 629, Misc. *DAVIS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Emmett Colvin, Jr.*, for petitioner. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *Hawthorne Phillips*, Executive Assistant Attorney General, *Robert C. Flowers* and *Gilbert J. Pena*, Assistant Attorneys General, and *W. V. Geppert* for respondent. Reported below: 429 S. W. 2d 895.

No. 680, Misc. *VELEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John W. Watson III* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 397 F. 2d 788.

No. 721, Misc. *TENDER ET AL. v. MARYLAND*. Ct. App. Md. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, and *Donald Needle*, Assistant Attorney General, for respondent.

No. 729, Misc. *HUSON v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *Anthony Savage, Jr.*, for petitioner. *James E. Kennedy* for respondent. Reported below: 73 Wash. 2d 660, 440 P. 2d 192.

No. 733, Misc. *OUGHTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 826, Misc. *STIDHAM v. SWENSON, WARDEN*. Sup. Ct. Mo. Certiorari denied. *Norman H. Anderson*, Attorney General of Missouri, and *B. J. Jones*, Assistant Attorney General, for respondent.

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No. 790, Misc. POPE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Ronald L. Gainer* for the United States. Reported below: 398 F. 2d 834.

No. 836, Misc. HULETT *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 840, Misc. MACKLIN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 865, Misc. STEPHENS *v.* CHAIRMAN, U. S. RAILROAD RETIREMENT BOARD, ET AL. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Weisl, and Alan S. Rosenthal* for respondents. Reported below: 395 F. 2d 968.

No. 912, Misc. JACKSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 936, Misc. PASTA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Paul C. Summitt* for the United States.

No. 968, Misc. MAGEE *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Peter Murray and Raymond A. Brown* for petitioner. Reported below: 52 N. J. 352, 245 A. 2d 339.

No. 980, Misc. PARKER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 400 F. 2d 248.

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No. 960, Misc. *DIRRING v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 400 F. 2d 578.

No. 981, Misc. *KAUFMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 393 F. 2d 172.

No. 986, Misc. *HACKER v. DISTRICT COURT OF SEDGWICK COUNTY*. Sup. Ct. Kan. Certiorari denied.

No. 988, Misc. *McKINNEY v. MITCHELL, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Weisl, and Alan S. Rosenthal* for respondents.

No. 991, Misc. *MOORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Kirk M. McAlpin and A. Felton Jenkins, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 399 F. 2d 318.

No. 999, Misc. *DA COSTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Luke McKissack* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Robert G. May-sack* for the United States. Reported below: 397 F. 2d 249.

No. 1024, Misc. *CASTILLO v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

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No. 1010, Misc. *WEEMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 398 F. 2d 274.

No. 1019, Misc. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Paul C. Summitt* for the United States. Reported below: 399 F. 2d 492.

No. 1027, Misc. *GOLDBERG ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *H. Elliot Wales* for Goldberg, and *Gilbert S. Rosenthal* for Teret, petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 401 F. 2d 644.

No. 1033, Misc. *BROWN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 1038, Misc. *CRAWFORD v. ALABAMA*. Ct. App. Ala. Certiorari denied. *W. L. Longshore* for petitioner. *MacDonald Gallion*, Attorney General of Alabama, and *Leslie Hall and Walter S. Turner*, Assistant Attorneys General, for respondent. Reported below: 44 Ala. App. 393, 210 So. 2d 685.

No. 1051, Misc. *MAGUIRE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States. Reported below: 396 F. 2d 327.

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No. 1039, Misc. *NEWFIELD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Robert G. Maysack* for the United States.

No. 1040, Misc. *HORN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1041, Misc. *WALLER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Michael F. Dillon* for respondent.

No. 1042, Misc. *TANKSLEY v. BOWMAN*, U. S. DISTRICT JUDGE, ET AL. C. A. 10th Cir. Certiorari denied.

No. 1043, Misc. *SHARP v. KANSAS ET AL.* Sup. Ct. Kan. Certiorari denied.

No. 1046, Misc. *BANKSTON v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 1050, Misc. *CHASTAIN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 262 Cal. App. 2d 433, 68 Cal. Rptr. 765.

No. 1056, Misc. *NETTLES v. ILLINOIS*. Cir. Ct., Iroquois County, Ill. Certiorari denied.

No. 1057, Misc. *THERIAULT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 401 F. 2d 79.

No. 1059, Misc. *COOK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Robert E. Pembleton* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 877.

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No. 1064, Misc. CLEMMONS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1067, Misc. KNIGHT *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 1068, Misc. HUSKEY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1073, Misc. CANCEL-MIRANDA ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Len W. Holt* for petitioners. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States.

No. 1074, Misc. BROWN *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 1075, Misc. BOGART ET UX. *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. *Peter D. Bogart, pro se*, and for other petitioner.

No. 1076, Misc. TREST *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1077, Misc. MCGURRIN *v.* SHOVLIN, STATE HOSPITAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

No. 1082, Misc. DENNIS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 1087, Misc. DIKOVICS *v.* DISTRICT COURT, JEFFERSON COUNTY, COLORADO, ET AL. C. A. 10th Cir. Certiorari denied.

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No. 1085, Misc. *GATES v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1089, Misc. *WILSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. *Mitchell A. Kramer* for petitioner. Reported below: 431 Pa. 21, 244 A. 2d 734.

No. 1090, Misc. *SALCIDO v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 263 Cal. App. 2d 1, 69 Cal. Rptr. 193.

No. 1091, Misc. *DEARINGER ET UX. v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. *Joseph D. Mladinov* for respondent. Reported below: 73 Wash. 2d 563, 439 P. 2d 971.

No. 1093, Misc. *DEJARNETTE v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 1096, Misc. *WEST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Beatrice Rosenberg* for the United States. Reported below: 399 F. 2d 467.

No. 1098, Misc. *TAYLOR v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. *Fred Blanton, Jr., for petitioner. MacDonald Gallion, Attorney General of Alabama, and David W. Clark and Walter S. Turner, Assistant Attorneys General, for respondent.* Reported below: 282 Ala. 567, 213 So. 2d 566.

No. 1103, Misc. *MADISON v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 281 Minn. 170, 160 N. W. 2d 680.

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No. 1099, Misc. *BATES v. McMANN, WARDEN, ET AL.*
C. A. 2d Cir. Certiorari denied.

No. 1100, Misc. *LAWRENCE v. WAINWRIGHT, COR-*
RECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 1109, Misc. *AREY ET AL. v. BROWN, DIRECTOR,*
VIRGINIA DEPARTMENT OF WELFARE AND INSTITUTIONS.
C. A. 4th Cir. Certiorari denied.

No. 1110, Misc. *CAMPBELL v. MICHIGAN.* Sup. Ct.
Mich. Certiorari denied.

No. 1111, Misc. *McDANIEL v. TEXAS.* C. A. 5th Cir.
Certiorari denied.

No. 1113, Misc. *ROCHA v. UNITED STATES.* C. A. 5th
Cir. Certiorari denied. *Solicitor General Griswold, As-*
stant Attorney General Vinson, Beatrice Rosenberg,
and Robert G. Maysack for the United States. Reported
below: 401 F. 2d 529.

No. 1114, Misc. *BERRY v. NEW YORK.* App. Div.,
Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 1115, Misc. *CARTER v. UNITED STATES.* C. A.
3d Cir. Certiorari denied. *Murray C. Goldman* for
petitioner. *Solicitor General Griswold, Assistant Attor-*
ney General Vinson, Beatrice Rosenberg, and Kirby W.
Patterson for the United States. Reported below: 401
F. 2d 748.

No. 1116, Misc. *WILLIAMS v. FIELD, MEN'S COLONY*
SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1117, Misc. *GILBERT v. LAVALLEE, WARDEN.*
C. A. 2d Cir. Certiorari denied.

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No. 1121, Misc. INGRAM *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1122, Misc. TRIGG *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied.

No. 1123, Misc. LOPEZ *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1124, Misc. PERRY *v.* WADE, DISTRICT ATTORNEY OF DALLAS COUNTY. Ct. Crim. App. Tex. Certiorari denied.

No. 1126, Misc. MORALES *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Julius J. Novack* for petitioner. Reported below: 263 Cal. App. 2d 368, 69 Cal. Rptr. 402.

No. 1127, Misc. MERCER *v.* AMARANDO, CLERK OF QUARTER SESSIONS COURT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 1134, Misc. MARTIN *v.* MARONEY, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 1136, Misc. BERUBE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Jerome M. Feit* for the United States. Reported below: 401 F. 2d 773.

No. 1143, Misc. HOLLAND *v.* SHEEHY, REFORMATORY SUPERINTENDENT, ET AL. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Mervyn Hamburg* for respondents.

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No. 1137, Misc. *GADSON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 211 So. 2d 857.

No. 1139, Misc. *FURTAK v. MANCUSI, WARDEN*. Ct. App. N. Y. Certiorari denied.

No. 1141, Misc. *WILLIAMS v. DUTTON, WARDEN*. C. A. 5th Cir. Certiorari denied. *James W. Dorsey* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, and *Alfred L. Evans, Jr.*, and *Marion O. Gordon*, Assistant Attorneys General, for respondent. Reported below: 400 F. 2d 797.

No. 1142, Misc. *STEVENSON v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 1144, Misc. *LONG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States.

No. 1145, Misc. *KENNETT v. MUNICIPAL COURT, LOS ANGELES JUDICIAL DISTRICT, COUNTY OF LOS ANGELES*. C. A. 9th Cir. Certiorari denied.

No. 1147, Misc. *RAPP v. PAGE, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 1148, Misc. *VAN DUYNE v. YEAGER, PRINCIPAL KEEPER, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 1150, Misc. *MERCURI v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 1154, Misc. *DARBY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 3 Md. App. 407, 239 A. 2d 584.

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No. 1151, Misc. WHITSON *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1152, Misc. POSEY *v.* SOUTH CAROLINA. C. A. 4th Cir. Certiorari denied.

No. 1155, Misc. COVIN *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 1156, Misc. GUNNER *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Frank S. Hogan* and *Michael R. Juviler* for respondent.

No. 1160, Misc. NEWMAN *v.* WARDEN, MARYLAND PENITENTIARY. Ct. Sp. App. Md. Certiorari denied.

No. 1163, Misc. PRETLOW *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied.

No. 1164, Misc. ELLIS ET UX. *v.* HARADA ET UX. Sup. Ct. Hawaii. Certiorari denied.

No. 1165, Misc. DIAMOND *v.* NELSON, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 1166, Misc. KONCZAK *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 1169, Misc. CONOVER *v.* HEROLD, STATE HOSPITAL DIRECTOR. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 1176, Misc. JAIMEZ *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1177, Misc. HANEY *v.* WARDEN, MARYLAND PENITENTIARY. C. A. 4th Cir. Certiorari denied.

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No. 1178, Misc. *MONAHAN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 1180, Misc. *ELKSNIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1182, Misc. *SIMONS v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 22 N. Y. 2d 533, 240 N. E. 2d 22.

No. 1186, Misc. *THWING v. SOUTH DAKOTA*. Cir. Ct. S. D., 4th Jud. Cir. Certiorari denied.

No. 1189, Misc. *GUENTHER v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. *MacDonald Gallion*, Attorney General of Alabama, and *David W. Clark* and *Lloyd G. Hart*, Assistant Attorneys General, for respondent. Reported below: 282 Ala. 620, 213 So. 2d 679.

No. 1191, Misc. *WHITE v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 1194, Misc. *STEBBINS v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL.* C. A. D. C. Cir. Certiorari denied. *Earle K. Shawe* and *Robert E. Anderson* for State Farm Mutual Automobile Insurance Co. et al., and *James F. Bromley* for Keystone Insurance Co. et al., respondents.

No. 1196, Misc. *CHESNUT ET AL. v. UTAH*. Sup. Ct. Utah. Certiorari denied. Reported below: 20 Utah 2d 268, 437 P. 2d 197.

No. 1199, Misc. *MULL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 402 F. 2d 571.

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No. 1197, Misc. BAINES ET AL. *v.* McGRATH, CORRECTION COMMISSIONER. Ct. App. N. Y. Certiorari denied. *William M. Kunstler, Michael Meltsner, and Melvyn Zarr* for petitioners.

No. 1201, Misc. CASIAS ET AL. *v.* COLORADO. C. A. 10th Cir. Certiorari denied. Reported below: 398 F. 2d 486.

No. 1203, Misc. PENNINGTON *v.* GEORGIA. Ct. App. Ga. Certiorari denied. *Albert M. Horn* for petitioner. *Lewis R. Slaton, J. Walter Le Craw, and Carter Goode* for respondent. Reported below: 117 Ga. App. 701, 161 S. E. 2d 327.

No. 1204, Misc. STUBBS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Bruce K. Carpenter* for petitioner.

No. 1205, Misc. WALLACE *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1206, Misc. HUSSAR *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 1210, Misc. CONLON *v.* FITZHARRIS, TRAINING FACILITY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1211, Misc. PORTER *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 201 Kan. 778, 443 P. 2d 360.

No. 1214, Misc. OATIS *v.* NELSON, WARDEN. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 264 Cal. App. 2d 324, 70 Cal. Rptr. 524.

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No. 1213, Misc. SCHLETTE *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1217, Misc. HULL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1219, Misc. BOYNTON *v.* OHIO. Sup. Ct. Ohio. Certiorari denied.

No. 1220, Misc. STANLEY *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1222, Misc. MAJOR *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 354 Mass. 666, 241 N. E. 2d 822.

No. 1223, Misc. KUK *v.* HOCKER, WARDEN. Sup. Ct. Nev. Certiorari denied.

No. 1227, Misc. TANNER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 401 F. 2d 281.

No. 1228, Misc. WILLIAMS *v.* ALABAMA. Sup. Ct. Ala. Certiorari denied.

No. 1229, Misc. SMITH *v.* PATE, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 1234, Misc. STEVENSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Arnold T. Taub* for respondent.

No. 1238, Misc. PHILLIPS *v.* GREENE COUNTY, TENNESSEE. C. A. 6th Cir. Certiorari denied. *James N. Hardin* for respondent.

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No. 589, Misc. SULLIVAN v. VIRGINIA. Sup. Ct. App. Va. Certiorari denied.

MR. JUSTICE WHITE, with whom MR. JUSTICE BRENNAN joins, dissenting.

After denying petitioner's motion to suppress, the trial court below admitted into evidence a tie clasp, keys, radio, and coins which had been searched for and seized in the home of petitioner's mother, where they had been left by petitioner. Although the trial judge found invalid the search warrant under which the police purported to conduct their search, he nevertheless held that these items were admissible against petitioner because his mother had consented to the search and, in the alternative, because petitioner lacked standing to challenge the search and seizure. The first ground advanced by the trial court for denying the suppression motion is appropriate for reconsideration in light of the Court's subsequent decision in *Bumper v. North Carolina*, 391 U. S. 543 (1968). The second ground plainly is inconsistent with the Court's decision in *United States v. Jeffers*, 342 U. S. 48 (1951), where it was held that the Fourth Amendment protects "effects" as well as "houses" and that the defendant "unquestionably had standing to object" to the warrantless seizure of narcotics which he had left in his aunts' hotel room. I would grant certiorari in this case to consider the apparent conflict between the decision below and the decisions of this Court in *Jeffers* and *Bumper*.

No. 1253, Misc. BURKE v. LANGLOIS, WARDEN. Sup. Ct. R. I. Certiorari denied. *Herbert F. De Simone*, Attorney General of Rhode Island, *Donald P. Ryan*, Assistant Attorney General, and *Irving Brodsky* and *Luc R. La Brosse*, Special Assistant Attorneys General, for respondent. Reported below: — R. I. —, 244 A. 2d 593.

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No. 1298, Misc. *DUNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *James F. Hewitt* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Beatrice Rosenberg* for the United States. Reported below: 404 F. 2d 447.

No. 1240, Misc. *DURSO ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *John J. Crown* for petitioner Durso. Reported below: 40 Ill. 2d 242, 239 N. E. 2d 842.

No. 1277, Misc. *MAYOCK v. MARTIN, STATE HOSPITAL SUPERINTENDENT*. Sup. Ct. Conn. Certiorari denied. *Joseph T. Sweeney* for petitioner. Reported below: 157 Conn. 56, 245 A. 2d 574.

No. 590, Misc. *ASHBY v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Robert Y. Button*, Attorney General of Virginia, *R. D. McIlwaine III*, First Assistant Attorney General, and *Charles Shepherd Cox, Jr.*, Assistant Attorney General, for respondent.

No. 1084, Misc. *IRBY ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for the United States.

No. 1212, Misc. *BEARDEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold* for the United States. Reported below: 403 F. 2d 782.

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Rehearing Denied.

No. 14. COMMONWEALTH COATINGS CORP. *v.* CONTINENTAL CASUALTY CO. ET AL., *ante*, p. 145;

No. 17. UNITED STATES *v.* DONRUSS CO., *ante*, p. 297;

No. 451. FORT *v.* ILLINOIS, *ante*, p. 1014;

No. 490. BOYD ET AL. *v.* CLARK, ATTORNEY GENERAL, ET AL., *ante*, p. 316;

No. 572. CLARK, ATTORNEY GENERAL, ET AL. *v.* GABRIEL, *ante*, p. 256;

No. 583. SANNER ET UX. *v.* TRUSTEES OF THE SHEPARD & ENOCH PRATT HOSPITAL, *ante*, p. 982;

No. 648. MARKHAM ADVERTISING CO., INC., ET AL. *v.* WASHINGTON ET AL., *ante*, p. 316;

No. 671. LEONARD, ADMINISTRATRIX *v.* WHARTON, ADMINISTRATOR, *ante*, p. 1028;

No. 733. WILLIAMS ET AL. *v.* VIRGINIA STATE BOARD OF ELECTIONS ET AL., *ante*, p. 320;

No. 734. ALASKA ET AL. *v.* INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 302, AFL-CIO, ET AL., *ante*, p. 405;

No. 737. NAPUE *v.* UNITED STATES, *ante*, p. 1024;

No. 745. HILLIARD *v.* CITY OF GAINESVILLE, *ante*, p. 321;

No. 752. MILTON FRANK ALLEN PUBLICATIONS, INC. *v.* GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC., *ante*, p. 1025;

No. 199, Misc. LEVY ET AL. *v.* MONTGOMERY COUNTY ET AL., *ante*, p. 877;

No. 803, Misc. WEBB *v.* COMSTOCK, CONSERVATION CENTER SUPERINTENDENT, *ante*, p. 1033;

No. 820, Misc. WILLIAMS *v.* UNITED STATES, *ante*, p. 1034;

No. 835, Misc. DOONER *v.* BUCKMAN, STATE HOSPITAL DIRECTOR, *ante*, p. 1033; and

No. 833, Misc. BUMPUS *v.* MASSACHUSETTS, *ante*, p. 1034. Petitions for rehearing denied.

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No. 873, Misc. *WATKINS v. WISCONSIN*, *ante*, p. 1036;

No. 889, Misc. *PAULEKAS v. CLARK, ATTORNEY GENERAL, ET AL.*, *ante*, p. 1037;

No. 961, Misc. *ANDERTEN v. ERICKSON, WARDEN*, *ante*, p. 1041;

No. 1008, Misc. *SCHIAVONI, ADMINISTRATOR v. HONUS WAGNER Co.*, *ante*, p. 1042; and

No. 1047, Misc. *MCNEILL v. STATE USE INDUSTRIES, AUTOMOBILE REGISTRATION PLATES DEPARTMENT*, *ante*, p. 1059. Petitions for rehearing denied.

No. 740, Misc. *BELTOWSKI v. MINNESOTA*, *ante*, pp. 988, 1045. Motion for leave to file second petition for rehearing denied.

No. 798, Misc. *JOHNSON v. UNITED STATES*, *ante*, p. 1059; and

No. 884, Misc. *CACHOIAN v. UNITED STATES*, *ante*, p. 1044. Petitions for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these petitions.

Assignment Orders.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims on February 4, 1969, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Second Circuit beginning February 18, 1969, and ending February 20, 1969, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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FEBRUARY 28, 1969.

Dismissal Under Rule 60.

No. 1343, Misc. *HAVEN v. UNITED STATES*. C. A. 9th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Solicitor General Griswold* for the United States. Reported below: 403 F. 2d 384.

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Miscellaneous Orders.

No. 436. *RODRIGUE ET AL. v. AETNA CASUALTY & SURETY CO. ET AL.* C. A. 5th Cir. [Certiorari granted, *ante*, p. 932.] Motion for leave to file petitioners' reply brief after argument granted. *Philip E. Henderson* on the motion.

No. 1452, Misc. *FOX v. BROWN, SECRETARY OF THE AIR FORCE, ET AL.* C. A. 2d Cir. Application for stay pending review on certiorari presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Moses M. Falk* for applicant. *Solicitor General Griswold* in opposition. Reported below: 402 F. 2d 837.

No. 901, Misc. *WATSON v. SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT*. Motion for leave to file petition for writ of habeas corpus denied. *Thomas C. Lynch*, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Arnold O. Overoye*, Deputy Attorney General, in opposition.

No. 1247, Misc. *MAGEE v. SCHADE ET AL.*; and

No. 1257, Misc. *FOSTER v. CUMMINGS, U. S. CIRCUIT JUDGE, ET AL.* Motions for leave to file petitions for writs of mandamus denied. *Solicitor General Griswold* in opposition in both cases.

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No. 1336, Misc. DELAGARDE *v.* KRUEGER, WARDEN;
No. 1374, Misc. SHEFTON *v.* WARDEN, MARYLAND
PENITENTIARY;

No. 1384, Misc. CARTER *v.* MITCHELL, ATTORNEY
GENERAL, ET AL.; and

No. 1397, Misc. BARNES *v.* TEXAS ET AL. Motions
for leave to file petitions for writs of habeas corpus
denied.

Probable Jurisdiction Noted.

No. 908. CARTER ET AL. *v.* JURY COMMISSION OF
GREENE COUNTY ET AL. Appeal from D. C. N. D. Ala.
Probable jurisdiction noted and case set for oral argu-
ment immediately following No. 842 [*ante*, p. 1078.]
*Jack Greenberg, Norman C. Amaker, and Orzell Billings-
ley, Jr.*, for appellants. *MacDonald Gallion*, Attorney
General of Alabama, and *Robert P. Bradley*, Assistant
Attorney General, for appellees. Reported below: 298
F. Supp. 181.

No. 938. HADLEY ET AL. *v.* JUNIOR COLLEGE DISTRICT
OF METROPOLITAN KANSAS CITY ET AL. Appeal from
Sup. Ct. Mo. Probable jurisdiction noted. *Irving
Achtenberg* for appellants. *William J. Burrell* and
Heywood H. Davis for Junior College District of Metro-
politan Kansas City et al., and *John C. Danforth, pro se*,
and *Louis C. DeFeo, Jr.*, Assistant Attorney General,
for the Attorney General of Missouri, appellees. Re-
ported below: 432 S. W. 2d 328.

Certiorari Granted.

No. 709, Misc. ASHE *v.* SWENSON, WARDEN. C. A.
8th Cir. Motion for leave to proceed *in forma pauperis*
granted. Certiorari granted and case transferred to
appellate docket. *Norman H. Anderson*, Attorney Gen-
eral of Missouri, and *Maxim N. Bach*, Assistant Attorney
General, for respondent. Reported below: 399 F. 2d 40.

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No. 798. UNITED STATES *v.* MONTGOMERY COUNTY BOARD OF EDUCATION ET AL.; and

No. 997. CARR ET AL. *v.* MONTGOMERY COUNTY BOARD OF EDUCATION ET AL. C. A. 5th Cir. Certiorari granted. Cases consolidated and a total of two hours allotted for oral argument. *Solicitor General Griswold*, *Assistant Attorney General Pollak*, and *Nathan Lewin* for the United States in No. 798, and *Fred D. Gray*, *Jack Greenberg*, *James M. Nabrit III*, and *Melvyn Zarr* for petitioners in No. 997. *Vaughan Hill Robison* and *Joseph D. Phelps* for respondents in both cases. Reported below: 400 F. 2d 1, 402 F. 2d 782.

No. 900. DETROIT & TOLEDO SHORE LINE RAILROAD CO. *v.* UNITED TRANSPORTATION UNION. C. A. 6th Cir. Motion to substitute United Transportation Union in place of Brotherhood of Locomotive Firemen & Engineers as the party respondent granted. Certiorari granted. *Francis M. Shea*, *Ralph J. Moore, Jr.*, *David W. Miller*, *James A. Wilcox*, and *John M. Curphey* for petitioner. *Harold C. Heiss* and *Richard R. Lyman* for respondent. Reported below: 401 F. 2d 368.

No. 925. NATIONAL LABOR RELATIONS BOARD *v.* J. H. RUTTER-REX MANUFACTURING CO., INC., ET AL. C. A. 5th Cir. Certiorari granted. *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Allison W. Brown, Jr.*, for petitioner. *Peter H. Beer* for respondent J. H. Rutter-Rex Manufacturing Co., Inc. Reported below: 399 F. 2d 356.

Certiorari Denied.

No. 913. SARISOHN *v.* APPELLATE DIVISION OF THE SUPREME COURT, SECOND DEPARTMENT. Ct. App. N. Y. Certiorari denied. *Frederic Block* for petitioner. *Solomon A. Klein* for respondent.

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No. 948. *VON CARSTANJEN v. UNITED STATES*. Ct. Cl. Certiorari denied. *Robert C. Lea, Jr.*, for petitioner. *Solicitor General Griswold* for the United States.

No. 951. *MUSE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Morris A. Shenker* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John B. Brant* for the United States. Reported below: 405 F. 2d 40.

No. 952. *J. H. RUTTER-REX MANUFACTURING CO., INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 5th Cir. Certiorari denied. *Peter H. Beer* for petitioner. *Solicitor General Griswold* and *Arnold Ordman* for respondent National Labor Relations Board. Reported below: 399 F. 2d 356.

No. 957. *CUNARD STEAMSHIP CO., LTD. v. BURNS ET AL.* C. A. 2d Cir. Certiorari denied. *Thomas V. Kingham* for petitioner. *Chester A. Hahn* for Burns, and *Sidney A. Schwartz* for John T. Clark & Son, respondents. Reported below: 404 F. 2d 60.

No. 960. *KAZUBOWSKI v. KAZUBOWSKI*. App. Ct. Ill., 3d Dist. Certiorari denied. *Frank J. Delany* and *Ray E. Dougherty* for petitioner. *Paul A. Cushman* for respondent. Reported below: 93 Ill. App. 2d 126, 235 N. E. 2d 664.

No. 962. *PATAT ET AL. v. DAY COMPANIES, INC.* C. A. 5th Cir. Certiorari denied. *Hosea Alexander Stephens* for petitioners. *James D. Maddox* for respondent. Reported below: 403 F. 2d 792.

No. 965. *McKENZIE v. UNITED STATES*. Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States.

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No. 964. INTER NATIONAL BANK OF MIAMI *v.* BROCK, TRUSTEE, ET AL. C. A. 5th Cir. Certiorari denied. *Sam I. Silver* for petitioner. *Irving M. Wolff* for respondents. Reported below: 400 F. 2d 833.

No. 1053. FAIRCLOTH ET VIR *v.* HESTER. C. A. 5th Cir. Certiorari denied. *Albert W. Stubbs* and *Jesse G. Bowles* for respondent. Reported below: 405 F. 2d 620.

No. 780. FRANKLIN LIFE INSURANCE CO. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition. *Louis F. Gillespie*, *Frederick H. Stone*, *Dennis G. Lyons*, and *George B. Gillespie* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Gilbert E. Andrews*, and *Thomas L. Stapleton* for the United States. *Fred C. Scribner, Jr.*, and *Thomas C. Thompson, Jr.*, for American Life Convention, as *amicus curiae*, in support of the petition. Reported below: 399 F. 2d 757.

No. 896. KALERAK ET AL. *v.* HICKEL, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *George Kaufmann* for petitioners. *Solicitor General Griswold*, *Acting Assistant Attorney General Taylor*, and *Roger P. Marquis* for Hickel, and *G. Kent Edwards*, *Attorney General of Alaska*, and *Robert L. Hartig*, *Assistant Attorney General*, for the State of Alaska, respondents. Reported below: 396 F. 2d 746.

No. 947. BUETTNER ET AL. *v.* VIRGINIA. Sup. Ct. App. Va. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Mark P. Friedlander*, *Mark P. Friedlander, Jr.*, *Blaine P. Friedlander*, and *Harry P. Friedlander* for petitioners. *William B. Moore* for respondent.

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No. 851. *GEFEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Joseph M. Glickstein, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Walters, Loring W. Post*, and *Robert I. Waxman* for the United States. Reported below: 400 F. 2d 476.

No. 949. *KAISER INDUSTRIES CORP. ET AL. v. McLOUTH STEEL CORP.* C. A. 6th Cir. Motion of Government of Austria for leave to file a brief, as *amicus curiae*, granted. Certiorari denied. *William H. Webb, John A. Dienner, John M. Webb, W. Brown Morton, Jr., and George E. Brand, Jr.*, for petitioners. *William B. Cudlip, John Vaughan Groner, and Ronald F. Ball* for respondent. *David Ginsburg* for Government of Austria, as *amicus curiae*, in support of the petition. Reported below: 400 F. 2d 36.

No. 726, Misc. *SMITH v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *Robert C. Flowers* and *Howard M. Fender*, Assistant Attorneys General, and *Hawthorne Phillips* for respondent. Reported below: 395 F. 2d 747.

No. 940. *KENNEY v. AMERICAN CAN CO.* C. A. 9th Cir. Certiorari and other relief denied. Reported below: 402 F. 2d 478.

No. 688, Misc. *HANGER ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, and Jerome M. Feit* for the United States. Reported below: 398 F. 2d 91.

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No. 968. STANEK *v.* CIVIL SERVICE COMMISSION OF CITY OF PITTSBURGH ET AL. Allegheny County Ct. (now Common Pleas Ct.). Certiorari denied. *Robert E. Kline* for petitioner. *Robert E. Dauer* for respondents.

No. 753, Misc. HAYNES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *James W. Sherman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Beatrice Rosenberg*, and *Ronald L. Gainer* for the United States. Reported below: 398 F. 2d 980.

No. 773, Misc. GAFFORD *v.* ALASKA. Sup. Ct. Alaska. Certiorari denied. Reported below: 440 P. 2d 405.

No. 831, Misc. BULLARD *v.* SHEEHY, REFORMATORY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 978, Misc. GUIDO *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, *Jerome M. Feit*, and *Kirby W. Patterson* for the United States. Reported below: 400 F. 2d 73.

No. 1080, Misc. ROBINSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Frederic A. Johnson* for petitioner. *Solicitor General Griswold*, *Acting Assistant Attorney General Kossack*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States.

No. 1171, Misc. FULLER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Ezekiel G. Stoddard* and *A. Alvis Layne* for petitioner. *Solicitor General Griswold*, *Acting Assistant Attorney General Kossack*, *Beatrice Rosenberg*, and *Paul C. Summitt* for the United States. Reported below: — U. S. App. D. C. —, 407 F. 2d 1199.

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No. 1153, Misc. *BONICAMP v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1195, Misc. *GLAZIOU ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Leon B. Polsky* and *Phylis Skloot Bamberger* for petitioners. *Solicitor General Griswold* for the United States. Reported below: 402 F. 2d 8.

No. 1225, Misc. *BYES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 402 F. 2d 492.

No. 1232, Misc. *BROWN v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 41 Ill. 2d 230, 242 N. E. 2d 242.

No. 1235, Misc. *WHITE v. ARIZONA EX REL. EYMAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1236, Misc. *LINZY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1245, Misc. *POSNER v. REISTERTOWN FEDERAL SAVINGS & LOAN ASSN.* Ct. App. Md. Certiorari denied.

No. 1256, Misc. *CAMPBELL v. UNITED STATES*. Ct. Cl. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1289, Misc. *CLIFTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Martz*, *S. Billingsley Hill*, and *Jacques B. Gelin* for the United States. Reported below: 401 F. 2d 896.

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No. 1268, Misc. CANNON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Leon B. Polsky* for petitioner.

No. 1275, Misc. MILLER *v.* THORN, EXECUTRIX. C. A. D. C. Cir. Certiorari denied. *Charles William Freeman* for petitioner.

No. 1278, Misc. GREER *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied.

No. 1279, Misc. SILVER *v.* RHAY, PENITENTIARY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 1280, Misc. FURTAK *v.* NEW YORK. Ct. App. N. Y. Certiorari denied.

No. 1286, Misc. RUCKER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1288, Misc. MACE *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 1292, Misc. MAYBERRY *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Martin J. Queenan* for respondent. Reported below: 52 N. J. 493, 246 A. 2d 452.

No. 1294, Misc. BROWN *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied.

No. 1297, Misc. MYRICK *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 1304, Misc. SULLIVAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 433 S. W. 2d 904.

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No. 1306, Misc. *WILLIAMS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 40 Ill. 2d 522, 240 N. E. 2d 645.

No. 1318, Misc. *MARTER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. *Arthur K. Bolton*, Attorney General of Georgia, and *Marion O. Gordon* and *Mathew Robins*, Assistant Attorneys General, for respondent. Reported below: 224 Ga. 569, 163 S. E. 2d 702.

No. 1333, Misc. *BEALE v. VIRGINIA*. C. A. 4th Cir. Certiorari denied.

No. 1335, Misc. *FURTAKE v. MANCUSI, WARDEN*. County Ct., Wyoming County, N. Y. Certiorari denied.

No. 1369, Misc. *FURTAKE v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 480, Misc. *WALLACE v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Albert M. Horn* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, *Marion O. Gordon*, Assistant Attorney General, and *William R. Childers, Jr.*, Deputy Assistant Attorney General, for respondent. Reported below: 224 Ga. 255, 161 S. E. 2d 288.

No. 994, Misc. *BRENT v. WHITE, WARDEN*. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted on the basis of the dissents in *Schmerber v. California*, 384 U. S. 757. *Jack Greenberg*, *James M. Nabrit III*, and *Anthony G. Amsterdam* for petitioner. *Jack P. F. Gremillion* and *Ralph L. Roy* for respondent. Reported below: 398 F. 2d 503.

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Rehearing Denied.

No. 13. BALTIMORE & OHIO RAILROAD CO. ET AL. *v.* ABERDEEN & ROCKFISH RAILROAD CO. ET AL., *ante*, p. 87;

No. 667. GARNER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 1027;

No. 725. PATRIARCA ET AL. *v.* UNITED STATES, *ante*, p. 1022;

No. 726. SUTTON *v.* ADAMS, SECRETARY OF STATE OF FLORIDA, ET AL., *ante*, p. 404;

No. 758. JOHN LANGENBACHER CO., INC. *v.* NATIONAL LABOR RELATIONS BOARD, *ante*, p. 1049;

No. 763. ROSEE *v.* BOARD OF TRADE OF THE CITY OF CHICAGO ET AL., *ante*, p. 1055;

No. 773. VALENTI *v.* ROCKEFELLER, GOVERNOR OF NEW YORK, ET AL., *ante*, p. 405;

No. 790. PROVISION SALESMEN & DISTRIBUTORS UNION, LOCAL 627, AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, AFL-CIO *v.* UNITED STATES ET AL., *ante*, p. 480;

No. 745, Misc. MARSON *v.* UNITED STATES, *ante*, p. 1056;

No. 782, Misc. HILL *v.* UNITED STATES, *ante*, p. 1033;

No. 887, Misc. ROBINSON *v.* UNITED STATES, *ante*, p. 1057;

No. 998, Misc. THOMPSON *v.* PARKER, WARDEN, *ante*, p. 1059; and

No. 1062, Misc. HARRIS *v.* RHAY, PENITENTIARY SUPERINTENDENT, *ante*, p. 1061. Petitions for rehearing denied.

No. 741. DICKINSON, COMPTROLLER OF FLORIDA *v.* FIRST NATIONAL BANK OF HOMESTEAD ET AL., *ante*, p. 409. Petition for rehearing denied. MR. JUSTICE FORTAS took no part in the consideration or decision of this petition.