

ORDERS FROM MAY 19 THROUGH  
JUNE 23, 1969.

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MAY 19, 1969.

*Miscellaneous Orders.\**

No. 9, Orig. UNITED STATES v. LOUISIANA ET AL.  
(LOUISIANA BOUNDARY CASE).

Pursuant to the opinion of this Court of March 3, 1969, 394 U. S. 11, it is ordered that Walter P. Armstrong, Jr., Esquire, of Memphis, Tennessee, be, and he is hereby, appointed as Special Master in this cause to make a preliminary determination consistent with the opinion of this Court. The Special Master shall have authority to fix the time and conditions of hearings which he may order, and is authorized 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 and a reasonable compensation for his services to be approved hereafter by the Court. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, and the cost of printing his report or reports shall be charged against and be borne by the parties in such proportion as the Court may hereafter approve.

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

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\*For Court's order prescribing the Federal Rules of Procedure for United States Magistrates, see *post*, p. 990.

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No. 598, Misc., October Term, 1964. WILLIAMSON ET AL. v. GILMER ET AL., 379 U. S. 955. Second motion to recall and amend order of January 18, 1965, and amended petition for writ of mandamus denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these matters. [For previous orders herein, see, *e. g.*, 386 U. S. 1015.]

No. —. MARCUCILLI v. UNITED STATES ET AL. C. A. 2d Cir. Application for stay presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. MR. JUSTICE DOUGLAS is of the opinion that the stay should be granted. *Samuel J. Landau* for applicant. *Solicitor General Griswold* in opposition.

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. [Certiorari granted, 393 U. S. 976.] Cases restored to calendar for reargument.

No. 642. BOYKIN v. ALABAMA. Sup. Ct. Ala. [Certiorari granted, 393 U. S. 820.] Motion of Gerald H. Gottlieb et al. for leave to file a brief as *amici curiae* after argument granted to extent of filing the brief already submitted. *Gerald H. Gottlieb, pro se*, and *Earl Klein, pro se*, on the motion.

No. 1163. SMITH v. UNITED STATES. C. A. 5th Cir. Motion to defer consideration of petition for writ of certiorari granted. Reported below: 405 F. 2d 253.

No. 1216. ADJMI v. FLORIDA. Dist. Ct. App. Fla., 3d Dist. Motion to defer consideration of petition for writ of certiorari granted. *Milton E. Grusmark* and *Natalie Baskin* on the motion. Reported below: 208 So. 2d 859.

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*Certiorari Granted.* (See also No. 730, Misc., *ante*, p. 161.)

No. 712, Misc. *MONKS v. NEW JERSEY*. Sup. Ct. N. J. Motion for leave to proceed *in forma pauperis* granted. *Certiorari* granted and case transferred to appellate docket. *John G. Thevos* for respondent.

*Certiorari Denied.* (See also No. 1209, *ante*, p. 163; and No. 1230, *ante*, p. 161.)

No. 772. *FRITZINGER v. WEIST ET AL.* C. A. 3d Cir. *Certiorari* denied. *David Kanner* and *Edward N. Barol* for petitioner. *James M. Marsh* for respondent Millard. Reported below: 402 F. 2d 867.

No. 894. *WEITZEN ET AL. v. HEIT ET AL.* C. A. 2d Cir. *Certiorari* denied. *John F. Sonnett* for Grant et al., *Devereux Milburn* and *John F. X. Peloso* for Weitzen et al., *Boris Kostelanetz* for Belock Instrument Corp., and *Wilbur H. Hecht* for Lybrand, Ross Bros. & Montgomery, petitioners. *William E. Haudek*, *Arthur W. Lichtenstein*, and *Lawrence Milberg* for Heit et al., *Samuel R. Pierce, Jr.*, for Tyminski, and *Hyman Bravin* for Levy, respondents. *Solicitor General Griswold*, *Philip A. Loomis, Jr.*, *David Ferber*, and *Donald M. Feuerstein* filed a memorandum for the United States, by invitation of the Court, 393 U. S. 1074, in opposition. Reported below: 402 F. 2d 909.

No. 1055. *WILSON v. WASHINGTON*. Sup. Ct. Wash. *Certiorari* denied. *Anthony Savage, Jr.*, for petitioner. *James E. Kennedy* for respondent. Reported below: 74 Wash. 2d 243, 444 P. 2d 141.

No. 1194. *FELD v. UNITED STATES*. Ct. Cl. *Certiorari* denied. *Solicitor General Griswold* for the United States. Reported below: 185 Ct. Cl. 754.



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No. 704. CITY OF PHILADELPHIA *v.* ATLANTIC REFINING Co. ET AL. C. A. 3d Cir. Certiorari denied. *John M. McNally, Jr.*, and *Levy Anderson* for petitioner. *James E. Beasley* for respondents Hennigan et al. Reported below: 400 F. 2d 857.

No. 1110. AMALGAMATED MEAT CUTTERS & BUTCHER WORKMEN OF NORTH AMERICA, AFL-CIO, ET AL. *v.* KROGER Co. ET AL.;

No. 1123. KROGER Co. *v.* NATIONAL LABOR RELATIONS BOARD; and

No. 1130. NATIONAL LABOR RELATIONS BOARD *v.* KROGER Co. ET AL. C. A. 6th Cir. Certiorari denied. *Lester Asher* and *Bernard Dunau* for Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, and *S. G. Lippman* and *Donald Grody* for Retail Clerks International Assn., AFL-CIO, petitioners in No. 1110 and intervenors below in No. 1123. *Nicholas Unkovic*, *J. Mack Swigert*, and *Norman Diamond* for petitioner in No. 1123, and for respondent Kroger Co. in Nos. 1110 and 1130; *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Peter Ames Eveleth* for petitioner in No. 1130; and *Messrs. Griswold* and *Ordman* for respondent in No. 1123. Reported below: 401 F. 2d 682.

No. 1114. GENERAL ELECTRIC Co. *v.* INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO; and

No. 1208. INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO *v.* GENERAL ELECTRIC Co. C. A. 2d Cir. Certiorari denied. *David L. Benetar* for petitioner in No. 1114 and for respondent in No. 1208. *Ruth Weyand* for petitioner in No. 1208 and for respondent in No. 1114. Reported below: 407 F. 2d 253.



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No. 1143. *NORRIS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. *Dean E. Richards* and *James Manahan* for petitioner. *Theodore L. Sendak*, Attorney General of Indiana, and *Donald D. Doxsee* and *William F. Thompson*, Deputy Attorneys General, for respondent. Reported below: — Ind. —, 240 N. E. 2d 45.

No. 1190. *BERGER ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Richard L. Levy* and *Solomon Fisher* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Walters*, and *Crombie J. D. Garrett* for respondent. Reported below: 404 F. 2d 668.

No. 1199. *AURELI v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. *Anna R. Lavin* for petitioner. Reported below: 99 Ill. App. 2d 349, 241 N. E. 2d 694.

No. 1200. *HUMBLE OIL & REFINING CO. ET AL. v. AMERICAN OIL CO. ET AL.* C. A. 8th Cir. Certiorari denied. *Arthur H. Dean*, *David W. Peck*, *Roy H. Steyer*, and *Walter R. Mayne* for petitioners. *Richmond C. Coburn* for respondents. Reported below: 405 F. 2d 803.

No. 1204. *BENSON v. KIRKPATRICK*, PROBATION OFFICER, ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1212. *BOARD OF TRUSTEES OF GALVESTON WHARVES ET AL. v. UNITED INDUSTRIAL WORKERS OF SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA, ATLANTIC, GULF, LAKES & INLAND WATERS DISTRICT, MARINE ALLIED WORKERS DIVISION, AFL-CIO*. C. A. 5th Cir. Certiorari denied. *E. Barrett Prettyman, Jr.*, for petitioners. *Howard Schulman* for respondent. Reported below: 400 F. 2d 320.

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No. 1206. *STRANG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Edward Bennett Williams* and *Patrick M. Wall* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Jerome M. Feit* for the United States. Reported below: 405 F. 2d 971.

No. 1211. *MACCORKLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Charles M. Love* and *John B. Fisher* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John P. Burke* for the United States. Reported below: 407 F. 2d 497.

No. 1215. *MANLEY ET AL. v. SCHOENBAUM*. C. A. 2d Cir. Certiorari denied. *Marvin Schwartz* for Pradal et al., and *Whitney North Seymour, Jr.*, and *Anthony L. Fletcher* for Manley et al., petitioners. *Irving Malchman* for respondent. Reported below: 405 F. 2d 215.

No. 1217. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *B. Clarence Mayfield* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States. Reported below: 405 F. 2d 874.

No. 1224. *BROCK, TRUSTEE v. MASSACHUSETTS MUTUAL LIFE INSURANCE Co.* C. A. 5th Cir. Certiorari denied. *Irving M. Wolff* for petitioner. *Carl K. Hoffmann* for respondent. Reported below: 405 F. 2d 429 and 435.

No. 1225. *SALT LAKE CITY FIRE FIGHTERS LOCAL 1645, AFL-CIO, ET AL. v. SALT LAKE CITY*. Sup. Ct. Utah. Certiorari denied. *Adam M. Duncan* for petitioners. Reported below: 22 Utah 2d 115, 449 P. 2d 239.

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No. 1221. *BARNETT ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *John F. Dugger* for petitioners. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 407 F. 2d 1114.

No. 1222. *S. H. LYNCH & Co., INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *Fritz L. Lyne* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Linda Sher* for respondent. Reported below: 406 F. 2d 766.

No. 1226. *GREENWOOD MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hardy Lott* for petitioners. *Solicitor General Griswold and Assistant Attorney General Leonard* for the United States. Reported below: 406 F. 2d 1086.

No. 1228. *FENTRESS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *William J. Garber* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 405 F. 2d 501.

No. 1262. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *J. J. Wade, Jr.*, for petitioner. *Solicitor General Griswold* for the United States. Reported below: 407 F. 2d 35.

No. 1269. *DUGGER v. MISSOURI PACIFIC RAILROAD CO.* C. A. 5th Cir. Certiorari denied. *James Pope Simpson* for respondent. Reported below: 403 F. 2d 719.



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No. 1229. *FALLON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *George C. Pontikes* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Edward Fenig* for the United States. Reported below: 407 F. 2d 621.

No. 1231. *DELaCRUZ v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co.* C. A. 5th Cir. Certiorari denied. *L. N. D. Wells, Jr.*, and *Otto B. Mullinax* for petitioner. *Luther Hudson* for respondent. Reported below: 405 F. 2d 459.

No. 1234. *KWAI CHIU YUEN ET AL. v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. *Joseph S. Hertogs* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Philip R. Monahan* for respondent. Reported below: 406 F. 2d 499, 773, and 774.

No. 1235. *HUBBARD ET AL. v. KIEFEL*. C. A. 7th Cir. Certiorari denied. *Peter Fitzpatrick* and *George Kaye* for Hubbard, and *Alvin G. Hubbard* for Las Vegas Hacienda, Inc., petitioners. *Lowell H. Jacobson* for respondent. Reported below: 404 F. 2d 1163.

No. 1236. *STURTZ, TRUSTEE IN BANKRUPTCY v. NEW YORK WORLD'S FAIR 1964-1965 CORP.* C. A. 2d Cir. Certiorari denied. *Robert P. Herzog* and *Jules Teitelbaum* for petitioner. *Ambrose Daskow* for respondent. Reported below: 405 F. 2d 309.

No. 1241. *GAMBILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *William H. McElwee* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. Reported below: 408 F. 2d 8.

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No. 1248. *GUILLORY v. LEVINGSTON SHIPBUILDING Co.* Ct. Civ. App. Tex., 9th Sup. Jud. Dist. Certiorari denied. *Wiley B. Thomas, Jr.*, for petitioner. *John D. Rienstra, Jr.*, for respondent. Reported below: 433 S. W. 2d 515.

No. 1249. *RAINS v. NIAQUA, INC.* C. A. 2d Cir. Certiorari denied. *Leon J. Greenspan* and *Joel Martin Aurnou* for petitioner. *Edwin T. Bean* for respondent. Reported below: 406 F. 2d 275.

No. 1252. *STOREY ET AL. v. MAYO, CHAIRMAN, FLORIDA PUBLIC SERVICE COMMISSION, ET AL.* Sup. Ct. Fla. Certiorari denied. *Irving Peskoe* for petitioners. *Larry S. Stewart* and *Vernon W. Turner* for respondent City of Homestead, and *Phillip Goldman* for respondent Florida Power & Light Co. Reported below: 217 So. 2d 304.

No. 1275. *UNITED STATES v. KEATTS ET UX.* C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Acting Assistant Attorney General Taylor*, *Roger P. Marquis*, and *Raymond N. Zagone* for the United States. *Lewis S. Pope* for respondents. Reported below: 405 F. 2d 913.

No. 1277. *WAINWRIGHT, CORRECTIONS DIRECTOR v. CALLOWAY.* C. A. 5th Cir. Certiorari denied. *Earl Faircloth*, Attorney General of Florida, and *Charles W. Musgrove*, Assistant Attorney General, for petitioner. *J. Leonard Fleet* for respondent. Reported below: 409 F. 2d 59.

No. 1346. *NATTA ET AL. v. ZLETZ ET AL.* C. A. 7th Cir. Certiorari denied. *Edward S. Irons* for petitioners. *Hammond E. Chaffetz* for respondents. Reported below: See 405 F. 2d 99.

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No. 1318. *SANES v. ADAMS*. Sup. Ct. Ill. Certiorari denied. *Sidney Z. Karasik* for petitioner. Reported below: 41 Ill. 2d 381, 243 N. E. 2d 233.

No. 1361. *TRUCKEE-CARSON IRRIGATION DISTRICT v. WYATT*. Sup. Ct. Nev. Certiorari denied. *James F. Boccardo* for respondent. Reported below: 84 Nev. 662, 448 P. 2d 46.

No. 1091. *LOCAL 342, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW) ET AL. v. TRW, INC.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Stephen I. Schlossberg, John A. Fillion, Jordan Rossen, and Bernard F. Ashe* for petitioners. *Owen J. Neighbours* for respondent. Reported below: 402 F. 2d 727.

No. 1113. *TELEPHONE USERS ASSOCIATION, INC. v. PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA ET AL.* C. A. D. C. Cir. Motion to remand denied. Certiorari denied. *Arthur S. Curtis* for petitioner. *Charles T. Duncan* and *George F. Donnella* for Public Service Commission of the District of Columbia, and *Hugh B. Cox, Paul F. McArdle, Howard C. Anderson, and Robert A. Levetown* for Chesapeake & Potomac Telephone Co., respondents.

No. 1132. *CALIFORNIA ET AL. v. GIANNINI ET AL.* Sup. Ct. Cal. Certiorari denied. MR. JUSTICE HARLAN is of the opinion that certiorari should be granted. *Thomas C. Lynch*, Attorney General of California, *Albert H. Harris, Jr.*, Assistant Attorney General, and *Michael J. Phelan*, Deputy Attorney General, for petitioners. *Kenneth Larson* for respondents. Reported below: 69 Cal. 2d 563, 446 P. 2d 535.



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No. 1187. *PERSICO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Maurice Edelbaum* for Persico, *Robert Kasanof* for Albanese, *Frances Thaddeus Wolff* for Spero, and *Edmund A. Rosner* for McIntosh, petitioners. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Charles Ruff* for the United States. Reported below: 406 F. 2d 192.

No. 1191. *MORGAN v. NELSON ET AL.* Sup. Ct. Miss. Motion to dispense with printing petition denied. Certiorari denied. *Albert Sidney Johnston, Jr.*, for petitioner. Reported below: 216 So. 2d 174.

No. 1205. *OLSEN ET AL. v. SWARTZ ET AL.* C. A. 6th Cir. Motion to dispense with printing petition denied. Certiorari denied.

No. 1367, Misc. *KETCHMORE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *George A. Katz* and *Leon Polsky* for petitioner. *Eugene Gold* and *J. Mitchell Rosenberg* for respondent.

No. 1370, Misc. *RUIP v. KENTUCKY*. C. A. 6th Cir. Certiorari denied. *John B. Breckinridge*, Attorney General of Kentucky, and *David D. Murrell* and *Holland N. McTyeire*, Assistant Attorneys General, for respondent. Reported below: 400 F. 2d 871.

No. 1625, Misc. *GARDNER ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Bernard Dunau* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Robert G. Maysack* for the United States. Reported below: 132 U. S. App. D. C. 331, 407 F. 2d 1266.

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No. 1517, Misc. *WOOD v. UNITED STATES*; and

No. 1697, Misc. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Charles L. Kellar* for petitioner in each case. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States in No. 1517, Misc., and Messrs. *Griswold, Wilson, Fenig, and Jerome M. Feit* for the United States in No. 1697, Misc. Reported below: No. 1517, Misc., 405 F. 2d 423; No. 1697, Misc., 404 F. 2d 1069.

No. 1540, Misc. *MASSEY v. SMITH, WARDEN*. Sup. Ct. Ga. Certiorari denied. *Howard Moore, Jr.*, 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. 721, 164 S. E. 2d 786.

No. 1561, Misc. *POWELL v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Jack Greenberg, Michael Meltsner, Anthony G. Amsterdam, Tobias Simon, and Thomas E. Sholts*, for petitioner. *Earl Faircloth, Attorney General of Florida, and Raymond L. Marky, Assistant Attorney General*, for respondent. Reported below: 403 F. 2d 33.

No. 1575, Misc. *BURROUGHS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1628, Misc. *LONGMIRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *John S. Tucker, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Philip R. Monahan* for the United States. Reported below: 404 F. 2d 326.

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No. 1631, Misc. *EPPS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *De Long Harris* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Beatrice Rosenberg* for the United States.

No. 1650, Misc. *WADE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 266 Cal. App. 2d 918, 72 Cal. Rptr. 538.

No. 1666, Misc. *ROBINSON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1667, Misc. *SCHLETTE v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 1668, Misc. *ESGATE v. UNITED STATES*. Ct. Cl. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, and Robert V. Zener* for the United States. Reported below: 186 Ct. Cl. 207.

No. 1670, Misc. *MOYE v. SIOUX CITY & NEW ORLEANS BARGE LINES, INC.* C. A. 5th Cir. Certiorari denied. *Albert Sidney Johnston, Jr.*, for petitioner. *George B. Matthews* for respondent. Reported below: 402 F. 2d 238.

No. 1683, Misc. *CULVER v. FIELD, MEN'S COLONY SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

No. 1686, Misc. *ARCURI ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Archibald Palmer* for petitioners. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 405 F. 2d 691.



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No. 1676, Misc. McCLELLAND *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. *Milton B. Allen* for petitioner. Reported below: 4 Md. App. 18, 240 A. 2d 769.

No. 1681, Misc. MANLEY *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. *LeRoy S. Zimmerman* for respondent. Reported below: 404 F. 2d 44.

No. 1684, Misc. SILVER *v.* DUNBAR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 407 F. 2d 1182.

No. 1705, Misc. OLDEN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 69 Cal. 2d 845, 447 P. 2d 341.

No. 1706, Misc. STOKLEY *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 266 Cal. App. 2d 930, 72 Cal. Rptr. 513.

No. 1712, Misc. CURRIER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 405 F. 2d 1039.

No. 1717, Misc. FORST *v.* DELAWARE. Sup. Ct. Del. Certiorari denied.

No. 1719, Misc. RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Philip R. Monahan* for the United States. Reported below: 405 F. 2d 857.

No. 1727, Misc. HANRAHAN *v.* JOHNSON ET AL. C. A. 7th Cir. Certiorari denied. *Martin J. Flynn* for respondents.

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No. 1726, Misc. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: — U. S. App. D. C. —, 407 F. 2d 714.

No. 1732, Misc. *BULLIS v. HOCKER, WARDEN*. C. A. 9th Cir. Certiorari denied. *Melvin Schaengold* for petitioner.

No. 1736, Misc. *BURGESS v. SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 1738, Misc. *LANDMAN v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 1739, Misc. *STUART ET UX. v. COMMISSIONER OF INTERNAL REVENUE ET AL.* C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Walters, and Crombie J. D. Garrett* for Commissioner of Internal Revenue, and *Wallace S. Myers* for Fagundes et al., respondents.

No. 1743, Misc. *BELTON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. *Phillip A. Hubbard* for petitioner. Reported below: 217 So. 2d 97.

No. 1749, Misc. *CAMPBELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 1748, Misc. *McELRATH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Robert G. Maysack* for the United States.

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No. 1745, Misc. *FOX v. DUTTON, WARDEN*. C. A. 5th Cir. Certiorari denied. *Philip M. Carden* for petitioner. Reported below: 406 F. 2d 123.

No. 1751, Misc. *BORUM v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Howard C. Westwood* and *T. Rognald Dankmeyer, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 133 U. S. App. D. C. 147, 409 F. 2d 433.

No. 1752, Misc. *DUMAS v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 1756, Misc. *NELSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 1775, Misc. *JUSTICE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 407 F. 2d 1323.

No. 1797, Misc. *GANT v. KROPP, WARDEN*. C. A. 6th Cir. Certiorari denied. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Stewart H. Freeman*, Assistant Attorney General, for respondent. Reported below: 407 F. 2d 776.

No. 1801, Misc. *HART v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Gilbert S. Rosenthal* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 407 F. 2d 1087.



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No. 1562, Misc. *SERRANO 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 Wilson, and Philip R. Monahan* for the United States.

No. 1639, Misc. *WELTON v. UNITED STATES*. C. A. 2d Cir. Motion for leave to amend petition granted. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, and Beatrice Rosenberg* for the United States.

*Rehearing Denied.*

No. 30. *KIRKPATRICK, SECRETARY OF STATE OF MISSOURI, ET AL. v. PREISLER ET AL.*, 394 U. S. 526;

No. 86. *AMP INC. v. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.*, 393 U. S. 825;

No. 173. *GORMAN v. UNITED STATES*, 393 U. S. 832;

No. 453. *GREGG v. UNITED STATES*, 394 U. S. 489;

No. 814. *DUVERNAY v. UNITED STATES*, 394 U. S. 309;

No. 844. *STEPHAN ET UX. v. STATE TAX COMMISSIONER OF DELAWARE*, 394 U. S. 573;

No. 1041. *KAUFER v. UNITED STATES*, 394 U. S. 458;

No. 1066. *ROSEN ET AL. v. EASTERN AIRLINES, INC.*, 394 U. S. 959;

No. 662, Misc. *JONES v. UNITED STATES*, 393 U. S. 1057;

No. 804, Misc. *SCHUTZ v. UNITED STATES*, 394 U. S. 946;

No. 1262, Misc. *MUTTER v. UNITED STATES*, 394 U. S. 947;

No. 1275, Misc. *MILLER v. THORN, EXECUTRIX*, 393 U. S. 1122; and

No. 1593, Misc. *ADAMS v. BRENNER, COMMISSIONER OF PATENTS*, 394 U. S. 965. Petitions for rehearing denied.

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No. 1031. MORSE *v.* HINDMAN ET AL., 394 U. S. 943;  
No. 1081. MORSE *v.* HINDMAN ET AL., 394 U. S. 943;  
No. 1437, Misc. ADAMS *v.* CAMERON, HOSPITAL SUPER-  
INTENDENT, 394 U. S. 948; and  
No. 1466, Misc. DICKERSON *v.* LEE, 394 U. S. 949.  
Motions for leave to file petitions for rehearing denied.

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*Miscellaneous Orders.*

No. —. ROBINSON *v.* CALIFORNIA. Sup. Ct. Cal. Application for stay of execution presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, granted pending timely filing and disposition of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay is to terminate automatically. In the event the petition for writ of certiorari is granted, this stay is to continue pending issuance of the mandate of this Court.

No. 477. UNITED STATES *v.* UNITED STATES COIN AND CURRENCY IN THE AMOUNT OF \$8,674 (ANGELINI, CLAIMANT). C. A. 7th Cir. [Certiorari granted, 393 U. S. 949.] Case restored to calendar for reargument.

No. 622. MAXWELL *v.* BISHOP, PENITENTIARY SUPERINTENDENT. C. A. 8th Cir. [Certiorari granted, 393 U. S. 997.] Case restored to calendar and set for reargument on October 13, 1969.

No. 1421. JACKMAN ET AL. *v.* BODINE ET AL. Sup. Ct. N. J. Application for a stay of the primary election of June 3, 1969, and other relief denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application. *Lawrence I. Lerner* for petitioners Scrimmager et al. on the motion.

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No. 1070. *BALISTRIERI v. UNITED STATES*, 394 U. S. 985. The Solicitor General is requested to file a response to petition for rehearing. MR. JUSTICE MARSHALL took no part in the consideration or decision of this order.

No. 1127. *TECHNITROL, INC. v. McMANUS*, U. S. DISTRICT JUDGE, 394 U. S. 997. Motion of Collins Radio Co., defendant below, for damages under Rule 56 denied. *Morris Relson* on the motion. *Laurence B. Dodds* for Technitrol, Inc., in opposition.

No. 1276. *ROBERTS v. McDONALD ET AL.* C. A. D. C. Cir. Motion of petitioner pursuant to 28 U. S. C. § 455 suggesting disqualification of MR. JUSTICE BRENNAN denied. *William H. Roberts, pro se*, on the motion.

No. 1893, Misc. *MERRILL v. MOSELEY, WARDEN*;  
No. 1924, Misc. *McDOWELL v. MOSELEY, WARDEN*;  
No. 1928, Misc. *WEBSTER v. HOWARD, REFORMATORY SUPERINTENDENT*;  
No. 1930, Misc. *SMILEY v. CALIFORNIA ET AL.*; and  
No. 1976, Misc. *ALLEN v. NELSON, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1779, Misc. *YOUNG v. PROCUNIER, CORRECTIONS DIRECTOR, ET AL.* Motion for leave to file petition for writ of mandamus and other relief denied.

*Certiorari Denied.* (See also No. 1245, *ante*, p. 211; No. 1257, *ante*, p. 211; and No. 1284, *ante*, p. 212.)

No. 1207. *BURKE v. UNITED STATES*. C. A. 5th Cir. *Certiorari* denied. *Delos R. Johnson, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Mervyn Hamburg* for the United States. Reported below: 400 F. 2d 866.



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No. 1185. *PAGNANI v. SECURITIES AND EXCHANGE COMMISSION*;

No. 1186. *MATUSOW v. SECURITIES AND EXCHANGE COMMISSION*; and

No. 1195. *GREAT AMERICAN INDUSTRIES, INC., ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. *Robert D. Larsen* for petitioner in No. 1185; *Robert Kasanof* for petitioner in No. 1186; and *Simon H. Rifkind, Gerald D. Stern, and Thomas R. Farrell* for petitioners in No. 1195. *Solicitor General Griswold, Philip A. Loomis, Jr., Walter P. North, and Meyer Eisenberg* for respondent in all three cases. Reported below: 407 F. 2d 453.

No. 1237. *ROSS ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Julius Lucius Echeles* for petitioner Ross. Reported below: 41 Ill. 2d 445, 244 N. E. 2d 608.

No. 1239. *YOUNG & CO. ET AL. v. SHEA, DEPUTY COMMISSIONER OF LABOR, ET AL.* C. A. 5th Cir. Certiorari denied. *E. D. Vickery* for petitioners. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, Morton Hollander, and Ralph A. Fine* for respondent Shea, and *W. Jiles Roberts* for respondent Tugwell. Reported below: 397 F. 2d 185, and 404 F. 2d 1059.

No. 1242. *NEBENZAL v. RE [NOW SUTTON] ET AL.* C. A. D. C. Cir. Certiorari denied. *Henry J. Clay, Franklin P. Gould, and Pieter J. Kooiman* for petitioner. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, and Alan S. Rosenthal* for respondents. Reported below: — U. S. App. D. C. —, 407 F. 2d 717.

No. 1255. *COOK ET AL. v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. *Julius Lucius Echeles* and *Joseph A. Varon* for petitioners.

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No. 1247. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. *Louis Sherman, Thomas X. Dunn, and Seymour Sacks* for petitioners. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 405 F. 2d 159.

No. 1250. BALLAS ET AL. *v.* CLADIS ET AL. Sup. Ct. Colo. Certiorari denied. *Herbert M. Boyle* for petitioners. *Warren O. Martin* for respondents Cladis et al. Reported below: — Colo. —, 447 P. 2d 224.

No. 1254. STRACHAN SHIPPING CO. ET AL. *v.* SHEA, DEPUTY COMMISSIONER OF LABOR, ET AL. C. A. 5th Cir. Certiorari denied. *Sweeney J. Doehring* for petitioners. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, Morton Hollander, and Ralph A. Fine* for respondent Shea, and *W. Jiles Roberts* for respondent Nehring. Reported below: 406 F. 2d 521.

No. 1259. SICA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *F. Filmore Jaffe* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States.

No. 1261. CONSTRUCTION AGGREGATES CORP. *v.* HEWITT-ROBINS, INC. C. A. 7th Cir. Certiorari denied. *Harlan L. Hackbert* for petitioner. *George B. Christensen* for respondent. Reported below: 404 F. 2d 505.

No. 1374. SEMET-SOLVAY DIVISION, ALLIED CHEMICAL CORP. *v.* MILLER. C. A. 4th Cir. Certiorari denied. *John E. Jenkins, Jr.*, for petitioner. Reported below: 406 F. 2d 1037.

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No. 1260. *PEPPERELL MANUFACTURING CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. *Frank A. Constangy* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Linda Sher* for respondent. Reported below: 403 F. 2d 520.

No. 1263. *JAPAN LINE, LTD., ET AL. v. SABRE SHIPPING CORP.* C. A. 2d Cir. Certiorari denied. *Philip A. Ryan* for Japan Line, Ltd., et al., and *A. Vernon Carnahan* for Maritime Co. of the Philippines, petitioners. *Leon Silverman* for respondent. Reported below: 407 F. 2d 173.

No. 1265. *ALPHA-CONTINENTAL ET AL. v. UNITED STATES FOR THE USE OF F. E. ROBINSON CO. OF N. C., INC., ET AL.* C. A. 4th Cir. Certiorari denied. *R. M. Ginsberg* and *Jack D. Eades* for petitioners. *John H. Anderson* for respondents. Reported below: 404 F. 2d 343, 406 F. 2d 561.

No. 1287. *RICH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Barry L. Garber* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 407 F. 2d 934.

No. 1288. *McLANEY v. TIME, INC., DBA "LIFE."* C. A. 5th Cir. Certiorari denied. *J. B. Spence* for petitioner. *Harold R. Medina, William S. Frates, and Larry S. Stewart* for respondent. Reported below: 406 F. 2d 565.

No. 1181. *HOCHENEDEL v. LOUISIANA*. Sup. Ct. La. Motion to dispense with printing petition granted. Certiorari denied.



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No. 1189. YEAGER, PRINCIPAL KEEPER, ET AL. *v.* O'CONNOR. C. A. 3d Cir. Motion of respondent for leave to proceed herein *in forma pauperis* granted. Certiorari denied. *Abel Goldstein* for petitioners. Reported below: 405 F. 2d 632.

No. 1253. WILSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Roberts H. Brown* and *Knox M. McMillan* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Mervyn Hamburg* for the United States. Reported below: 409 F. 2d 604.

No. 1267. NEWSPAPER DRIVERS & HANDLERS LOCAL UNION No. 372, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, INC. *v.* DETROIT NEWSPAPER PUBLISHERS ASSN. ET AL. C. A. 6th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *David Previant* and *David L. Uelmen* for petitioner. *Philip T. Van Zile II* and *Daniel J. Tindall, Jr.*, for Detroit Newspaper Publishers Assn., and *Solicitor General Griswold*, *Arnold Ordman*, *Dominick L. Manoli*, *Norton J. Come*, and *Linda Sher* for National Labor Relations Board, respondents. Reported below: 404 F. 2d 1159.

No. 564, Misc. IN RE WOODY. C. A. 9th Cir. Certiorari denied. *Gary K. Nelson*, Attorney General of Arizona, and *Thomas M. Tuggle*, Assistant Attorney General, in opposition.

No. 1248, Misc. DiPAOLO *v.* YEAGER, PRINCIPAL KEEPER. C. A. 3d Cir. Certiorari denied. Reported below: 399 F. 2d 72.

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No. 1244, Misc. *MULLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold, Acting Assistant Attorney General Kossack, Beatrice Rosenberg, and Leonard H. Dickstein* for the United States. Reported below: 401 F. 2d 591.

No. 1319, Misc. *HORTON v. SCHNECKLOTH, CONSERVATION CENTER SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch, Attorney General of California, Doris H. Maier, Assistant Attorney General, and Charles P. Just, Deputy Attorney General*, for respondent.

No. 1354, Misc. *TOWNES v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. *Waller H. Horsley and Robert L. Dolbeare* for petitioner. *Reno S. Harp III*, Assistant Attorney General of Virginia, for respondent.

No. 1424, Misc. *BARBEE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Charles Morgan, Jr., Reber F. Boulton, Jr., Melvin L. Wulf, Eleanor Holmes Norton, and Martin Garbus* 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 Lonny F. Zwiener, Assistant Attorneys General, and W. V. Geppert* for respondent. Reported below: 432 S. W. 2d 78.

No. 1454, Misc. *JONES v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Michael F. Dillon* for respondent.

No. 1470, Misc. *SIMMONS v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. *Mark D. Larner* for petitioner. Reported below: 52 N. J. 538, 247 A. 2d 313.

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No. 1441, Misc. *IN RE RUDISILL*. Sup. Ct. Colo. Certiorari denied. *Duke W. Dunbar*, Attorney General of Colorado, *John P. Moore*, Deputy Attorney General, and *Michael T. Haley*, Assistant Attorney General, in opposition. Reported below: — Colo. —, 453 P. 2d 598.

No. 1630, Misc. *GARDNER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1691, Misc. *SMITH v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *C. Frank Reifsnyder* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Jerome M. Feit* for the United States.

No. 1716, Misc. *OLIVA v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. *Richard J. Bruckner* for petitioner. Reported below: 183 Neb. 620, 163 N. W. 2d 112.

No. 1731, Misc. *YATES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Jesse R. Fillman* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Jerome M. Feit* for the United States. Reported below: 404 F. 2d 462, and 407 F. 2d 50.

No. 1733, Misc. *DONOHUE v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1735, Misc. *SCOTT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *Crawford C. Martin*, Attorney General of Texas, *Nola White*, First Assistant Attorney General, *Hawthorne Phillips*, Executive Assistant Attorney General, *Robert C. Flowers* and *Lonny F. Zwiener*, Assistant Attorneys General, and *W. V. Geppert* for respondent. Reported below: 434 S. W. 2d 678.



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No. 1747, Misc. *MILLER ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 1757, Misc. *HUGGINS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. *Richard Steel* for petitioner. *Frank S. Hogan* for respondent.

No. 1760, Misc. *PENDERGRAST v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Milton A. Kallis* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Sidney M. Glazer* for the United States. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 1761, Misc. *HOLLICK v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1764, Misc. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Terence F. MacCarthy* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Kirby W. Patterson* for the United States. Reported below: 406 F. 2d 64.

No. 1765, Misc. *DELEVAY v. REYNOLDS, ACTING COMMISSIONER OF PATENTS*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for respondent.

No. 1766, Misc. *SCHNITZLER v. FOLLETTE, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 406 F. 2d 319.

No. 1774, Misc. *PING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Dan Johnston* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, and *Joseph M. Howard* for the United States. Reported below: 407 F. 2d 157.

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No. 1767, Misc. *WILLIAMS v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. *Arlen D. Nickowitz* for respondent. Reported below: 157 Conn. 114, 249 A. 2d 245.

No. 1769, Misc. *GOFF v. VETERANS ADMINISTRATION*. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold* for respondent.

No. 1770, Misc. *SILVER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1776, Misc. *HAMMER v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 213 So. 2d 619.

No. 1777, Misc. *WATSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 1782, Misc. *WEAVER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *George W. Shadoan* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 133 U. S. App. D. C. 66, 408 F. 2d 1269.

No. 1783, Misc. *WILLIAMS v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1794, Misc. *LEE v. ALABAMA*. C. A. 5th Cir. Certiorari denied. *MacDonald Gallion*, Attorney General of Alabama, and *W. Mark Anderson III*, Special Assistant Attorney General, for respondent. Reported below: 406 F. 2d 466.

No. 1787, Misc. *CHARLAND v. NORGE DIVISION, BORG-WARNER CORP., ET AL.* C. A. 6th Cir. Certiorari denied. *Robert W. Murphy* for respondent Norge Division, Borg-Warner Corp. Reported below: 407 F. 2d 1062.

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No. 1778, Misc. ANGLIN *v.* MARYLAND. C. A. 4th Cir. Certiorari denied.

No. 1784, Misc. RUSSELL *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 1791, Misc. LACAZE *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 252 La. 971, 215 So. 2d 511.

No. 1793, Misc. BRIGHT *v.* PATE, WARDEN. Cir. Ct., Cook County, Ill. Certiorari denied.

No. 1795, Misc. BERNSTEIN *v.* CATHERWOOD, INDUSTRIAL COMMISSIONER OF NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 30 App. Div. 2d 1028, 294 N. Y. S. 2d 307.

No. 1803, Misc. PURVIS *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. *Joseph D. Harbaugh* for petitioner. *David B. Salzman* for respondent. Reported below: 157 Conn. 198, 251 A. 2d 178.

No. 1798, Misc. GAYLORD ET AL. *v.* SERAPHIM, JUDGE, ET AL. Sup. Ct. Wis. Certiorari denied.

No. 1841, Misc. BUCHANON *v.* MICHIGAN. Cir. Ct., Ingham County, 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. 1805, Misc. WILLIS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold* for the United States.



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No. 1804, Misc. *GIVENS v. OREGON*. Sup. Ct. Ore. Certiorari denied. *Gary D. Gortmaker* and *Albin W. Norblad* for respondent. Reported below: — Ore. —, 449 P. 2d 151.

No. 1806, Misc. *SCOTT v. PROCUNIER, CORRECTIONS DIRECTOR*. Sup. Ct. Cal. Certiorari denied.

No. 1807, Misc. *STARTTI v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 405 F. 2d 858.

No. 1808, Misc. *SMILEY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 1810, Misc. *HOLGUIN v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1811, Misc. *RUSSEL v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1812, Misc. *RIVERA v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 1814, Misc. *NOOR v. DEEGAN, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1815, Misc. *HAYKEL v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 1834, Misc. *VANDEBURG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Robert G. Maysack* for the United States.

No. 1915, Misc. *HERNANDEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 1840, Misc. *HOWINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1882, Misc. *DIMOND v. SUFFOLK COUNTY BAR ASSN.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Emmett F. McNamara* for respondent.

No. 487, Misc. *KNIGHT, AKA BRUNT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 395 F. 2d 971.

No. 663, Misc. *HOAPILI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Donald S. Nishimura* for petitioner. *Solicitor General Griswold, Assistant Attorney General Vinson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 395 F. 2d 656.

*Rehearing Denied.*

No. 954. *CINO v. UNITED STATES*, 394 U. S. 917;

No. 1061. *TEAGUE ET AL. v. REGIONAL COMMISSIONER OF CUSTOMS, REGION II, ET AL.*, 394 U. S. 977;

No. 1093. *BEST MEDIUM PUBLISHING CO., INC. v. VARNISH*, 394 U. S. 987;

No. 964, Misc. *EDWARDS v. KANSAS*, 394 U. S. 989;

No. 1581, Misc. *FIELDS v. MANCUSI, WARDEN*, 394 U. S. 992; and

No. 1746, Misc. *AKERS v. CASSIN, JUDGE*, 394 U. S. 996. Petitions for rehearing denied.

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No. 12. *DESIST ET AL. v. UNITED STATES*, 394 U. S. 244; and

No. 732, Misc. *RICH v. UNITED STATES*, 394 U. S. 993. Petitions for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these petitions.

*Assignment Order.*

Pursuant to the provisions of 28 U. S. C. § 42, it is ordered that MR. JUSTICE BRENNAN be, and he is hereby, temporarily assigned to the First Circuit as Circuit Justice.

MAY 27, 1969.

*Dismissal Under Rule 60.*

No. 1674, Misc. *FEAR v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court.

JUNE 2, 1969.

*Miscellaneous Orders.*

No. 1101. *BROTHERHOOD OF LOCOMOTIVE FIREMEN & ENGINEMEN v. ELGIN, JOLIET & EASTERN RAILWAY Co.* C. A. 7th Cir. Joint motion to defer consideration of petition for certiorari granted. *Alex Elson* for petitioner and *Harlan L. Hackbert* for respondent on the motion. Reported below: 404 F. 2d 80.

No. 1843, Misc. *LIFSCHUTZ v. ARABIAN ET AL.* D. C. N. D. Cal. Motions of California State Psychological Assn. and American Psychiatric Assn. for leave to file briefs as *amici curiae* granted. Motion for leave to file petition for writ of mandamus and/or certiorari denied. *Kurt W. Melchior* for petitioner. *Warren E. Magee* for American Psychiatric Assn., in support of the petitioner.



June 2, 1969.

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No. 1809, Misc. BAGBY *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS. Motion for leave to file petition for writ of habeas corpus denied.

No. 1852, Misc. O'MEARA *v.* UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted.*

No. 1875, Misc. BALDWIN *v.* NEW YORK. Appeal from Ct. App. N. Y. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case transferred to appellate docket. *William E. Hellerstein* and *Leon B. Polsky* for appellant. *Frank S. Hogan* and *Michael R. Juviler* for appellee. Reported below: 24 N. Y. 2d 207, 247 N. E. 2d 260.

*Certiorari Granted.*

No. 1291. UNITED STATES *v.* KORDEL ET AL. C. A. 6th Cir. Certiorari granted. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Lawrence G. Wallace*, *Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. *Milton A. Bass* and *Solomon H. Friend* for respondents. Reported below: 407 F. 2d 570.

No. 766, Misc. MINOR *v.* UNITED STATES. C. A. 2d Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Case transferred to appellate docket. *Leon B. Polsky* and *Phyllis Skloot Bamberger* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Vinson*, and *Jerome M. Feit* for the United States. Reported below: 398 F. 2d 511.

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No. 1387, Misc. *TURNER v. UNITED STATES*. C. A. 3d Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Case transferred to appellate docket and set for argument immediately following No. 766, Misc., *supra*. Reported below: 404 F. 2d 782.

*Certiorari Denied*. (See also No. 1268, *ante*, p. 335; and No. 1335, *ante*, p. 336.)

No. 1063. *WRIGHT ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Sam Adam* for petitioners. *William J. Scott*, Attorney General of Illinois, and *Joel M. Flaum* and *Thomas J. Immel*, Assistant Attorneys General, for respondent. Reported below: 41 Ill. 2d 170, 242 N. E. 2d 180.

No. 1075. *KNIGHT v. LOUISIANA STATE BOARD OF MEDICAL EXAMINERS*. Sup. Ct. La. Certiorari denied. *Benjamin E. Smith* for petitioner. *Richard C. Baldwin* for respondent. Reported below: 252 La. 889, 214 So. 2d 716.

No. 1162. *DANICA ENTERPRISES, INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. *William T. Coleman, Jr.*, *Milton Young*, *Stephen S. Ziegler*, and *Richard L. Levy* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Harry Baum*, and *Louis M. Kauder* for respondent. Reported below: — F. 2d —.

No. 1201. *HAYDEN, DBA HOUSTON INTERNATIONAL AIRPORT LIMOUSINE SERVICE v. BOWEN ET AL.* C. A. 5th Cir. Certiorari denied. *Raymond M. Hill* for petitioner. *Chris Dixie* for respondents. Reported below: 404 F. 2d 682.

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No. 1238. *BATTERTON, EXECUTOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Hershel Shanks* for petitioner. *Solicitor General Griswold, Assistant Attorney General Walters, and Jonathan S. Cohen* for the United States. Reported below: 406 F. 2d 247 and 250.

No. 1256. *HILL v. FLOTA MERCANTE GRANCOLOMBIANA, S. A.* C. A. 5th Cir. Certiorari denied. *Clifton S. Carl* for petitioner. Reported below: 405 F. 2d 878.

No. 1264. *WOLFE v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. *George F. Douglas, Jr.*, for petitioner. Reported below: 433 Pa. 141, 249 A. 2d 316.

No. 1270. *McCOWN v. HUMBLE OIL & REFINING CO.* C. A. 4th Cir. Certiorari denied. *Harvey Goldstein* for petitioner. *John W. Winston* for respondent. Reported below: 405 F. 2d 596.

No. 1272. *SHEAFFER ET AL. v. WAREHOUSE EMPLOYEES UNION, LOCAL 730, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA*. C. A. D. C. Cir. Certiorari denied. *Albert J. Ahern, Jr.*, and *John K. Pickens* for petitioners. *Herbert S. Thatcher* for respondent. Reported below: 132 U. S. App. D. C. 401, 408 F. 2d 204.

No. 1274. *SMITH v. STOUTOMIRE*. Sup. Ct. Ala. Certiorari denied. *Charles S. Conley* for petitioner. Reported below: 283 Ala. 376, 217 So. 2d 242.

No. 1278. *ARMSTRONG v. UNITED STATES*. Ct. Cl. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, and Alan S. Rosenthal* for the United States. Reported below: 186 Ct. Cl. 539, 405 F. 2d 1275.



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No. 1280. *FEIN v. DEEGAN, WARDEN*. C. A. 2d Cir. Certiorari denied. *Milton C. Weisman* and *O. John Rogge* for petitioner. *Frank S. Hogan, Michael R. Juviler*, and *Eric A. Seiff* for respondent. Reported below: 410 F. 2d 13.

No. 1285. *DETROIT VITAL FOODS, INC. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. *Milton A. Bass* and *Solomon H. Friend* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. Reported below: 407 F. 2d 570.

No. 1289. *MORIN ET UX. v. GARRA ET AL.* Super. Ct. N. J. Certiorari denied. *Jacob L. Balk* and *Norman Dorsen* for petitioners. *Frederick B. Lacey* and *Walter E. Monaghan* for respondents.

No. 1296. *AMERICAN SMELTING & REFINING CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. *Joseph S. Jenckes, Jr.*, for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come*, and *Linda Sher* for respondent. Reported below: 406 F. 2d 552.

No. 1300. *BOND TRANSPORTATION, INC. v. COX ET AL.* Sup. Ct. N. J. Certiorari denied. *Carroll A. Morley* for petitioner. *Vincent C. DeMaio* for respondent Cox. Reported below: 53 N. J. 186, 249 A. 2d 579.

No. 1308. *EDWARD DON & CO. ET AL. v. UFLAND ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. *Sidney R. Zatz, J. Herzl Segal*, and *Philip B. Kurland* for petitioners. *Albert E. Jenner, Jr.*, and *Thomas P. Sullivan* for respondents. Reported below: 98 Ill. App. 2d 49, 240 N. E. 2d 725.

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No. 1301. *SNYDER v. JOURNAL PUBLISHING CO. ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. *Burton Young* for petitioner. *William C. Steel* for respondents. Reported below: 214 So. 2d 90.

No. 660. *IN RE DENNETT.* C. A. 10th Cir. Motion for leave to file reprinted petition with amendments granted. Certiorari denied. *J. Thomas Greene* and *John H. Allen* for respondent Beneficial Life Insurance Co., and *Randon W. Wilson* for respondent Walker Bank & Trust Co., in opposition.

No. 1266. *DLUTZ v. FEDERAL TRADE COMMISSION.* C. A. 3d Cir. Motion to dispense with printing petition and certiorari denied. Reported below: 406 F. 2d 227.

No. 1279. *UNITED STATES v. IDEAL BASIC INDUSTRIES, INC.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE HARLAN are of the opinion that certiorari should be granted. MR. JUSTICE WHITE and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Harris Weinstein*, and *Grant W. Wiprud* for the United States. *Harry R. Horrow* and *Stephen J. Martin* for respondent. Reported below: 404 F. 2d 122.

No. 1015, Misc. *NEGRON v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *George J. Aspland* and *David F. Jordan* for respondent.

No. 1069, Misc. *GETER v. NELSON, WARDEN.* 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 respondent.

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No. 1295. ALLEGHANY CORP. ET AL. *v.* MISSOURI PACIFIC RAILROAD CO. ET AL.;

No. 1328. LEVIN ET AL. *v.* MISSOURI PACIFIC RAILROAD Co.; and

No. 1333. SLAYTON ET AL. *v.* MISSOURI PACIFIC RAILROAD Co. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Breck P. McAllister, G. Carroll Stribling, and Ben Vinar* for petitioners in No. 1295; *Maxwell Brandwen and John Lowenthal* for petitioners in No. 1328; and *William E. Haudek and Harold C. Ackert* for petitioners in No. 1333. *Albert E. Jenner, Jr., and Philip W. Tone* for respondent Missouri Pacific Railroad Co. in all three cases. Reported below: 407 F. 2d 1078.

No. 959, Misc. RIVERA *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. *Eugene Gold and Stanley M. Meyer* for respondent.

No. 1172, Misc. RUPPERT *v.* LAVALLEE, WARDEN. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. *Eleanor Jackson Piel* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Solicitor General, and *Calvin M. Berger*, Assistant Attorney General, for respondent.

No. 1348, Misc. COLLINS *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Frederick R. Millar, Jr.*, Deputy Attorney General, for respondent.

No. 1658, Misc. JOHNSON *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. *Mitchell A. Kramer and David C. Harrison* for petitioner. Reported below: 404 F. 2d 42.



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No. 1513, Misc. GRINDSTAFF *v.* IOWA. C. A. 8th Cir. Certiorari denied.

No. 1587, Misc. PETERSON ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 405 F. 2d 102.

No. 1597, Misc. WOODARD *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Richard Newman* for petitioner. Reported below: 53 N. J. 64, 247 A. 2d 887.

No. 1693, Misc. LOWRY *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1696, Misc. STAPLES *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

No. 1714, Misc. RUDERER *v.* SCHILTZ ET AL. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for respondents.

No. 1715, Misc. RUDERER *v.* UNITED STATES DEPARTMENT OF JUSTICE ET AL. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for respondents.

No. 1740, Misc. ESPERTI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 406 F. 2d 148.

No. 1759, Misc. SMITH *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Leonard H. Dickstein* for respondent.

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No. 1802, Misc. YAGER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 436 S. W. 2d 527.

No. 1818, Misc. FINGAR *v.* UNITED STATES RAILROAD RETIREMENT BOARD. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for respondent. Reported below: 402 F. 2d 544.

No. 1819, Misc. TILLMAN *v.* MARYLAND. C. A. 4th Cir. Certiorari denied.

No. 1823, Misc. SHAFFNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Beatrice Rosenberg* for the United States. Reported below: — F. 2d —.

No. 1826, Misc. TEZAK ET AL. *v.* SERAPHIM, JUDGE, ET AL. Sup. Ct. Wis. Certiorari denied.

No. 1827, Misc. BROWN ET AL. *v.* BETHANIA HOSPITAL ET AL. C. A. 5th Cir. Certiorari denied.

No. 1830, Misc. HAINES *v.* LYNCH ET AL. C. A. 7th Cir. Certiorari denied.

No. 1836, Misc. MASSEN *v.* WISCONSIN. Sup. Ct. Wis. Certiorari denied. Reported below: 41 Wis. 2d 245, 163 N. W. 2d 616.

No. 1837, Misc. ALBANESE *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *William E. Hellerstein* and *Helaine Barnett* for petitioner. *Thomas J. Mackell* and *Peter J. O'Connor* for respondent.

No. 1844, Misc. BLYDEN *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

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No. 1847, Misc. *BORK v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 4 Md. App. 404, 243 A. 2d 647.

No. 1848, Misc. *SEARLES v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: — Minn. —, 165 N. W. 2d 552.

No. 1851, Misc. *LISCIANDRELLO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1854, Misc. *LOWRIE v. SIGLER*. C. A. 8th Cir. Certiorari denied. Reported below: 404 F. 2d 659.

No. 1856, Misc. *DAVIS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 268 Cal. App. 2d 23, 73 Cal. Rptr. 653.

No. 1861, Misc. *HUGHES v. ARIZONA*. Ct. App. Ariz. Certiorari denied. *W. Edward Morgan* for petitioner. *Gary K. Nelson*, Attorney General of Arizona, and *Carl Waag*, Assistant Attorney General, for respondent. Reported below: 8 Ariz. App. 366, 446 P. 2d 472.

No. 1862, Misc. *DOWNIE v. BURKE, WARDEN*. C. A. 7th Cir. Certiorari denied. *John H. Wessel* for petitioner. Reported below: 408 F. 2d 343.

No. 1864, Misc. *HARRIS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Robert G. Maysack* for the United States.

No. 1891, Misc. *STEIGLER v. DELAWARE*. Super. Ct. Del., New Castle County. Certiorari denied. *William E. Taylor, Jr.*, for petitioner.



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No. 1878, Misc. FORESTEL, ADMINISTRATRIX *v.* PENN NAVIGATION CO. ET AL. C. A. 5th Cir. Certiorari denied. *Raymond H. Kierr* for petitioner. *Leon Sarpy* for respondents. Reported below: 404 F. 2d 1386.

*Rehearing Denied.*

No. 578, October Term, 1963. D'ERCOLE *v.* UNITED STATES, 375 U. S. 967. Motion for leave to proceed *in forma pauperis* granted. Motion for leave to file petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these motions.

No. 1644, Misc. SHOCK *v.* TESTER ET AL., 394 U. S. 1020. Petition for rehearing and motion for stay denied.

No. 1283, Misc., October Term, 1967. KORDIC ET UX. *v.* ESPERDY, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE, 392 U. S. 935;

No. 280. UNITED STATES *v.* SKELLY OIL Co., 394 U. S. 678;

No. 834. PENDERGRAFT *v.* MISSISSIPPI, 394 U. S. 715;

No. 1122. FUND OF FUNDS, LTD. *v.* ROTH, 394 U. S. 975;

No. 1511, Misc. CINNAMON *v.* EATON, SHERIFF, 394 U. S. 964;

No. 1522, Misc. WINKLE *v.* KROPP, WARDEN, 394 U. S. 1003;

No. 1531, Misc. DeLORME ET AL. *v.* UNITED STATES, 394 U. S. 991;

No. 1545, Misc. McKINNEY *v.* BOYLE ET AL., 394 U. S. 992;

No. 1565, Misc. McCONNELL *v.* WASHINGTON ET AL., 394 U. S. 1004; and

No. 1568, Misc. PARKER *v.* UNITED STATES, 394 U. S. 1004. Petitions for rehearing denied.

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No. 1112. *LEIGHTON v. ONE WILLIAM STREET FUND, INC., ET AL.*, 394 U. S. 988. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 1369, October Term, 1967. *SONDEREGGER v. HEISS*, 392 U. S. 931, 393 U. S. 903. Motion for leave to file second petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

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*Miscellaneous Orders.*

No. 1275, October Term, 1967. *BUTTERMAN ET UX. v. WALSTON & Co., INC., ET AL.*, 391 U. S. 913. Petition to reopen and other relief denied.

No. —. *IN RE SKOLNICK*; and

No. —. *IN RE ALBRIGHT*. C. A. 7th Cir. Petitions to conduct investigations and other relief denied.

No. —. *MANUEL v. ILLINOIS*. Application for bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Elmer C. Kissane* in opposition.

No. 1406. *MONKS v. NEW JERSEY*. Sup. Ct. N. J. [Certiorari granted, *ante*, p. 903.] Motion of petitioner for the appointment of counsel granted. It is ordered that *Anthony G. Amsterdam, Esquire*, of Philadelphia, Pennsylvania, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 2096, Misc. *STRAUSS v. SMITH, WARDEN*. Motion for leave to file petition for writ of habeas corpus denied. *Solicitor General Griswold* in opposition.

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No. 2013, Misc. *McLEAN v. CICCONI*. Motion for leave to file petition for writ of injunction denied.

*Certiorari Granted*. (See No. 838, *ante*, p. 461; No. 966, Misc., *ante*, p. 462; and No. 1048, Misc., *ante*, p. 463.)

*Certiorari Denied*.

No. 1140. *KENNEY v. HAUGH, WARDEN*. Sup. Ct. Iowa. *Certiorari* denied. *Dan L. Johnston* for petitioner. *Richard C. Turner*, Attorney General of Iowa, and *David A. Elderkin* and *William A. Claerhout*, Assistant Attorneys General, for respondent. Reported below: — Iowa —, 163 N. W. 2d 428.

No. 1244. *RADIO CORPORATION OF AMERICA v. SCM CORP.* C. A. 2d Cir. *Certiorari* denied. *John F. Sonnett* for petitioner. *Frank F. Scheck* and *Jerry Oppenheim* for respondent. Reported below: 407 F. 2d 166.

No. 1258. *DOSEK v. UNITED STATES*. C. A. 8th Cir. *Certiorari* denied. *Edwin F. Dosek* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. Reported below: 405 F. 2d 405.

No. 1271. *DOLLERIS v. UNITED STATES*. C. A. 6th Cir. *Certiorari* denied. *Lee S. Jones* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John P. Burke* for the United States. Reported below: 408 F. 2d 918.

No. 1282. *WELCH v. OHIO*. Sup. Ct. Ohio. *Certiorari* denied. *F. Lee Bailey* for petitioner. *Lee C. Falke* for respondent.



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No. 1281. MISSISSIPPI VALLEY PORTLAND CEMENT CO. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Charles Clark* for petitioner. *Solicitor General Griswold, Assistant Attorney General Walters, Thomas L. Stapleton, and Howard M. Koff* for the United States. Reported below: 408 F. 2d 827.

No. 1298. JOHN J. McMULLEN ASSOCIATES, INC. *v.* STATE BOARD OF HIGHER EDUCATION ET AL. C. A. 9th Cir. Certiorari denied. *Martin Fleit, Harvey B. Jacobson, Jr., and Erskine B. Wood* for petitioner. *Stephen W. Blore and Robert Y. Thornton* for respondents. Reported below: 406 F. 2d 497.

No. 1299. HOERDT, TRUSTEE, ET AL. *v.* CITY OF EVANSTON. App. Ct. Ill., 1st Dist. Certiorari denied. *Edward J. Metzdorf* for petitioners. Reported below: 99 Ill. App. 2d 307, 241 N. E. 2d 685.

No. 1302. UNION PACIFIC RAILROAD CO. *v.* UNITED STATES. Ct. Cl. Certiorari denied. *Robert J. Casey, Thomas E. Tyre, John A. Craig, and Thomas J. McCoy, Jr.,* for petitioner. *Solicitor General Griswold, Assistant Attorney General Walters, and Gilbert E. Andrews* for the United States. Reported below: 185 Ct. Cl. 393, 401 F. 2d 778.

No. 1304. GEAUGA PLASTICS CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. *C. A. Kothe* for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent. Reported below: 404 F. 2d 1382.

No. 1316. BUSHMAN *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of Santa Barbara. Certiorari denied. *John M. Sink* for petitioner.

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No. 1292. DAVIS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 1305. GOOCH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. *Robert B. Thompson* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Jerome M. Feit* for the United States. Reported below: 409 F. 2d 698.

No. 1312. ACTON ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. *Jay Dushof* for petitioners. *Solicitor General Griswold, Assistant Attorney General Kashiwa, S. Billingsley Hill, and Jacques B. Gelin* for the United States. Reported below: 401 F. 2d 896.

No. 1313. FRECCIA, AKA BANKS, ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Kirby W. Patterson* for the United States.

No. 1315. GRIFFITH ET AL. *v.* COUNTY OF LOS ANGELES ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Louis R. Baker* for petitioners. Reported below: 267 Cal. App. 2d 837, 73 Cal. Rptr. 773.

No. 1317. POMONA VALLEY CENTER, INC., ET AL. *v.* COUNTY OF LOS ANGELES ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Louis R. Baker* for petitioners.

No. 1321. POMONA VALLEY CENTER, INC., ET AL. *v.* COUNTY OF LOS ANGELES ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. *Louis R. Baker* for petitioners.

No. 1330. CLARK, ADMINISTRATOR *v.* ATER ET AL. Sup. Ct. App. W. Va. Certiorari denied. *Harry Alan Sherman* for petitioner.

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No. 1324. *MENK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. *William C. Erbecker* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Philip R. Monahan* for the United States. Reported below: 406 F. 2d 124.

No. 1326. *ST. JAMES TEMPLE OF THE A. O. H. CHURCH OF GOD, INC., ET AL. v. BOARD OF APPEALS OF THE CITY OF CHICAGO ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. *John P. Madigan* for petitioners. *Raymond F. Simon, Marvin E. Aspen, and Howard G. Goldman* for respondents. Reported below: 100 Ill. App. 2d 302, 241 N. E. 2d 525.

No. 1334. *GOLTEN MARINE CO., INC. v. TRELLEBORGS ANGFARTYGS A/B ET AL.* C. A. 2d Cir. Certiorari denied. *Sidney A. Schwartz* for petitioner. *William P. Kain, Jr., Francis X. Byrn, and Joseph V. Fleming* for respondent Trelleborgs Angfartygs A/B. Reported below: 408 F. 2d 1334.

No. 1343. *WILKINSON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. *George E. Tyack* for petitioner. Reported below: 17 Ohio St. 2d 9, 244 N. E. 2d 480.

No. 1347. *STANLEY-ARTEX WINDOWS, DIVISION OF STANLEY WORKS v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. *Glenn L. Greene, Jr.*, for petitioner. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, Norton J. Come, and Linda Sher* for respondent. Reported below: 130 U. S. App. D. C. 369, 401 F. 2d 434.

No. 1773, Misc. *SMITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 407 F. 2d 597.



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No. 1352. *NORMAN ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. *Charles J. McDonough* for petitioners. *Solicitor General Griswold, Assistant Attorney General Walters, Joseph M. Howard, and John M. Brant* for respondent. Reported below: 407 F. 2d 1337.

No. 1297. *RILEY v. DELAWARE*. Sup. Ct. Del. Certiorari denied. MR. JUSTICE WHITE is of the opinion that certiorari should be granted. *Sidney Balick* for petitioner. Reported below: — Del. —, 249 A. 2d 863.

No. 1310. *MARLOWE v. COAKLEY ET AL.* C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion and petition. *Richard G. Logan* for respondents. Reported below: 404 F. 2d 70.

No. 1446. *DODD v. PEARSON ET AL.* C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. *John F. Sonnett, Raymond L. Falls, Jr., and Donald J. Mulvihill* for petitioner. Reported below: 133 U. S. App. D. C. 279, 410 F. 2d 701.

No. 224, Misc. *STURM v. CALIFORNIA ADULT AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch, Attorney General of California, Joyce F. Nedde, Deputy Attorney General, and Albert W. Harris, Jr., Assistant Attorney General*, for respondents. Reported below: 395 F. 2d 446.

No. 1817, Misc. *ALRED v. HENDERSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 406 F. 2d 743.

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No. 1825, Misc. CAMPBELL *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 1850, Misc. PLOSS *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 1860, Misc. MONTGOMERY ET AL. *v.* MARYLAND. Ct. App. Md. Certiorari denied. *Robert J. Carson* for petitioners.

No. 1863, Misc. MIKE *v.* NEW YORK ET AL. C. A. 2d Cir. Certiorari denied.

No. 1866, Misc. HOWARD *v.* NEW YORK; and

No. 1901, Misc. MILES *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Jonathan L. Rosner* for petitioner in No. 1866, Misc. *Frank S. Hogan* and *Michael R. Juviler* for respondent in both cases. Reported below: 23 N. Y. 2d 527, 245 N. E. 2d 688.

No. 1886, Misc. PALMER *v.* PROCUNIER, CORRECTIONS DIRECTOR, ET AL. C. A. 9th Cir. Certiorari denied.

No. 1894, Misc. MORALES *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Frank S. Hogan* and *Michael R. Juviler* for respondent.

No. 1905, Misc. STEVENSON *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1906, Misc. DIAMOND *v.* NELSON, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 1908, Misc. BAKER ET AL. *v.* MARONEY, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied.

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No. 1912, Misc. FLEMING *v.* FIELD, MEN'S COLONY SUPERINTENDENT. Sup. Ct. Cal. Certiorari denied.

No. 1913, Misc. BALLARD *v.* HARRISON, CORRECTIONS DIRECTOR, ET AL. C. A. 6th Cir. Certiorari denied. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Stewart H. Freeman*, Assistant Attorney General, for respondents.

No. 1914, Misc. REED *v.* DOYLE ET AL. C. A. 3d Cir. Certiorari denied.

No. 1919, Misc. HARDING *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 5 Md. App. 230, 246 A. 2d 302.

No. 1923, Misc. KOCH *v.* NEW JERSEY. Super. Ct. N. J. Certiorari denied.

No. 1938, Misc. DAVIS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Robert G. Maysack* for the United States. Reported below: 133 U. S. App. D. C. 172, 409 F. 2d 458.

No. 1942, Misc. BYE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Robert G. Maysack* for the United States.

No. 1957, Misc. STEVENSON *v.* MANCUSI, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 1961, Misc. DAVIS *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. *W. S. Moore* for petitioner. Reported below: 218 So. 2d 17.

No. 1958, Misc. HUTCHINSON *v.* NELSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.



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No. 979, Misc. *SELLERS v. LAIRD*, SECRETARY OF DEFENSE, ET AL. C. A. 5th Cir. Certiorari denied. *Charles Morgan, Jr., Reber F. Boulton, Jr., Howard Moore, Jr., Morris Brown, Melvin L. Wulf, Martin Garbus, and Eleanor Holmes Norton* for petitioner. *Solicitor General Griswold, Assistant Attorney General Weisl, Morton Hollander, and Robert V. Zener* for respondents. Reported below: 398 F. 2d 893.

MR. JUSTICE DOUGLAS, with whom THE CHIEF JUSTICE and MR. JUSTICE MARSHALL join, dissenting.

Petitioner is a Negro who was classified I-A by his local Selective Service Board in South Carolina, before his place of induction was transferred to his current residence in Georgia. Prior to receiving his order to report for induction, he filed suit in the District Court for the Northern District of Georgia to enjoin his induction on the ground that systematic exclusion of Negroes from local and appeals boards in South Carolina and Georgia violates the Constitution of the United States as well as the Military Selective Service Act of 1967,<sup>1</sup> 81 Stat. 100, 50 U. S. C. App. § 451 *et seq.* (1964 ed., Supp. III), and renders them powerless to induct him into the Armed Forces.

According to his uncontested allegations, South Carolina is a State with 161 board members, only one of whom is Negro. Thus, from a State in which 34.8% of the population is Negro, only 0.6% participates in the administration of the Selective Service. Moreover, in Georgia, where 28.5% of the population is Negro, members of the Negro race constitute only 0.2% of the 509 board members. Despite these statistics of exclu-

<sup>1</sup> “[I]n the interpretation and execution of the provisions of this title [including provisions for the appointment of board members] . . . there shall be no discrimination against any person on account of race or color . . . .” 50 U. S. C. App. § 455 (a).

sion,<sup>2</sup> and despite petitioner's assertion that his classification was racially motivated, the District Court refused to enjoin his induction.

Following that denial, petitioner noted an appeal. In the meantime, however, he was ordered to report for induction. After unsuccessful attempts to stay prosecution, and over his defense that he had been inducted by a Selective Service System from which Negroes had been studiously excluded, he was convicted of violating 50 U. S. C. App. § 462 (a) and sentenced to five years in prison.

It was only after his criminal conviction that the Court of Appeals decided his appeal from the District Court denial of a preliminary injunction. Reluctant to treat that civil appeal as moot, it reached the merits and decided that the exclusion of Negroes from local draft boards does not deprive them of jurisdiction to induct Negroes into the Armed Forces.<sup>3</sup> Petitioner comes to

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<sup>2</sup> It appears that in 1966, 23 States maintained local boards without a single Negro member, among them being States in which Negroes constituted up to 42% of the population. See Report, National Advisory Commission on the Selective Service Act 80 (1967).

<sup>3</sup> Judge Tuttle wrote a separate opinion in the case below, *sub nom. Sellers v. McNamara*, 398 F. 2d 893, at 894. Although considering himself bound by the "law of this circuit," as established in *Clay v. United States*, 397 F. 2d 901 (C. A. 5th Cir., cert. then pending, No. 271 of this Term, but subsequently granted and judgment vacated and remanded on other grounds, 394 U. S. 310), he admitted that:

"[H]ad our court not foreclosed the matter for our consideration, I would conclude that the issue is one which should be raised by direct attack [as in this case], and that the statute and the Constitution of the United States do forbid the practice which produces selective service boards of an entire state whose members are substantially all white, while classifying and ordering into service citizens of the state, approximately one third of whom are Negroes." 398 F. 2d, at 895.

this Court seeking a writ of certiorari to review that decision.

This is a case we should hear and decide.

The fact that the challenge to the Board's action is made in a pre-induction lawsuit is not necessarily fatal. Although § 10 (b)(3), 50 U. S. C. App. § 460 (b)(3) (1964 ed., Supp. III), provides that there shall be no judicial review "of the classification or processing of any registrant" except as a defense in a criminal prosecution, there are exceptions to it. Thus we held in *Oestereich v. Selective Service Board*, 393 U. S. 233, that where the action of the Board was "lawless," the courts would give pre-induction review of the matter. In that case the Board had used "delinquency" proceedings to deprive a divinity student of his statutory exemption in retaliation for his having returned his registration certificate in dissent from our Vietnam policy.

This case also presents a statutory right. 50 U. S. C. App. § 455 (a) provides for the selection of members of Selective Service Boards "in an impartial manner" under rules and regulations prescribed by the President, "Provided, That in the selection of persons for training and service under this title . . . and *in the interpretation and execution of the provisions of this title . . .*, there shall be no discrimination against any person on account of race or color . . . ." (Emphasis supplied.)

While the present case was pending, Sellers was convicted of refusing induction; on appeal the Court of Appeals affirmed, but a petition for rehearing is pending.<sup>4</sup>

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<sup>4</sup> After failing to obtain relief in the District Court below in his request for an injunction against his induction, Sellers appealed to the Court of Appeals. In the meantime, however, he was threatened with an immediate order to report for induction. Consequently, pending his appeal to the Court of Appeals he requested a stay of induction. Both the District Court and the Court of Appeals denied relief. Sellers then sought such a stay from MR. JUSTICE BLACK.

On April 18, 1967, MR. JUSTICE BLACK denied a stay of induction



The Court of Appeals refused to treat the present civil case as moot and instead treated it as a request for "an order requiring that he be discharged from his present service of sentence following his conviction."

If we assume that Sellers has a statutory right to a bi-racial Board, he would be entitled to pre-induction judicial review, if *Oestereich* is to have any life or meaning.

If that is true, a Board compounds the injury by bulldozing the man into the Army. I cannot believe we would ever hold that lawless Board action can render a case moot.

What the facts of this case on the issue of racial discrimination are we do not know.<sup>5</sup> The system of using an all-white Board may well result in black registrants

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pending appeal to the Court of Appeals. Sellers refused to report, and was convicted before the Court of Appeals could hear his civil appeal.

<sup>5</sup> In filling out his "Current Information Questionnaire," petitioner noted that his job with the Student Nonviolent Coordinating Committee (SNCC) consisted of coordinating an "organizational program to develop a political and economical awareness in the black community," for an organization whose admitted purpose was to develop "Black Power." His conviction in federal court for "trespassing," an offense arising out of a civil rights demonstration, is also in the record. Finally, a member of the local Board admitted to the State Director of the Selective Service that she had allowed an FBI agent to review petitioner's file, even though such access was in violation of Selective Service regulations.

A psychiatrist filed, as part of petitioner's Armed Forces physical, the following:

"[Petitioner] states he has animosities toward the Armed Services. The Negroes are '10% of the U. S. population, yet 30% of the casualties in Vietnam are Negroes.' They are 'the front line foot soldiers.' . . . He feels that the country 'will not give the Negroes any room.' He states that the Vietnamese are basically colored people and the Negro soldiers have no business there fighting other colored people. . . . He is considered to be a semi-professional race agitator."

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being sent to Vietnam to do service for white registrants. Whether that is true or not, is not shown by the present record as there was no hearing.

It is common talk that in some areas where all-white Boards sit, the white registrant as distinguished from the black, need not even ask for deferment in order to obtain it. The presence of an all-white Board may, however, not be the basis of any lawful complaint. For on the facts of a particular case a I-A classification may be wholly warranted, irrespective of the racial context of the Board. On the other hand, the presence of an all-white Board in a racially prejudiced community may well result in blacks carrying more than their fair share of the Vietnam burden. Cf. *Wolff v. Selective Service Local Bd.*, 372 F. 2d 817. I assume that is what 50 U. S. C. App. § 455 (a) was designed to prevent. I would grant this petition for certiorari.

*Rehearing Denied.*

No. 343. UNITED STATES *v.* AN ARTICLE OF DRUG . . . BACTO-UNIDISK . . . , 394 U. S. 784;

No. 1126. FARINELLA ET AL. *v.* UNITED STATES, 394 U. S. 1000;

No. 1713, Misc. JESSY *v.* SUPERIOR COURT OF CALIFORNIA ET AL., 394 U. S. 1021; and

No. 1732, Misc. BULLIS *v.* HOCKER, WARDEN, *ante*, p. 915. Petitions for rehearing denied.

No. 1256, Misc. CAMPBELL *v.* UNITED STATES, 393 U. S. 1121. Motion for leave to file petition for rehearing denied.

No. 1290, Misc. RALPH *v.* MARYLAND, 394 U. S. 1002. Petition for rehearing and stay of execution denied.

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*Miscellaneous Orders.*

No. —. *FRIEDMAN v. UNITED STATES*. C. A. 2d Cir. Application for bail presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. *William M. Kunstler* for applicant. *Solicitor General Griswold* in opposition.

No. 35, Orig. *UNITED STATES v. MAINE ET AL.* Motion for leave to file bill of complaint granted and defendant States allowed 60 days to answer. *Attorney General Mitchell* and *Solicitor General Griswold* for the United States. *James S. Erwin*, Attorney General, and *Robert G. Fuller, Jr.*, Assistant Attorney General, filed a brief in opposition for the State of Maine, joined by the Attorneys General for their respective States as follows: *George S. Pappagianis* of New Hampshire, *Robert H. Quinn* of Massachusetts, *Herbert F. DeSimone* of Rhode Island, *Louis J. Lefkowitz* of New York, *Arthur J. Sills* of New Jersey, *David P. Buckson* of Delaware, *Francis B. Burch* of Maryland, *Robert Y. Button* of Virginia, *Robert B. Morgan* of North Carolina, *Daniel R. McLeod* of South Carolina, *Arthur K. Bolton* of Georgia, and *Earl Faircloth* of Florida.

No. 163. *YOUNGER, DISTRICT ATTORNEY OF LOS ANGELES COUNTY v. HARRIS ET AL.* Appeal from D. C. C. D. Cal. [Probable jurisdiction noted, 393 U. S. 1013.] Case restored to calendar for reargument and set for oral argument immediately following Nos. 580 and 813, *infra*.

No. 244. *BOYLE, JUDGE, ET AL. v. LANDRY ET AL.* Appeal from D. C. N. D. Ill. [Probable jurisdiction noted, 393 U. S. 974.] Case restored to calendar for reargument.



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No. 2, Misc. CHANDLER, U. S. DISTRICT JUDGE *v.* JUDICIAL COUNCIL OF THE TENTH CIRCUIT OF THE UNITED STATES. Motion of Carl L. Shipley for leave to file a brief as *amicus curiae* granted. Motion to advance denied. Case set for oral argument on October 20, 1969, on motion for leave to file petition for writ of prohibition and/or mandamus. Additional briefs may be filed by the parties, and petitioner's brief, if any, is due within 60 days and that of respondent within 30 days thereafter. MR. JUSTICE MARSHALL took no part in the consideration or decision of these matters. *Carl L. Shipley, pro se*, on motion for leave to file *amicus curiae* brief. *Thomas J. Kenan* for petitioner on motion to advance.

No. 1323, Misc. DAVIDSON *v.* CALIFORNIA ET AL. Motion for leave to file petition for writ of habeas corpus denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Frederick R. Millar, Jr.*, Deputy Attorney General, for respondents.

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, 393 U. S. 819.] Case restored to calendar for reargument.

No. 2062, Misc. URSINI *v.* UNITED STATES;  
No. 2065, Misc. GREENE *v.* NEW YORK ET AL.;  
No. 2075, Misc. TIVIS *v.* UNITED STATES ET AL.;  
No. 2103, Misc. SCOTT *v.* KROPP, WARDEN; and  
No. 2168, Misc. CORBIN *v.* RUNDLE, CORRECTIONAL SUPERINTENDENT. Motions for leave to file petitions for writs of habeas corpus denied.

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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, 393 U. S. 975.] Cases restored to calendar for reargument.

*Probable Jurisdiction Noted.*

No. 1363. CITY OF CHICAGO ET AL. *v.* UNITED STATES ET AL.; and

No. 1364. CITY OF CHICAGO ET AL. *v.* UNITED STATES ET AL. Appeals from D. C. N. D. Ill. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. *Raymond F. Simon, Charles E. Griffith III, Robert E. Kendrick, Arthur K. Bolton, Gordon P. MacDougall, William E. Nelson, and Chester L. Rigsby* for appellants in No. 1363; and *Messrs. Simon, Griffith, Kendrick, MacDougall, and Rigsby, and Edward J. Hickey, Jr., William G. Mahoney, Weldon A. Cousins, and Leon M. Despres* for appellants in No. 1364. *Albert E. Jenner, Jr., Thomas P. Sullivan, and Keith F. Bode* for appellee Chicago & Eastern Illinois R. Co. in No. 1363; *Joseph L. Lenihan, James W. Hoeland, and Harry R. Begley* for appellee Louisville & Nashville R. Co. in No. 1364; and *Solicitor General Griswold, Assistant Attorney General McLaren, Howard E. Shapiro, and Robert W. Ginnane* for the United States et al. in both cases. Reported below: No. 1363, 294 F. Supp. 1103; No. 1364, 294 F. Supp. 1106.

No. 1415. WALZ *v.* TAX COMMISSION OF THE CITY OF NEW YORK. Appeal from Ct. App. N. Y. Probable jurisdiction noted. *J. Lee Rankin and Stanley Buchsbaum* for appellee. Reported below: 24 N. Y. 2d 30, 246 N. E. 2d 517.

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*Certiorari Granted.* (See also No. 1070, *ante*, p. 710; and No. 208, Misc., *ante*, p. 709.)

No. 1271, Misc. *BARLOW ET AL. v. COLLINS, EXECUTIVE DIRECTOR, ALABAMA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, ET AL.* C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* granted. *Certiorari* granted and case transferred to appellate docket. *Jonathan Weiss, Alvin J. Bronstein, Donald A. Jelinek, Charles S. Conley, and Richard B. Sobol* for petitioners. *Solicitor General Griswold, Assistant Attorney General Ruckelshaus, Peter L. Strauss, Alan S. Rosenthal, and Norman G. Knopf* for respondents. Reported below: 398 F. 2d 398.

*Certiorari Denied.*

No. 995. *HOWARD v. UNITED STATES*; and

No. 1089. *LEVINSON ET AL. v. UNITED STATES.* C. A. 6th Cir. *Certiorari* denied. *Marvin W. Cherrin* for petitioner in No. 995, and *Joseph W. Louisell, Ivan E. Barris, and Frank W. Wiseman* for petitioners in No. 1089. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Leonard H. Dickstein* for the United States in both cases. Reported below: 405 F. 2d 971.

No. 1216. *ADJMI v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. *Certiorari* denied. *Milton E. Grusmark and Natalie Baskin* for petitioner. *Earl Faircloth, Attorney General of Florida, and Jesse J. McCrary, Jr., Assistant Attorney General, for respondent.* Reported below: 208 So. 2d 859.

No. 1306. *WALLS v. MANCUSI, WARDEN.* C. A. 2d Cir. *Certiorari* denied. *William T. Lifland* for petitioner. Reported below: 406 F. 2d 505.



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No. 1286. *NEES v. CULBERTSON*. C. A. 5th Cir. Certiorari denied. *Michael D. Matheny* and *Phillip Bordages* 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 *Lonny F. Zwiener*, Assistant Attorneys General, and *W. V. Geppert* for respondent. Reported below: 406 F. 2d 621.

No. 1290. *A'HEARN v. COMMITTEE ON UNLAWFUL PRACTICE OF THE LAW OF NEW YORK COUNTY LAWYERS' ASSN.* Ct. App. N. Y. Certiorari denied. *George C. Wildermuth* and *Charles M. McCarty* for petitioner. *Daniel M. Shientag* for respondent. Reported below: 23 N. Y. 2d 916, 246 N. E. 2d 166.

No. 1319. *TUCKER v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 1320. *CUNNINGHAM BROTHERS, INC. v. BAIL ET AL.* C. A. 7th Cir. Certiorari denied. *Jack E. Horsley* and *Richard F. Record, Jr.*, for petitioner. Reported below: 407 F. 2d 1165.

No. 1322. *WEAVER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. *Edward Bennett Williams* and *Patrick M. Wall* for petitioner. Reported below: 41 Ill. 2d 434, 243 N. E. 2d 245.

No. 1337. *ACACIA MUTUAL LIFE INSURANCE CO. ET AL. v. JORDAN*, SUPERINTENDENT OF INSURANCE FOR THE DISTRICT OF COLUMBIA. C. A. D. C. Cir. Certiorari denied. *John J. Wilson* for petitioners. *Hubert B. Pair*, *Richard W. Barton*, and *David P. Sutton* for respondent. Reported below: 133 U. S. App. D. C. 224, 409 F. 2d 1141.

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No. 1327. *SOUTHERN PACIFIC CO. v. SABELLA*. Sup. Ct. Cal. Certiorari denied. *Arthur B. Dunne* for petitioner. *James F. Boccardo* for respondent. Reported below: 70 Cal. 2d 311, 449 P. 2d 750.

No. 1336. *FOSTER ET AL. v. HAMBLIN, TRUSTEE IN BANKRUPTCY*. C. A. 6th Cir. Certiorari denied. *Henry D. Stratton* for petitioners. Reported below: 405 F. 2d 1043.

No. 1344. *PLUMLEY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. *Karl G. Feissner* for petitioner. Reported below: 4 Md. App. 671, 245 A. 2d 111.

No. 1351. *STONEHILL ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Hans A. Nathan, Bert B. Rand, Joseph A. Ball, John L. Ingoldsby, Jr., and Bertram H. Ross* for petitioners. *Solicitor General Griswold, Assistant Attorney General Walters, and Joseph M. Howard* for the United States. Reported below: 405 F. 2d 738.

No. 1354. *KRAUSE, ADMINISTRATOR v. CHARTIER ET AL.* C. A. 1st Cir. Certiorari denied. *Edward M. O'Brien and Robert A. Dwyer* for petitioner. *Leonard A. Kieran, Jr., for Chartier, Knight Edwards and Stephan A. Fanning, Jr., for North Central Airways, Inc., and Guy J. Wells and Thomas Dunne Gidley for Petterutti, respondents.* Reported below: 406 F. 2d 898.

No. 1356. *SUGARMAN v. FORBRAGD ET AL.* C. A. 9th Cir. Certiorari denied. *George C. Martinez* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* filed a memorandum with respect to mootness. Reported below: 405 F. 2d 1189.

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No. 1340. *ACARINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Jerome Lewis* and *H. Elliot Wales* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 408 F. 2d 512.

No. 1355. *BLUMCRAFT OF PITTSBURGH v. CITIZENS & SOUTHERN NATIONAL BANK OF SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. *James C. McConnon* and *Henry N. Paul, Jr.*, for petitioner. *Warren N. Williams*, *Gordon D. Schmidt*, *W. Francis Marion*, and *William T. Bullinger* for respondents. Reported below: 407 F. 2d 557.

No. 1369. *THAL v. COMMONWEALTH FINANCIAL CORP. ET AL.* C. A. 3d Cir. Certiorari denied. *Albert B. Gerber* for petitioner. *Solicitor General Griswold*, *Philip A. Loomis, Jr.*, *David Ferber*, and *Paul Gonson* for respondent Securities and Exchange Commission, and *Morris M. Wexler* and *Leon S. Forman* for respondents Pitman et al. Reported below: 408 F. 2d 640.

No. 1377. *MARRA BROS., INC. v. LONGO*. C. A. 2d Cir. Certiorari denied. *Sidney A. Schwartz* for petitioner. *Angelo C. Gucciardo* for respondent. Reported below: 407 F. 2d 401.

No. 986. *HILAND DAIRY, INC., ET AL. v. KROGER CO.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Gray L. Dorsey*, *Lynn C. Paulson*, and *Edward F. O'Herin* for petitioners. *Norman Diamond* for respondent. *Solicitor General Griswold*, *Assistant Attorney General McLaren*, *Lawrence G. Wallace*, and *Howard E. Shapiro* filed a memorandum for the United States as *amicus curiae*, by invitation of the Court, 394 U. S. 903. Reported below: 402 F. 2d 968.



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No. 1365. *PINE v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. *William H. Tinney* for petitioner. *Gary K. Nelson*, Attorney General of Arizona, and *Carl Waag*, Assistant Attorney General, for respondent. Reported below: See 8 Ariz. App. 430, 446 P. 2d 940.

No. 1367. *BLACKWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold* for the United States. Reported below: 405 F. 2d 625.

No. 1309. *GUIDO v. CITY OF SCHENECTADY ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Melvin L. Wulf*, *Eleanor Holmes Norton*, and *Joseph Harris* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Ruth Kessler Toch*, Solicitor General, and *Winifred C. Stanley*, Assistant Attorney General, for respondent Reynolds. Reported below: 404 F. 2d 728.

No. 1329. *NEW HAMPSHIRE v. ATOMIC ENERGY COMMISSION ET AL.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *R. Peter Shapiro* for petitioner. *Solicitor General Griswold* and *Joseph F. Hennessey* for respondents Atomic Energy Commission et al. *James M. Jeffords, pro se*, and *Edwin H. Amidon, Jr.*, Assistant Attorney General, for the Attorney General of Vermont as *amicus curiae*, in opposition. Reported below: 406 F. 2d 170.

No. 1342. *LEO v. NEW YORK*. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Patrick M. Wall* for petitioner. Reported below: 23 N. Y. 2d 556, 245 N. E. 2d 705.

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No. 1338. CHENG HO MUI ET AL. *v.* RINALDI, DISTRICT DIRECTOR OF IMMIGRATION AND NATURALIZATION SERVICE. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Abraham Lebenkoff* and *Jules E. Coven* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for respondent. Reported below: 408 F. 2d 28.

No. 1368. BECK, PENAL FARM SUPERINTENDENT, ET AL. *v.* WINTERS. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Joe Purcell*, Attorney General of Arkansas, *Don Langston*, Deputy Attorney General, and *Richard B. Adkisson* for petitioners. *Jack Greenberg*, *Michael Meltsner*, and *Anthony G. Amsterdam* for respondent. Reported below: 407 F. 2d 125.

No. 1424. EIMCO CORP. *v.* PETERSON FILTERS & ENGINEERING CO. ET AL. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Granville M. Brumbaugh* and *Mark N. Donohue* for petitioner. *Walter D. Ames* and *Richard E. Babcock, Jr.*, for respondents. Reported below: 406 F. 2d 431.

No. 1276. ROBERTS *v.* McDONALD ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition. *Stephan A. Trimble* for respondents.

No. 143, Misc. ADAMS *v.* CALIFORNIA ET AL. Ct. App. Cal., 4th App. Dist. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Philip C. Griffin*, Deputy Attorney General, for respondents.

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No. 1419. *H. K. PORTER CO., INC. v. UNITED SAW, FILE & STEEL PRODUCTS WORKERS OF AMERICA, FEDERAL LABOR UNION No. 22254, AFL-CIO*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. *Philip H. Strubing* for petitioner. *Richard H. Markowitz* for respondent. Reported below: 406 F. 2d 643.

No. 13, Misc. *CRUME v. BETO, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *William E. Gray* for petitioner. Reported below: 383 F. 2d 36.

No. 956, Misc. *RIVERA v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Eugene Gold* and *Harold M. Brown* for respondent. Reported below: 22 N. Y. 2d 453, 239 N. E. 2d 873.

No. 1174, Misc. *SMITH v. NELSON, WARDEN*. Sup. Ct. Cal. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *Albert W. Harris, Jr.*, Assistant Attorney General, and *John P. Oakes*, Deputy Attorney General, for respondent.

No. 1313, Misc. *DIAL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. *Gerald W. Getty* for petitioner. *William J. Scott*, Attorney General of Illinois, and *James R. Thompson*, *Joel M. Flaum*, and *Thomas J. Immel*, Assistant Attorneys General, for respondent. Reported below: 95 Ill. App. 2d 345, 238 N. E. 2d 122.

No. 1491, Misc. *FRYAR v. UNITED STATES*; and

No. 1636, Misc. *FRYAR v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Robert G. Maysack* for the United States in both cases. Reported below: 404 F. 2d 1071.



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No. 1347, Misc. *MILNE v. SHELL OIL Co.* Sup. Ct. Vt. Certiorari denied. *John P. Monte* for respondent. Reported below: 127 Vt. 249, 246 A. 2d 837.

No. 1368, Misc. *ARMSTRONG v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. *A. F. Summer*, Attorney General of Mississippi, and *Guy N. Rogers*, Assistant Attorney General, for respondent. Reported below: 214 So. 2d 589.

No. 1421, Misc. *POOLE v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. *H. C. Mike Watkins* for petitioner. *A. F. Summer*, Attorney General of Mississippi, and *G. Garland Lyell, Jr.*, Assistant Attorney General, for respondent. Reported below: 216 So. 2d 425.

No. 1537, Misc. *GOLSON ET AL. v. PATE, WARDEN.* C. A. 7th Cir. Certiorari denied. *James E. Knox, Jr.*, for petitioners. *William J. Scott*, Attorney General of Illinois, and *Joel M. Flaum* and *Thomas J. Immel*, Assistant Attorneys General, for respondent. Reported below: 401 F. 2d 9.

No. 1554, Misc. *THERIAULT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Kirby W. Patterson* for the United States. Reported below: 402 F. 2d 792.

No. 1661, Misc. *KELLEY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold* for the United States.

No. 1662, Misc. *MILNE v. LAFLAMME.* Sup. Ct. Vt. Certiorari denied. Reported below: 127 Vt. 301, 248 A. 2d 692.

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No. 1711, Misc. CAMARILLO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 266 Cal. App. 2d 523, 72 Cal. Rptr. 296.

No. 1721, Misc. KOZUCK ET UX. *v.* PEOPLES TRUST COMPANY OF BERGEN COUNTY. Sup. Ct. N. J. Certiorari denied.

No. 1758, Misc. CASTRUITA *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 1780, Misc. WILLIAMS *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied.

No. 1799, Misc. DAILY *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 41 Ill. 2d 116, 242 N. E. 2d 170.

No. 1796, Misc. BRUNETTE *v.* EDMO ET AL. Sup. Ct. Idaho. Certiorari denied.

No. 1828, Misc. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. *Arthur Litz* for petitioner. *Solicitor General Griswold* for the United States. Reported below: 407 F. 2d 356.

No. 1831, Misc. POWELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. *James Giles Hudson, Jr.*, for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Beatrice Rosenberg* for the United States. Reported below: 407 F. 2d 582.

No. 1845, Misc. FOWLER *v.* PEYTON, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 407 F. 2d 1329.

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No. 1835, Misc. *TONGUE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Robert G. Maysack* for the United States. Reported below: 407 F. 2d 774.

No. 1846, Misc. *GOODWIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 405 F. 2d 178.

No. 1865, Misc. *ANDERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 406 F. 2d 719.

No. 1869, Misc. *AADAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. *Whitman Knapp* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Beatrice Rosenberg* for the United States. Reported below: 407 F. 2d 381.

No. 1872, Misc. *MARZ v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 1881, Misc. *ROESSLER v. NEW MEXICO*. Ct. App. N. M. Certiorari denied. Reported below: 79 N. M. 787, 450 P. 2d 196.

No. 1884, Misc. *CHURCHWELL v. BECKHAM*. C. A. 6th Cir. Certiorari denied.

No. 1887, Misc. *GRISSOM v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.



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No. 1885, Misc. *TANTASH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Morris Futlick* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Beatrice Rosenberg* for the United States. Reported below: 409 F. 2d 227.

No. 1889, Misc. *PINELLI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Sheldon F. Goldberg* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Kirby W. Patterson* for the United States. Reported below: 403 F. 2d 998.

No. 1897, Misc. *PEINADO v. ADULT AUTHORITY OF THE DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 405 F. 2d 1185.

No. 1903, Misc. *DURHAM v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 70 Cal. 2d 171, 449 P. 2d 198.

No. 1904, Misc. *HUARNECK v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 1907, Misc. *QUIGLEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1911, Misc. *GALLAGHER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 406 F. 2d 102.

No. 1922, Misc. *CHASE v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. *Vincent C. Murovich, Jr.*, for petitioner.

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No. 1910, Misc. *FLEISHOUR v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1921, Misc. *DALLAS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 1926, Misc. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1927, Misc. *SHIELDS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 1932, Misc. *BURKS v. PATE, WARDEN*. Sup. Ct. Ill. Certiorari denied.

No. 1935, Misc. *DESROCHES v. CARRELLAS, JUDGE*. Sup. Ct. R. I. Certiorari denied.

No. 1937, Misc. *KAMSLER v. PATE, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 1946, Misc. *McELROY v. PATUXENT INSTITUTION DIRECTOR ET AL.* C. A. 4th Cir. Certiorari denied.

No. 1947, Misc. *DAVIS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1952, Misc. *TIMMONS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: — Cal. App. 2d —, 75 Cal. Rptr. 212.

No. 1953, Misc. *JOHNSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: — Cal. 2d —, 450 P. 2d 865.

No. 1956, Misc. *FURTAKE v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

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No. 1950, Misc. LEMAY *v.* HENDERSON, WARDEN. C. A. 6th Cir. Certiorari denied. *George F. McCanless*, Attorney General of Tennessee, for respondent. Reported below: 407 F. 2d 494.

No. 1954, Misc. MCCHESENEY *v.* LAVALLEE, WARDEN. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 31 App. Div. 2d 1, 294 N. Y. S. 2d 598.

No. 1962, Misc. HOOPER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. *W. S. Moore* for petitioner. Reported below: 218 So. 2d 19.

No. 1968, Misc. PEPITONE *v.* CALIFORNIA ET AL. Sup. Ct. Cal. Certiorari denied.

No. 1990, Misc. MAUCH *v.* BUCHKOE, WARDEN. C. A. 6th Cir. Certiorari denied. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Stewart H. Freeman*, Assistant Attorney General, for respondent.

No. 1997, Misc. KAM, EXECUTOR *v.* CITY AND COUNTY OF HONOLULU. Sup. Ct. Hawaii. Certiorari denied. *Joseph A. Ryan* for petitioner.

No. 952, Misc. SAYERS ET AL. *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Joseph Harris* for petitioners. Reported below: 22 N. Y. 2d 571, 240 N. E. 2d 540.

No. 2042, Misc. JONES *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. *Joseph F. Walsh* for petitioner. Reported below: 53 N. J. 568, 252 A. 2d 37.



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No. 2015, Misc. LOWERY *v.* PINTO, WARDEN. C. A. 3d Cir. Certiorari denied.

No. 1135, Misc. WINEGAR *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. *Edward Martin Wise* for petitioner. *Frank J. Kelley*, Attorney General of Michigan, *Robert A. Derengoski*, Solicitor General, and *Stewart H. Freeman*, Assistant Attorney General, for respondent. Reported below: 380 Mich. 719, 158 N. W. 2d 395.

*Rehearing Granted.* (See No. 1070, *ante*, p. 710.)

*Rehearing Denied.*

No. 1050. SOUTHERN PACIFIC CO. *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA, 394 U. S. 845;

No. 1109. WEED *v.* BILBREY ET AL., 394 U. S. 1018;

No. 1152. SOUTHERN PACIFIC CO. *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL., 394 U. S. 845;

No. 642, Misc. HALLIDAY *v.* UNITED STATES, 394 U. S. 831;

No. 688, Misc. HANGER ET AL. *v.* UNITED STATES, 393 U. S. 1119;

No. 1263, Misc. CAREY *v.* GEORGE WASHINGTON UNIVERSITY, 394 U. S. 910; and

No. 1741, Misc. WHITEHEAD *v.* MICHIGAN, 394 U. S. 1021. Petitions for rehearing denied.

JUNE 21, 1969.

*Dismissal Under Rule 60.*

No. 2197, Misc. HEDBERG *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court.

JUNE 23, 1969.

*Dismissal Under Rule 60.*

No. 1435. *HAYES v. UNITED STATES*. C. A. 5th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. *Wilfred C. Varn* and *Robert M. Ervin* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Walters*, *Joseph M. Howard*, and *John P. Burke* for the United States. Reported below: 407 F. 2d 189.

*Miscellaneous Orders.*

No. —. *CLEVELAND BOARD OF EDUCATION v. MASHETER, DIRECTOR OF HIGHWAYS*. Sup. Ct. Ohio. Application for stay presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. *Donald J. Guittar* for applicant. *Paul W. Brown*, Attorney General of Ohio, and *I. Charles Rhoads*, Assistant Attorney General, in opposition. Reported below: 17 Ohio St. 2d 27, 244 N. E. 2d 745.

No. —. *SLOAN v. LOCAL BOARD NO. 1, BERNALILLO COUNTY, NEW MEXICO, ET AL.* C. A. 10th Cir. Application for stay presented to MR. JUSTICE WHITE, and by him referred to the Court, denied. *Solicitor General Griswold* in opposition.

No. 216. *MARTONE v. MORGAN ET AL.*, 393 U. S. 12. Respondents requested to file a response to petition for rehearing within 30 days.

No. 2085, Misc. *SAFEGUARD MUTUAL INSURANCE CO. v. FREEDMAN*, U. S. CIRCUIT JUDGE, ET AL. C. A. 3d Cir. Motion to expedite denied. *Malcolm W. Berkowitz* and *Malcolm H. Waldron, Jr.*, on the motion.

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No. 1036. TOBACCO INSTITUTE, INC., ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 1059. NATIONAL ASSOCIATION OF BROADCASTERS ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 1060. AMERICAN BROADCASTING COMPANIES, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.; and

No. 1067. NATIONAL BROADCASTING CO., INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. The Solicitor General is invited to file a memorandum expressing the views of the respondents with respect to the applicability to these cases of the opinion in *Red Lion Broadcasting Co., Inc., et al. v. Federal Communications Commission et al.*, ante, p. 367. Reported below: — U. S. App. D. C. —, 405 F. 2d 1082.

No. 1474. TURNER *v.* UNITED STATES. C. A. 3d Cir. [Certiorari granted, ante, p. 933.] Motion for the appointment of counsel granted. It is ordered that *Josiah E. DuBois, Jr., Esquire*, of Camden, 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.

No. 1888, Misc. EVERETT *v.* WARDEN, U. S. PENITENTIARY, MCNEIL ISLAND, WASHINGTON. Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 2164, Misc. JONES *v.* PRATT & WHITNEY, INC., ET AL. C. A. 1st Cir. Motion to expedite denied.

No. 2199, Misc. PURYEAR *v.* HOGAN, DISTRICT ATTORNEY OF NEW YORK COUNTY, ET AL. Appeal from Ct. App. N. Y. Motion to expedite denied.



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*Probable Jurisdiction Noted.*

No. 1131, Misc. *BODDIE ET AL. v. CONNECTICUT ET AL.* Appeal from D. C. Conn. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case transferred to appellate docket. *Robert K. Killian*, Attorney General of Connecticut, and *Raymond J. Cannon*, Assistant Attorney General, for appellees. Reported below: 286 F. Supp. 968.

No. 1977, Misc. *SANKS ET AL. v. GEORGIA ET AL.* Appeal from Sup. Ct. Ga. Motion for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Case transferred to appellate docket and set for oral argument immediately following No. 1232 [*Simmons v. West Haven Housing Authority*, 394 U. S. 957]. *Arthur K. Bolton*, Attorney General, *Harold N. Hill, Jr.*, Executive Assistant Attorney General, and *Alfred L. Evans, Jr.*, and *A. Joseph Nardone*, Assistant Attorneys General, for appellee State of Georgia. Reported below: 225 Ga. 88, 166 S. E. 2d 19.

*Certiorari Granted.* (See also No. 598, *ante*, p. 828; No. 837, *ante*, p. 814; No. 906, *ante*, p. 828; No. 1022, *ante*, p. 823; No. 1213, *ante*, p. 828; No. 1273, *ante*, p. 828; No. 540, Misc., *ante*, p. 818; No. 652, Misc., *ante*, p. 824; No. 1259, Misc., *ante*, p. 824; and No. 1879, Misc., *ante*, p. 830.)

No. 995, Misc. *PARKER v. NORTH CAROLINA.* Ct. App. N. C. Motion for leave to proceed *in forma pauperis* granted. *Certiorari* granted. Case transferred to appellate docket and set for oral argument immediately following No. 1064 [394 U. S. 956]. *T. W. Bruton*, Attorney General of North Carolina, and *James F. Bullock*, Deputy Attorney General, for respondent. Reported below: 2 N. C. App. 27, 162 S. E. 2d 526.

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No. 846. WALLER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari granted and case set for oral argument immediately following No. 1099 [*Ashe v. Swenson*, 393 U. S. 1115]. *Melvin L. Wulf* and *Gardner W. Beckett, Jr.*, for petitioner. *Earl Faircloth*, Attorney General of Florida, and *William D. Roth*, Assistant Attorney General, for respondent. Reported below: 213 So. 2d 623.

No. 515, Misc. MOON *v.* MARYLAND. Ct. App. Md. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted. Case transferred to appellate docket and set for argument immediately following No. 477 [*ante*, p. 918]. In addition to the questions presented by the petition for writ of certiorari, counsel requested to brief and argue question of retroactivity of *North Carolina v. Pearce*, *ante*, p. 711, and *Simpson v. Rice*, *ante*, p. 711. *Robert Anthony Jacques* for petitioner. *Francis B. Burch*, Attorney General of Maryland, *Edward F. Borgerding*, First Assistant Attorney General, and *Thomas A. Garland*, Assistant Attorney General, for respondent. Reported below: 250 Md. 468, 243 A. 2d 564.

No. 1254, Misc. PRICE *v.* GEORGIA. Sup. Ct. Ga. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 515, Misc., *supra*. In addition to questions presented by petition for a writ of certiorari, counsel requested to brief and argue question of retroactivity of *Benton v. Maryland*, *ante*, p. 784, and whether that decision is applicable to this case. *Allyn M. Wallace* for petitioner. *Arthur K. Bolton*, Attorney General of Georgia, *Harold N. Hill, Jr.*, Executive Assistant Attorney General, and *Marion O. Gordon* and *Mathew Robins*, Assistant Attorneys General, for respondent. Reported below: See 118 Ga. App. 207, 163 S. E. 2d 243.

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No. 1246. ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, INC., ET AL. *v.* CAMP, COMPTROLLER OF THE CURRENCY, ET AL. C. A. 8th Cir. Certiorari granted. *Milton R. Wessel* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Ruckelshaus*, and *Alan S. Rosenthal* for Camp, and *Fallon Kelly* for American National Bank & Trust Co., respondents. Reported below: 406 F. 2d 837.

No. 1925, Misc. BRADY *v.* UNITED STATES. C. A. 10th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 1064 [394 U. S. 956]. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Jerome M. Feit* for the United States. Reported below: 404 F. 2d 601.

No. 2083, Misc. BUIE *v.* UNITED STATES. C. A. 2d Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted. Case transferred to appellate docket and set for oral argument immediately following No. 1473 [*Minor v. United States*, ante, p. 932]. *Solicitor General Griswold* for the United States. Reported below: 407 F. 2d 905.

*Certiorari Denied.* (See also No. 1370, ante, p. 827; No. 1414, ante, p. 823; No. 1642, Misc., ante, p. 829; and No. 1879, Misc., ante, p. 830; and No. 1539, ante, p. 826 (before judgment).)

No. 916. VARITIMOS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Murray H. Falk* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, and *Beatrice Rosenberg* for the United States. Reported below: 404 F. 2d 1030.



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No. 1163. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 405 F. 2d 253.

No. 1307. *HELIGMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Irl B. Baris* for petitioner. *Solicitor General Griswold, Assistant Attorney General Walters, Joseph M. Howard, and John P. Burke* for the United States. Reported below: 407 F. 2d 448.

No. 1323. *POLSON v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. *Thomas L. Smith* for petitioner. Reported below: 92 Idaho 615, 448 P. 2d 229.

No. 1325. *HALE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *John C. Moran* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Jerome M. Feit, and Edward Fenig* for the United States. Reported below: 406 F. 2d 476.

No. 1345. *ZAFFARANO v. FITZPATRICK, WARDEN*. C. A. 2d Cir. Certiorari denied. *Irving Spieler* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Kirby W. Patterson* for respondent. Reported below: 404 F. 2d 474.

No. 1375. *WOLF CORP. ET AL. v. GREEN*; and

No. 1376. *TROSTER, SINGER & CO. v. GREEN*. C. A. 2d Cir. Certiorari denied. *Milton E. Mermelstein* and *Jay D. Fischer* for Wolf Corp. et al., and *Alvin K. Hellerstein* for David Berdon & Co., petitioners in No. 1375; and *Frank W. Adams* for petitioner in No. 1376. *Irving Malchman* for respondent in both cases. Reported below: 406 F. 2d 291.

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No. 1358. *PACIFIC OIL Co. v. HICKEL, SECRETARY OF THE INTERIOR*. C. A. 10th Cir. Certiorari denied. *Francis R. Kirkham* and *Thomas E. Haven* for petitioner. *Solicitor General Griswold, Assistant Attorney General Kashiwa, Roger P. Marquis, and Edmund B. Clark* for respondent. Reported below: 406 F. 2d 452.

No. 1371. *GOLDBLATT v. UNITED STATES*;

No. 1372. *COTTEN v. UNITED STATES*; and

No. 1373. *WECHSLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *David I. Shapiro* and *George Kaufmann* for petitioner in No. 1371; *Raymond W. Bergan* for petitioner in No. 1372; and *Philip F. Herrick* and *Hans A. Nathan* for petitioner in No. 1373. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* for the United States in all three cases. Reported below: 408 F. 2d 1184.

No. 1378. *LUTSKO ET AL. v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. *H. David Rothman* for petitioners.

No. 1379. *HUMPHREY ET AL. v. DEALERS TRANSPORT Co. ET AL.* C. A. 6th Cir. Certiorari denied. *H. Solomon Horen, Josephine P. Hughett, William S. Zeman, Mozart G. Ratner, and George Kaufmann* for petitioners. *Newell N. Fowler* for Dealers Transport Co., and *Edgar A. Zingman* for E. & L. Transport Co., respondents.

No. 500. *SCHMEAR v. GAGNON, WARDEN*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE WHITE is of the opinion that certiorari should be granted. *Bronson C. La Follette*, Attorney General of Wisconsin, and *William A. Platz*, Assistant Attorney General, for respondent. Reported below: 396 F. 2d 786.

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No. 1383. *ROACH v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. *Melvin L. Wulf* for petitioner. *Robert K. Killian*, Attorney General of Connecticut, for respondent.

No. 1384. *BALDWIN ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. *Francis R. Salazar* for petitioners. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Roger A. Pauley* for the United States. Reported below: 407 F. 2d 1286.

No. 1476. *NORFOLK & WESTERN RAILWAY CO. v. SMITH*. C. A. 4th Cir. Certiorari denied. *John S. Shannon* for petitioner. Reported below: 407 F. 2d 501.

No. 1500. *PIKES PEAK BROADCASTING CO. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. *Richard Hildreth* for Pikes Peak Broadcasting Co., and *James A. McKenna* and *Vernon L. Wilkinson* for Sangre De Cristo Broadcasting Corp., petitioners. *Solicitor General Griswold*, *Assistant Attorney General McLaren*, *Howard E. Shapiro*, *Henry Geller*, and *D. Biard MacGuineas* for respondents. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 271, Misc. *DAUGHERTY v. CRAVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Lola M. McAlpin*, Deputy Attorney General, for respondents.

No. 734, Misc. *HARTLEY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. *Francis B. Burch*, Attorney General of Maryland, *Dickee M. Howard*, Assistant Attorney General, for respondent. Reported below: 4 Md. App. 450, 243 A. 2d 665.



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No. 1314. GARWIN CORP. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. *Joseph A. Perkins* for petitioners. *Solicitor General Griswold, Arnold Ordman, Dominick L. Manoli, and Norton J. Come* for respondent.

No. 1381. TOONI ET AL. *v.* ZUCKERT, SECRETARY OF THE AIR FORCE. C. A. 6th Cir. Motion of District Lodge 23, International Association of Machinists & Aerospace Workers for leave to file a brief as *amicus curiae* granted. Certiorari denied. *William R. Coen* for petitioners. *Solicitor General Griswold* for respondent. *Charles F. Horn* for District Lodge 23, International Association of Machinists & Aerospace Workers as *amicus curiae* in support of the petition.

No. 1045, Misc. SAVILLE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Vinson, Jerome M. Feit, and Roger A. Pauley* for the United States. Reported below: 400 F. 2d 397.

No. 1086, Misc. DAVIS *v.* BENNETT, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 400 F. 2d 279.

No. 1422, Misc. VICKERS *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. *George A. Daugherty* for petitioner. *Chauncey H. Browning, Jr., Attorney General of West Virginia, and George E. Lantz and James H. Coleman, Assistant Attorneys General, for respondent.*

No. 1428, Misc. LISS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. *Michael F. Dillon* for respondent.

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No. 1282, Misc. *CAVANAUGH v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. *Gilbert F. Nelson* for petitioner. *Thomas C. Lynch*, Attorney General of California, *William E. James*, Assistant Attorney General, and *Ronald M. George*, Deputy Attorney General, for respondent. Reported below: 69 Cal. 2d 262, 444 P. 2d 110.

No. 1518, Misc. *SCOLARI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. Reported below: 406 F. 2d 563.

No. 1543, Misc. *RANGEL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. *John Cutler* 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: 435 S. W. 2d 143.

No. 1559, Misc. *GURLESKI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome M. Feit*, and *Edward Fenig* for the United States. Reported below: 405 F. 2d 253.

No. 1737, Misc. *STOPPELMAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Leonard H. Dickstein* for the United States. Reported below: 406 F. 2d 127.

No. 1855, Misc. *WARNOCK v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

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No. 1833, Misc. *PASTERCHIK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Jerome M. Feit* for the United States. Reported below: 400 F. 2d 696.

No. 1858, Misc. *STOCKER v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 4 Md. App. 275, 242 A. 2d 588.

No. 1859, Misc. *CHIN KEE v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied. *John D. O'Reilly III* for petitioner. *Robert H. Quinn*, Attorney General of Massachusetts, *John Wall* and *Howard M. Miller*, Assistant Attorneys General, and *John J. Droney* for respondent. Reported below: 407 F. 2d 10.

No. 1880, Misc. *SIMMONS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. *Howard Moore, Jr., and Peter E. Rindskopf* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Jerome M. Feit* for the United States. Reported below: 406 F. 2d 456.

No. 1883, Misc. *TURNER v. WILKES ET AL.* C. A. 6th Cir. Certiorari denied. *Leo E. Bearman* for respondents.

No. 1896, Misc. *WHITE v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 1899, Misc. *GREEN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. *Frank S. Hogan* and *Michael R. Juviler* for respondent.

No. 1909, Misc. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.



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No. 1900, Misc. *RISPO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. *B. Nathaniel Richter* for petitioner. Reported below: 213 Pa. Super. 88, 245 A. 2d 868.

No. 1916, Misc. *RUTHERFORD v. DEEGAN, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 406 F. 2d 217.

No. 1920, Misc. *WILSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. *Richard W. Buchanan* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Leonard H. Dickstein* for the United States. Reported below: 409 F. 2d 184.

No. 1929, Misc. *SQUIRE v. RUSH, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. *Irwin I. Kimmelman* and *Emanuel S. Lowinger* for respondents. Reported below: 408 F. 2d 372.

No. 1931, Misc. *SAFLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Edward Fenig* for the United States. Reported below: 408 F. 2d 603.

No. 1933, Misc. *LELII v. DOLENTE CONSTRUCTION CO. ET AL.* Sup. Ct. Pa. Certiorari denied. *Leonard Zack* for petitioner. *Richard D. Harburg* for respondents.

No. 1948, Misc. *HARRIS v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. *Richard A. Sicking* for petitioner. *Earl Faircloth, Attorney General of Florida, and Harold Mendelow and Arden M. Siegendorf, Assistant Attorneys General, for respondent*. Reported below: 406 F. 2d 1.

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No. 1940, Misc. *MORALES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 1951, Misc. *PARRISH v. PEYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. *George W. Shadoan* for petitioner. Reported below: 408 F. 2d 60.

No. 1955, Misc. *CATON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. *Irl B. Baris* for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, and Jerome M. Feit* for the United States. Reported below: 407 F. 2d 367.

No. 1963, Misc. *SUTHERLAND v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied. *James R. Willis* for petitioner. *John T. Corrigan* for respondent.

No. 1964, Misc. *MCCREARY v. SIGLER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 406 F. 2d 1264.

No. 1966, Misc. *HENDERSON v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied. *S. Carter McMorris* for petitioner.

No. 1970, Misc. *HILL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 98 Ill. App. 2d 352, 240 N. E. 2d 801.

No. 2077, Misc. *LEIGH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. *LeRoy E. Batchelor, Jr.*, for petitioner. *Solicitor General Griswold, Assistant Attorney General Wilson, Beatrice Rosenberg, and Roger A. Pauley* for the United States. Reported below: 408 F. 2d 1184.

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No. 395, Misc. *CHRISMAN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. MR. JUSTICE HARLAN and MR. JUSTICE WHITE are of the opinion that certiorari should be granted. *Jack Wiseman* for petitioner. *Thomas C. Lynch*, Attorney General of California, *Clifford K. Thompson, Jr.*, Deputy Attorney General, and *Albert W. Harris, Jr.*, Assistant Attorney General, for respondent. Reported below: 256 Cal. App. 2d 425, 64 Cal. Rptr. 733.

No. 1037, Misc. *MAHONEY v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE WHITE are of the opinion that certiorari should be granted. *Gretchen White Oberman* and *Leon B. Polsky* for petitioner. *Louis J. Lefkowitz*, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Brenda Soloff*, Assistant Attorney General, for respondent. Reported below: 396 F. 2d 887.

No. 1097, Misc. *HARRIS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. MR. JUSTICE WHITE is of the opinion that certiorari should be granted. *John J. Cleary* for petitioner. *William J. Scott*, Attorney General of Illinois, and *James R. Thompson*, *Joel M. Flaum*, *James B. Zagel*, and *Thomas J. Immel*, Assistant Attorneys General, for respondent. Reported below: 97 Ill. App. 2d 288, 240 N. E. 2d 123.

No. 1104, Misc. *JACQUES v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. MR. JUSTICE HARLAN dissents for the reasons stated in his separate opinion in *North Carolina v. Pearce*, ante, p. 744. *Leo Kaplowitz* for respondent. Reported below: 52 N. J. 481, 246 A. 2d 444.



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No. 550, Misc. JAMISON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE HARLAN and MR. JUSTICE WHITE are of the opinion that certiorari should be granted. *Solicitor General Griswold* for the United States. Reported below: 395 F. 2d 716.

No. 1440, Misc. GONSIOR *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE MARSHALL are 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*, Deputy Attorney General, for respondent.

No. 1824, Misc. BYRNES *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 Wilson*, and *Beatrice Rosenberg* for the United States. Reported below: 408 F. 2d 599.

No. 1868, Misc. NEAL ET AL. *v.* SAGA SHIPPING CO., S. A., ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. *Arthur J. Mandell* for petitioners. *E. D. Vickery* for Saga Shipping Co., S. A., and *Robert Eikel* for Strachan Shipping Co., respondents. Reported below: 407 F. 2d 481.

No. 1941, Misc. RICHARDS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE BRENNAN, and MR. JUSTICE STEWART are of the opinion that certiorari should be granted. *Albert Datz* for petitioner. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Beatrice Rosenberg*, and *Roger A. Pauley* for the United States. Reported below: 408 F. 2d 884.

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No. 1945, Misc. *HERNANDEZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE MARSHALL are of the opinion that certiorari should be granted. *Clyde W. Woody* and *Marian S. Rosen* for petitioner. *Crawford C. Martin*, Attorney General of Texas, for respondent. Reported below: 437 S. W. 2d 831.

*Rehearing Denied.*

No. 297. IMMIGRATION AND NATURALIZATION SERVICE *v. STANISIC*, *ante*, p. 62;

No. 1113. TELEPHONE USERS ASSOCIATION, INC. *v. PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA ET AL.*, *ante*, p. 910;

No. 1191. *MORGAN v. NELSON ET AL.*, *ante*, p. 911;

No. 1235. *HUBBARD ET AL. v. KIEFEL*, *ante*, p. 908;

No. 1257. *LOPO v. SAKS FIFTH AVENUE*, *ante*, p. 211;

No. 1769, Misc. *GOFF v. VETERANS ADMINISTRATION*, *ante*, p. 927;

No. 1795, Misc. *BERNSTEIN v. CATHERWOOD, INDUSTRIAL COMMISSIONER OF NEW YORK*, *ante*, p. 928; and

No. 1930, Misc. *SMILEY v. CALIFORNIA ET AL.*, *ante*, p. 919. Petitions for rehearing denied.

No. 1670, Misc. *MOYE v. SIOUX CITY & NEW ORLEANS BARGE LINES, INC.*, *ante*, p. 913. Motion of American Trial Lawyers Association, Admiralty Section, for leave to file a brief as *amicus curiae* denied. Petition for rehearing denied. *Raymond H. Kierr* and *Eldon E. Fallon* on the motion.

