

February 24, 1970

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to the respective United States Courts of Appeals for further consideration in light of *Breen v. Selective Service Board*, 396 U. S. 460.

MR. JUSTICE HARLAN would reverse the judgments in these cases and remand them on the basis of his concurring opinion in *Breen v. Selective Service Board*, 396 U. S., at 468, and the Court's opinion in *Gutknecht v. United States*, 396 U. S. 295.

TROUTMAN *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 623. Decided February 24, 1970*

Certiorari granted; No. 623, 412 F. 2d 810, and No. 411, Misc., 409 F. 2d 910, vacated and remanded.

George C. Pontikes for petitioner in No. 623. *Howard Moore, Jr.*, for petitioner in No. 411, Misc.

Solicitor General Griswold, *Assistant Attorney General Wilson*, and *Philip R. Monahan* for the United States in No. 623. *Solicitor General Griswold*, *Assistant Attorney General Wilson*, *Jerome Feit*, and *Edward Fenig* for the United States in No. 411, Misc.

PER CURIAM.

The motion to proceed *in forma pauperis* in No. 411, Misc., is granted. The petitions for writs of certiorari are granted, the judgments are vacated, and the cases remanded to the respective United States Courts of Appeals for further consideration in light of *Gutknecht v. United States*, 396 U. S. 295.

*Together with No. 411, Misc., *Battiste v. United States*, on petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit.