

ORDERS FROM JUNE 7 THROUGH  
JUNE 30, 1971

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JUNE 7, 1971

*Affirmed on Appeal*

No. 1269. SWANK, DIRECTOR, ILLINOIS DEPARTMENT OF PUBLIC AID *v.* RODRIGUEZ ET AL. Appeal from D. C. N. D. Ill. Motion for leave to amend jurisdictional statement, and motion of appellees for leave to proceed *in forma pauperis*, granted. Judgment affirmed. Reported below: 318 F. Supp. 289. [For earlier order herein, see 401 U. S. 990.]

No. 6847. ROMERO ET AL. *v.* HODGSON, SECRETARY OF LABOR, ET AL. Appeal from D. C. N. D. Cal. Motion of appellants for leave to proceed *in forma pauperis* granted. Judgment affirmed. MR. JUSTICE DOUGLAS is of the opinion that probable jurisdiction should be noted. Reported below: 319 F. Supp. 1201.

*Appeals Dismissed*

No. 1534. AD HOC COMMITTEE ON CONSUMER PROTECTION *v.* UNITED STATES ET AL. Appeal from D. C. D. C. Motion to dispense with printing jurisdictional statement granted. Appeal dismissed for want of jurisdiction.

No. 1590. MUELLER BRASS CO. *v.* GROSS INCOME TAX DIVISION, DEPARTMENT OF REVENUE OF INDIANA. Appeal from Sup. Ct. Ind. dismissed for want of substantial federal question. Reported below: — Ind. —, 265 N. E. 2d 704.

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*Vacated and Remanded on Appeal*

No. 495. GAYTAN ET AL. *v.* CASSIDY ET AL. Appeal from D. C. W. D. Tex. Motions of Gilbert Trujillo et al. for leave to proceed *in forma pauperis* and for leave to file a brief as *amici curiae* granted. Judgment vacated and case remanded for reconsideration in light of *Bell v. Burson*, 402 U. S. 535. Reported below: 317 F. Supp. 46.

No. 6171. CHAPPELL ET AL. *v.* BURSON, DIRECTOR, GEORGIA DEPARTMENT OF PUBLIC SAFETY, ET AL. Appeal from D. C. N. D. Ga. Motion of appellants for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for reconsideration in light of *Bell v. Burson*, 402 U. S. 535.

No. 6594. POLLION ET AL. *v.* LEWIS, SECRETARY OF STATE OF ILLINOIS, ET AL. Appeal from D. C. N. D. Ill. Motion of appellants for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for reconsideration in light of *Bell v. Burson*, 402 U. S. 535. Reported below: 320 F. Supp. 1343.

*Certiorari Granted—Vacated and Remanded*

No. 6453. WALLACE *v.* UNITED STATES. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Upon consideration of suggestion of the Solicitor General and upon this Court's examination of the documents submitted, judgment vacated and case remanded to hear further testimony from members of the appeal board as to basis for their action and for the court to reconsider case in light of this Court's decision in *McGee v. United States*, 402 U. S. 479. Reported below: 435 F. 2d 12.

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No. 6870. *CASTRO v. UNITED STATES*. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for reconsideration in light of this Court's decisions in *Leary v. United States*, 395 U. S. 6 (1969), and *United States v. United States Coin & Currency*, 401 U. S. 715. Reported below: 436 F. 2d 975.

*Miscellaneous Orders*

No. —. *PATLOGAN ET AL. v. WEST VIRGINIA ET AL.* C. A. 2d Cir. Application for stay presented to MR. JUSTICE HARLAN, and by him referred to the Court, denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application.

No. —. *SARG v. CHAFEE, SECRETARY OF THE NAVY, ET AL.* C. A. 3d Cir. Application for stay or in the alternative recall of mandate, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. —. *MITCHELL v. LOUISIANA*. Sup. Ct. La. Application for stay presented to MR. JUSTICE BLACK, and by him referred to the Court, denied.

No. 6907. *ODOM v. FERGUSON*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted*

No. 1552. *FORD MOTOR CO. v. UNITED STATES ET AL.* Appeal from D. C. E. D. Mich. Probable jurisdiction noted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this matter. Reported below: 286 F. Supp. 407, 315 F. Supp. 372.



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No. 1606. *DIES ET AL. v. CARTER ET AL.* Appeal from D. C. N. D. Tex. Probable jurisdiction noted. Reported below: 321 F. Supp. 1358.

*Certiorari Granted*

No. 1549. *GROPPi v. LESLIE, SHERIFF.* C. A. 7th Cir. Certiorari granted. Reported below: 436 F. 2d 326 and 331.

No. 5712. *MILTON v. WAINWRIGHT, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 428 F. 2d 463.

*Certiorari Denied*

No. 190. *UNITED TRANSPORTATION UNION v. CHICAGO & NORTH WESTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. Reported below: 422 F. 2d 979.

No. 1245. *BAKER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 437 F. 2d 239.

No. 1415. *KANKAKEE FEDERATION OF TEACHERS LOCAL No. 886 ET AL. v. BOARD OF EDUCATION OF KANKAKEE SCHOOL DISTRICT No. 111.* Sup. Ct. Ill. Certiorari denied. Reported below: 46 Ill. 2d 439, 264 N. E. 2d 18.

No. 1425. *HILL ET UX. v. RACHAL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 435 F. 2d 59.

No. 1548. *WILSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 436 F. 2d 972.

No. 1571. *RANSOM v. BRENNAN, EXECUTRIX.* C. A. 5th Cir. Certiorari denied. Reported below: 437 F. 2d 513.

No. 1578. *CHANEY v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 237 So. 2d 281.

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No. 1569. FIBREBOARD CORP. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 141 U. S. App. D. C. 178, 436 F. 2d 908.

No. 1583. V. E. B. CARL ZEISS, JENA, ET AL. *v.* CARL ZEISS STIFTUNG ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 433 F. 2d 686.

No. 1587. STEIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 437 F. 2d 775.

No. 1588. SEARS, ROEBUCK & CO. ET AL. *v.* SOLIEN, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 440 F. 2d 124.

No. 1591. OHIO *v.* GRIFFITH. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 1593. SOCIETE INDUSTRIES MECHANIQUES ALLIES *v.* LEWIS, U. S. DISTRICT JUDGE. C. A. 4th Cir. Certiorari denied.

No. 1594. MARIE PHILLIPS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 143 U. S. App. D. C. 252, 443 F. 2d 667.

No. 1595. STEVENS ET AL. *v.* BUCKLEY ET AL. Ct. App. Wash. Certiorari denied. Reported below: 3 Wash. App. 593, 476 P. 2d 724.

No. 1597. CONTINENTAL BROADCASTING, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 142 U. S. App. D. C. 70, 439 F. 2d 580.

No. 1602. KINLOCH *v.* NEWS & OBSERVER PUBLISHING Co. C. A. 4th Cir. Certiorari denied. Reported below: 427 F. 2d 350.

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No. 1603. *STRONG ET AL. v. GENERAL ELECTRIC Co.* C. A. 5th Cir. Certiorari denied. Reported below: 434 F. 2d 1042.

No. 1611. *SMOTHERS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 435 F. 2d 209.

No. 1618. *PASTORELLE v. COLLINS ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 1638. *JACKSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 436 F. 2d 39.

No. 1652. *FIDELITY & CASUALTY COMPANY OF NEW YORK ET AL. v. NATIONAL BANK OF COMMERCE IN NEW ORLEANS.* C. A. 5th Cir. Certiorari denied.

No. 1661. *BEVERAGE DISTRIBUTORS, INC. v. OLYMPIA BREWING Co.* C. A. 9th Cir. Certiorari denied. Reported below: 440 F. 2d 21.

No. 5791. *BROWN v. MICHIGAN.* Ct. App. Mich. Certiorari denied. Reported below: 23 Mich. App. 369, 178 N. W. 2d 547.

No. 6562. *HALL v. UNITED STATES*; and

No. 6710. *JAMES ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 432 F. 2d 303.

No. 6566. *THOMAS v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 440 Pa. 213, 270 A. 2d 211.

No. 6610. *GERBERDING v. SWENSON, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 435 F. 2d 368.

No. 6622. *KELLEY v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 44 Ill. 2d 315, 255 N. E. 2d 390.



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No. 6612. *HORTON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 6656. *HIGHTOWER v. SMITH, WARDEN*. Sup. Ct. Ga. Certiorari denied. Reported below: 227 Ga. 144, 179 S. E. 2d 242.

No. 6667. *PETERSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 435 F. 2d 192.

No. 6672. *DENNIS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 47 Ill. 2d 120, 265 N. E. 2d 385.

No. 6673. *BRANION v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 47 Ill. 2d 70, 265 N. E. 2d 1.

No. 6674. *ENGLISH v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied.

No. 6681. *BROOKS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 3 Md. App. 485, 240 A. 2d 114.

No. 6690. *RELIFORD v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 434 F. 2d 1315.

No. 6694. *CARNES v. CRAVEN, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 6731. *FLOYD v. NEIL*. C. A. 6th Cir. Certiorari denied.

No. 6743. *FIELDS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 438 F. 2d 205.

No. 6802. *McCUBBINS v. KEENAN ET AL.* Sup. Ct. Alaska. Certiorari denied. Reported below: 475 P. 2d 696.

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No. 6831. *ARENADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 435 F. 2d 1347.

No. 6832. *HODGES ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 436 F. 2d 676.

No. 6857. *CASTLE v. MOSELEY, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 6868. *COHEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 436 F. 2d 586.

No. 6874. *ETHINGTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 6875. *SUMMERVILLE v. COOK, PENITENTIARY SUPERINTENDENT*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 1196.

No. 6881. *LoCICERO ET AL. v. LAVALLEE, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 6882. *WIDZIEWICZ v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 2d 544, 268 N. E. 2d 123.

No. 6883. *HARDIN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 6886. *FLOWERS v. HASKINS, CORRECTIONAL SUPERINTENDENT*. Sup. Ct. Ohio. Certiorari denied. Reported below: 25 Ohio St. 2d 186, 267 N. E. 2d 430.

No. 6887. *CARTER v. CALIFORNIA ADULT AUTHORITY*. C. A. 9th Cir. Certiorari denied. Reported below: 433 F. 2d 978.

No. 6889. *BURKES v. CALLION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 433 F. 2d 318.



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No. 6888. *COLLINS v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 186 Neb. 50, 180 N. W. 2d 687.

No. 6890. *RANDOLPH ET AL. v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 186 Neb. 297, 183 N. W. 2d 225.

No. 6891. *SIMMS v. WARDEN, MARYLAND PENITENTIARY*. C. A. 4th Cir. Certiorari denied.

No. 6893. *MASTRACCHIO v. HOWARD, WARDEN*. C. A. 1st Cir. Certiorari denied.

No. 6894. *TOTH v. RUSSELL, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 6896. *FOREMAN v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied.

No. 6902. *HITE v. MOYNAHAN, CHIEF JUDGE, U. S. DISTRICT COURT*. C. A. 6th Cir. Certiorari denied.

No. 6903. *ROGERS v. PICARD, CORRECTIONAL SUPERINTENDENT*. C. A. 1st Cir. Certiorari denied.

No. 6905. *VARRELLA v. VARRELLA*. C. A. D. C. Cir. Certiorari denied.

No. 6909. *WOLFF v. BUCHKOE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 6917. *BILLINGSLEY ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 440 F. 2d 823.

No. 1589. *MODLA v. CHRYSLER CORP. ET AL.* C. A. 6th Cir. Motion to dispense with printing petition granted. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion and petition.

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No. 6926. *GARR v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 463 S. W. 2d 109.

No. 6928. *CAMPBELL v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 6969. *HAMMOND v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: See — Tenn. App. —, 464 S. W. 2d 328.

No. 651. *FLORIDA POWER CORP. v. GAINESVILLE UTILITIES DEPARTMENT ET AL.*; and

No. 652. *FLORIDA POWER CORP. v. FEDERAL POWER COMMISSION*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of these petitions. Reported below: 425 F. 2d 1196.

No. 1623. *TODD v. NORTHWEST AIRLINES, INC.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 438 F. 2d 527.

No. 1309. *ANCKAITIS, SECRETARY OF TRANSPORTATION OF PENNSYLVANIA, ET AL. v. MILLER*. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 436 F. 2d 115.

No. 1584. *CARLSON v. CITY OF TALLAHASSEE*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 240 So. 2d 866.

No. 6219. *HOUSTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 433 F. 2d 939.

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No. 6390. *LLOYD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 431 F. 2d 160.

No. 1610. *DAVIS v. ROYAL-GLOBE INSURANCE COMPANIES ET AL.* Sup. Ct. La. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 257 La. 523, 242 So. 2d 839.

No. 6550. *DEANS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 436 F. 2d 596.

No. 1601. *LIPKIN v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Motion to dispense with printing petition granted. Certiorari denied.

No. 1604. *FRANKLIN v. GROSSINGER MOTOR SALES, INC.* Sup. Ct. Ill. Motion to dispense with printing petition granted. Certiorari denied. Reported below: See 122 Ill. App. 2d 391, 259 N. E. 2d 307.

No. 1613. *GOTTESMAN ET AL. v. GENERAL MOTORS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE HARLAN and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 436 F. 2d 1205.

No. 1634. *DELAWARE & HUDSON RAILWAY CO. ET AL. v. UNITED TRANSPORTATION UNION*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. Reported below: — U. S. App. D. C. —, 450 F. 2d 603.



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No. 1605. *BLACK v. SHERATON CORPORATION OF AMERICA ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 6935. *HYLER ET AL. v. REYNOLDS METALS CO. ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE HARLAN took no part in the consideration or decision of this petition. Reported below: 434 F. 2d 1064.

*Rehearing Denied*

No. 281. *SWANN ET AL. v. CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ET AL.*, 402 U. S. 1;

No. 349. *CHARLOTTE-MECKLENBURG BOARD OF EDUCATION ET AL. v. SWANN ET AL.*, 402 U. S. 1;

No. 1216. *SID W. RICHARDSON FOUNDATION v. UNITED STATES*, 401 U. S. 1009;

No. 1316. *2,606.84 ACRES OF LAND IN TARRANT COUNTY, TEXAS v. UNITED STATES*, 402 U. S. 916;

No. 1380. *MATHER CONSTRUCTION CO. ET AL. v. CONTINENTAL CASUALTY CO. ET AL.*, 402 U. S. 907;

No. 1390. *PRUETT v. TEXAS*, 402 U. S. 902;

No. 1439. *ETHICON, INC. v. HANDGARDS, INC., ET AL.*, 402 U. S. 929;

No. 1443. *CHAMBERS ET AL. v. UNITED STATES*, 402 U. S. 944;

No. 6199. *SPIELER v. UNITED STATES*, 402 U. S. 950; and

No. 6688. *GINSBURG v. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*, 402 U. S. 976. Petitions for rehearing denied.

No. 345. *UNITED STATES v. FREED ET AL.*, 401 U. S. 601. Motion for leave to file petition for rehearing denied.

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*Miscellaneous Orders*

No. 1719. LAMAR LIFE BROADCASTING CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Application for stay of enforcement of orders of the Federal Communications Commission presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. THE CHIEF JUSTICE, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN took no part in the consideration or decision of this application.

No. 1773. SCAFATI, CORRECTIONAL SUPERINTENDENT *v.* FISHER. C. A. 1st Cir. Application for stay of order of the United States Court of Appeals for the First Circuit, dated June 4, 1971, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, granted by the Court pending further order. Reported below: 439 F. 2d 307.

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*Affirmed on Appeal*

No. 803. GUNDERSON ET AL. *v.* ADAMS, SECRETARY OF STATE OF FLORIDA, ET AL. Affirmed on appeal from D. C. S. D. Fla. MR. JUSTICE MARSHALL took no part in the consideration or decision of this case.

No. 887. BRENNER ET AL. *v.* SCHOOL DISTRICT OF KANSAS CITY, MISSOURI, ET AL. Affirmed on appeal from D. C. W. D. Mo. *Gordon v. Lance, ante*, p. 1. MR. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: 315 F. Supp. 627.

No. 1662. SCHOOL DISTRICT OF THE TOWNSHIP OF SHALER ET AL. *v.* INTERIM OPERATING COMMITTEE OF ADMINISTRATIVE UNIT No. 5 ET AL. Affirmed on appeal from D. C. W. D. Pa.

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*Appeals Dismissed*

No. 52. WHITCOMB, GOVERNOR OF INDIANA *v.* CHAVIS ET AL.; and

No. 53. RUCKELSHAUS ET AL. *v.* CHAVIS ET AL. Appeals from D. C. S. D. Ind. dismissed. *Gunn v. University Committee*, 399 U. S. 383 (1970), *Whitcomb v. Chavis*, ante, p. 124. MR. JUSTICE MARSHALL took no part in the consideration or decision of these cases. Reported below: 305 F. Supp. 1364.

No. 148. DODDS *v.* JOHANSEN, CITY CLERK OF MINNEAPOLIS, ET AL. Appeal from D. C. Minn. dismissed. *Gunn v. University Committee*, 399 U. S. 383 (1970). MR. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: 310 F. Supp. 61.

No. 523. BOGERT ET AL. *v.* KINZER, CLERK OF CITY OF POCATELLO, ET AL. Appeal from Sup. Ct. Idaho dismissed for want of substantial federal question. *Gordon v. Lance*, ante, p. 1. MR. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: 93 Idaho 515, 465 P. 2d 639.

No. 6947. STRADER *v.* KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM. Appeal from Sup. Ct. Kan. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 206 Kan. 392, 479 P. 2d 860.

No. 6948. BREWSTER *v.* LAKE SUPERIOR DISTRICT POWER Co. Appeal from C. A. 7th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.



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*Vacated and Remanded on Appeal*

No. 105. ADAMS ET AL. *v.* BOARD OF REGENTS OF THE STATE OF FLORIDA ET AL. Appeal from D. C. M. D. Fla. Judgment vacated and case remanded for reconsideration in light of this Court's decision in *Connell v. Higginbotham*, ante, p. 207. MR. JUSTICE MARSHALL took no part in the consideration or decision of this case.

No. 147. RIMARCIK *v.* JOHANSEN, CITY CLERK OF MINNEAPOLIS, ET AL. Appeal from D. C. Minn. Judgment vacated and case remanded for reconsideration in light of this Court's decision in *Gordon v. Lance*, ante, p. 1. MR. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: 310 F. Supp. 61.

No. 1645. ORLEANS PARISH BOARD OF SUPERVISORS OF ELECTIONS ET AL. *v.* DUNDEE. Appeal from C. A. 5th Cir. Judgment vacated and case remanded for reconsideration in light of amendments to Sections 1909, 1931, and 1995 of Title 47 of Louisiana Revised Statutes of 1950, enacted by the Legislature of Louisiana by Act No. 232 on July 2, 1970. MR. JUSTICE DOUGLAS dissents from this action of the Court. Reported below: 434 F. 2d 135.

*Certiorari Granted—Vacated and Remanded*

No. 641. MIHALY ET AL. *v.* WESTBROOK ET AL. Sup. Ct. Cal. Certiorari granted, judgment vacated, and case remanded for reconsideration in light of this Court's decision in *Gordon v. Lance*, ante, p. 1. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 2 Cal. 3d 765, 471 P. 2d 487.

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No. 1656. *POLSKY v. WETHERILL ET AL.* C. A. 10th Cir. Certiorari granted, judgment vacated, and case remanded pursuant to recommendation of the Solicitor General in the Memorandum for the United States. Reported below: 438 F. 2d 132.

No. 6578. *COLTON v. UNITED STATES.* C. A. 10th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for reconsideration in light of this Court's decisions in *United States v. United States Coin & Currency*, 401 U. S. 715 (1970), and *Leary v. United States*, 395 U. S. 6 (1969).

#### *Miscellaneous Orders*

No. 958. *FEDERAL POWER COMMISSION v. FLORIDA POWER & LIGHT CO.* C. A. 5th Cir. [Certiorari granted, 401 U. S. 907.] Motion of American Public Power Assn. for leave to file a brief as *amicus curiae* granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

No. 1184. *NATIONAL LABOR RELATIONS BOARD v. PLASTERERS' LOCAL UNION NO. 79, OPERATIVE PLASTERERS' & CEMENT MASONS' INTERNATIONAL ASSN., AFL-CIO, ET AL.;* and

No. 1231. *TEXAS STATE TILE & TERRAZZO CO., INC., ET AL. v. PLASTERERS' LOCAL UNION NO. 79, OPERATIVE PLASTERERS' & CEMENT MASONS' INTERNATIONAL ASSN., AFL-CIO, ET AL.* C. A. D. C. Cir. [Certiorari granted, 401 U. S. 973.] Motions of Associated General Contractors of America et al., Scientific Apparatus Makers Assn., and Laborers' International Union of North America, AFL-CIO, for leave to file briefs as *amici curiae*, granted.

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No. 316. UNIFORMED SANITATION MEN ASSN., INC., ET AL. v. COMMISSIONER OF SANITATION OF THE CITY OF NEW YORK ET AL. C. A. 2d Cir. Motion to advance cause for immediate consideration denied. Reported below: 426 F. 2d 619.

No. 6060. FUENTES ET AL. v. SHEVIN, ATTORNEY GENERAL OF FLORIDA, ET AL. Appeal from D. C. S. D. Fla. [Probable jurisdiction noted, 401 U. S. 906.] Motion to dispense with printing *amicus curiae* brief of National Legal Aid & Defender Assn. granted.

*Probable Jurisdiction Noted*

No. 774. COLE, STATE HOSPITAL SUPERINTENDENT, ET AL. v. RICHARDSON. Appeal from D. C. Mass. Probable jurisdiction noted. Mr. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: See 300 F. Supp. 1321.

*Certiorari Granted.* (See also No. 1267, *ante*, p. 384.)

No. 952. PERRY ET AL. v. SINDERMAN. C. A. 5th Cir. Motion of National Education Assn. for leave to file a brief as *amicus curiae* and certiorari granted. Reported below: 430 F. 2d 939.

No. 5983. PAPACHRISTOU ET AL. v. CITY OF JACKSONVILLE. Dist. Ct. App. Fla., 1st Dist. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 236 So. 2d 141.

No. 6294. SMITH ET AL. v. FLORIDA. Sup. Ct. Fla. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 239 So. 2d 250.

*Certiorari Denied.* (See also Nos. 6947 and 6948, *supra*.)

No. 1030. DEL NOBILE v. NEW JERSEY. Super. Ct. N. J. Certiorari denied. Reported below: See 57 N. J. 137, 270 A. 2d 39.



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No. 1362. *CHABERT ET AL. v. CITY OF WESTWEGO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 434 F. 2d 1065.

No. 1375. *IRVING v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 439 F. 2d 351.

No. 1586. *MARATHON OIL CO. ET AL. v. BRUCE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 436 F. 2d 733.

No. 1608. *LUNA ET UX. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 1609. *GRABOWSKI, AKA GRABINSKI v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 206 Kan. 532, 479 P. 2d 830.

No. 1615. *VAN RIPER v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 127 Ill. App. 2d 394, 262 N. E. 2d 141.

No. 1619. *WATERHOUSE ET AL. v. MITCHELL, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 1621. *BARGER v. WASHINGTON.* Super. Ct. Wash., Franklin County. Certiorari denied.

No. 1627. *DAVERN v. CIVIL SERVICE COMMISSION OF THE CITY OF CHICAGO ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 47 Ill. 2d 469, 269 N. E. 2d 713.

No. 1628. *NOVELART MANUFACTURING CO. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. Reported below: 434 F. 2d 1011.

No. 1632. *HUGHES TOOL CO. v. INGERSOLL-RAND CO.* C. A. 5th Cir. Certiorari denied. Reported below: 437 F. 2d 1106.

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No. 1629. *KOTAKES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 440 F. 2d 342.

No. 1633. *VILLAGE OF CHICAGO RIDGE v. GARDNER*. Sup. Ct. Ill. Certiorari denied. Reported below: See 128 Ill. App. 2d 157, 262 N. E. 2d 829.

No. 1636. *BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS ET AL. v. RAILWAY EXPRESS AGENCY, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 437 F. 2d 388.

No. 1639. *TUCKER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 461 S. W. 2d 630.

No. 1642. *KARGER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 439 F. 2d 1108.

No. 1644. *MILNE v. VERMONT*. Sup. Ct. Vt. Certiorari denied. Reported below: 129 Vt. 81, 271 A. 2d 842.

No. 1648. *RAGSDALE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 21.

No. 1653. *HAYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 439 F. 2d 1132.

No. 1668. *AMERICAN BEEF PACKERS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 10th Cir. Certiorari denied. Reported below: 438 F. 2d 331.

No. 1673. *WEBB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 1676. *GAMBOCZ v. ELLMYER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 438 F. 2d 915.

No. 6611. *TARALLO, AKA TARO v. LAVALLEE, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 433 F. 2d 4.

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No. 6523. *DARNELL v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 6583. *NATOLI v. ESTATE OF HAMILTON*. Sup. Ct. Pa. Certiorari denied.

No. 6680. *ODELL v. CADY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 6684. *VAN HOOK v. LLOYD, PENITENTIARY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 6707. *PIETSCH v. PRESIDENT OF THE UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 434 F. 2d 861.

No. 6736. *MCBRIDE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 517.

No. 6782. *LANIER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 6790. *GRASSO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 437 F. 2d 317.

No. 6817. *JACK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 439 F. 2d 879.

No. 6836. *SHKUKANI v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 8th Cir. Certiorari denied. Reported below: 435 F. 2d 1378.

No. 6862. *TIMMONS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 439 F. 2d 709.

No. 6867. *SWIFT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 436 F. 2d 390.

No. 6899. *CARTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 437 F. 2d 444.

No. 6922. *TRAMMELL v. DEEGAN, WARDEN*. C. A. 2d Cir. Certiorari denied.



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No. 6914. *MOSS v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 57 N. J. 437, 273 A. 2d 64.

No. 6924. *LANE ET AL. v. PATE, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 437 F. 2d 909.

No. 6931. *WHITE v. CARDWELL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 6932. *LANE v. WINGO, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 6937. *SETZLER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 240 So. 2d 203.

No. 6939. *VALDEZ v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 6941. *WEIS v. MANCUSI, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 6943. *BENNINGFIELD v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 6949. *MARTIN v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 47 Ill. 2d 331, 265 N. E. 2d 685.

No. 6951. *HILLERY v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 6953. *RODRIGUEZ v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 129 Ill. App. 2d 1, 262 N. E. 2d 815.

No. 648. *BARNES v. A. S. ABELL Co.* Ct. App. Md. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 258 Md. 56, 265 A. 2d 207.

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No. 6954. *MATTHEWS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 257 La. 220, 242 So. 2d 227.

No. 6955. *NASH v. HESS OIL & CHEMICAL CORP. ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 123 Ga. App. 132, 179 S. E. 2d 778.

No. 6997. *FERNANDEZ v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 730. *WESTBROOK ET AL. v. MIHALY ET AL.* Sup. Ct. Cal. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 2 Cal. 3d 765, 471 P. 2d 487.

No. 1556. *WHITMORE v. TARR, NATIONAL DIRECTOR, SELECTIVE SERVICE SYSTEM, ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.

No. 1625. *GREGORY ET AL. v. TARR, NATIONAL DIRECTOR, SELECTIVE SERVICE SYSTEM, ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 436 F. 2d 513.

No. 6787. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 439 F. 2d 700.

No. 6957. *COWLING v. CRAVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 436 F. 2d 419.

No. 1612. *POLORON PRODUCTS, INC. v. BELA SEATING Co., INC.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEWART is of the opinion that certiorari should be granted. Reported below: 438 F. 2d 733.

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No. 1622. WHDH, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 1708. CHARLES RIVER CIVIC TELEVISION, INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.; and

No. 1716. GREATER BOSTON TELEVISION CORP. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of these petitions. Reported below: 143 U. S. App. D. C. 383, 444 F. 2d 841. [For earlier order herein, see 402 U. S. 1007.]

No. 1643. BRANDO *v.* COFFMAN ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. Reported below: 13 Cal. App. 3d 409, 91 Cal. Rptr. 796.

No. 1746. NATIONAL GYPSUM CO. ET AL. *v.* UNITED STATES GYPSUM CO. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. Reported below: 440 F. 2d 510.

No. 6880. MARIN *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART are of the opinion that certiorari should be granted. Reported below: 438 F. 2d 932.

No. 6908. THERIAULT *v.* HARRIS, WARDEN. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

*Rehearing Denied*

No. 481, Misc., October Term, 1964. BRADY *v.* OHIO, 381 U. S. 904, 957. Motion for leave to file second petition for rehearing denied. THE CHIEF JUSTICE, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.



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No. —. *CONNOR ET AL. v. JOHNSON ET AL.*, 402 U. S. 690;

No. 68. *DEMING v. UNITED STATES*, 402 U. S. 949;

No. 133. *UNITED STATES v. THIRTY-SEVEN (37) PHOTOGRAPHS (LUROS, CLAIMANT)*, 402 U. S. 363;

No. 141. *BROSSARD v. UNITED STATES*, 402 U. S. 981;

No. 142. *HARRIS v. UNITED STATES*, 402 U. S. 981;

No. 145. *FLESCH v. UNITED STATES*, 402 U. S. 982;

No. 149. *DILLON v. UNITED STATES*, 402 U. S. 982;

No. 151. *POSNER v. UNITED STATES*, 402 U. S. 982;

No. 284. *BENDER v. UNITED STATES*, 402 U. S. 982;

No. 356. *EVANS v. UNITED STATES*, 402 U. S. 987;

No. 534. *UNITED STATES v. REIDEL*, 402 U. S. 351;

No. 1475. *FUHRMAN, ADMINISTRATRIX, ET AL. v. UNITED STATES STEEL CORP. ET AL.*, 402 U. S. 987;

No. 6067. *TYCZKOWSKI v. PENNSYLVANIA*, 400 U. S. 1022;

No. 6535. *MITCHELL v. UNITED STATES*, 402 U. S. 946; and

No. 6822. *NELSON v. WARDEN, KANSAS STATE PENITENTIARY*, 402 U. S. 997. Petitions for rehearing denied.

No. 1334. *SILVERMAN v. UNITED STATES*, 402 U. S. 953. Petition for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition.

No. 5219. *SHAH v. IMMIGRATION AND NATURALIZATION SERVICE*, 400 U. S. 837; and

No. 6653. *EDMONDSON v. UNITED STATES*, 402 U. S. 931. Motions for leave to file petitions for rehearing denied.

No. 6848. *RUDERER v. REGAN*, U. S. District Judge, 402 U. S. 1008. Petition for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

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No. 6519. *BRADY v. OHIO*, 402 U. S. 989. Petition for rehearing and other relief denied.

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*Dismissal Under Rule 60*

No. 1009. *UNITED STATES v. UNICORN ENTERPRISES, INC., ET AL.* C. A. 2d Cir. [Certiorari granted, 401 U. S. 907.] Writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 432 F. 2d 705.

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*Affirmed on Appeal.*

No. 1341. *JACKSON ET AL. v. OGILVIE, GOVERNOR OF ILLINOIS, ET AL.* Affirmed on appeal from D. C. N. D. Ill. Reported below: 325 F. Supp. 864. [For earlier orders herein, see, *e. g.*, 401 U. S. 952.]

No. 1360. *BELLER ET AL. v. ASKEW, GOVERNOR OF FLORIDA, ET AL.* Affirmed on appeal from D. C. S. D. Fla. Reported below: 328 F. Supp. 485.

*Appeals Dismissed*

No. 122. *FUCINI v. ILLINOIS.* Appeal from Sup. Ct. Ill. dismissed for want of substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: 44 Ill. 2d 305, 255 N. E. 2d 380.

No. 724. *ALHAMBRA CITY SCHOOL DISTRICT OF LOS ANGELES COUNTY ET AL. v. MIZE ET AL.* Appeal from Sup. Ct. Cal. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 2 Cal. 3d 806, 471 P. 2d 515.

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No. 1664. DESERT OUTDOOR ADVERTISING, INC. *v.* CALIFORNIA. Appeal from App. Dept., Super. Ct. Cal., County of Riverside, dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 953. D. *v.* COUNTY OF ONONDAGA. Appeal from Ct. App. N. Y. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL are of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: 27 N. Y. 2d 90, 261 N. E. 2d 627.

No. 1598. HOENE ET AL. *v.* JAMIESON, STATE COMMISSIONER OF HIGHWAYS OF MINNESOTA, ET AL. Appeal from Sup. Ct. Minn. dismissed for want of substantial federal question. Reported below: 289 Minn. 1, 182 N. W. 2d 834.

No. 5078. IN RE JOHNSON. Appeal from Ct. App. Md. Motion of appellant for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: 254 Md. 517, 255 A. 2d 419.

No. 5667. DEBACKER *v.* SIGLER. Appeal from Sup. Ct. Neb. Motion of appellant for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of substantial federal question. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: 185 Neb. 352, 175 N. W. 2d 912.



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*Vacated and Remanded on Appeal*

No. 1383. UNITED STATES *v.* B & H DIST. CORP. ET AL. Appeal from D. C. W. D. Wis. Judgment vacated and case remanded for reconsideration in light of this Court's decisions in *United States v. Reidel*, 402 U. S. 351, and *United States v. Thirty-seven (37) Photographs*, 402 U. S. 363. Reported below: 319 F. Supp. 1231.

No. 1387. VAN HOOMISSEN ET AL. *v.* HAYSE ET AL. Appeal from D. C. Ore. Judgment vacated and case remanded for reconsideration in light of this Court's decisions in *Younger v. Harris*, 401 U. S. 37; and *Samuels v. Mackell*, and *Fernandez v. Mackell*, 401 U. S. 66. MR. JUSTICE DOUGLAS is of the opinion that the judgment should be affirmed. Reported below: 321 F. Supp. 642.

No. 6364. GONZALES ET AL. *v.* SHEA, DIRECTOR, COLORADO DEPARTMENT OF SOCIAL SERVICES, ET AL. Appeal from D. C. Colo. Motion of appellants for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for reconsideration in light of this Court's decision in *Graham v. Richardson*, and *Sailer v. Leger*, *ante*, p. 365. Reported below: 318 F. Supp. 572.

*Certiorari Granted—Vacated and Remanded*

No 761. MIZE ET AL. *v.* ALHAMBRA CITY SCHOOL DISTRICT OF LOS ANGELES COUNTY ET AL. Sup. Ct. Cal. Certiorari granted, judgment vacated, and case remanded for reconsideration in light of this Court's decision in *Gordon v. Lance*, *ante*, p. 1. Reported below: 2 Cal. 3d 806, 471 P. 2d 515.

No. 1305. BAINES *v.* CITY OF BIRMINGHAM. Ct. Crim. App. Ala. Certiorari granted, judgment vacated, and case remanded for reconsideration in light of this Court's decision in *Cohen v. California*, *ante*, p. 15. Reported below: 46 Ala. App. 267, 240 So. 2d 689.

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No. 5687. *TATE v. BLACKWELL, WARDEN*. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for reconsideration in light of this Court's decision in *Griffin v. Breckenridge*, ante, p. 88.

*Miscellaneous Orders*

No. —. *DIXON v. OREGON*. Sup. Ct. Ore. Application for stay and continuance of bail, presented to Mr. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. —. *CONNOR ET AL. v. JOHNSON ET AL.*, 402 U. S. 690. Application for further stay to enforce this Court's mandate denied.

No. 189. *CHICAGO & NORTH WESTERN RAILWAY CO. v. UNITED TRANSPORTATION UNION*, 402 U. S. 570. Motion of respondent to issue judgment forthwith granted. Mr. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 538. *SWARB ET AL. v. LENNOX ET AL.* Appeal from D. C. E. D. Pa. [Probable jurisdiction noted, 401 U. S. 991.] Motion of Pennsylvania Credit Union League for leave to file brief as *amicus curiae* granted. Motion of National Consumers Law Center for leave to dispense with printing *amicus curiae* brief granted. Mr. JUSTICE MARSHALL took no part in the consideration or decision of these motions.

No. 1331. *AFFILIATED UTE CITIZENS OF UTAH ET AL. v. UNITED STATES ET AL.* C. A. 10th Cir. [Certiorari granted, 402 U. S. 905.] Motion of Association on American Indian Affairs, Inc., for leave to file a brief as *amicus curiae* granted. Mr. JUSTICE MARSHALL took no part in the consideration or decision of this motion.



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No. 1184. NATIONAL LABOR RELATIONS BOARD *v.* PLASTERERS' LOCAL UNION No. 79, OPERATIVE PLASTERERS' & CEMENT MASONS' INTERNATIONAL ASSN., AFL-CIO, ET AL.; and

No. 1231. TEXAS STATE TILE & TERRAZZO CO., INC., ET AL. *v.* PLASTERERS' LOCAL UNION No. 79, OPERATIVE PLASTERERS' & CEMENT MASONS' INTERNATIONAL ASSN., AFL-CIO, ET AL. C. A. D. C. Cir. [Certiorari granted, 401 U. S. 973.] Motion of petitioners for additional time for oral argument granted and a total of 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 1332. RELIANCE ELECTRIC CO. *v.* EMERSON ELECTRIC CO. C. A. 8th Cir. [Certiorari granted, 401 U. S. 1008.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* granted and a total of 15 minutes allotted for that purpose. Respondent allotted 15 additional minutes for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 7158. DIGESUALDO ET AL. *v.* SHEA, DIRECTOR, COLORADO DEPARTMENT OF SOCIAL SERVICES, ET AL. Appeal from D. C. Colo. Motion to expedite consideration denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 6158. LINDSEY ET AL. *v.* NORMET ET AL. Appeal from D. C. Ore. [Probable jurisdiction noted, 402 U. S. 941.] Motion of Legal Aid Society of Pima County Bar Assn. for leave to file a brief as *amicus curiae* granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.



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No. 1389. *UNITED STATES v. TUCKER*. C. A. 9th Cir. [Certiorari granted, 402 U. S. 942.] Motion of respondent for appointment of counsel granted. It is ordered that William A. Norris, Esquire, of Los Angeles, California, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for respondent in this case. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 6959. *HARRIS v. WINGO, WARDEN*; and

No. 7108. *GUBINS v. NELSON, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1667. *MUNCASTER v. JOHNSON*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted*

No. 364. *UNITED STATES v. 12 200-FT. REELS OF SUPER 8MM. FILM ET AL. (PALADINI, CLAIMANT)*. Appeal from D. C. C. D. Cal. Probable jurisdiction noted.

No. 867. *GOODING, WARDEN v. WILSON*. Appeal from C. A. 5th Cir. Motion of appellee for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 431 F. 2d 855.

*Certiorari Granted*

No. 1687. *UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL. (PLAMONDON ET AL., REAL PARTIES IN INTEREST)*. C. A. 6th Cir. Certiorari granted. Reported below: 444 F. 2d 651.

*Certiorari Denied*. (See also Nos. 724, 953, and 1664, *supra*.)

No. 880. *KELLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 426 F. 2d 296.

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No. 1509. *CALIFORNIA v. KING*. Sup. Ct. Cal. Certiorari denied. Reported below: 3 Cal. 3d 226, 474 P. 2d 983.

No. 1521. *GIORDANO ET AL. v. LEE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 434 F. 2d 1227.

No. 1572. *STEPHENS v. FLORIDA REAL ESTATE COMMISSION ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 1650. *MILLIGAN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 1654. *GINZBURG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 436 F. 2d 1386.

No. 1658. *MAGAFAN v. UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE*. C. A. D. C. Cir. Certiorari denied.

No. 1659. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 440 F. 2d 797.

No. 1660. *POLACK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 442 F. 2d 446.

No. 1663. *KRASNA v. DAVIES, EXECUTRIX*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 12 Cal. App. 3d 1049, 91 Cal. Rptr. 250.

No. 1669. *JIMMIE'S INC. ET AL. v. CITY OF WEST HAVEN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 436 F. 2d 1339.

No. 1675. *MORRISON MOTOR FREIGHT, INC. v. FOX, ADMINISTRATRIX*. Sup. Ct. Ohio. Certiorari denied. Reported below: 25 Ohio St. 2d 193, 267 N. E. 2d 405.

No. 1677. *UNION PACIFIC RAILROAD CO. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: See 185 Ct. Cl. 393, 401 F. 2d 778.

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No. 1678. *VOLLMER ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 439 F. 2d 351.

No. 1688. *FORT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 143 U. S. App. D. C. 255, 443 F. 2d 670.

No. 1690. *HALLMARK INDUSTRY v. PECKHAM*, U. S. DISTRICT JUDGE (*REYNOLDS METALS CO. ET AL., REAL PARTIES IN INTEREST*). C. A. 9th Cir. Certiorari denied.

No. 1692. *MACDONALD v. SHAWNEE COUNTRY CLUB, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 438 F. 2d 632.

No. 1702. *SWEIG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 441 F. 2d 114.

No. 1715. *BIEHUNIK ET AL. v. FELICETTA ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 441 F. 2d 228.

No. 1807. *TEXAS HIGHWAY DEPARTMENT ET AL. v. NAMED INDIVIDUAL MEMBERS OF THE SAN ANTONIO CONSERVATION SOCIETY*. Petition for certiorari before judgment to C. A. 5th Cir. denied.

No. 5470. *ARNOLD v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 438 Pa. 402, 264 A. 2d 719.

No. 6633. *GOLEMBIEWSKI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 437 F. 2d 1212.

No. 6712. *WILLIS v. DUTTON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 434 F. 2d 1029.



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No. 6703. *SUMMERS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 464 S. W. 2d 126.

No. 6754. *WILLIAMS v. NELSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 435 F. 2d 1293.

No. 6757. *MCCLEAN v. HENRY, PRISON ADMINISTRATOR*. C. A. 4th Cir. Certiorari denied.

No. 6760. *HOWE v. NORTH DAKOTA*. Sup. Ct. N. D. Certiorari denied. Reported below: 182 N. W. 2d 658.

No. 6766. *SMALLS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 438 F. 2d 711.

No. 6774. *VAUGHN v. NEW MEXICO*. Sup. Ct. N. M. Certiorari denied. Reported below: 82 N. M. 310, 481 P. 2d 98.

No. 6783. *WOODALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 1317.

No. 6792. *FREEDMAN v. AMERICAN EXPORT ISBRANDTSEN LINES, INC.* C. A. 2d Cir. Certiorari denied.

No. 6795. *HITE v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 3 Wash. App. 9, 472 P. 2d 600.

No. 6796. *JOHNS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 639.

No. 6855. *BEYER v. MANCUSI, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 436 F. 2d 755.

No. 6860. *PIERCEFIELD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 437 F. 2d 1188.

No. 6872. *GROESSEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 440 F. 2d 602.

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No. 6884. *GUNZBURGER v. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 2d Cir. Certiorari denied.

No. 6892. *DANDRIDGE ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 437 F. 2d 1324.

No. 6915. *TARLTON v. CLARK, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 441 F. 2d 384.

No. 6916. *SMITH v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 6920. *HARVEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 439 F. 2d 142.

No. 6921. *BYRNES ET AL. v. BOSTICK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 130.

No. 6923. *GONZALES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 435 F. 2d 1004.

No. 6927. *FRIED v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 436 F. 2d 784.

No. 6936. *PARKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 6938. *LANE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 6945. *SPENCER v. GEORGIA*. C. A. 5th Cir. Certiorari denied. Reported below: 441 F. 2d 397.

No. 6956. *OLIVER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 6974. *SMITH v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 278 N. C. 36, 178 S. E. 2d 597.

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No. 6958. *LaROCCA v. New York*. Ct. App. N. Y. Certiorari denied.

No. 6961. *Kyle v. United States*. Petition for certiorari before judgment to C. A. 2d Cir. denied.

No. 6962. *Redmond v. Moore, Correctional Superintendent*. C. A. 1st Cir. Certiorari denied.

No. 6967. *Bishop v. United States*. C. A. 9th Cir. Certiorari denied. Reported below: 435 F. 2d 1268.

No. 6971. *Wells v. United States*. C. A. 6th Cir. Certiorari denied.

No. 6975. *Snyder v. Tennessee*. Sup. Ct. Tenn. Certiorari denied.

No. 6978. *Kiper v. Kentucky*. Ct. App. Ky. Certiorari denied.

No. 6981. *Bargas v. Hocker, Warden*. Sup. Ct. Nev. Certiorari denied. Reported below: 87 Nev. 30, 482 P. 2d 317.

No. 6984. *Armstrong et al. v. Illinois*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 127 Ill. App. 2d 457, 262 N. E. 2d 354.

No. 6986. *Turner v. United States*. C. A. 6th Cir. Certiorari denied.

No. 6989. *Simmons v. Craven, Warden*. C. A. 9th Cir. Certiorari denied. Reported below: 435 F. 2d 554.

No. 6993. *Bock v. New York*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 6995. *Winegar v. Michigan*. Sup. Ct. Mich. Certiorari denied.

No. 6996. *Lack v. United States*. C. A. 4th Cir. Certiorari denied.



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No. 7005. *ARMES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 7007. *DUBIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 438 F. 2d 858.

No. 7016. *BRYANT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 7021. *McKINNON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 7057. *ROBERTS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 441 F. 2d 1162.

No. 1045. *MANLEY v. VIRGINIA*. Sup. Ct. App. Va. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 211 Va. 146, 176 S. E. 2d 309.

No. 1452. *ZORNER v. OREGON*. Ct. App. Ore. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 4 Ore. App. 84, 475 P. 2d 990.

No. 1666. *NORTHERN VIRGINIA REGIONAL PARK AUTHORITY ET AL. v. UNITED STATES CIVIL SERVICE COMMISSION ET AL.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 437 F. 2d 1346.

No. 6181. *HOLMES v. ARIZONA*. Ct. App. Ariz. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 13 Ariz. App. 357, 476 P. 2d 878.

No. 6806. *KNUCKLES ET AL. v. PRASSE, CORRECTION COMMISSIONER, ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 435 F. 2d 1255.

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No. 1620. EILERS ET AL. v. HERCULES, INC., ET AL.  
Ct. Civ. App. Tex., 9th Sup. Jud. Dist. Certiorari denied. Reported below: 458 S. W. 2d 221.

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

Glenn Patrick was killed and Earl Eilers was severely injured when a defective dome lid on a railroad tank car, upon which they were working in the performance of their duties, exploded in their faces. Patrick's widow and her two children and Eilers, the injured workman, brought this action in the Texas state courts seeking recovery for their injuries under the Safety Appliance Acts, 27 Stat. 531, as amended, 45 U. S. C. § 1 *et seq.* They named as defendants Union Tank Car Co., the corporate owner of the tank car, Hercules, Inc., the lessee of the car, and the Atchison, Topeka & Santa Fe Railway Co., the railroad which delivered the car. The case was tried to a jury. The evidence at trial showed that the two workmen were sent to open the dome lid on top of the tank car. If functioning properly, the dome lid would have been loose and would have permitted the pressure accumulating during the loading of the car to escape. But rust and corrosion had caused the dome lid to freeze closed and, as the two workmen mounted the car, the lid exploded, killing one and crippling the other. In response to a special-issue charge submitted by the trial judge, the jury found that the dome lid of the tank car in question was a safety appliance within the coverage of the Safety Appliance Acts, that the dome lid had failed to operate properly to release the car's internal pressure, and that such failure was the proximate cause of the explosion and injuries. The jury awarded \$80,000 each to Patrick's widow and two children, and \$42,000 to Eilers.



The Texas Court of Civil Appeals reversed and rendered judgment for the respondents, holding that as a matter of law the dome lid of the tank car was not a safety appliance so as to invoke the absolute liability for violation of the Safety Appliance Acts. Believing that the court below is wrong in its interpretation of the Acts, I would grant the petition for writ of certiorari, reverse the decision below, and reinstate the jury verdict.

The Texas appellate court recognized that the dome lid in this case was designed to serve the dual function of an opening through which the car could be filled and an escape for pressure resulting from the filling. Indeed, the court below seemed to concede that the dome lid was a "safety appliance" but held that it was not covered by the Safety Appliance Acts because it was not specifically mentioned in the Acts or the regulations of the Interstate Commerce Commission. That court took this step in the face of this Court's express decision in *Shields v. Atlantic Coast Line R. Co.*, 350 U. S. 318 (1956), that the Safety Appliance Acts are not limited to those devices specified in the Acts and the Commission regulations. As we said in that case: "At best, appliances standardized in Commission regulations represent the minimum of safety equipment, and there is no prohibition of additional safety appliances." *Id.*, at 324. We held in *Shields* that if a safety appliance is provided by the railroad or the makers of the car and used by the railroad as an appliance necessary for the use of the car, it must be safe.

One man is dead and another is crippled for life because the dome lid on the tank car furnished by the respondents was defective. The dome lid was provided by the respondents as a safety appliance; its failure to function properly was the proximate cause of the explosion and injuries. In my view, petitioners have shown a



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violation of the Safety Appliance Acts and therefore the decision below, depriving the petitioners of the jury verdict to which they were entitled, should be reversed. I dissent from the denial of the petition for writ of certiorari.

No. 7012. DAWSON *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 440 F. 2d 1259.

No. 1655. MORRIS *v.* DAISY AVENUE ROAD DISTRICT OF JEFFERSON COUNTY, KENTUCKY. Ct. App. Ky. Motion to dispense with printing petition granted. Certiorari denied.

No. 1671. MORRIS *v.* SPARROW ET AL. Ct. App. Ky. Motion to dispense with printing petition granted. Certiorari denied.

No. 1719. LAMAR LIFE BROADCASTING CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

No. 1773. SCAFATI, CORRECTIONAL SUPERINTENDENT *v.* FISHER. C. A. 1st Cir. Stay entered by this Court on June 11, 1971 [*ante*, p. 913], vacated. Order of June 4, 1971, of the Court of Appeals that "Fisher will be ordered released as soon as the district court can conduct a hearing," vacated and set aside. Provision of order of District Court entered July 13, 1970, that petitioner be discharged unless "timely retried without the use of tainted evidence" [314 F. Supp. 929, 938], reinstated and made effective from this date. Certiorari denied. Reported below: 439 F. 2d 307.

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No. 5911. *IN RE WHICHARD*. Sup. Ct. N. C. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. Reported below: 276 N. C. 727.

No. 6660. *PHILLIPS v. NEVADA*. Sup. Ct. Nev. Certiorari denied. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that certiorari should be granted. Reported below: 86 Nev. 720, 475 P. 2d 671.

No. 6968. *HUNTER ET AL. v. CENTER MOTORS, INC.* C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 139 U. S. App. D. C. 262, 432 F. 2d 695.

*Rehearing Denied*

No. 11. *WASHINGTON ET UX. v. UNITED STATES*, 402 U. S. 978;

No. 104. *WILD ET AL. v. UNITED STATES*, 402 U. S. 986;

No. 313. *ORITO v. UNITED STATES*, 402 U. S. 987;

No. 1087. *KELLY, JUDGE v. FLORIDA JUDICIAL QUALIFICATIONS COMM'N*, 401 U. S. 962;

No. 1165. *EUBANK v. ILLINOIS*, 402 U. S. 972;

No. 1370. *LAMP, ADMINISTRATRIX v. UNITED STATES STEEL CORP. ET AL.*, 402 U. S. 987;

No. 1506. *BOSTON & PROVIDENCE RAILROAD DEVELOPMENT GROUP v. BARTLETT, TRUSTEE, ET AL.*, 402 U. S. 989; and

No. 1537. *EISENBERG ET AL. v. WISCONSIN*, 402 U. S. 987. Petitions for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these petitions.

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No. 1538. PASSEL ET AL. *v.* FORT WORTH INDEPENDENT SCHOOL DISTRICT ET AL., 402 U. S. 968;

No. 5145. EASON *v.* UNITED STATES, 402 U. S. 984;

No. 6312. BUCHANAN *v.* MICHIGAN, 401 U. S. 944;

No. 6317. STREULE *v.* GULF FINANCE CORP., 402 U. S. 975;

No. 6400. WEBSTER ET AL. *v.* UNITED STATES, 402 U. S. 986;

No. 6588. PARDO *v.* ILLINOIS, 402 U. S. 992;

No. 6728. CORRADO ET UX. *v.* PROVIDENCE REDEVELOPMENT AGENCY, 402 U. S. 947;

No. 6928. CAMPBELL *v.* UNITED STATES, *ante*, p. 910; and

No. 7034. RAY *v.* BRIERLEY, CORRECTIONAL SUPERINTENDENT, 402 U. S. 1008. Petitions for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these petitions.

No. 150, Misc., October Term, 1968. RUCKER *v.* CITY OF FLINT ET AL., 393 U. S. 873, 956. Motion for leave to file second petition for rehearing denied. THE CHIEF JUSTICE, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

No. 1080. FAIR ET AL. *v.* KIRK, GOVERNOR OF FLORIDA, ET AL., 401 U. S. 928. Motions to dispense with printing petitions granted. Petitions for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these motions and petitions.

No. 1395. DESAPIO *v.* UNITED STATES, 402 U. S. 999. Petition for rehearing denied. MR. JUSTICE WHITE and MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.



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JUNE 23, 1971

*Dismissal Under Rule 60*

No. 706. UNITED STATES *v.* VARIOUS ARTICLES OF "OBSCENE" MERCHANDISE (CHERRY, CLAIMANT). Appeal from D. C. S. D. N. Y. dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 315 F. Supp. 191. [Probable jurisdiction noted, 402 U. S. 971.]

JUNE 24, 1971

*Dismissal Under Rule 60*

No. 1528. SWEETHEART PLASTICS, INC., ET AL. *v.* ILLINOIS TOOL WORKS, INC. C. A. 7th Cir. Petition for writ of certiorari dismissed pursuant to Rule 60 of the Rules of this Court. Reported below: 436 F. 2d 1180.

JUNE 25, 1971

*Certiorari Granted*

No. 1873. NEW YORK TIMES CO. *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted and case set for oral argument on Saturday, June 26, 1971, at 11 a. m. Briefs and records shall be filed simultaneously, the requirement for printing being waived.

Application of New York Times Co. for stay of mandate of Court of Appeals granted pending further order of this Court. The Special Appendix referred to in the order of the Court of Appeals, and any additional items as the United States may have specified with particularity, shall be served on New York Times Co. and filed in this Court by 5 p. m. today, June 25, 1971. Restraint imposed upon New York Times Co. by the Court of Appeals continued pending argument and decision.

For purposes of argument this case is consolidated with No. 1885, *United States v. Washington Post Co.*,

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certiorari granted, *infra*. Portions of record or argument relating to matters claimed to affect national security may be filed in sealed form.

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE BRENNAN, and MR. JUSTICE MARSHALL would grant the motion to vacate order of Court of Appeals except insofar as it affirms judgment of the District Court, would not continue restraint imposed upon 'New York Times Co. by the Court of Appeals, and would deny the petition for certiorari.

No. 1885. UNITED STATES *v.* WASHINGTON POST CO. ET AL. C. A. D. C. Cir. Treating the application for stay as a petition for certiorari, certiorari granted and case set for oral argument on Saturday, June 26, 1971, at 11 a. m. Briefs and records shall be filed simultaneously, the requirement for printing being waived. Portions of record or argument relating to matters claimed to affect national security may be filed in sealed form.

Pending argument and decision in this case, restraint imposed by Court of Appeals on the Washington Post Co. and its officers continued but limited to items specified in the Special Appendix filed on June 21, 1971, with the Court of Appeals for the Second Circuit in a case in that court captioned *United States v. New York Times Co.*, Docket 71-1616, decided June 23, 1971, and any such additional items as the United States may have specified with particularity by 5 p. m. today, June 25, 1971. Said Appendix as supplemented shall be served on respondent Washington Post Co. and filed in this Court at that time.

For purposes of argument case is consolidated with No. 1873, *New York Times Co. v. United States*, certiorari granted, *supra*.

MR. JUSTICE BLACK, MR. JUSTICE DOUGLAS, MR. JUSTICE BRENNAN, and MR. JUSTICE MARSHALL would not

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continue restraint, as limited or otherwise, and, treating application as a petition for certiorari, would deny certiorari.

JUNE 26, 1971

*Miscellaneous Order*

No. 1873. NEW YORK TIMES CO. *v.* UNITED STATES;  
and

No. 1885. UNITED STATES *v.* WASHINGTON POST CO.  
ET AL.

THE CHIEF JUSTICE announced in open Court that the Government's motion to conduct part of oral arguments involving security matters *in camera* denied and under order granting writ counsel may submit arguments in writing under seal in lieu of *in camera* oral argument. THE CHIEF JUSTICE, MR. JUSTICE HARLAN, and MR. JUSTICE BLACKMUN would grant limited *in camera* argument. Two hours allowed for oral argument.

JUNE 28, 1971

*Order Appointing Chief Deputy Clerk*

It is ordered that Michael Rodak, Jr., be, and he is hereby, appointed Chief Deputy Clerk of this Court.

*Appeals Dismissed*

No. 517. BOARD OF EDUCATION OF COUNTY OF KANAWHA ET AL. *v.* HUGHES. Appeal from Sup. Ct. App. W. Va. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: — W. Va. —, 174 S. E. 2d 711.



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No. 934. AMERICANS UNITED, INCORPORATED AS PROTESTANTS & OTHER AMERICANS UNITED FOR SEPARATION OF CHURCH & STATE, ET AL. *v.* INDEPENDENT SCHOOL DISTRICT No. 622, RAMSEY COUNTY, ET AL.; and

No. 935. STARK *v.* MATTHEIS, COMMISSIONER OF EDUCATION OF MINNESOTA, ET AL. Appeals from Sup. Ct. Minn. dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL are of the opinion that probable jurisdiction should be noted and cases set for oral argument. Reported below: 288 Minn. 196, 179 N. W. 2d 146.

*Vacated and Remanded on Appeal*

No. 852. KERVICK, STATE TREASURER OF NEW JERSEY *v.* CLAYTON ET AL.; and

No. 858. LEVINE ET AL. *v.* CLAYTON ET AL. Appeals from Sup. Ct. N. J. Judgment vacated and cases remanded for reconsideration in light of this Court's decisions in *Lemon v. Kurtzman*, *Earley v. DiCenso*, and *Robinson v. DiCenso*, ante, p. 602; and *Tilton v. Richardson*, ante, p. 672. MR. JUSTICE BLACK is of the opinion that the judgment should be reversed. MR. JUSTICE BRENNAN took no part in the consideration or decision of these cases. Reported below: 56 N. J. 523, 267 A. 2d 503.

No. 1329. HUNT *v.* McNAIR, GOVERNOR OF SOUTH CAROLINA, ET AL. Appeal from Sup. Ct. S. C. Judgment vacated and case remanded for reconsideration in light of this Court's decisions in *Lemon v. Kurtzman*, *Earley v. DiCenso*, and *Robinson v. DiCenso*, ante, p. 602; and *Tilton v. Richardson*, ante, p. 672. MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted and case set for oral argument. Reported below: 255 S. C. 71, 177 S. E. 2d 362.

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*Certiorari Granted—Reversed and Remanded*

No. 5020. CLARK *v.* SMITH, WARDEN. Sup. Ct. Ga. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment reversed, *Miranda v. Arizona*, 384 U. S. 436 (1966), and case remanded for further proceedings. MR. JUSTICE BLACK dissents. Reported below: 224 Ga. 766, 164 S. E. 2d 790.

No. 5006. MATHIS *v.* NEW JERSEY. Sup. Ct. N. J. Reported below: 52 N. J. 238, 245 A. 2d 20;

No. 5015. MATHIS *v.* ALABAMA. Sup. Ct. Ala. Reported below: 283 Ala. 308, 216 So. 2d 286;

No. 5022. SPECK *v.* ILLINOIS. Sup. Ct. Ill. Reported below: 41 Ill. 2d 177, 242 N. E. 2d 208;

No. 5027. SEGURA *v.* PATTERSON, WARDEN. C. A. 10th Cir. Reported below: 402 F. 2d 249;

No. 5058. WHAN *v.* TEXAS. Ct. Crim. App. Tex. Reported below: 438 S. W. 2d 918;

No. 5063. DUPLESSIS *v.* LOUISIANA. Sup. Ct. La. Reported below: 253 La. 992, 221 So. 2d 484;

No. 5064. JAGGERS *v.* KENTUCKY. Ct. App. Ky. Reported below: 439 S. W. 2d 580;

No. 5065. AIKEN *v.* WASHINGTON, and

No. 5066. WHEAT *v.* WASHINGTON. Sup. Ct. Wash. Reported below: 75 Wash. 2d 421, 452 P. 2d 232; and

No. 5074. PRUETT *v.* OHIO. Sup. Ct. Ohio. Reported below: 18 Ohio St. 2d 167, 248 N. E. 2d 605. Motions for leave to proceed *in forma pauperis* and certiorari granted. Judgments, insofar as they impose the death sentence, reversed and cases remanded for further proceedings. *Witherspoon v. Illinois*, 391 U. S. 510 (1968); *Boulden v. Holman*, 394 U. S. 478 (1969); and *Maxwell v. Bishop*, 398 U. S. 262 (1970). MR. JUSTICE BLACK dissents.

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No. 5077. *QUINTANA v. TEXAS*. Ct. Crim. App. Tex. Reported below: 441 S. W. 2d 191;

No. 5080. *WIGGLESWORTH v. OHIO*. Sup. Ct. Ohio. Reported below: 18 Ohio St. 2d 171, 248 N. E. 2d 607;

No. 5086. *CRAIN v. BETO, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex.;

No. 5094. *WILSON ET AL. v. FLORIDA*. Sup. Ct. Fla. Reported below: 225 So. 2d 321;

No. 5114. *PEMBERTON v. OHIO*. Sup. Ct. Ohio;

No. 5142. *LADETTO v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Reported below: 356 Mass. 541, 254 N. E. 2d 415;

No. 5288. *TURNER v. TEXAS*. Ct. Crim. App. Tex. Reported below: 462 S. W. 2d 9;

No. 5887. *BERNETTE v. ILLINOIS*; and

No. 6049. *TAJRA v. ILLINOIS*. Sup. Ct. Ill. Reported below: 45 Ill. 2d 227, 258 N. E. 2d 793; and

No. 6458. *HARRIS v. TEXAS*. Ct. Crim. App. Tex. Motions for leave to proceed *in forma pauperis* and certiorari granted. Judgments, insofar as they impose the death sentence, reversed and cases remanded for further proceedings. *Witherspoon v. Illinois*, 391 U. S. 510 (1968); *Boulden v. Holman*, 394 U. S. 478 (1969); and *Maxwell v. Bishop*, 398 U. S. 262 (1970). MR. JUSTICE BLACK dissents.

No. 129. *ADAMS v. WASHINGTON*. Sup. Ct. Wash. Motions to dispense with printing petition and response granted. Certiorari granted and judgment, insofar as it imposes the death sentence, reversed and case remanded for further proceedings. *Witherspoon v. Illinois*, 391 U. S. 510 (1968); *Boulden v. Holman*, 394 U. S. 478 (1969); and *Maxwell v. Bishop*, 398 U. S. 262 (1970). MR. JUSTICE BLACK dissents. Reported below: 76 Wash. 2d 650, 458 P. 2d 558.



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No. 5011. *FUNICELLO v. NEW JERSEY*. Sup. Ct. N. J. Reported below: 52 N. J. 263, 245 A. 2d 181; and

No. 5014. *CHILDS v. NORTH CAROLINA*. Super. Ct. N. C., Buncombe County. Reported below: See 269 N. C. 307, 152 S. E. 2d 453. Motions for leave to proceed *in forma pauperis* and certiorari granted. Judgments, insofar as they impose the death sentence, reversed and cases remanded for further proceedings. *Witherspoon v. Illinois*, 391 U. S. 510 (1968); *Boulden v. Holman*, 394 U. S. 478 (1969); *Maxwell v. Bishop*, 398 U. S. 262 (1970); and *United States v. Jackson*, 390 U. S. 570 (1968). MR. JUSTICE BLACK dissents.

No. 5072. *ATKINSON v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 275 N. C. 288, 167 S. E. 2d 241;

No. 5136. *HILL v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 276 N. C. 1, 170 S. E. 2d 885;

No. 5178. *ROSEBORO v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 276 N. C. 185, 171 S. E. 2d 886;

No. 5837. *WILLIAMS v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 276 N. C. 703, 174 S. E. 2d 503;

No. 6006. *SANDERS v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 276 N. C. 598, 174 S. E. 2d 487;

No. 6386. *THOMAS v. LEEKE, CORRECTIONS DIRECTOR*. Sup. Ct. S. C.; and

No. 7122. *ATKINSON v. NORTH CAROLINA*. Sup. Ct. N. C. Reported below: 278 N. C. 168, 179 S. E. 2d 410. Motions for leave to proceed *in forma pauperis* and certiorari granted. Judgments, insofar as they impose the death sentence, reversed, *United States v. Jackson*, 390 U. S. 570 (1968), *Pope v. United States*, 392 U. S. 651 (1968), and cases remanded for further proceedings. MR. JUSTICE BLACK dissents.

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No. 5139. *ANDERSON ET AL. v. LOUISIANA*. Sup. Ct. La. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment reversed, *Bruton v. United States*, 391 U. S. 123 (1968), and case remanded for further proceedings. MR. JUSTICE BLACK dissents. Reported below: 254 La. 1107, 229 So. 2d 329.

*Certiorari Dismissed*

No. 48. *HUDSON v. LOUISIANA*. Sup. Ct. La. Certiorari dismissed. See *Molinaro v. New Jersey*, 396 U. S. 365 (1970). Reported below: 253 La. 992, 221 So. 2d 484.

*Miscellaneous Orders*

No. 35, Orig. *UNITED STATES v. MAINE ET AL.* Motion by the United States to dismiss counterclaim and deny demand for jury trial filed by the State of Florida received and filed, and the State of Florida allowed 60 days to respond. Upon receipt of response of the State of Florida, motion and response shall be referred to Special Master for his report and recommendation. Joint motion of the United States and the State of Florida to consolidate proceedings herein against the State of Florida with *United States v. Louisiana*, No. 9, Orig., granted. Report of Special Master upon motion of the State of Florida for severance received and filed, and motion of the State of Florida for severance granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of these matters. [For earlier orders herein, see, *e. g.*, 400 U. S. 914.]

No. 45, Orig. *WASHINGTON ET AL. v. GENERAL MOTORS CORP. ET AL.* Motion of the State of Idaho to be named as a party plaintiff granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion. [For earlier order herein, see 402 U. S. 940.]

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No. 9, Orig. UNITED STATES *v.* LOUISIANA ET AL. (LOUISIANA BOUNDARY CASE). Joint motion of the United States and the State of Florida to initiate supplemental proceedings granted. Motions of the United States and the State of Florida to consolidate proceedings [see No. 35, Orig., *supra*] and to appoint Special Master granted.

IT IS ORDERED that the Honorable Albert B. Maris, Senior Judge of the United States Court of Appeals for the Third Circuit, be, and he is hereby, appointed Special Master to conduct supplemental proceedings which shall be docketed as case No. 52, Orig. The Special Master shall have authority to fix the time and conditions for filing additional pleadings and to direct subsequent proceedings, and authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

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

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

MR. JUSTICE MARSHALL took no part in the consideration or decision of these matters. [For earlier orders herein, see, *e. g.*, 395 U. S. 901.]



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No. 48, Orig. *MISSISSIPPI v. ARKANSAS*. Report of Special Master contained in his letter dated May 12, 1971, to the Clerk of this Court, is approved and shall be filed with the Clerk. [For earlier orders herein, see, *e. g.*, 402 U. S. 939.]

No. 203. *MCGAUTHA v. CALIFORNIA*; and

No. 204. *CRAMPTON v. OHIO*, 402 U. S. 183. Issuance of mandate of this Court in each of these cases stayed pending disposition of petitions for rehearing.

No. 1606. *DIES ET AL. v. CARTER ET AL.* Appeal from D. C. N. D. Tex. [Probable jurisdiction noted, *ante*, p. 904.] Motion of appellee Pate for enlargement of time for oral argument granted, and an additional 10 minutes allotted to appellees to be divided equally between counsel for appellee Pate and counsel for appellee Wischkaemper. An additional 10 minutes for oral argument allotted to counsel for appellants. Pursuant to further motion of appellee Pate, total time allotted to appellees for oral argument is divided equally between counsel for appellee Pate and counsel for appellee Wischkaemper so that each will have 20 minutes.

No. 5161. *JOHNSON v. LOUISIANA*. Appeal from Sup. Ct. La. [Probable jurisdiction noted, 400 U. S. 900]; and

No. 5338. *APODACA ET AL. v. OREGON*. Ct. App. Ore. [Certiorari granted, 400 U. S. 901.] Cases restored to calendar for reargument.

No. 5712. *MILTON v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. [Certiorari granted, *ante*, p. 904.] Motion of petitioner for appointment of counsel granted. It is ordered that Neil P. Rutledge, Esquire, of Durham, North Carolina, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

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No. 6623. *McKENZIE v. TEXAS*. Ct. Crim. App. Tex. Period of time for filing brief in support of petition for certiorari hereby extended to July 18, 1971. The Attorney General of Texas is invited to file a responsive brief within 10 days from date of receipt of petitioner's brief. [For earlier order herein, see 402 U. S. 971.]

*Certiorari Granted*. (See also Nos. 5085, 5098, 5101, and 5103, *ante*, p. 711.)

No. 5049. *AIKENS v. CALIFORNIA*. Sup. Ct. Cal. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: "Does the imposition and carrying out of the death penalty in this case constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?" Reported below: 70 Cal. 2d 369, 450 P. 2d 258.

No. 5025. *SCHNEBLE v. FLORIDA*. Sup. Ct. Fla. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the question whether petitioner's conviction was in violation of *Bruton v. United States*, 391 U. S. 123 (1968). Reported below: 215 So. 2d 611.

No. 5059. *FURMAN v. GEORGIA*. Sup. Ct. Ga. Reported below: 225 Ga. 253, 167 S. E. 2d 628;

No. 5133. *JACKSON v. GEORGIA*. Sup. Ct. Ga. Reported below: 225 Ga. 790, 171 S. E. 2d 501; and

No. 5135. *BRANCH v. TEXAS*. Ct. Crim. App. Tex. Reported below: 447 S. W. 2d 932. Certiorari granted limited to the following question: "Does the imposition and carrying out of the death penalty in [these cases] constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?"

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No. 5056. MOORE v. ILLINOIS. Sup. Ct. Ill. Motion of American Civil Liberties Union, Illinois Division, et al., for leave to file a brief as *amici curiae* granted. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Questions 1, 3, and 4 set forth in the petition which read as follows:

"1. Petitioner was sentenced to death for murder. Six items of exonerating evidence were not disclosed to him at trial. The court below affirmed on the ground that the prosecution's duty to disclose exonerating evidence depends upon a request; that the prosecutor had shown his entire file to defense counsel at trial and no further request for disclosure was made. None of the exonerating items was contained in said file. Trial defense counsel were ignorant of the existence of the suppressed information.

"Questions presented are:

"(a) Whether a request is an indispensable prerequisite to disclosure of exonerating evidence by the State?

"(b) Whether material evidence favorable to an accused should be disclosed by the State without a request where such evidence is not recorded?

"(c) Whether denial of due process of law is contingent upon a request where a State knowingly permits false testimony to remain uncorrected?

"(d) Where a prosecutor shows his entire file to defense counsel at trial, but none of the exonerating items of evidence are contained in said file, does that satisfy the prosecution's duty of disclosure?

"(e) Whether nondisclosure of the prosecuting police department is imputable to the prosecution?"

"3. The deceased was killed with a twelve-gauge shotgun. The Chicago Scientific Crime Detection Laboratory determined that he was killed with a twelve-gauge



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shotgun. (A.139.) The prosecutor stated in a Bill of Particulars that the murder weapon was a twelve-gauge shotgun. (A.2.)

"Over objection (A.81-94), the prosecution introduced a sixteen-gauge shotgun into evidence. (A.94.) The sixteen-gauge shotgun did not belong to the petitioner, was not recovered from him, and was never in his possession or control. (A.58, 66-71.)

"During closing argument the prosecutor told the jury that the sixteen-gauge shotgun was not the weapon that killed the deceased, but that any man who was with another man who had the shotgun and shells for it was the type of person that deserved the death penalty. (A.191-201, 204-206.)

"The question presented is whether the introduction and use of such evidence, totally unconnected with the petitioner or the crime charged, denied the petitioner a fair trial?"

"4. Eight veniremen were removed for cause when they voiced general objections to capital punishment or stated that they had religious or conscientious scruples against the death penalty in a proper case.

"In the light of *Witherspoon v. Illinois*, 391 U. S. 510, may a state court of review affirm a death sentence,

"(a) on the ground that the tenor of *voir dire* examination was unlike that of *Witherspoon*?

"(b) on the ground that the prosecution had sufficient peremptory challenges to have eliminated those prospective jurors eligible to serve under *Witherspoon*?"

Reported below: 42 Ill. 2d 73, 246 N. E. 2d 299.

*Certiorari Denied.* (See also No. 517, *supra*.)

No. 35. *DAVIS v. ARKANSAS*. Sup. Ct. Ark. *Certiorari denied*. Reported below: 246 Ark. 838, 440 S. W. 2d 244.

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No. 1508. WILLIAMS ET AL. *v.* SEEGER ET AL. Sup. Ct. La. Certiorari denied. Reported below: 256 La. 1039, 241 So. 2d 213.

No. 1626. DONAHEY, TREASURER OF OHIO, ET AL. *v.* PROTESTANTS AND OTHER AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 435 F. 2d 627.

No. 5017. BELL *v.* PATTERSON, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 402 F. 2d 394.

No. 5099. WILLIAMS *v.* TENNESSEE; and

No. 5100. BENTON *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 222 Tenn. 672, 440 S. W. 2d 1.

No. 1257. SAVILLE ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted. Reported below: 435 F. 2d 871.

No. 6658. MARTIN *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. MR. JUSTICE BLACK is of the opinion that certiorari should be granted. Reported below: 10 Md. App. 385, 270 A. 2d 674.

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*Affirmed on Appeal*

No. 1596. SANDERS, SECRETARY OF THE BOARD OF EDUCATION OF CONNECTICUT, ET AL. *v.* JOHNSON ET AL.; and

No. 1624. BUCKLEY ET AL. *v.* JOHNSON ET AL. Affirmed on appeal from D. C. Conn. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these cases. Reported below: 319 F. Supp. 421.

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*Miscellaneous Orders*

No. —. GOSS ET AL. v. BOARD OF EDUCATION OF THE CITY OF KNOXVILLE ET AL. Petitioners' motion for immediate order requiring submission of a plan for desegregation of Knoxville school system for the 1971–1972 school year and for an order requiring the District Court to hold timely hearings, enter such orders, and entertain such proceedings as may be necessary to achieve a unitary school system in Knoxville by the commencement of the 1971–1972 school year, presented to MR. JUSTICE STEWART and by him referred to the Court, denied. The United States District Court for the Eastern District of Tennessee has not had an opportunity since the June 22, 1971, remand of the case by the United States Court of Appeals for the Sixth Circuit to inquire whether respondents have failed to maintain a unitary school system as defined in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U. S. 1 (1971), and prior cases. Of course, the District Court must conduct forthwith such proceedings as may be required for prompt determination of this question, and, should it find respondents have not maintained a unitary school system, respondents must “terminate dual school systems at once.” *Alexander v. Holmes County Board of Education*, 396 U. S. 19, 20 (1969). The mandate of the Court of Appeals should issue forthwith.

No. 577. UNITED STATES v. JOHNSON. C. A. 9th Cir. [Certiorari granted, 400 U. S. 990.] Case restored to calendar for reargument. In their briefs and oral arguments, counsel requested to discuss, in addition to question specified in original petition, the following: “What relevance has the doctrine of *Vitarelli v. Seaton*, 359 U. S. 535, to the legality of the search in the present case?” Reported below: 425 F. 2d 630.



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No. —. FRIEDLAND *v.* JUSTICES OF THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, EN BANC. Application for extraordinary relief denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this application.