

ORDERS FROM END OF OCTOBER TERM, 1974  
THROUGH JANUARY 26, 1976

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CASES DISMISSED IN VACATION

No. 74-6653. *BRUCE v. U. S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS*. Motion for leave to file petition for writ of mandamus dismissed August 26, 1975, under this Court's Rule 60.

No. 74-6489. *GUAJARDO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed as to petitioner Juan Chapa, Jr., on September 9, 1975, under this Court's Rule 60. Reported below: 508 F. 2d 1093.

No. 75-163. *CALIFORNIA & HAWAIIAN SUGAR CO. ET AL. v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari dismissed September 18, 1975, as to petitioners Union Sugar Division, Consolidated Foods Corp.; Amalgamated Sugar Co.; Great Western Sugar Co.; and Holly Sugar Corp. under this Court's Rule 60.

No. 74-1602. *POLITI ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari dismissed September 25, 1975, under this Court's Rule 60. Reported below: 516 F. 2d 897.

No. 74-1490. *S & H PACKING Co., INC. v. DESARACHO ET AL., DBA SARACHO HNOS.* C. A. 9th Cir. Certiorari dismissed September 29, 1975, under this Court's Rule 60.

No. 74-1485. *ENGLISH v. LAWRENCE, U. S. DISTRICT JUDGE, ET AL.* C. A. 5th Cir. Certiorari dismissed October 1, 1975, under this Court's Rule 60.

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No. 74-1518. *TELEX CORP. ET AL. v. INTERNATIONAL BUSINESS MACHINES CORP.* C. A. 10th Cir. Certiorari dismissed October 3, 1975, under this Court's Rule 60. Reported below: 510 F. 2d 894.

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*Affirmed on Appeal*

No. 74-1324. *GENDRON v. LEVI, ATTORNEY GENERAL, ET AL.* Affirmed on appeal from D. C. C. D. Cal. Reported below: 389 F. Supp. 1303.

No. 74-1477. *FAST MOTOR SERVICE, INC. v. UNITED STATES ET AL.*; and

No. 74-1478. *FAST MOTOR SERVICE, INC. v. UNITED STATES ET AL.* Affirmed on appeal from D. C. N. D. Ill.

No. 74-1553. *WILKEY v. ILLINOIS RACING BOARD ET AL.* Affirmed on appeal from D. C. N. D. Ill.

No. 74-6410. *SPEARS v. ELLIS, DISTRICT ATTORNEY OF WARREN COUNTY, ET AL.* Affirmed on appeal from D. C. S. D. Miss. Reported below: 386 F. Supp. 653.

No. 74-6427. *WILSON v. MALONE ET AL.* Affirmed on appeal from D. C. W. D. Ky.

No. 75-3. *JAMAICA SAVINGS BANK v. LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK.* Affirmed on appeal from D. C. E. D. N. Y. Reported below: 390 F. Supp. 1357.

No. 75-14. *LOUISVILLE & NASHVILLE RAILROAD CO. v. ATKINS, COMMISSIONER, TENNESSEE PUBLIC SERVICE COMMISSION, ET AL.* Affirmed on appeal from D. C. M. D. Tenn. Reported below: 390 F. Supp. 576.

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No. 74-1465. HAYES *v.* FLORIDA ET AL. Affirmed on appeal from D. C. S. D. Fla.

No. 75-5006. KEMP ET AL. *v.* TUCKER, SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA, ET AL. Affirmed on appeal from D. C. M. D. Pa. Reported below: 396 F. Supp. 737.

No. 75-28. INSTITUTE OF SCRAP IRON & STEEL, INC., ET AL. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. MR. JUSTICE POWELL took no part in the consideration or decision of this appeal.

*Appeals Dismissed*

No. 74-1475. STEPHENS *v.* HOWLE. Appeal from Ct. App. Ga. 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 would note probable jurisdiction and set case for oral argument. Reported below: 133 Ga. App. 584, 211 S. E. 2d 637.

No. 74-1497. SCOTT ET AL. *v.* CALIFORNIA. Appeal from Ct. App. Cal., 1st App. Dist., 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 would note probable jurisdiction and set case for oral argument.

No. 74-1501. RICHARDS *v.* RICHARDS ET AL. Appeal from Ct. App. D. C. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 328 A. 2d 383.

No. 74-1526. THOMPSON *v.* COUNTY BOARD OF SCHOOL TRUSTEES OF DUPAGE COUNTY, ILLINOIS, ET AL. Appeal from App. Ct. Ill., 2d Dist., dismissed for want

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of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 22 Ill. App. 3d 45, 316 N. E. 2d 658.

No. 74-1612. *EGER v. FLORIDA*. Appeal from C. A. 5th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 511 F. 2d 132.

No. 74-1631. *RUMMLER v. CALIFORNIA*. Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 44 Cal. App. 3d 638, 118 Cal. Rptr. 872.

No. 74-1636. *MITCHELL v. MITCHELL*. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 74-6468. *ANDERSON ET AL. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS*. Appeal from C. A. 1st Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 74-6661. *CISNEROS v. ORANGE COUNTY SUPERIOR COURT (JUVENILE COURT)*. Appeal from Ct. App. Cal., 4th App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 74-6719. *ESCOFIL v. COMMISSIONER OF INTERNAL REVENUE*. Appeal from C. A. 3d Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 511 F. 2d 1393.

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No. 74-6723. *RICHARDSON v. ILLINOIS*. Appeal from Sup. Ct. Ill. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 60 Ill. 2d 189, 328 N. E. 2d 260.

No. 74-1515. *HOWELL v. CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA ET AL.* Appeal from Sup. Ct. Va. dismissed for want of substantial federal question. MR. JUSTICE BLACKMUN and MR. JUSTICE POWELL took no part in the consideration or decision of this appeal. Reported below: 215 Va. 549, 211 S. E. 2d 265.

No. 74-1521. *COVINGTON FABRICS CORP. v. SOUTH CAROLINA TAX COMMISSION*. Appeal from Sup. Ct. S. C. dismissed for want of substantial federal question. Reported below: 264 S. C. 59, 212 S. E. 2d 574.

No. 74-1541. *WEINSTOCK ET AL. v. TOWN OF HULL ET AL.* Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question. Reported below: — Mass. —, 323 N. E. 2d 867.

No. 74-1570. *WILLIAMS ET AL. v. PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY ET AL.* Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question. Reported below: 460 Pa. 581, 333 A. 2d 924.

No. 74-1578. *TOWN OF MANCHESTER v. GROVER*. Appeal from Sup. Ct. Conn. dismissed for want of substantial federal question. Reported below: 168 Conn. 84, 357 A. 2d 922.

No. 74-1582. *WHITE v. HUGHES*. Appeal from Sup. Ct. Ark. dismissed for want of substantial federal question. Reported below: 257 Ark. 627, 519 S. W. 2d 70.

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No. 74-1581. BALTIMORE & OHIO RAILROAD CO. ET AL. *v.* PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY ET AL. Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question. Reported below: 461 Pa. 68, 334 A. 2d 636.

No. 74-1585. B. COLEMAN CORP. *v.* 47TH & STATE CURRENCY EXCHANGE, INC. Appeal from Sup. Ct. Ill. dismissed for want of substantial federal question.

No. 74-1609. ROBBINS MEN'S & BOYS' WEAR CORP. *v.* CITY OF NEW YORK. Appeal from App. Div., Sup. Ct. N. Y., 2d Jud. Dept., dismissed for want of substantial federal question. Reported below: 46 App. Div. 2d 1016, 364 N. Y. S. 2d 809.

No. 74-1614. BALLARD *v.* BOARD OF TRUSTEES OF THE POLICE PENSION FUND OF THE CITY OF EVANSVILLE. Appeal from Sup. Ct. Ind. dismissed for want of substantial federal question. Reported below: 263 Ind. 79, 324 N. E. 2d 813.

No. 74-6398. CIALKOWSKI, AKA HALL *v.* NEBRASKA. Appeal from Sup. Ct. Neb. dismissed for want of substantial federal question. Reported below: 193 Neb. 372, 227 N. W. 2d 406.

No. 74-6666. WADE ET UX. *v.* OREGON EX REL. JUVENILE DEPARTMENT OF MULTNOMAH COUNTY. Appeal from Ct. App. Ore. dismissed for want of substantial federal question. Reported below: 19 Ore. App. 835, 528 P. 2d 1382.

No. 75-34. BEATON ET UX. *v.* JUDGES OF THE LAND COURT ET AL. Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question. Reported below: — Mass. —, 326 N. E. 2d 302.

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No. 75-115. *DiDONATO v. FELDMAN ET AL.* Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of substantial federal question.

No. 75-140. *REITHOFFER'S, INC. v. BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA.* Appeal from Cir. Ct. Va., Fairfax County, dismissed for want of substantial federal question.

No. 74-1565. *SEACOAST TRANSPORTATION Co. v. PEREZ ET AL.* Appeal from Sup. Ct. Fla. Motion of appellee Perez for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this motion and appeal. Reported below: 308 So. 2d 537.

No. 74-1628. *HUTTER v. KORZEN, TREASURER OF COOK COUNTY.* Appeal from App. Ct. Ill., 1st Dist., dismissed for want of jurisdiction, it appearing that there is no final judgment of the highest court of a State wherein a judgment could be had as required by 28 U. S. C. § 1257. Reported below: 27 Ill. App. 3d 634, 327 N. E. 2d 138.

No. 74-6441. *LOWELL v. AMAN, AKA JOHANSON, ET AL.* Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument.

No. 75-26. *LUCAS ET AL. v. ARKANSAS.* Appeal from Sup. Ct. Ark. dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL would note probable jurisdiction and set case for oral argument. Reported below: 257 Ark. 726, 520 S. W. 2d 224.

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No. 75-38. TOWNSHIP OF MOUNT LAUREL *v.* SOUTHERN BURLINGTON COUNTY N. A. A. C. P. ET AL. Appeal from Sup. Ct. N. J. Motion of appellees Clark et al. for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and appeal. Reported below: 67 N. J. 151, 336 A. 2d 713.

No. 75-5033. DAVIS *v.* MORRIS, SECRETARY, DEPARTMENT OF SOCIAL AND HEALTH SERVICE OF WASHINGTON. Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN would note probable jurisdiction and set case for oral argument.

*Vacated and Remanded on Appeal*

No. 74-1390. TOWN OF LOCKPORT, NEW YORK, ET AL. *v.* CITIZENS FOR COMMUNITY ACTION AT THE LOCAL LEVEL, INC., ET AL. Appeal from D. C. W. D. N. Y. Judgment vacated and case remanded for reconsideration in light of the provisions of new charter adopted by Niagara County in 1974. Reported below: 386 F. Supp. 1.

No. 75-81. POWELL, JUDGE, ET AL. *v.* LONG. Appeal from D. C. N. D. Ga. Motion of appellee for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded with directions to dismiss case as moot. MR. JUSTICE DOUGLAS would affirm the judgment below. Reported below: 388 F. Supp. 422.

No. 75-142. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* CINTRON. Appeal from D. C. P. R. Judgment vacated and case remanded for con-

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sideration of question of mootness; if the cause is not moot, for reconsideration of determination of class action in light of *Weinberger v. Salfi*, 422 U. S. 749 (1975).

*Certiorari Granted—Vacated and Remanded*

No. 74-1372. TRAVISONO ET AL. *v.* SOUZA ET AL. C. A. 1st Cir. Motion of respondent Souza for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U. S. 240 (1975). Reported below: 512 F. 2d 1137.

No. 74-1413. COLEMAN, SECRETARY OF TRANSPORTATION, ET AL. *v.* CONSERVATION SOCIETY OF SOUTHERN VERMONT, INC., ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of 89 Stat. 424, 42 U. S. C. § 4332 (D) (1970 ed., Supp. V), and *Aberdeen & Rockfish R. Co. v. SCRAP*, 422 U. S. 289 (1975). Reported below: 508 F. 2d 927.

No. 74-1446. ROGERS ET AL. *v.* INTERNATIONAL PAPER CO. ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Albemarle Paper Co. v. Moody*, 422 U. S. 405 (1975). Reported below: 510 F. 2d 1340.

No. 74-1470. LOUISIANA *v.* MORA. Sup. Ct. La. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded to consider whether judgment is based upon federal or state constitutional grounds, or both. See *California v. Krivda*, 409 U. S. 33 (1972). Reported below: 307 So. 2d 317.

No. 75-46. ROUNDHOUSE CONSTRUCTION CORP. *v.* TELESCO MASONS SUPPLIES CO. ET AL. Sup. Ct. Conn. Certiorari granted, judgment vacated, and case remanded

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to consider whether judgment is based upon federal or state constitutional grounds, or both. See *California v. Krivda*, 409 U. S. 33 (1972). Reported below: 168 Conn. 371, 362 A. 2d 778.

No. 75-83. UNIVERSITY OF CHICAGO & ARGONNE v. McDANIEL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Securities Investor Protection Corp. v. Barbour*, 421 U. S. 412 (1975), and *Cort v. Ash*, 422 U. S. 66 (1975). Reported below: 512 F. 2d 583.

#### *Miscellaneous Orders*

No. A-149 (74-323). IN RE BERRY. C. A. 10th Cir. Application for stay of confinement pending action on petition for writ of certiorari, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. Reported below: 521 F. 2d 179.

No. A-187. FEDERAL POWER COMMISSION v. TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL. Application for stay of mandate of the United States Court of Appeals for the District of Columbia Circuit, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted pending timely filing of petition for writ of certiorari and final disposition thereon. MR. JUSTICE POWELL took no part in the consideration or decision of this application.

No. A-230. SMITH ET AL. v. UNITED STATES ET AL. Motion of County of San Diego to vacate stay heretofore granted by MR. JUSTICE DOUGLAS on September 11, 1975, granted. MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BRENNAN joins, dissents for the reasons stated in his opinion of September 11, 1975 [*post*, p. 1303], in which he granted a stay of the District Court's order.

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No. A-218. *BETTKER v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO*. Application for stay of order of the United States District Court for the Southern District of Ohio, dated December 16, 1974, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied.

No. D-49. *IN RE DISBARMENT OF ISHLER*. It having been reported to the Court that Loren Grant Ishler, of Toledo, Ohio, has resigned from the practice of law in the state courts of Ohio, and this Court by order of June 9, 1975 [421 U. S. 1008], having suspended the said Loren Grant Ishler from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that a response has been filed;

It is ordered that the said Loren Grant Ishler be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. D-50. *IN RE DISBARMENT OF RUBIN*. It is ordered that Franklin D. Rubin, of Philadelphia, Pa., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-51. *IN RE DISBARMENT OF WHITAKER*. It is ordered that Halbert E. Whitaker, of Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-52. *IN RE DISBARMENT OF SHAFFER.* It is ordered that Gerald L. Shaffer, of Fort Dodge, Iowa, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-53. *IN RE DISBARMENT OF GOLDEN.* It is ordered that Roy Aaron Golden, of Des Moines, Iowa, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-54. *IN RE DISBARMENT OF WOLFF.* It is ordered that Jerome B. Wolff, of Stevenson, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-55. *IN RE DISBARMENT OF SILVERTON.* It is ordered that Ronald Robert Silvertan, of Los Angeles, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-56. *IN RE DISBARMENT OF DEMOPOULOS.* It is ordered that James George Demopoulos, of Chicago, Ill., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 73-1908. *CORT ET AL. v. ASH*, 422 U. S. 66. Motion of respondent to have Bethlehem Steel Corp. bear costs denied.

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No. 67, Orig. IDAHO EX REL. ANDRUS, GOVERNOR OF IDAHO, ET AL. *v.* OREGON ET AL. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 74-1623. SLONE ET AL. *v.* DESKINS BRANCH COAL Co. ET AL. Appeal from D. C. E. D. Ky. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-93. TOWN OF SORRENTO MUNICIPAL DEMOCRATIC EXECUTIVE COMMITTEE ET AL. *v.* REINE ET AL. Appeal from D. C. M. D. La. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 73-1288. ALFRED DUNHILL OF LONDON, INC. *v.* REPUBLIC OF CUBA ET AL. C. A. 2d Cir. [Restored to calendar, 422 U. S. 1005.] Motion of respondents for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Petitioner also allotted 15 additional minutes for oral argument.

No. 73-6935. YOUAKIM ET AL. *v.* MILLER, DIRECTOR, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, ET AL. Appeal from D. C. N. D. Ill. [Probable jurisdiction noted, 420 U. S. 970.] Motion of Youth Law Center for leave to file a brief as *amicus curiae* denied.

No. 74-362. INTERCOUNTY CONSTRUCTION CORP. ET AL. *v.* WALTER, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL., 422 U. S. 1. Motion of respondent Jones et al. to tax costs denied.

No. 74-450. ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, ET AL. *v.* ROBERTSON ET AL., 422 U. S. 255. Motion of respondents to retax costs granted.

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No. 74-466. DUNLOP, SECRETARY OF LABOR *v.* BACHOWSKI ET AL., 421 U. S. 560. Motion of respondent Bachowski to retax costs denied.

No. 74-611. UNITED STATES ET AL. *v.* KASMIR ET AL. C. A. 5th Cir. [Certiorari granted, 420 U. S. 906.] Motion of respondents for additional time for oral argument denied. Motion of National Society of Public Accountants for leave to file a brief as *amicus curiae* granted.

No. 74-728. FRANKS ET AL. *v.* BOWMAN TRANSPORTATION Co., INC., ET AL. C. A. 5th Cir. [Certiorari granted, 420 U. S. 989.] Consideration of suggestion of mootness deferred to hearing of case on the merits. Motion of Local 862, United Automobile Workers, for leave to file brief as *amicus curiae* granted, and motion for leave to participate in oral argument as *amicus curiae* denied.

No. 74-742. FOREMOST-MCKESSON, INC. *v.* PROVIDENT SECURITIES Co. C. A. 9th Cir. [Certiorari granted, 420 U. S. 923.] Motion of Gulf & Western Industries, Inc., for leave to file a brief as *amicus curiae* granted.

No. 74-799. UNITED STATES *v.* FOSTER LUMBER Co., INC. C. A. 8th Cir. [Certiorari granted, 420 U. S. 1003.] Motion of Data Products Corp. for leave to participate in oral argument as *amicus curiae* denied.

No. 74-858. CAREY, GOVERNOR OF NEW YORK, ET AL. *v.* SUGAR ET AL.; and

No. 74-859. CURTIS CIRCULATION Co. ET AL. *v.* SUGAR ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, 421 U. S. 908.] Motion of Legal Aid Society of New York City for leave to file a brief as *amicus curiae* granted.

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No. 74-883. FEDERAL POWER COMMISSION *v.* MOSS ET AL. C. A. D. C. Cir. [Certiorari granted, 422 U. S. 1006.] Motion to dispense with printing appendix and to proceed on original record granted. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 74-884. UNITED STATES *v.* POWELL. C. A. 9th Cir. [Certiorari granted, 420 U. S. 971.] Motion of the Solicitor General to permit Frank H. Easterbrook, Esquire, to present oral argument *pro hac vice* granted.

No. 74-895. VIRGINIA STATE BOARD OF PHARMACY ET AL. *v.* VIRGINIA CITIZENS CONSUMER COUNCIL, INC., ET AL. Appeal from D. C. E. D. Va. [Probable jurisdiction noted, 420 U. S. 971.] Motion of American Association of Retired Persons et al. for leave to file a brief as *amici curiae* granted.

No. 74-1015. INTERCOUNTY CONSTRUCTION CORP. ET AL. *v.* WALTER, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL., 422 U. S. 1. Motion of respondent Jones to tax attorney's fees and costs denied.

No. 74-1023. KERR ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL. C. A. 9th Cir. [Certiorari granted, 421 U. S. 987.] Consideration of respondents' suggestion of mootness deferred to hearing of case on the merits.

No. 74-1137. LAVINE, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF NEW YORK *v.* MILNE ET AL. Appeal from D. C. S. D. N. Y. [Probable jurisdiction noted, 422 U. S. 1054.] Motion to permit Gerald A. Norlander, Esquire, to present oral argument *pro hac vice* on behalf of appellees granted.

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No. 74-1025. HINES ET AL. *v.* ANCHOR MOTOR FREIGHT, INC., ET AL. C. A. 6th Cir. [Certiorari granted, 421 U. S. 928.] Motion to substitute Charles A. Hines as a party petitioner in place of Burtice A. Hines, deceased, granted. Motion of Prod, Inc., et al., for leave to file a brief as *amici curiae* granted. Motion of American Federation of Labor & Congress of Industrial Organizations for leave to file a brief as *amicus curiae* denied.

No. 74-1033. DANN, COMMISSIONER OF PATENTS AND TRADEMARKS *v.* JOHNSTON. C. C. P. A. [Certiorari granted, 421 U. S. 962.] Motion of Computer & Business Equipment Manufacturers Assn. for leave to file a brief as *amicus curiae* granted.

No. 74-1042. ERNST & ERNST *v.* HOCHFELDER ET AL. C. A. 7th Cir. [Certiorari granted, 421 U. S. 909.] Motion of the Solicitor General to permit the Securities and Exchange Commission to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Motion of American Institute of Certified Public Accountants for leave to file a brief as *amicus curiae* granted.

No. 74-1044. MASSACHUSETTS BOARD OF RETIREMENT ET AL. *v.* MURGIA. Appeal from D. C. Mass. [Probable jurisdiction noted, 421 U. S. 974.] Motion of American Medical Assn. for leave to file a brief as *amicus curiae* granted.

No. 74-1245. LIBERTY MUTUAL INSURANCE CO. *v.* WETZEL ET AL. C. A. 3d Cir. [Certiorari granted, 421 U. S. 987.] Motion of Alaska Airlines, Inc., et al., for leave to file a brief as *amici curiae* granted. Motion of the Chamber of Commerce of the United States for leave to file a brief as *amicus curiae* denied.

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No. 74-1055. *STONE, WARDEN v. POWELL*. C. A. 9th Cir. [Certiorari granted, 422 U. S. 1055.] Motion for appointment of counsel granted, and Robert W. Peterson, Esquire, of Santa Clara, Cal., is appointed to serve as counsel for respondent in this case.

No. 74-1222. *WOLFF, WARDEN v. RICE*. C. A. 8th Cir. [Certiorari granted, 422 U. S. 1955.] Motion of Americans for Effective Law Enforcement, Inc., et al., for leave to file a brief as *amici curiae* granted.

No. 74-1269. *KELLEY v. JOHNSON*. C. A. 2d Cir. [Certiorari granted, *sub nom. Barry v. Dwen*, 421 U. S. 987.] Motion of International Brotherhood of Police Officers for leave to file a brief as *amicus curiae* granted.

No. 74-1274. *ABBOTT LABORATORIES ET AL. v. PORTLAND RETAIL DRUGGISTS ASSN., INC.* C. A. 9th Cir. [Certiorari granted, 422 U. S. 1040.] Motion of American Hospital Assn. for leave to file a brief as *amicus curiae* granted.

No. 74-5435. *IMBLER v. PACHTMAN*. C. A. 9th Cir. [Certiorari granted, 420 U. S. 945.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Motion of the Attorney General of California to participate in oral argument as *amicus curiae* denied.

No. 74-6293. *GOLDBERG v. UNITED STATES*. C. A. 9th Cir. [Certiorari granted, 422 U. S. 1006.] Motion of petitioner for appointment of counsel granted and Donald C. Smaltz, Esquire, of Los Angeles, Cal., is appointed to serve as counsel for petitioner. Motion of California Attorneys for Criminal Justice et al. for leave to participate in oral argument as *amici curiae* denied.

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- No. 74-6442. THOMAS *v.* HOGAN, WARDEN;  
No. 74-6713. LAWRENCE *v.* HENDERSON, WARDEN,  
ET AL.;  
No. 75-5029. HARDING *v.* WARDEN, MARYLAND PENI-  
TENTIARY;  
No. 75-5228. GLASS *v.* GAGNON, WARDEN;  
No. 75-5229. HARGRAVES *v.* GAGNON, WARDEN;  
No. 75-5230. WILLIAMS *v.* GAGNON, WARDEN;  
No. 75-5231. CRAIG *v.* GAGNON, WARDEN;  
No. 75-5232. GONZALES *v.* GAGNON, WARDEN; and  
No. 75-5302. ORBIZ *v.* UNITED STATES. Motions for  
leave to file petitions for writs of habeas corpus denied.
- No. 74-6335. ARNOLD *v.* LAUF, RECORDS CLERK, MIS-  
SOURI STATE PRISON;  
No. 74-6524. JOHNSON *v.* UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF NEBRASKA;  
No. 74-6577. THERIAULT *v.* PITTMAN, CHIEF JUDGE,  
U. S. DISTRICT COURT, ET AL.;  
No. 74-6588. COZZETTI *v.* UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF NEVADA ET AL.;  
No. 74-6684. STURGEON *v.* McMANUS, JUDGE; and  
No. 75-5102. HENRY *v.* GLADDEN, JUDGE. Motions  
for leave to file petitions for writs of mandamus denied.
- No. 74-1455. TYREE *v.* COMMISSIONER OF PATENTS  
ET AL. Motion for leave to file petition for writ of man-  
damus and other relief denied.

No. 74-6701. COOK *v.* UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT OF LOUISIANA ET AL.  
Motion for leave to file petition for writ of mandamus  
and/or prohibition denied.

*Probable Jurisdiction Noted*

No. 74-1488. SECRETARY OF THE INTERIOR *v.* NEW  
MEXICO ET AL. Appeal from D. C. N. M. Probable  
jurisdiction noted. Reported below: 406 F. Supp. 1237.

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No. 74-1481. AMERICAN MOTORISTS INSURANCE CO. *v.* STARNES. Appeal from Ct. Civ. App. Tex., 10th Sup. Jud. Dist. Probable jurisdiction noted. Reported below: 515 S. W. 2d 354.

No. 74-1607. HUGHES, SECRETARY OF TRANSPORTATION OF MARYLAND, ET AL. *v.* ALEXANDRIA SCRAP CORP. Appeal from D. C. Md. Probable jurisdiction noted. Reported below: 391 F. Supp. 46.

No. 74-1151. PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. *v.* DANFORTH, ATTORNEY GENERAL OF MISSOURI, ET AL.; and

No. 74-1419. DANFORTH, ATTORNEY GENERAL OF MISSOURI *v.* PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. Appeals from D. C. E. D. Mo. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 392 F. Supp. 1362.

No. 74-1656. MOE, SHERIFF, ET AL. *v.* CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION ET AL.; and

No. 75-50. CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION ET AL. *v.* MOE, SHERIFF, ET AL. Appeals from D. C. Mont. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 392 F. Supp. 1297 and 1325.

No. 75-88. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* LUCAS ET AL. Appeal from D. C. R. I. Motion of appellees for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted and case set for oral argument with No. 74-6212, *Norton v. Mathews* [probable jurisdiction noted, *sub nom.* *Norton v. Weinberger*, 422 U. S. 1054]. Reported below: 390 F. Supp. 1310.

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No. 75-436. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from C. A. D. C. Cir.; and

No. 75-437. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from D. C. D. C. Probable jurisdiction noted. Cases consolidated and a total of four hours allotted for oral argument to be evenly divided between appellants and appellees. Motion of Senators Hugh Scott and Edward M. Kennedy for leave to permit oral argument on their behalf as *amici curiae* denied without prejudice to their seeking part of the two hours allotted appellees. Reported below: No. 75-436, 171 U. S. App. D. C. 172, 519 F. 2d 821; No. 75-437, 401 F. Supp. 1235.

*Certiorari Granted*

No. 74-1254. OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION, AFL-CIO, ET AL. *v.* MOBIL OIL CORP., MARINE TRANSPORTATION DEPARTMENT, GULF-EAST COAST OPERATIONS. C. A. 5th Cir. Certiorari granted. Reported below: 504 F. 2d 272.

No. 74-1318. DREW MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. *v.* ANDREWS ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 507 F. 2d 611.

No. 74-1452. HOSPITAL BUILDING CO. *v.* TRUSTEES OF REX HOSPITAL ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 511 F. 2d 678.

No. 74-1471. TSC INDUSTRIES, INC., ET AL. *v.* NORTHWAY, INC. C. A. 7th Cir. Certiorari granted. Reported below: 512 F. 2d 324.

No. 74-1492. WASHINGTON, MAYOR OF WASHINGTON, D. C., ET AL. *v.* DAVIS ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 168 U. S. App. D. C. 42, 512 F. 2d 956.

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No. 74-1520. ELROD, SHERIFF, ET AL. *v.* BURNS ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 509 F. 2d 1133.

No. 74-1599. CHANDLER *v.* ROUDEBUSH, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 515 F. 2d 251.

No. 74-1606. HORTONVILLE JOINT SCHOOL DISTRICT NO. 1 ET AL. *v.* HORTONVILLE EDUCATION ASSN. ET AL. Sup. Ct. Wis. Certiorari granted. Reported below: 66 Wis. 2d 469, 225 N. W. 2d 658.

No. 75-95. TENNESSEE ET AL. *v.* DUNLAP. C. A. 6th Cir. Certiorari granted. Reported below: 514 F. 2d 130.

No. 75-122. CANTOR, DBA SELDEN DRUGS CO. *v.* DETROIT EDISON CO. C. A. 6th Cir. Certiorari granted. Reported below: 513 F. 2d 630.

No. 75-246. UNITED STATES *v.* HOPKINS, SPECIAL ADMINISTRATOR. Ct. Cl. Certiorari granted. Reported below: 206 Ct. Cl. 303, 513 F. 2d 1360.

No. 74-1487. UNITED STATES *v.* MACCOLLOM. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this motion and petition. Reported below: 511 F. 2d 1116.

No. 74-1529. HENDERSON, CORRECTIONAL SUPERINTENDENT *v.* MORGAN. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 516 F. 2d 897.

No. 74-1542. UNION ELECTRIC CO. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 8th Cir. Certiorari granted limited to Question 1 presented by the

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petition, which reads as follows: "Does the Section of the Clean Air Act (Section 307 (b)(1)), which provides for judicial review by the Court of Appeals of EPA approval of sulfur dioxide emission regulations in the Missouri implementation plan, prevent the Court of Appeals from considering technological and economic factors applicable to petitioner and such regulations, when the petition for judicial review was filed more than 30 days after EPA approval of such plan, when such technological and economic factors arose more than 30 days after EPA approval and when those factors make it impossible for petitioner to comply with those regulations and [it would be] manifestly against the public interest for it to attempt to do so?" Reported below: 515 F. 2d 206.

No. 74-1560. UNITED STATES *v.* MARTINEZ-FUERTE ET AL. C. A. 9th Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Motion to strike portions of petition denied. Reported below: 514 F. 2d 308.

No. 74-1589. GENERAL ELECTRIC Co. *v.* GILBERT ET AL.; and

No. 74-1590. GILBERT ET AL. *v.* GENERAL ELECTRIC Co. C. A. 4th Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 519 F. 2d 661.

No. 74-1646. ANDRESEN *v.* MARYLAND. Ct. Sp. App. Md. Certiorari granted limited to Questions I and II presented by the petition which read as follows:

"I. May an attorney at law, who is a sole practitioner, invoke his privilege against self-incrimination under Amendment V to the Constitution of the United States, to prevent the introduction of his personal handwritten notes and memoranda, books and records, which were seized from his desk and files in his personal office, under

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a search warrant held to be otherwise reasonable, into evidence against him at his criminal trial?

"II. Was the search of petitioner's offices violative of Amendment IV to the Constitution of the United States?" Reported below: 24 Md. App. 128, 331 A. 2d 78.

No. 74-6521. *ALDINGER v. HOWARD*, TREASURER OF SPOKANE COUNTY, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 513 F. 2d 1257.

No. 75-5014. *DOYLE v. OHIO*; and

No. 75-5015. *WOOD v. OHIO*. Ct. App. Ohio, Tuscarawas County. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Questions 1 and 2 presented by the petitions, which read as follows:

"1. Whether an accused who asserts his right of silence and his right to counsel following his arrest properly subjects himself:

"(a) to questions as to why he did not protest his innocence at the point of arrest, at the Preliminary Hearing, or at some time earlier than at the trial;

"(b) to the prosecutor's argument to the jury that an unfavorable inference could be drawn against the accused as a consequence of his having exercised these constitutional rights;

"(c) to questions as to why he did not consent to the search of the car (thus necessitating obtaining a search warrant) and to an argument on this point.

"2. Whether a defense witness who was arrested and charged along with the defendant on trial can be properly asked why he did not protest his innocence earlier than at the trial, and can the prosecutor argue this point to the jury?"

Cases consolidated and a total of one hour allotted for oral argument.

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*Certiorari Denied.* (See also Nos. 74-1475, 74-1497, 74-1501, 74-1526, 74-1565, 74-1612, 74-1631, 74-1636, 74-6468, 74-6661, 74-6719, 74-6723, and 75-38, *supra.*)

No. 74-1220. *WOOLDRIDGE v. UNITED STATES.* C. A. 9th Cir. *Certiorari denied.* Reported below: 509 F. 2d 1230.

No. 74-1250. *BOARD OF EDUCATION OF THE OKLAHOMA CITY PUBLIC SCHOOLS ET AL. v. DOWELL ET AL.* C. A. 10th Cir. *Certiorari denied.*

No. 74-1252. *CROCKETT ET AL. v. UNITED STATES.* C. A. 5th Cir. *Certiorari denied.* Reported below: 506 F. 2d 759.

No. 74-1257. *NOEL ET AL. v. CHAPMAN, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ET AL.* C. A. 2d Cir. *Certiorari denied.* Reported below: 508 F. 2d 1023.

No. 74-1261. *BARRASSO v. UNITED STATES.* C. A. 3d Cir. *Certiorari denied.* Reported below: 511 F. 2d 1396.

No. 74-1262. *CHIARITO v. UNITED STATES.* C. A. 5th Cir. *Certiorari denied.* Reported below: 507 F. 2d 1098.

No. 74-1266. *PARK v. HUFF.* C. A. 5th Cir. *Certiorari denied.* Reported below: 506 F. 2d 849.

No. 74-1277. *GRAY v. UNITED STATES.* C. A. 5th Cir. *Certiorari denied.* Reported below: 507 F. 2d 1013.

No. 74-1294. *LOUISVILLE & NASHVILLE RAILROAD CO. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.* C. A. 5th Cir. *Certiorari denied.* Reported below: 505 F. 2d 610.

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No. 74-1283. *C. N. S. ENTERPRISES, INC., ET AL. v. G. & G. ENTERPRISES, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 508 F. 2d 1354.

No. 74-1284. *EDMUNDS v. CHANG, JUDGE.* C. A. 9th Cir. Certiorari denied. Reported below: 509 F. 2d 39.

No. 74-1285. *MULLER v. UNITED STATES STEEL CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 509 F. 2d 923.

No. 74-1292. *PARKS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 975.

No. 74-1298. *MICHAEL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 511 F. 2d 1399.

No. 74-1301. *LOUISIANA v. BIRABENT.* Sup. Ct. La. Certiorari denied. Reported below: 305 So. 2d 448.

No. 74-1313. *SNELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 21.

No. 74-1322. *BODZIN ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. Reported below: 509 F. 2d 679.

No. 74-1323. *DOUGLAS v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 96, 510 F. 2d 364.

No. 74-1332. *BRITT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 1052.

No. 74-1336. *MORRILL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 634.

No. 74-1337. *RAHN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 511 F. 2d 290.

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No. 74-1341. *MERRITT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 507 F. 2d 1279.

No. 74-1343. *GOMEZ-ROJAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 507 F. 2d 1213.

No. 74-1351. *DEL TORO v. UNITED STATES*; and  
No. 74-1353. *KAUFMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 656.

No. 74-1355. *SCOTTY'S HOME BUILDERS ET AL. v. CUNNINGHAM ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 307 So. 2d 182.

No. 74-1357. *WILKERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 345.

No. 74-1361. *MAGANA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 1169.

No. 74-1363. *OAK CLIFF-GOLMAN BAKING CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 1302.

No. 74-1369. *BURRELL v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 332 A. 2d 344.

No. 74-1371. *McCORKLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 482.

No. 74-1373. *REYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

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No. 74-1346. *MACKENZIE ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-1376. *CITIES SERVICE CO. v. UNITED STATES*; and

No. 75-9. *UNITED STATES v. CITIES SERVICE CO.* C. A. 2d Cir. Certiorari denied. Reported below: 522 F. 2d 1281.

No. 74-1378. *GENERAL DYNAMICS CORP. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*; and

No. 74-1444. *INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 382.

No. 74-1381. *WABASH TRANSFORMER CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 8th Cir. Certiorari denied. Reported below: 509 F. 2d 647.

No. 74-1383. *NATIONAL NUTRITIONAL FOODS ASSN. ET AL. v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 688.

No. 74-1385. *KIRKLAND, ADMINISTRATRIX v. MISSOURI-KANSAS-TEXAS RAILROAD Co.* C. A. 10th Cir. Certiorari denied.

No. 74-1386. *KLEIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-1387. *LOWE ET AL., CO-EXECUTORS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 510 F. 2d 479.

No. 74-1391. *SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 388.

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No. 74-1395. *SHELTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 797.

No. 74-1397. *DECAVALCANTE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 626.

No. 74-1398. *LAMBERT v. PROVIDENCE JOURNAL Co.* C. A. 1st Cir. Certiorari denied. Reported below: 508 F. 2d 656.

No. 74-1399. *KENTUCKY CENTRAL LIFE INSURANCE Co. v. MYERS*. C. A. 5th Cir. Certiorari denied. Reported below: 506 F. 2d 1054.

No. 74-1400. *SUMMERLIN ET AL. v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 74-1401. *BADARACCO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

No. 74-1402. *HAM v. CITY OF TULSA*. C. A. 10th Cir. Certiorari denied.

No. 74-1403. *WEBER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1397.

No. 74-1405. *GREENSPAHN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

No. 74-1406. *ALRED v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 330.

No. 74-1411. *WILLIAMS ET AL. v. MUMFORD, LIBRARIAN OF CONGRESS, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 167 U. S. App. D. C. 125, 511 F. 2d 363.

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No. 74-1408. *WRIGHT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 510 F. 2d 976.

No. 74-1410. *ROBERTS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 508 F. 2d 1150.

No. 74-1412. *PRO ARTS, INC. v. BELL ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 511 F. 2d 451.

No. 74-1415. *STERN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1364.

No. 74-1416. *DELTA COUNTY LEVEE IMPROVEMENT DISTRICT No. 2 ET AL. v. LEONARD ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 516 S. W. 2d 911.

No. 74-1417. *LALLY v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 167 Conn. 601, 356 A. 2d 897.

No. 74-1421. *CASHEN ET UX. v. SPANN ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 66 N. J. 541, 334 A. 2d 8.

No. 74-1423. *CUSUMANO ET AL. v. RATCHFORD ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 507 F. 2d 980.

No. 74-1424. *ASHDOWN ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 793.

No. 74-1431. *MILLS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-1433. *TELEVISION RECEPTION CORP. v. COMMONWEALTH CABLE Co.* C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 973.

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No. 74-1436. *WHITE ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1217.

No. 74-1437. *ROELOFS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 501 F. 2d 87.

No. 74-1438. *ASSOCIATED ELECTRIC COOPERATIVE, INC. v. SECRETARY OF THE INTERIOR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 165 U. S. App. D. C. 344, 507 F. 2d 1167.

No. 74-1441. *CONTRA COSTA COUNTY WATER DISTRICT v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 1061, 513 F. 2d 638.

No. 74-1442. *PETERSON v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 45.

No. 74-1443. *OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION, AFL-CIO, ET AL. v. DUNLOP, SECRETARY OF LABOR, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 385.

No. 74-1447. *RAINES v. AMERICAN MAIL LINE, LTD.* C. A. 9th Cir. Certiorari denied.

No. 74-1448. *HARRIS ET AL. v. PRESBYTERY OF SOUTHEAST IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 226 N. W. 2d 232.

No. 74-1449. *HARVEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 635.

No. 74-1450. *GOELTZ v. UNITED STATES*; and

No. 74-6571. *BRAY ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 513 F. 2d 193.

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No. 74-1453. *NEWSPAPER & PERIODICAL DRIVERS & HELPERS UNION, LOCAL 921, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 509 F. 2d 99.

No. 74-1454. *AKERS v. SECRETARY OF THE INTERIOR ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 499 F. 2d 44.

No. 74-1456. *IANNIELLO v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 137, 325 N. E. 2d 146.

No. 74-1457. *SUMITOMO FORESTRY Co., LTD., OF JAPAN v. THURSTON COUNTY, WASHINGTON.* C. A. 9th Cir. Certiorari denied. Reported below: 504 F. 2d 604.

No. 74-1462. *REX CHAINBELT, INC. v. HARCO PRODUCTS, INC., DBA DFC Co.* C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 993.

No. 74-1463. *ROSS v. UNITED STATES ATTORNEY'S OFFICE FOR THE CENTRAL DISTRICT OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 511 F. 2d 524.

No. 74-1464. *EDGE, ADMINISTRATOR v. UNION MEDICAL CENTER, INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 159 U. S. App. D. C. 342, 487 F. 2d 1213.

No. 74-1466. *RAHMING v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 299 So. 2d 169.

No. 74-1472. *PASSARELLA v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 23 N. C. App. 522, 209 S. E. 2d 406.

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No. 74-1473. NAZARENO ET AL. *v.* LEVI, ATTORNEY GENERAL. C. A. D. C. Cir. Certiorari denied. Reported below: 168 U. S. App. D. C. 22, 512 F. 2d 936.

No. 74-1474. DICKSON *v.* DICKSON. Ct. App. Wash. Certiorari denied. Reported below: 12 Wash. App. 2d 183, 529 P. 2d 476.

No. 74-1479. LEE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 1400.

No. 74-1480. GERRY *v.* UNITED STATES; and

No. 74-1531. PERRY *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 130.

No. 74-1483. UNITED STATES STEEL CORP. *v.* RODGERS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 508 F. 2d 152.

No. 74-1484. QUINTANA *v.* NEW MEXICO. Ct. App. N. M. Certiorari denied. Reported below: 87 N. M. 414, 534 P. 2d 1126.

No. 74-1489. BULLOCK, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS, ET AL. *v.* DAY & ZIMMERMANN, INC., ET AL. Sup. Ct. Tex. Certiorari denied. Reported below: 519 S. W. 2d 106.

No. 74-1491. TRAMUNTI *v.* UNITED STATES;

No. 74-6295. ROBINSON *v.* UNITED STATES;

No. 74-6296. WARE *v.* UNITED STATES;

No. 74-6301. SPRINGER *v.* UNITED STATES; and

No. 75-42. DiNAPOLI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 1087.

No. 74-1494. CURRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 512 F. 2d 1299.

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No. 74-1495. SHEFNER *v.* MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 8th Cir. Certiorari denied.

No. 74-1496. LOCAL 203, GRAPHIC ARTS INTERNATIONAL UNION, AFL-CIO *v.* COLONIAL PRESS, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 509 F. 2d 850.

No. 74-1498. WILLIAMS *v.* STERRETT, JUDGE. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 74-1500. McCORD ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 509 F. 2d 891.

No. 74-1502. AVNET, INC. *v.* FEDERAL TRADE COMMISSION. C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 70.

No. 74-1503. KECKEISEN *v.* INDEPENDENT SCHOOL DISTRICT 612, GLENWOOD, MINNESOTA, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 509 F. 2d 1062.

No. 74-1504. BAGLEY PRODUCE, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. Reported below: 510 F. 2d 975.

No. 74-1506. FISHER ET AL. *v.* CITY OF SYRACUSE ET AL. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 46 App. Div. 2d 216, 361 N. Y. S. 2d 773.

No. 74-1525. ALUMINUM COMPANY OF AMERICA ET AL. *v.* WOODS EXPLORATION & PRODUCING CO., INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 784.

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No. 74-1507. *MASCUILLI v. AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1394.

No. 74-1508. *ELOT H. RAFFETY FARMS, INC. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 511 F. 2d 1234.

No. 74-1512. *VITTITOW v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 74-1513. *WILLIAMS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1405.

No. 74-1514. *HESSE v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1393.

No. 74-1519. *ST. PETERSBURG BANK & TRUST Co. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1402.

No. 74-1523. *DODSON ET AL. v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. Reported below: 43 Ohio App. 2d 31, 332 N. E. 2d 371.

No. 74-1524. *FOOD DRIVERS, HELPERS & WAREHOUSEMEN EMPLOYEES OF PHILADELPHIA AND VICINITY, AND CAMDEN AND VICINITY, NEW JERSEY, LOCAL 500, ET AL. v. FOX TRANSPORT SYSTEM ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1393.

No. 74-1527. *GOLDINGER v. BORON OIL Co.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1393.

No. 74-1528. *BOTANY INDUSTRIES, INC., ET AL. v. FIRST NATIONAL BANK OF BOSTON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1392.

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No. 74-1530. *GOLDBERG ET AL. v. ARROW ELECTRONICS, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 1258.

No. 74-1532. *COCKE v. CANTOR ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-1533. *ST. PAUL FIRE & MARINE INSURANCE Co. v. COMMUNITY OIL Co., INC., ET AL.* Cir. Ct. W. Va., Jefferson County. Certiorari denied.

No. 74-1534. *WILLIAMS v. BOARD OF EDUCATION OF UNION TOWNSHIP, UNION COUNTY.* Super. Ct. N. J. Certiorari denied.

No. 74-1535. *ALBAUGH v. MANDEL, GOVERNOR OF MARYLAND, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 74-1536. *BRUNO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1396.

No. 74-1537. *M. W. ZACK METAL Co. v. INTERNATIONAL NAVIGATION CORPORATION OF MONROVIA.* C. A. 4th Cir. Certiorari denied. Reported below: 510 F. 2d 451.

No. 74-1545. *BURGE v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 24 Ill. App. 3d 258, 320 N. E. 2d 113.

No. 74-1539. *WATKINS v. WASHINGTON, MAYOR OF WASHINGTON, D. C., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 167 U. S. App. D. C. 166, 511 F. 2d 404.

No. 74-1543. *DAWSON v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 278, 326 N. E. 2d 755.

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No. 74-1538. *WESTER v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. Reported below: 528 P. 2d 1179.

No. 74-1546. *FINKLE v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 66 N. J. 139, 329 A. 2d 65.

No. 74-1547. *NORRIS v. NORRIS*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-1548. *OLD TOWN YACHT BASIN, INC. v. CITY OF ALEXANDRIA*. Sup. Ct. Va. Certiorari denied.

No. 74-1550. *NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 2d 1142.

No. 74-1551. *ROSS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 757.

No. 74-1556. *VINCENT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 511 F. 2d 1404.

No. 74-1557. *HOGAN ET UX. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 170.

No. 74-1558. *BECK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 511 F. 2d 997.

No. 74-1559. *LINN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 513 F. 2d 925.

No. 74-1561. *DECOTO AIRCRAFT, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 758.

No. 74-1562. *MERETSKY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 74-1564. *BERNABEI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 74-1567. *BRYAN v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 644.

No. 74-1571. *SARULLO ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 1174.

No. 74-1572. *BUITRON ET AL. v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 519 S. W. 2d 467.

No. 74-1575. *RICHARDSON INDEPENDENT SCHOOL DISTRICT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 896.

No. 74-1576. *CUENI v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 303 So. 2d 411.

No. 74-1577. *BIAS ET AL. v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 74-1579. *STASZCUK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 53.

No. 74-1580. *LOBO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 883.

No. 74-1583. *NAPPER ET UX. v. ANDERSON, HENLEY, SHIELDS, BRADFORD & PRITCHARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 634 and 507 F. 2d 723.

No. 74-1584. *HAMPTON, EXECUTRIX v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 422, 513 F. 2d 1234.

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No. 74-1587. *GONZALEZ ET AL. v. COMMERCIAL INSURANCE COMPANY OF NEWARK, NEW JERSEY*. C. A. 1st Cir. Certiorari denied. Reported below: 512 F. 2d 1307.

No. 74-1588. *FORD MOTOR CREDIT CO. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 476 F. 2d 960 and 509 F. 2d 1324.

No. 74-1591. *WILLIAMS v. NICHOLS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

No. 74-1592. *TURCO v. MONROE COUNTY BAR ASSN. OF NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 46 App. Div. 2d 490, 363 N. Y. S. 2d 349.

No. 74-1593. *CHEVRON INTERNATIONAL OIL CO. v. FAIRMONT SHIPPING CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1252.

No. 74-1594. *DIAPULSE CORPORATION OF AMERICA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 514 F. 2d 1097.

No. 74-1595. *BROSTEN v. PARK CITY, ILLINOIS*. App. Ct. Ill., 2d Jud. Dist. Certiorari denied. Reported below: 24 Ill. App. 3d 442, 321 N. E. 2d 15.

No. 74-1596. *COLD CREEK LAND & CATTLE CO. v. JONES ET UX.* C. A. 9th Cir. Certiorari denied.

No. 74-1597. *MASSEY ET AL. v. GULF OIL CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 92.

No. 74-1598. *WEARY ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 510 F. 2d 435.

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No. 74-1603. *GOLD v. HANDEL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 624.

No. 74-1604. *ILLINOIS FEDERATION OF TEACHERS, AFT, AFL-CIO, ET AL. v. LINDBERG, COMPTROLLER OF ILLINOIS, ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 266, 326 N. E. 2d 749.

No. 74-1610. *OLSEN v. GOODMAN.* Sup. Ct. Fla. Certiorari denied. Reported below: 305 So. 2d 753.

No. 74-1611. *UNITED STATES TRUST COMPANY OF NEW YORK v. FAS INTERNATIONAL, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1164.

No. 74-1615. *KING RADIO CORP., INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 10th Cir. Certiorari denied. Reported below: 510 F. 2d 1154.

No. 74-1616. *STARNES v. PENROD DRILLING Co.*; and  
No. 74-1617. *JOHNSON v. PENROD DRILLING Co.*  
C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 234.

No. 74-1626. *BURTON v. CASCADE SCHOOL DISTRICT UNION HIGH SCHOOL No. 5 ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 850.

No. 74-1620. *SULLIVAN v. DEPARTMENT OF SOCIAL SERVICES OF THE CITY OF NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 766, 329 N. E. 2d 670.

No. 74-1621. *LOCKETT v. COLEMAN ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 293 Ala. 613, 308 So. 2d 689.

No. 74-1627. *BROWN, RECEIVER v. KENTUCKY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 333.

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No. 74-1613. *PACE, SHERIFF v. SQUIRE*. C. A. 4th Cir. Certiorari denied. Reported below: 516 F. 2d 240.

No. 74-1618. *COOK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 637.

No. 74-1630. *TITAN GROUP, INC. v. FAGGEN*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 234.

No. 74-1632. *MCCOLE ET AL. v. BIDSTRUP ET AL.* Ct. App. Wash. Certiorari denied.

No. 74-1634. *WILEY v. PENNSYLVANIA* Super. Ct. Pa. Certiorari denied. Reported below: 229 Pa. Super. 760, 325 A. 2d 629.

No. 74-1635. *HELLER v. DISTRICT OF COLUMBIA COURT OF APPEALS COMMITTEE ON ADMISSIONS*. Ct. App. D. C. Certiorari denied. Reported below: 333 A. 2d 401.

No. 74-1637. *GRIFFITH, ADMINISTRATRIX v. CANAL BARGE Co., INC.; and*

No. 74-1641. *CANAL BARGE Co., INC. v. GRIFFITH*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 911.

No. 74-1639. *MORTGAGE SERVICES, INC. v. YARNELL*. C. A. 4th Cir. Certiorari denied. Reported below: 511 F. 2d 1163.

No. 74-1640. *BETHLEHEM STEEL CORP. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 122, 511 F. 2d 529.

No. 74-1642. *ANONYMOUS J. ET AL. v. BAR ASSOCIATION OF ERIE COUNTY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 435.

No. 74-1643. *APPLEYARD ET AL. v. INTERSTATE COMMERCE COMMISSION*. C. A. 4th Cir. Certiorari denied. Reported below: 513 F. 2d 575.

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No. 74-1649. *SOSTRE v. FESTA, JAIL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 1313.

No. 74-1651. *CLARK ET AL. v. WATCHIE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 2d 994.

No. 74-1652. *WOODCOCK v. AMARAL*. C. A. 1st Cir. Certiorari denied. Reported below: 511 F. 2d 985.

No. 74-1653. *SUMMA CORP. ET AL. v. TRANS WORLD AIRLINES, INC.* Sup. Ct. Del. Certiorari denied. Reported below: 336 A. 2d 572.

No. 74-1654. *ALABAMA CUSTOM TAPE, INC., ET AL. v. FAME PUBLISHING CO., INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 507 F. 2d 667.

No. 74-1655. *MAPES ET AL. v. PAN AMERICAN WORLD AIRWAYS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 382.

No. 74-6158. *GARDNER ET AL. v. LUCKEY, JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 712.

No. 74-6228. *PHILLIPS, AKA DAVIS v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 758.

No. 74-6246. *WATSON v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 74-6254. *PIERCE v. CANNON, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 508 F. 2d 197.

No. 74-6294. *JONES v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 382.

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No. 74-6289. *EGGER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 509 F. 2d 745.

No. 74-6300. *CARUTH v. POWER ET AL., JUDGES*. C. A. 7th Cir. Certiorari denied. Reported below: 515 F. 2d 511.

No. 74-6304. *RUNGE v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 74-6306. *GOLDSTEIN v. UNITED STATES*;

No. 74-6352. *FLORES v. UNITED STATES*; and

No. 74-6354. *VAVARIGOS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 1191.

No. 74-6309. *NIXON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 758.

No. 74-6319. *MAZE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 973.

No. 74-6320. *CAPUCHINO v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 506 F. 2d 440.

No. 74-6323. *JORDAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 508 F. 2d 750.

No. 74-6324. *ZSIDO v. UNITED STATES*;

No. 74-6348. *COOK v. UNITED STATES*; and

No. 74-6431. *BARCLIFT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 514 F. 2d 1073.

No. 74-6330. *HATCH v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 305 So. 2d 497.

No. 74-6334. *PRITCHARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 634.

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No. 74-6336. *WARNER v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 1061, 506 F. 2d 1406.

No. 74-6337. *EVANS v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 19 Ore. App. 345, 527 P. 2d 731.

No. 74-6342. *SULLIVAN v. UNITED STATES BOARD OF PAROLE*. C. A. 10th Cir. Certiorari denied.

No. 74-6370. *ETHERIDGE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 1249.

No. 74-6375. *SENK v. BRIERLEY, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1396.

No. 74-6376. *MANN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1394.

No. 74-6378. *GWYNN v. DIRECTOR, PATUXENT INSTITUTION, ET AL.* Ct. App. Md. Certiorari denied.

No. 74-6380. *TULLY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1395.

No. 74-6381. *DARAS v. WALKER*. C. A. 9th Cir. Certiorari denied.

No. 74-6382. *ORTIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 2d 198.

No. 74-6387. *WILDER v. ARIZONA*. Ct. App. Ariz. Certiorari denied. Reported below: 22 Ariz. App. 541, 529 P. 2d 253.

No. 74-6417. *FIELDS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 59 Ill. 2d 516, 322 N. E. 2d 33.

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No. 74-6389. *WOOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 511 F. 2d 1399.

No. 74-6391. *MELENDREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6394. *ROWELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 512 F. 2d 766.

No. 74-6402. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 489 F. 2d 664.

No. 74-6403. *STRATTON v. SIGLER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 632.

No. 74-6407. *GRUMMEL v. UNITED STATES*;

No. 74-6628. *RIFAI v. UNITED STATES*; and

No. 75-5146. *BRESOLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6418. *WATSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 23 Ill. App. 3d 956, 320 N. E. 2d 360.

No. 74-6420. *WETZEL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 514 F. 2d 175.

No. 74-6422. *SCOTT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 511 F. 2d 1404.

No. 74-6423. *ROBBINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 510 F. 2d 967.

No. 74-6424. *DRUMMOND v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1049.

No. 74-6428. *COYLE v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 460 Pa. 234, 332 A. 2d 442.

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No. 74-6425. *HASKINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 624.

No. 74-6429. *ARCHER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 498 F. 2d 1398.

No. 74-6430. *VILLANUEVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 74-6435. *BROWN ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 74-6437. *SWALLOW v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 511 F. 2d 514.

No. 74-6440. *PEARSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 595.

No. 74-6443. *TRIPKOVICH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 22 Ill. App. 3d 719, 318 N. E. 2d 60.

No. 74-6445. *GASKINS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 74-6446. *SIMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 514 F. 2d 147.

No. 74-6447. *WINFREE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 1400.

No. 74-6454. *KERR v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 166 U. S. App. D. C. 205, 509 F. 2d 538.

No. 74-6472. *HERMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 601.

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No. 74-6455. FLORES ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 574.

No. 74-6458. SHADD *v.* HOGAN, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1396.

No. 74-6461. STRICKLAND *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 332 A. 2d 746.

No. 74-6465. MOORE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1020.

No. 74-6466. TOWNSEND *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 167 Conn. 539, 356 A. 2d 125.

No. 74-6467. TOWNS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 1057.

No. 74-6474. SOLVEN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 512 F. 2d 1059.

No. 74-6476. GARRETT *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 133 Ga. App. 564, 211 S. E. 2d 584.

No. 74-6477. POINDEXTER ET AL. *v.* WOODSON ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 510 F. 2d 464.

No. 74-6479. HOLLAND *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 74-6493. WARD *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

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No. 74-6483. *PIPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1401.

No. 74-6486. *MITCHELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 514 F. 2d 758.

No. 74-6489. *GUAJARDO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 1093.

No. 74-6490. *GORDON v. COMMISSIONER, EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 74-6494. *JAMES v. JOHNSON, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1396.

No. 74-6495. *MAGEE v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 74-6496. *BAZUA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6497. *SHEA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 82.

No. 74-6501. *LIRA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 68.

No. 74-6504. *WOODS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1401.

No. 74-6506. *CRAVEN v. SUPERINTENDENT, CALIFORNIA CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

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No. 74-6505. *SPIRN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 1391.

No. 74-6507. *DAVIDSON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 574.

No. 74-6508. *ANDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1405.

No. 74-6509. *RUSSELL v. COOPER, WARDEN*. Sup. Ct. S. C. Certiorari denied. Reported below: 263 S. C. 526, 211 S. E. 2d 655.

No. 74-6510. *RAY v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 74-6511. *JAMES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 307 So. 2d 549.

No. 74-6512. *FLEMING v. R. I. G. H. T. CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1393.

No. 74-6513. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6514. *HUNT v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 9th Cir. Certiorari denied.

No. 74-6515. *KENNEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 511 F. 2d 1398.

No. 74-6516. *WARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 511 F. 2d 1399.

No. 74-6520. *TURNER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 497 F. 2d 406.

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No. 74-6519. *FITZPATRICK v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 46 App. Div. 2d 739, 362 N. Y. S. 2d 438.

No. 74-6522. *RICH v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-6523. *WYNN v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 383.

No. 74-6525. *JARBOE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 513 F. 2d 33.

No. 74-6527. *MORRIS v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 57 Mich. App. 573, 226 N. W. 2d 565.

No. 74-6528. *JOHNSON v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 58 Mich. App. 165, 227 N. W. 2d 272.

No. 74-6529. *WALKER v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 511 F. 2d 1024.

No. 74-6530. *PARKER v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 393 Mich. 531, 227 N. W. 2d 775.

No. 74-6531. *MILLER ET AL. v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 520 S. W. 2d 729.

No. 74-6533. *MUNCASTER v. BAPTIST, DISTRICT DIRECTOR OF INTERNAL REVENUE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 507 F. 2d 1279.

No. 74-6535. *KIPPERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1401.

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No. 74-6526. *STRATTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1405.

No. 74-6534. *TAYLOR v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-6536. *PENA-OZUNA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 511 F. 2d 1106.

No. 74-6537. *VAN HORN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 666.

No. 74-6538. *MILLER v. FORD, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-6539. *O'CLAIR v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 74-6540. *MANZO v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 74-6541. *SHADD v. FIREMAN'S FUND INSURANCE Co.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1393.

No. 74-6542. *SHADD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1396.

No. 74-6543. *BORUSKI v. STEWART ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-6544. *GUBINS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 74-6545. *PATRICK v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App —, 315 N. E. 2d 382.

No. 74-6549. *LOZANO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 1.

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No. 74-6548. *RATTEREE, AKA LESTEE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1395.

No. 74-6550. *BERMAN v. UNITED STATES*; and

No. 74-6662. *QUATTROCHI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1401.

No. 74-6552. *GREEN v. SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied.

No. 74-6554. *JACKSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 329 A. 2d 782.

No. 74-6555. *HAFNER v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 168 Conn. 230, 362 A. 2d 925.

No. 74-6556. *BREWTON v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 19 Ore. App. 899, 529 P. 2d 967.

No. 74-6558. *JONES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 635.

No. 74-6559. *SUMMERS ET AL. v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 510 F. 2d 123.

No. 74-6562. *ROBERTS v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 298 So. 2d 593.

No. 74-6564. *BURKE v. MCCARTHY, MEN'S COLONY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 74-6566. *JORDAN v. JOHNSON, CORRECTIONS DIRECTOR, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 631.

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No. 74-6565. *JORDAN v. DILLEY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 74-6567. *STEJSKAL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-6569. *HAMMOND v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-6570. *FLORES-ARIAS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-6572. *QUIÑONES v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 516 F. 2d 1309.

No. 74-6573. *MARTZ v. ALABAMA.* C. A. 5th Cir. Certiorari denied.

No. 74-6574. *LEACH v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 505.

No. 74-6575. *PETTIS v. WYRICK, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 74-6576. *DUREN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 634.

No. 74-6578. *TAYLOR v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 483, 323 N. E. 2d 685.

No. 74-6580. *SWIST v. ESTELLE, CORRECTIONS DIRECTOR, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 74-6581. *BISSONETTE v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 307 So. 2d 222.

No. 74-6583. *MATHIS v. UNITED STATES;* and

No. 74-6651. *LYNCH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 529 F. 2d 518.

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No. 74-6584. *LIPSMAN v. GIARDINO ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-6585. *BIRKLA v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 263 Ind. 37, 323 N. E. 2d 645.

No. 74-6586. *BRIDGES v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 635.

No. 74-6587. *POWELL v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 513 F. 2d 1249.

No. 74-6589. *SHAW v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 383.

No. 74-6590. *DUMAS v. PATTERSON, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 74-6591. *JOST v. GRIGGS, INSTITUTION SUPERINTENDENT.* C. A. 9th Cir. Certiorari denied.

No. 74-6594. *PONCE-MARTINEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-6595. *POSTEL v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 679.

No. 74-6597. *VILLEGAS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 491.

No. 74-6598. *BROWN v. CASSCLES, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 74-6599. *GLENN v. NEW YORK.* C. A. 2d Cir. Certiorari denied.

No. 74-6606. *WELTER v. GRAY.* C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 635.

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No. 74-6600. *THERIAULT v. PITTMAN*, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL. C. A. 5th Cir. Certiorari denied.

No. 74-6601. *WILLIAMS v. PATTERSON*, WARDEN. C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 505.

No. 74-6602. *POLANCO v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 507 F. 2d 81.

No. 74-6603. *NIETO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1118.

No. 74-6604. *DONOVAN v. MCCARTHY*, MEN'S COLONY SUPERINTENDENT, ET AL. Super. Ct. Cal., County of San Luis Obispo. Certiorari denied.

No. 74-6605. *LAAMAN v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 114 N. H. 794, 331 A. 2d 354.

No. 74-6607. *PORTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 74-6608. *KIRNON v. GOVERNMENT OF THE VIRGIN ISLANDS*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 625.

No. 74-6610. *WHITE v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 74-6612. *FERNANDEZ v. LEVINE*, INDUSTRIAL COMMISSIONER OF NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 74-6613. *NOWAK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

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No. 74-6614. *FRIESEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6615. *MONTEER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 512 F. 2d 1047.

No. 74-6616. *FALK v. CARTER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-6617. *KIRVELAITIS v. GRAY, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 213.

No. 74-6618. *GUTHRIE v. AULT, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 74-6619. *BRICE v. COLLINS, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 74-6620. *CLEMONS v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied.

No. 74-6623. *DAWSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 516 F. 2d 796.

No. 74-6625. *MARXUACH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 515 F. 2d 503.

No. 74-6626. *McINTIRE v. WASHINGTON*; and  
No. 74-6627. *MANLY v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 85 Wash. 2d 120, 530 P. 2d 306.

No. 74-6630. *VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 546.

No. 74-6633. *WARREN ET AL. v. NORMAN REALTY CO. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 513 F. 2d 730,

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No. 74-6631. *FARMER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6634. *BAKER, AKA WILLIAMS v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 394 Mich. 764.

No. 74-6635. *MARTIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 906.

No. 74-6636. *EAGAN, AKA GRIFFITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 1392.

No. 74-6637. *JACKSON v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 74-6638. *SMITH v. MONTANYE, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 1355.

No. 74-6639. *JIMENS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 897.

No. 74-6640. *WRIGHT v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 944, 324 N. E. 2d 550.

No. 74-6641. *WOKOJANCE v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 210.

No. 74-6644. *McKENDRICK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

No. 74-6645. *EPPERSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 74-6646. *TWEED v. OREGON*. Ct. App. Ore. Certiorari denied.

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No. 74-6648. *VANCIER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 1378.

No. 74-6649. *CORUM v. DELAWARE SUPERIOR COURT*. C. A. 3d Cir. Certiorari denied.

No. 74-6650. *MEDINA v. HOGAN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1401.

No. 74-6652. *GLOVER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 514 F. 2d 390.

No. 74-6654. *DUBARR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6655. *CUNHA v. BREWER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 511 F. 2d 894.

No. 74-6656. *FARMER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6657. *INGLE v. POGUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-6658. *GOFF ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 825.

No. 74-6659. *HORNIAC v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

No. 74-6660. *VAUGHN v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 293 Ala. 365, 304 So. 2d 6.

No. 74-6667. *JOHNSON v. WAINWRIGHT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 840.

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No. 74-6663. SWANSON *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 74-6664. LATHAM *v.* NEW YORK; and

No. 74-6669. TALLEY *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 74-6665. TUBBS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 636.

No. 74-6668. CLEMONS *v.* KUBENA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1405.

No. 74-6671. JOHNSON *v.* HENDERSON, WARDEN. Sup. Ct. La. Certiorari denied. Reported below: 312 So. 2d 341.

No. 74-6672. SHANNON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 74-6674. GAZAL *v.* UNITED STATES;

No. 74-6683. CONTI ET AL. *v.* UNITED STATES; and

No. 74-6686. JOSEPH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 29 and 49.

No. 74-6675. ARMOUR *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

No. 74-6676. ROYNICA *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 54 Ala. App. 436, 309 So. 2d 475.

No. 74-6677. STEBBINS *v.* D. C. TRANSIT SYSTEM, INC., ET AL. Ct. App. D. C. Certiorari denied.

No. 74-6678. WILLIAMS *v.* NEW YORK. Sup. Ct. N. Y., Kings County. Certiorari denied.

No. 74-6680. GOODMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 706.

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No. 74-6679. *KAYE v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 106, 513 F. 2d 638.

No. 74-6681. *GRAVES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 74-6685. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 209.

No. 74-6687. *HUTCHERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 633.

No. 74-6688. *BIRCH v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 74-6689. *ALLRED v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 55 Ala. App. 74, 313 So. 2d 195.

No. 74-6690. *STEWART ET AL. v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 257 Ark. 753, 519 S. W. 2d 733.

No. 74-6693. *MCCORMICK v. LILLY ET UX*. C. A. 10th Cir. Certiorari denied.

No. 74-6694. *CLEMONS v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 317 N. E. 2d 859.

No. 74-6695. *BLANK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 625.

No. 74-6696. *MCCRAY v. SULLIVAN, CORRECTIONS COMMISSIONER*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 1332.

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No. 74-6698. *TOTHEROW v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 539 S. W. 2d 812.

No. 74-6700. *MCCULLOM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 74-6702. *WHITE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

No. 74-6703. *BUTLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6704. *MOSS v. MASSACHUSETTS*. Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 323 N. E. 2d 748.

No. 74-6705. *PERES-GRISALEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 1400.

No. 74-6706. *BURROWS ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6707. *BOWERSKI, AKA BONAFONTI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 1071.

No. 74-6708. *LERMA v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1190.

No. 74-6710. *COLE, AKA PRIDE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 13 Cal. 3d 749, 532 P. 2d 857.

No. 74-6711. *KOPAS ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied.

No. 74-6712. *BRASCO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 816.

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No. 74-6714. *MARCHESANI ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 496 F. 2d 527.

No. 74-6721. *DUFFY v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 857, 331 N. E. 2d 695.

No. 74-6722. *MOORE v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 74-6724. *MONTANO-SEVILLA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied.

No. 74-6725. *MCGINNESS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 74-6726. *ORBIZ, AKA LLACA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 513 F. 2d 816.

No. 74-6727. *EPPERSON v. SCHOENBERGER ET AL.* C. A. 5th Cir. Certiorari denied.

No. 74-6728. *KNIGHT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 515 F. 2d 503.

No. 74-6729. *THORNTON v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 309 So. 2d 266.

No. 74-6730. *GARDNER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 516 F. 2d 334.

No. 74-6732. *RESNICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 799.

No. 74-6739. *RAITPORT v. BALLARD ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1395.

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No. 74-6737. *LUNA v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 74-6741. *PIPKIN, AKA PATMAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-6745. *ADAMS v. STONE, CORRECTIONAL SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

No. 74-6746. *LUCKEY v. WEBBER*. Ct. App. Wash. Certiorari denied.

No. 74-6748. *FAIR v. CITY OF TAMPA ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 309 So. 2d 5.

No. 74-6749. *BECKER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied.

No. 74-6750. *DEES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1405.

No. 74-6751. *GARDNER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-6752. *MARRERO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 516 F. 2d 12.

No. 74-6753. *BENNETT v. DIRECTOR OF INTERNAL REVENUE FOR NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-6755. *EMERSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 74-6756. *MAGEE v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 75-2. *BROWN ET AL. v. D. C. TRANSIT SYSTEM, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 173 U. S. App. D. C. 130, 523 F. 2d 725.

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No. 74-6757. *SMITH v. GRIGGS, INSTITUTION SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

No. 74-6759. *DONNER v. GOODHART, JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-1. *WINDOM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 989.

No. 75-5. *SERRA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-6. *DURKEE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 75-7. *GREAT NORTHERN RAILWAY CO. ET AL. v. PULLMAN CO.* C. A. 7th Cir. Certiorari denied. Reported below: 514 F. 2d 325.

No. 75-10. *ANONYMOUS v. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 427.

No. 75-11. *NORTHERN CALIFORNIA POWER AGENCY v. FEDERAL POWER COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 168 U. S. App. D. C. 288, 514 F. 2d 184.

No. 75-12. *AIR EAST, INC., DBA ALLEGHENY COMMUTER, ET AL. v. NATIONAL TRANSPORTATION SAFETY BOARD ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 512 F. 2d 1227.

No. 75-13. *FERGUSON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 55 Ala. App. 135, 313 So. 2d 561.

No. 75-15. *UNIVERSAL ATHLETIC SALES CO. v. PINCHOCK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 904.

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No. 75-8. *DELAND v. NOON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-16. *HAYES INTERNATIONAL CORP. v. McLUCAS, SECRETARY OF THE AIR FORCE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 247.

No. 75-18. *HUFFMAN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 518 F. 2d 80.

No. 75-20. *LEWIS v. TUCSON SCHOOL DISTRICT No. 1 ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 23 Ariz. App. 154, 531 P. 2d 199.

No. 75-23. *HIGGINS ET AL. v. VILLAGE OF JEAN LA-FITTE ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 306 So. 2d 79.

No. 75-24. *BEAUTY-STYLE MODERNIZERS, INC., ET AL. v. FEDERAL TRADE COMMISSION; and*

No. 75-25. *JAKEL v. FEDERAL TRADE COMMISSION.* C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 625.

No. 75-27. *GRUNIN v. INTERNATIONAL HOUSE OF PANCAKES, A DIVISION OF INTERNATIONAL INDUSTRIES, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 513 F. 2d 114.

No. 75-29. *AIRCRAFT & HELICOPTER LEASING & SALES, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 9th Cir. Certiorari denied.

No. 75-32. *SADA v. ONION ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-43. *FIRST NATIONAL BANK & TRUST COMPANY OF VIDALIA, GEORGIA v. FIDELITY STANDARD LIFE INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 272.

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No. 75-33. *FIRESTONE TIRE & RUBBER Co. v. GRIGGS*. C. A. 8th Cir. Certiorari denied. Reported below: 513 F. 2d 851.

No. 75-39. *OLIVE ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 75-40. *O'DELL ET AL. v. SCHOOL DISTRICT OF INDEPENDENCE, MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 521 S. W. 2d 403.

No. 75-45. *TANG ET AL. v. CRAVER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 626.

No. 75-47. *ORR v. FRANK R. MACNEILL & SON, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 166.

No. 75-49. *SUNSET COVE, INC. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 514 F. 2d 1089.

No. 75-51. *CHVOSTA v. TOWNSHIP OF BAINBRIDGE, OHIO, ET AL.* Ct. App. Ohio, Geauga County. Certiorari denied.

No. 75-53. *DEJESUS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 520 F. 2d 298.

No. 75-54. *MOUNT ET VIR v. SUMNER*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 626.

No. 75-57. *MANARITE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 896.

No. 75-61. *CARR v. MERCY HOSPITAL, INC.* C. A. 5th Cir. Certiorari denied.

No. 75-65. *INGLEWOOD RESIDENTS' PROTECTIVE ASSN. v. CITY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 75-64. GRINDLAY'S BANK (UGANDA), LTD. *v.* J. ZEEVI & SONS, LTD., ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 220, 333 N. E. 2d 168.

No. 75-69. JOURNEY *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 257 Ark. 1007, 521 S. W. 2d 210.

No. 75-72. FITCH ET UX. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 1013.

No. 75-75. LUCAS *v.* "BRINKNES" SCHIFFAHRTS GES. FRANZ LANGE G. M. B. H. & Co., K. G., ET AL. C. A. 3d Cir. Certiorari denied.

No. 75-77. HOLLY *v.* OHIO EDISON Co. Ct. App. Ohio, Ottawa County. Certiorari denied.

No. 75-78. SOUZA ET AL. *v.* ROMERO. C. A. 9th Cir. Certiorari denied.

No. 75-79. MEAD ET UX. *v.* NACEY ET AL. Ct. App. Ariz. Certiorari denied. Reported below: 23 Ariz. App. 121, 531 P. 2d 166.

No. 75-80. LITMAN ET UX. *v.* QUARTO MINING Co. Sup. Ct. Ohio. Certiorari denied. Reported below: 42 Ohio St. 2d 73, 326 N. E. 2d 676.

No. 75-85. WELCH *v.* FLORIDA BAR. Sup. Ct. Fla. Certiorari denied. Reported below: 309 So. 2d 537.

No. 75-87. KILBRIDE *v.* SUPERIOR COURT OF LOS ANGELES COUNTY. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-89. CHEATHAM ET AL. *v.* ILLINOIS CENTRAL GULF RAILROAD Co. ET AL. C. A. 6th Cir. Certiorari denied.

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No. 75-84. *FIREFIGHTERS COMMITTEE TO PRESERVE CIVIL SERVICE, INC., ET AL. v. FIREBIRD SOCIETY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 504.

No. 75-91. *LOUISIANA AFFILIATE OF THE NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS (NORML) ET AL. v. GUSTE, ATTORNEY GENERAL OF LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1400.

No. 75-96. *COLONIAL REALTY CORP. v. MACWILLIAMS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 1187.

No. 75-98. *DOE No. 1 v. BANCO FRANCÊS E BRASILEIRO, S. A.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 592, 331 N. E. 2d 502.

No. 75-100. *TERRY, JUDGE v. INDIANA SUPREME COURT DISCIPLINARY COMMISSION.* Sup. Ct. Ind. Certiorari denied. Reported below: 262 Ind. 667, 323 N. E. 2d 192.

No. 75-103. *JOHNSON MANUFACTURING COMPANY OF LUBBOCK v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 153.

No. 75-105. *PERLMAN v. PITCHESS, SHERIFF.* C. A. 9th Cir. Certiorari denied.

No. 75-106. *KNOSTMAN v. HARDY.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 299 So. 2d 172.

No. 75-116. *UNION OIL COMPANY OF CALIFORNIA v. WIMBERLY.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

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No. 75-121. *JULIA v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 814, 331 N. E. 2d 680.

No. 75-135. *SHUMATE & Co., INC., ET AL. v. NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 147.

No. 75-136. *YOUNGER, ATTORNEY GENERAL OF CALIFORNIA v. TAHOE REGIONAL PLANNING AGENCY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 516 F. 2d 215.

No. 75-141. *BINKLEY v. HENDRICKSON*. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 316 N. E. 2d 376.

No. 75-144. *SUAREZ ET UX. v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 75-148. *ZEVCHIK v. NORFOLK & WESTERN RAILWAY Co.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 75-149. *FIRST BANK & TRUST COMPANY OF BOCA RATON, TRUSTEE v. TOWN OF PALM BEACH ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 298 So. 2d 443.

No. 75-156. *DALLAS CAP & EMBLEM MFG., INC. v. BOSTON PROFESSIONAL HOCKEY ASSN., INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1004.

No. 75-159. *RILEY v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 91 Nev. 196, 533 P. 2d 456.

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No. 75-131. *BENSON v. SAMBO'S RESTAURANTS, INC.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-161. *ROMAGUERA ET AL. v. AMECO CORP. ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 515 F. 2d 503.

No. 75-162. *HUNT v. COASTAL STATES MARKETING, INC., CLAIMANT OF A CARGO ON THE HILDA.* C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 506.

No. 75-165. *ADVANCED HYDRAULICS, INC. v. OTIS ELEVATOR CO.* C. A. 7th Cir. Certiorari denied. Reported below: 525 F. 2d 477.

No. 75-170. *THOMPSON v. CITY OF COVINGTON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 630.

No. 75-188. *WALTER v. NETHERLANDS MEAD, N. V.* C. A. 3d Cir. Certiorari denied. Reported below: 514 F. 2d 1130.

No. 75-189. *GOSS ET AL. v. ZUCKSWERT.* Ct. App. La., 3d Dist. Certiorari denied. Reported below: 304 So. 2d 704.

No. 75-191. *PETERMAN v. CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.* C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 328.

No. 75-192. *VIRGINIA EX REL. STATE CORPORATION COMMISSION v. FARMERS & MERCHANTS NATIONAL BANK.* C. A. 4th Cir. Certiorari denied. Reported below: 515 F. 2d 154.

No. 75-194. *FALLON v. JONAS, TRUSTEE, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-5010. *STAAB v. WARDEN, NEVADA STATE PRISON.* C. A. 9th Cir. Certiorari denied.

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No. 75-197. *M. W. ZACK METAL CO. v. INTSEL CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 624.

No. 75-200. *JACOB v. JAHNER, EXECUTRIX.* Sup. Ct. N. D. Certiorari denied. Reported below: 233 N. W. 2d 791.

No. 75-203. *SAUNDERS ARCHERY CO. v. WRIST-ROCKET MANUFACTURING CO., INC.* C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 846.

No. 75-204. *DELASHAW v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-218. *BEKKEN v. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 628.

No. 75-255. *CITIZENS FOR BALANCED ENVIRONMENT & TRANSPORTATION, INC., ET AL. v. COLEMAN, SECRETARY OF TRANSPORTATION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 503 F. 2d 601.

No. 75-5003. *COOK ET AL. v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 13 Cal. 3d 663, 532 P. 2d 148.

No. 75-5004. *SWOPE v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 263 Ind. 148, 325 N. E. 2d 193.

No. 75-5005. *ROSENHOVER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5007. *FUENTES v. WORKERS' COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

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No. 75-5012. *LYNCH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 1395.

No. 75-5013. *LYON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 524 S. W. 2d 726.

No. 75-5016. *CASEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 525 S. W. 2d 198.

No. 75-5021. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 1404.

No. 75-5023. *CUDD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5024. *OSNER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 54 Ala. App. 520, 310 So. 2d 241.

No. 75-5025. *MACPHERSON v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. Reported below: 533 P. 2d 1103.

No. 75-5026. *McMORRIS v. BANKS*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 47 Cal. App. 3d 723, 121 Cal. Rptr. 185.

No. 75-5030. *DURHAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1281.

No. 75-5041. *FORD v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 75-5042. *BOYD v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 528 P. 2d 287.

No. 75-5043. *HOLSEY v. INMATE GRIEVANCE COMMISSION*. C. A. 4th Cir. Certiorari denied.

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No. 75-5044. *FRALEY v. CITY OF COLUMBUS*. Sup. Ct. Ohio. Certiorari denied. Reported below: 41 Ohio St. 2d 173, 324 N. E. 2d 735.

No. 75-5045. *DORROUGH v. HOGAN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 628.

No. 75-5047. *ALLEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5049. *STANBRIDGE v. ZELKER, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 514 F. 2d 45.

No. 75-5056. *HOLMES v. GRIGGS, INSTITUTION SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 75-5060. *GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5061. *BONNER v. GUNN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 75-5072. *WEEKS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 760.

No. 75-5086. *RAITPORT v. KNAPP, U. S. DISTRICT JUDGE, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 75-5095. *CLARK v. LOCKHART, CORRECTIONS SUPERINTENDENT*. C. A. 8th Cir. Certiorari denied. Reported below: 512 F. 2d 235.

No. 75-5098. *SHEEHAN v. HUECKER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 632.

No. 75-5105. *WHITAKER v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 194.

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No. 75-5108. *WOODS ET AL. v. HENDERSON, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 75-5131. *THOMPSON v. GARLING.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 75-5132. *POWELL v. RADKINS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 506 F. 2d 763.

No. 75-5133. *VASQUEZ v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-5136. *GRIJALVA v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: 111 Ariz. 476, 533 P. 2d 533.

No. 75-5144. *YATES v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 75-5147. *COVINGTON v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 75-5148. *WILLIAMS v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 36 N. Y. 2d 829, 331 N. E. 2d 684.

No. 75-5187. *WILCYNski v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: 111 Ariz. 533, 534 P. 2d 738.

No. 75-5214. *BARNETT v. MACDONALD, DBA KERR, FITZ-GERALD & KERR.* Ct. Civ. App. Tex., 8th Sup. Jud. Dist. Certiorari denied.

No. 75-5261. *MILLER v. UNION ELECTRIC Co.* C. A. 8th Cir. Certiorari denied.

No. 74-1217. *ANDREWS v. KNOWLTON, SUPERINTENDENT, UNITED STATES MILITARY ACADEMY, ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 509 F. 2d 898.

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No. 74-1219. *MODERN ASPHALT PAVING & CONSTRUCTION Co. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 509 F. 2d 1256.

No. 74-1249. *SKLAROFF ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 506 F. 2d 837.

No. 74-1260. *POMPONIO v. UNITED STATES*; and

No. 74-1374. *PILUSO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 511 F. 2d 953.

No. 74-1265. *ZIMMER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 74-1290. *CAROLLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 507 F. 2d 50.

No. 74-1517. *HELIX WATER DISTRICT v. CAPITAN GRANDE BAND OF MISSION INDIANS*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 514 F. 2d 465.

No. 74-1540. *ERICKSON ET AL., TRUSTEES v. ALVARES ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 514 F. 2d 156.

No. 74-1644. *SHEEHAN v. DOYLE ET AL.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 513 F. 2d 895.

No. 74-6596. *SOLORIO-PADILLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

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No. 75-22. NATIONAL LABOR RELATIONS BOARD *v.* HERTZKA & KNOWLES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 503 F. 2d 625.

No. 74-1241. IN RE HANSON. C. A. 9th Cir. Certiorari denied. MR. JUSTICE MARSHALL and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 511 F. 2d 1371.

No. 74-1352. IOWA INDEPENDENT BANKERS *v.* BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 167 U. S. App. D. C. 286, 511 F. 2d 1288.

No. 74-1482. TELECO, INC. *v.* SOUTHWESTERN BELL TELEPHONE Co. C. A. 10th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 511 F. 2d 949.

No. 74-1633. ANHEUSER-BUSCH, INC. *v.* TEAMSTERS LOCAL No. 633, NATIONAL CONFERENCE OF BREWERY & SOFT DRINK WORKERS, ET AL. C. A. 1st Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 511 F. 2d 1097.

No. 74-6629. TAYLOR *v.* BUICK MOTOR DIVISION, GENERAL MOTORS CORP. C. A. 6th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

No. 75-210. CAPEHART ET AL. *v.* CITY OF CHESAPEAKE ET AL. Cir. Ct. City of Chesapeake, Va. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

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No. 74-1426. ALABAMA *v.* PRINCE. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 507 F. 2d 693.

No. 74-1493. LOVE ET AL. *v.* DADE COUNTY SCHOOL BOARD ET AL. C. A. 5th Cir. Motion to strike portions of respondents' brief and certiorari denied. Reported below: 509 F. 2d 806.

No. 74-1505. SIELAFF, CORRECTIONS DIRECTOR *v.* WILLIAMS. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 510 F. 2d 634.

No. 74-1552. HARDER, COMMISSIONER, CONNECTICUT STATE WELFARE DEPARTMENT *v.* JOHNSON. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 512 F. 2d 1188.

No. 74-1624. NEW YORK *v.* DAVIS. Ct. App. N. Y. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 36 N. Y. 2d 280, 326 N. E. 2d 818.

No. 74-1510. CHANDLER, U. S. DISTRICT JUDGE *v.* BURKETT ET AL. C. A. 10th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 505 F. 2d 217.

No. 74-1555. KAISER INDUSTRIES CORP. ET AL. *v.* JONES & LAUGHLIN STEEL CORP. C. A. 3d Cir. Motion of American Patent Law Assn. for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 515 F. 2d 964.

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No. 74-1625. PATE, FORMER WARDEN, ET AL. *v.* THOMAS ET AL. C. A. 7th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 516 F. 2d 889.

No. 74-1566. SEACOAST TRANSPORTATION CO. *v.* PEREZ ET AL. Sup. Ct. Fla. Motion of respondent Perez for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this motion and petition. Reported below: 308 So. 2d 537.

No. 74-1573. UNITED MINE WORKERS OF AMERICA ET AL. *v.* ISLAND CREEK COAL CO. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART would grant certiorari. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 507 F. 2d 650.

No. 74-1574. UNITED MINE WORKERS OF AMERICA ET AL. *v.* ARMCO STEEL CORP. ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE STEWART would grant certiorari. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 505 F. 2d 1129.

No. 74-1586. TENORIO, AKA DE TENORIO *v.* MCGOWAN ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 510 F. 2d 92.

No. 75-90. GENERAL TELEPHONE COMPANY OF OHIO *v.* GENE SLAGLE, INC., ET AL. Sup. Ct. Ohio. Motion of Ohio Bell Telephone Co. et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion and petition. Reported below: 41 Ohio St. 2d 44, 322 N. E. 2d 640.

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No. 74-1645. COIRO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN would grant certiorari. Reported below: 516 F. 2d 896.

No. 74-6409. PETERS *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of this petition. Reported below: 302 So. 2d 888.

No. 74-6720. BAUMGARTEN ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 517 F. 2d 1020.

No. 75-21. MICHIGAN *v.* BEAVERS. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied, it appearing that the judgment below rests on adequate state grounds. Reported below: 393 Mich. 554, 227 N. W. 2d 511.

No. 75-193. MICHIGAN *v.* McFARLAND ET AL. Ct. App. Mich. Motion of respondent Moore for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 55 Mich. App. 678, 223 N. W. 2d 302.

No. 75-222. TAYLOR, ACTING CORRECTIONS DIRECTOR, ET AL. *v.* ROBERTS; and

No. 75-5246. ROBERTS *v.* TAYLOR, ACTING CORRECTIONS DIRECTOR, ET AL. Petitions for certiorari before judgment to C. A. 1st Cir. Motion of respondent in No. 75-222 for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 75-5017. AARON *v.* CAPPS, WARDEN. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 507 F. 2d 685.

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No. 74-1414. *SHUMAR v. UNITED STATES*; and  
No. 74-6518. *CLARKE v. UNITED STATES*. C. A. 7th  
Cir. Certiorari denied. Reported below: 513 F. 2d 635.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL join, dissenting.

Federal Rule App. Proc. 26 (b) authorizes the courts of appeals to permit motions to be made out of time only "for good cause shown." The question in these cases is whether the Government showed good cause for its untimely motion to extend time to petition for rehearing in the Court of Appeals.

Petitioners Shumar and Clarke were convicted in the District Court for the Southern District of Indiana on one count of conspiring to violate 18 U. S. C. § 1955 and on two counts of actually violating § 1955. The Court of Appeals for the Seventh Circuit affirmed the convictions on the substantive counts, but reversed on the conspiracy count, holding that Wharton's Rule barred conviction for both violating and conspiring to violate § 1955. The Court of Appeals entered judgment on July 31, 1974, and denied petitioners' petition for rehearing on September 30. The Government moved on October 4 to stay the mandate pending our decision in *Iannelli v. United States*, 420 U. S. 770 (1975), a case which presented the identical Wharton's Rule question decided by the Court of Appeals. The Government did not seek an extension of time to petition for rehearing until October 24, when it sought an extension pending our decision in *Iannelli*. The Court of Appeals granted the extension. Several months later, we held in *Iannelli* that Wharton's Rule does not bar conviction for both violation of § 1955 and conspiracy to do so. The Government then petitioned for rehearing. The Court of Appeals granted rehearing and modified its decision

in light of *Iannelli*, affirming petitioners' convictions on the conspiracy count.

Absent an extension of time or a new entry of judgment, time to petition for rehearing expired on August 14, 14 days after entry of judgment by the Court of Appeals on July 31. Fed. Rule App. Proc. 40 (a). The Government contends, however, that its time to petition for rehearing began to run from the denial of petitioners' petition for rehearing on September 30. But even accepting this doubtful contention,<sup>1</sup> time to petition for rehearing expired on October 14, and, as the Government concedes, its motion to extend time on October 24 was untimely.

The Government argues instead that it satisfied the good-cause requirement of Rule 26 (b) by pointing out that we had granted certiorari in *Iannelli* on the same Wharton's Rule question decided by the Court of Appeals. Admittedly, our grant of certiorari in *Iannelli* would have been good cause to grant a *timely* motion to extend time to petition for rehearing, but that is not the question presented by these cases.

The Government's motion to extend time was itself untimely. Its burden was to show good cause, not only for the extension, but also for its untimely motion

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<sup>1</sup> Petitioners, of course, only sought rehearing on the affirmance of the substantive counts of their convictions. The Government fails to explain how the denial of rehearing on the affirmance of these counts extended its time to petition for rehearing on the reversal of the conspiracy count. The Government's claim is far from obvious. Under Fed. Rule App. Proc. 40 (a), time to petition for rehearing runs from the date of entry of judgment. It is doubtful that entry of a denial of rehearing operates as an entry of judgment within the meaning of Rule 40 (a), since that would permit an indefinite succession of petitions for rehearing. It is still more doubtful that entry of a denial of rehearing as to the affirmance of two counts of a conviction constitutes entry of judgment of reversal as to a third count.

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for an extension. Rule 26 (b) requires a showing of good cause both for extensions of time and for motions made out of time:

“The court for good cause shown may upon motion enlarge the time prescribed by these rules or by its order for doing any act, or *may permit an act to be done after the expiration of such time . . .*” (Emphasis added.)

Indeed, of the three earlier Rules upon which Rule 26 (b) was modeled, see Fed. Rule App. Proc. 26 (b), Notes of Advisory Committee, 28 U. S. C. App., p. 7715, two permit motions to extend time outside of the period sought to be extended only upon a showing of excusable neglect, Fed. Rule Civ. Proc. 6 (b); Fed. Rule Crim. Proc. 45 (b), and one permits applications to extend time only within the period sought to be extended, Sup. Ct. Rule 34 (2).<sup>2</sup> The Government was required to show good cause for its delay in seeking an extension.<sup>3</sup>

It failed to do so. Certiorari was granted in *Iannelli* on May 28, 1974. The Court of Appeals first entered judgment over two months later and, according to the Government, its time to seek an extension expired over four months later. The Government does not contend

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<sup>2</sup> Since the promulgation of the Federal Rules of Appellate Procedure, the relevant provisions of the cited Rules have not been changed.

<sup>3</sup> The decisions in *Huddleston v. Dwyer*, 322 U. S. 232 (1944), and *Braniff Airways, Inc. v. Curtiss-Wright Corp.*, 424 F. 2d 427, 428-431 (CA2), cert. denied *sub nom. Addabbo v. Curtiss-Wright Corp.*, 400 U. S. 829 (1970), are not to the contrary. The party seeking rehearing in those cases had good cause for its delay in seeking an extension. Unlike the present cases, there was no evidence that the party was aware, or could readily have become aware, prior to the expiration of time to petition for rehearing, that a case pending in the State Supreme Court might conclusively establish the governing state law.

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that its time to move for an extension expired before it had a reasonable opportunity to learn of our grant of certiorari in *Iannelli*, and indeed, it could not make this argument. When the Government moved on October 4 to stay the mandate of the Court of Appeals pending our decision in *Iannelli*, it was aware that certiorari had been granted in *Iannelli*. Assuming, as the Government contends, that it could have timely moved to extend time on October 4, its 20-day delay until October 24 must be attributed solely to inadvertence. If the good-cause requirement of Rule 26 (b) possesses any meaning at all, the inadvertence of a litigant cannot qualify as good cause.

I would grant certiorari to reverse the affirmance of petitioners' conspiracy convictions by the Court of Appeals.

No. 74-1384. CLAY COMMUNICATIONS, INC. v. SPROUSE; and

No. 75-17. SPROUSE v. CLAY COMMUNICATIONS, INC. Sup. Ct. App. W. Va. Motion of American Newspaper Publishers Assn. for leave to file a brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. MR. JUSTICE DOUGLAS, being of the view, stated in his previous opinions<sup>1</sup> and those of Mr. Justice Black,<sup>2</sup> that any state or federal libel law imposing liability for discussion of public affairs abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments, would grant certiorari in

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<sup>1</sup> *Gertz v. Robert Welch, Inc.*, 418 U. S. 323, 355-360 (1974) (dissenting); *Time, Inc. v. Hill*, 385 U. S. 374, 401-402 (1967) (concurring); *Rosenblatt v. Baer*, 383 U. S. 75, 88-91 (1966) (concurring).

<sup>2</sup> *Time, Inc. v. Hill*, *supra*, at 398-401 (concurring); *Rosenblatt v. Baer*, *supra*, at 94-95 (concurring and dissenting); *New York Times Co. v. Sullivan*, 376 U. S. 254, 293-297 (1964) (concurring).

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No. 74-1384 and summarily reverse the judgment. Reported below: — W. Va. —, 211 S. E. 2d 674.

No. 74-1647. *E. W. SCRIPPS CO. ET AL. v. THOMAS H. MALONEY & SONS, INC.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. MR. JUSTICE DOUGLAS, being of the view, stated in his previous opinions<sup>1</sup> and those of Mr. Justice Black,<sup>2</sup> that any state or federal libel law imposing liability for discussion of public affairs abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments, would grant certiorari and summarily reverse the judgment. Reported below: 43 Ohio App. 2d 105, 334 N. E. 2d 494.

No. 75-224. *VILLAGE VOICE, INC., ET AL v. RINALDI.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied for want of a final judgment. MR. JUSTICE DOUGLAS is of the view, stated in his previous opinions<sup>1</sup> and those of Mr. Justice Black,<sup>2</sup> that any state or federal libel law imposing liability for discussion of public affairs abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments. He is also of the view, stated in his opinion in *Mills v. Alabama*, 384 U. S. 214, 221-222 (1966),<sup>3</sup> that the judgment below is final because further proceedings are precluded in the state court and the present posture of that judgment upon remand will deter others from exercising their constitutional right to discuss public affairs. MR. JUSTICE

<sup>1</sup> *Gertz v. Robert Welch, Inc.*, 418 U. S. 323, 355-360 (1974) (dissenting); *Time, Inc. v. Hill*, 385 U. S. 374, 401-402 (1967) (concurring); *Rosenblatt v. Baer*, 383 U. S. 75, 88-91 (1966) (concurring).

<sup>2</sup> *Time, Inc. v. Hill*, *supra*, at 398-401 (concurring); *Rosenblatt v. Baer*, *supra*, at 94-95 (concurring and dissenting); *New York Times Co. v. Sullivan*, 376 U. S. 254, 293-297 (1964) (concurring).

<sup>3</sup> Cf. *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469, 484-487 (1975); *Miami Herald Publishing Co. v. Tornillo*, 418 U. S. 241, 246-247 and n. 6 (1974).

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DOUGLAS would therefore grant certiorari and summarily reverse the judgment. Reported below: 47 App. Div. 2d 180, 365 N. Y. S. 2d 199.

*Rehearing Denied*

No. 73-1256. CONNELL CONSTRUCTION Co., INC. v. PLUMBERS & STEAMFITTERS LOCAL UNION No. 100, UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, AFL-CIO, 421 U. S. 616;

No. 74-124. BLUE CHIP STAMPS ET AL. v. MANOR DRUG STORES, 421 U. S. 723;

No. 74-157. UNITED HOUSING FOUNDATION, INC., ET AL. v. FORMAN ET AL., 421 U. S. 837;

No. 74-647. NEW YORK ET AL. v. FORMAN ET AL., 421 U. S. 837;

No. 74-1019. GARGOTTO v. UNITED STATES, 421 U. S. 987;

No. 74-1144. LAWRENCE ET AL. v. SOUTH CAROLINA, 422 U. S. 1025;

No. 74-1170. AUSTIN ET AL. v. UNITED STATES ET AL., 422 U. S. 1042;

No. 74-1276. COTTEN v. SCHLESINGER, SECRETARY OF DEFENSE, 422 U. S. 1027;

No. 74-1293. CITY OF BLACK JACK, MISSOURI v. UNITED STATES, 422 U. S. 1042;

No. 74-1310. EDWARDS UNDERGROUND WATER DISTRICT ET AL. v. HILLS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL., 422 U. S. 1049;

No. 74-1326. INDIANA HARBOR BELT RAILROAD Co. v. UNITED STATES ET AL., 422 U. S. 1042;

No. 74-6162. WHITE v. DALTON, U. S. DISTRICT JUDGE, 422 U. S. 1043; and

No. 74-6231. KLEIN v. IMMIGRATION AND NATURALIZATION SERVICE, 422 U. S. 1048. Petitions for rehearing denied.

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No. 74-6379. PORZUCZEK, GUARDIAN *v.* TOWNER ET AL., 421 U. S. 1014; and

No. 74-6432. GREENE ET AL. *v.* CHANDLER, MAYOR OF MEMPHIS, ET AL., 421 U. S. 1014. Petitions for rehearing denied.

No. 74-1624. LEWIS *v.* STRACHAN SHIPPING CO. ET AL., 409 U. S. 887, 1002. Motion for leave to file second petition for rehearing denied.

No. 73-1888. UNITED STATES *v.* ALASKA, 422 U. S. 184;

No. 74-487. CLOVER BOTTOM HOSPITAL & SCHOOL *v.* TOWNSEND ET AL., 421 U. S. 1007;

No. 74-584. SEARS *v.* DANN, COMMISSIONER OF PATENTS, 422 U. S. 1056;

No. 74-703. PHILLIPS ET AL. *v.* UNITED STATES, 422 U. S. 1056;

No. 74-1130. FRIEDMAN ET AL. *v.* UNITED STATES, 421 U. S. 1004;

No. 74-1259. MANDEL ET AL. *v.* NOUSE ET AL., 422 U. S. 1008;

No. 74-1339. GUMANIS *v.* DONALDSON, 422 U. S. 1052;

No. 74-1347. THOMPSON ET UX. *v.* PROPERTY TAX APPEAL BOARD OF ILLINOIS ET AL., 422 U. S. 1002;

No. 74-6292. SACASAS *v.* HOGAN, WARDEN, 421 U. S. 998;

No. 74-6358. SHINDER *v.* ESMIOL, 421 U. S. 997;

No. 74-6451. MIKELL *v.* GILCHRIST COUNTY, FLORIDA, ET AL., 422 U. S. 1011;

No. 74-6462. WHITE *v.* REYNOLDS ET AL., 422 U. S. 1046; and

No. 74-6487. HUGHES *v.* AULT, CORRECTIONS DIRECTOR, 422 U. S. 1047. Petitions for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these petitions.

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No. 74-70. *GOLDFARB ET UX. v. VIRGINIA STATE BAR ET AL.*, 421 U. S. 773. Petition for rehearing denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

No. 74-594. *WEISBROD v. LYNN, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.*, 420 U. S. 940; and

No. 74-789. *SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSN. ET AL. v. BRENNAN, SECRETARY OF LABOR, ET AL.*, 420 U. S. 973. Motions for leave to file petitions for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these motions.

No. 74-1229. *AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*, 422 U. S. 1026. Petition for rehearing denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BLACKMUN took no part in the consideration or decision of these motions.

No. 74-6305. *BENNETT v. NORTH CAROLINA*, 421 U. S. 993. Motion for leave to file petition for rehearing denied.

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*Dismissal Under Rule 60*

No. 75-30. *MONK ET AL. v. CHAMBERS & KENNEDY ET AL.* C. A. 5th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 499 F. 2d 263.

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*Affirmed on Appeal*

No. 75-262. *DODGE ET AL. v. AUSTIN, SECRETARY OF STATE OF MICHIGAN, ET AL.* Affirmed on appeal from D. C. E. D. Mich.

*Appeals Dismissed*

No. 74-1427. *REUBEN L. ANDERSON-CHERNE, INC. v. COMMISSIONER OF REVENUE OF MINNESOTA.* Appeal

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from Sup. Ct. Minn. dismissed for want of substantial federal question. Reported below: 303 Minn. 124, 226 N. W. 2d 611.

No. 75-178. *GANSCHOW v. GANSCHOW*. Appeal from Sup. Ct. Cal. dismissed for want of substantial federal question. Reported below: 14 Cal. 3d 150, 534 P. 2d 705.

No. 75-5266. *PAULEY v. MASSACHUSETTS*. Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question. Reported below: — Mass. —, 331 N. E. 2d 901.

No. 75-186. *GODSY v. GODSY*. Appeal from Ct. App. Mo., Kansas City District, dismissed for want of jurisdiction., Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 521 S. W. 2d 449.

No. 75-5349. *CORRADO ET UX. v. CITY OF PROVIDENCE ET AL.* Appeal from Sup. Ct. R. I. dismissed for want of jurisdiction. Reported below: 114 R. I. 691, 337 A. 2d 811.

#### *Miscellaneous Orders*

No. A-264 (75-471). *COLLIS v. KENTUCKY BAR ASSN.* Ct. App. Ky. Motion to vacate stay heretofore granted by MR. JUSTICE STEWART on September 25, 1975, denied.

No. A-296 (75-409). *FINKBEINER, WARDEN v. MATTOX*. Application for stay of mandate of the United States Court of Appeals for the Seventh Circuit, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied.

No. 74-851. *SEEBER ET AL. v. ALABAMA ET AL.* C. A. 5th Cir. Motion of respondents to consolidate this case with No. 74-220, *Hancock v. Train* [certiorari granted, 420 U. S. 971], denied.

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No. ———. *CALLEY v. CALLAWAY, SECRETARY OF THE ARMY, ET AL.* C. A. 5th Cir. Motion to dispense with printing portions of appendix to petition for writ of certiorari granted. Typewritten or otherwise reproduced copies of nonprinted opinions will be acceptable only if legible.

No. D-57. *IN RE DISBARMENT OF PARSONS.* It is ordered that Russell Edward Parsons, of Santa Ana, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-58. *IN RE DISBARMENT OF TARBOX.* It is ordered that Robert Earl Tarbox, of San Francisco, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-59. *IN RE DISBARMENT OF NELSON.* It is ordered that Raymond Alexander Nelson, of San Anselmo, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 74-175. *MIDDENDORF, SECRETARY OF THE NAVY, ET AL. v. HENRY ET AL.*; and

No. 74-5176. *HENRY ET AL. v. MIDDENDORF, SECRETARY OF THE NAVY, ET AL.* C. A. 9th Cir. [Restored to calendar, 421 U. S. 906.] Motion for leave to file memorandum suggesting that this Court's holdings after oral argument in these cases at bar raise new question of law granted.

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No. 74-1222. WOLFF, WARDEN *v.* RICE. C. A. 8th Cir. [Certiorari granted, 422 U. S. 1055.] Motion of respondent for appointment of counsel granted, and J. Patrick Green, Esquire, of Omaha, Neb., is appointed to serve as counsel for respondent in this case.

No. 74-1270. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. *v.* COLORADO PUBLIC INTEREST RESEARCH GROUP, INC., ET AL. C. A. 10th Cir. [Certiorari granted, 421 U. S. 998.] Motion of Michael S. Baram et al. for leave to file a brief as *amici curiae* granted.

No. 74-1274. ABBOTT LABORATORIES ET AL. *v.* PORTLAND RETAIL DRUGGISTS ASSN., INC. C. A. 9th Cir. [Certiorari granted, 422 U. S. 1040.] Motion of Alabama Pharmaceutical Assn. et al. for leave to file a brief as *amici curiae* granted.

No. 74-1396. MICHELIN TIRE CORP. *v.* WAGES, TAX COMMISSIONER, ET AL. Sup. Ct. Ga. [Certiorari granted, 422 U. S. 1040.] Motion of Los Angeles County et al. for leave to participate in oral argument as *amici curiae* denied.

No. 75-436. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from C. A. D. C. Cir; and

No. 75-437. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 820.] Motion of Brice M. Claggett, Esquire, to permit Ralph K. Winter, Jr., Esquire, to present oral argument *pro hac vice* granted. Motion of Senator Lee Metcalf for leave to permit oral argument on his behalf as *amicus curiae* denied without prejudice to his seeking part of the four hours allotted litigants in these cases.

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No. 75-522. TALLANT ET AL. *v.* HENSON, U. S. MARSHAL, ET AL.; and

No. 75-5280. DUNN *v.* CALIFORNIA. Motions for leave to file petitions for writs of habeas corpus denied.

*Certiorari Granted*

No. 74-1303. BISHOP *v.* WOOD ET AL. C. A. 4th Cir. Certiorari granted.

No. 74-1563. CITY OF EASTLAKE ET AL. *v.* FOREST CITY ENTERPRISES, INC. Sup. Ct. Ohio. Certiorari granted. Reported below: 41 Ohio St. 2d 187, 324 N. E. 2d 740.

No. 75-19. UNITED STATES *v.* SANTANA ET AL. C. A. 3d Cir. Certiorari granted.

No. 75-185. LODGE 76, INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, ET AL. *v.* WISCONSIN EMPLOYMENT RELATIONS COMMISSION ET AL. Sup. Ct. Wis. Certiorari granted. Reported below: 67 Wis. 2d 13, 226 N. W. 2d 203.

No. 75-250. CITY OF CHARLOTTE ET AL. *v.* LOCAL 660, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 518 F. 2d 83.

No. 74-1608. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. *v.* FEDERAL POWER COMMISSION; and

No. 74-1619. FEDERAL POWER COMMISSION *v.* NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL. C. A. D. C. Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of these petitions. Reported below: 172 U. S. App. D. C. 32, 520 F. 2d 432.

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No. 75-110. *SAKRAIDA v. AG PRO, INC.* C. A. 5th Cir. Certiorari granted. Reported below: 512 F. 2d 141.

No. 75-145. *NORTHERN CHEYENNE TRIBE v. HOLLOW-BREAST ET AL.* C. A. 9th Cir. Motions of respondents for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 505 F. 2d 268.

No. 75-130. *QUINN, COMMISSIONER, CHICAGO FIRE DEPARTMENT v. MUSCARE.* C. A. 7th Cir. Motion for leave to file petition for writ of mandamus denied. Alternative petition for writ of certiorari granted. Case is recaptioned in this Court to reflect true respondent in this case. Reported below: 520 F. 2d 1212.

*Certiorari Denied.* (See also No. 75-186, *supra.*)

No. 74-1392. *WASHINGTON v. LESNICK.* Sup. Ct. Wash. Certiorari denied. Reported below: 84 Wash. 2d 940, 530 P. 2d 243.

No. 74-1439. *NUSBAUM, JUDGE v. GHEZZI, ACTING SECRETARY OF STATE OF NEW YORK, ET AL.;* and

No. 74-1468. *RUBINO ET AL. v. GHEZZI, ACTING SECRETARY OF STATE OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 512 F. 2d 431.

No. 74-1554. *MING v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 1061, 513 F. 2d 640.

No. 74-6452. *ACOSTA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 501 F. 2d 1330 and 509 F. 2d 539.

No. 74-6463. *BRANTLEY v. SULLIVAN, CORRECTIONS COMMISSIONER, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1401.

No. 74-6546. *HOLSEY v. CRIMINAL COURT OF BALTIMORE ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 74-6561. *HOLODNAK v. AVCO CORP., AVCO-LYCOMING DIVISION*. C. A. 2d Cir. Certiorari denied. Reported below: 514 F. 2d 285.

No. 74-6699. *CANNEY v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 298 So. 2d 495.

No. 74-6709. *BIRCH v. KOOKA ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-6743. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-6744. *BARBEE ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 514 F. 2d 418.

No. 74-6747. *JOHNSON v. KEVE, CORRECTIONS COMMISSIONER, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1400.

No. 74-6754. *FARRIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 226.

No. 75-37. *RYAN ET UX. v. COMMISSIONER OF INTERNATIONAL REVENUE*. C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 13.

No. 75-55. *PELAEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 303.

No. 75-63. *ROSS v. REDA, JUDGE*. C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 1172.

No. 75-74. *CONQUE v. GAUTHE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1402.

No. 75-94. *BREWER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 75-92. *TUNNELL ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 512 F. 2d 1192.

No. 75-108. *TROY'S WELDING, INC., ET AL. v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied.

No. 75-114. *SHAHANE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 1173.

No. 75-120. *FINIS P. ERNEST, INC. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 509 F. 2d 1256.

No. 75-127. *ASSOCIATED SHOWER DOOR CO., INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 230.

No. 75-133. *CLARK v. JOHNSON ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 518 F. 2d 246.

No. 75-147. *TUCKER v. NEAL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 896.

No. 75-171. *JENSEN v. KILGARIF ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-174. *ERNEST v. MILLER, ATTORNEY GENERAL OF VIRGINIA*. Cir. Ct. City of Richmond, Va., Div. 1. Certiorari denied.

No. 75-176. *HOUSTON ENDOWMENT, INC. v. DUNLOP, SECRETARY OF LABOR*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1190.

No. 75-195. *TRIANGLE PUBLICATIONS, INC. v. MONTANDON*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 45 Cal. App. 3d 938, 120 Cal. Rptr. 186.

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No. 75-177. *GARCIA ET AL. v. DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied. Reported below: 335 A. 2d 217.

No. 75-179. *BRAKE v. MFA MUTUAL INSURANCE CO.* Ct. App. Mo., St. Louis Dist. Certiorari denied. Reported below: 525 S. W. 2d 109.

No. 75-196. *HAMMOCK v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 25 N. C. App. 97, 212 S. E. 2d 180.

No. 75-198. *WALKER v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 25 N. C. App. 157 and 295, 212 S. E. 2d 528 and 219 S. E. 2d 76.

No. 75-199. *RESSLER v. STATES MARINE LINES, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 579.

No. 75-206. *BETTER MONKEY GRIP CO. ET AL. v. NATIONAL CAR RENTAL SYSTEM, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 724.

No. 75-231. *NATIONAL ALFALFA DEHYDRATING & MILLING Co. v. AMERICAN POLLUTION PREVENTION Co., INC.* Sup. Ct. Minn. Certiorari denied. Reported below: 304 Minn. 191, 230 N. W. 2d 63.

No. 75-232. *PACIFIC FIDELITY LIFE INSURANCE Co. ET AL. v. DeVOTO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 516 F. 2d 1.

No. 75-233. *DECHIARO ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 48 App. Div. 2d 54, 367 N. Y. S. 2d 353.

No. 75-249. *LOCAL UNION 77, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS v. CITY ELECTRIC, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 517 F. 2d 616.

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No. 75-241. *MOITY v. LOUISIANA STATE BAR ASSN.* Sup. Ct. La. Certiorari denied. Reported below: 313 So. 2d 824.

No. 75-256. *BAXTER v. GEORGIA.* Ct. App. Ga. Certiorari denied. Reported below: 134 Ga. App. 286, 214 S. E. 2d 578.

No. 75-267. *STEPHENS v. KENTUCKY.* Ct. App. Ky. Certiorari denied. Reported below: 522 S. W. 2d 181.

No. 75-5001. *VICTORIAN v. RODRIGUEZ.* C. A. 10th Cir. Certiorari denied.

No. 75-5002. *CAMPBELL v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 516 F. 2d 894.

No. 75-5008. *MCCOY v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 41.

No. 75-5011. *RICON v. GARRISON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 517 F. 2d 628.

No. 75-5019. *POLUS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 516 F. 2d 1290.

No. 75-5034. *LOPEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 75-5035. *NAPIER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 518 F. 2d 316.

No. 75-5036. *WOOTEN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 518 F. 2d 943.

No. 75-5039. *CANADA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 75-5040. *LONG v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 878.

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No. 75-5038. *McCoy v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 75-5051. *PHILLIPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 509.

No. 75-5053. *YOUNG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5057. *LESHAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 508.

No. 75-5059. *BOYD ET AL. v. LEFRAK ORGANIZATION ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 509 F. 2d 1110.

No. 75-5071. *DEAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-5073. *SPENCE v. LATTING ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 512 F. 2d 93.

No. 75-5078. *VAN METER v. MORGAN, SHERIFF, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 366.

No. 75-5084. *SCRANTON v. WHEALON*. C. A. 6th Cir. Certiorari denied. Reported below: 514 F. 2d 99.

No. 75-5085. *NUNN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 1404.

No. 75-5088. *TRAGAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 515 F. 2d 511.

No. 75-5089. *TURPIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1400.

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No. 75-5093. NEUGEBAUER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 75-5094. ELLERBEE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5099. HENDRIX *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 1233.

No. 75-5100. HAYNES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 515 F. 2d 275.

No. 75-5101. BUCHANAN *v.* WHEELER. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 630.

No. 75-5103. LATTA *v.* FITZHARRIS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 521 F. 2d 246.

No. 75-5106. HOOVER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1181.

No. 75-5111. WILKERSON *v.* VIRGINIA. C. A. 4th Cir. Certiorari denied.

No. 75-5112. PLEASANT *v.* OHIO. C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 632.

No. 75-5114. ALERS *v.* TOLEDO ET AL. C. A. 1st Cir. Certiorari denied.

No. 75-5128. TAYLOR *v.* HENDERSON, WARDEN. Sup. Ct. La. Certiorari denied. Reported below: 313 So. 2d 244.

No. 75-5150. PRESLEY *v.* GATHRIGHT, CORRECTIONAL SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

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No. 75-5149. *HASSAN v. WOODHAVEN APARTMENTS, INC.* App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 75-5190. *LYLE v. NATIONAL SURETY CORP. ET AL.* Ct. App. La., 3d Cir. Certiorari denied. Reported below: 304 So. 2d 743.

No. 75-5241. *WEBSTER v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 462 Pa. 125, 337 A. 2d 914.

No. 75-5152. *MARSHALL v. DISTRICT OF COLUMBIA GOVERNMENT ET AL.* Ct. App. D. C. Certiorari denied.

No. 75-5244. *SLAUGHTER v. BRIGHAM YOUNG UNIVERSITY.* C. A. 10th Cir. Certiorari denied. Reported below: 514 F. 2d 622.

No. 75-5258. *NASSAR v. VINZANT, CORRECTIONAL SUPERINTENDENT.* C. A. 1st Cir. Certiorari denied. Reported below: 519 F. 2d 798.

No. 75-5259. *JACKSON v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 55 Ala. App. 334, 315 So. 2d 131.

No. 75-5299. *BOWMAN v. EGELER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1404.

No. 74-1282. *RATNER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS, being of the view, stated in his previous opinions<sup>1</sup> and those

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<sup>1</sup> *Miller v. California*, 413 U. S. 15, 42-47 (1973) (dissenting); *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 70-73 (1973) (dissenting); *Memoirs v. Massachusetts*, 383 U. S. 413, 426-433 (1966) (concurring in judgment); *Ginzburg v. United States*, 383 U. S. 463, 491-492 (1966) (dissenting); *Roth v. United States*, 354 U. S. 476, 508-514 (1957) (dissenting).

of Mr. Justice Black,<sup>2</sup> that any state or federal ban on, or regulation of, obscenity abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments, would grant certiorari and summarily reverse the judgment. Reported below: 502 F. 2d 1300.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioner was convicted in the United States District Court for the Northern District of Texas of mailing obscene magazines and films, and mailing advertisements describing how to obtain such magazines and films, in violation of 18 U. S. C. § 1461, which provides in pertinent part:

“Every obscene, lewd, lascivious, indecent, filthy or vile article, matter, thing, device, or substance; . . .

“Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

“Whoever knowingly uses the mails for the mailing . . . of anything declared by this section . . . to be nonmailable, . . . shall be fined not more than \$5,000 or imprisoned not more than five years . . . .”

The Court of Appeals for the Fifth Circuit affirmed, 502 F. 2d 1300 (1974).

I adhere to my dissent in *United States v. Orito*, 413 U. S. 139, 147 (1973), in which, speaking of 18 U. S. C. § 1462, which is similar in scope to § 1461, I expressed the view that “[w]hatever the extent of the Federal Government’s power to bar the distribution of allegedly obscene material to juveniles or the offensive exposure of such material to unconsenting adults, the statute before us is clearly overbroad and unconstitutional on its face.”

<sup>2</sup> *Ginzburg v. United States*, *supra*, at 476 (dissenting); *Mishkin v. New York*, 383 U. S. 502, 515-518 (1966) (dissenting).

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413 U. S., at 147-148. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Court of Appeals for the Fifth Circuit was rendered after *Orito*, reverse.\* In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

Finally, it appears from the petition and response that the obscenity of the disputed materials was not adjudged by applying local community standards. Based on my dissent in *Hamling v. United States*, 418 U. S. 87, 141 (1974), I believe that, consistent with the Due Process Clause, petitioner must be given an opportunity to have his case decided on, and to introduce evidence relevant to, the legal standard upon which his conviction has ultimately come to depend. Thus, even on its own terms, the Court should vacate the judgment below and remand for a determination whether petitioner should be afforded a new trial under local community standards.

No. 74-1430. SANDQUIST *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied. MR. JUSTICE DOUGLAS, being of the view, stated in his previous opinions<sup>1</sup> and those of Mr. Justice Black,<sup>2</sup>

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\*Although four of us would grant certiorari and reverse the judgment, the Justices who join this opinion do not insist that the case be decided on the merits.

<sup>1</sup> *Miller v. California*, 413 U. S. 15, 42-47 (1973) (dissenting); *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 70-73 (1973) (dissenting); *Memoirs v. Massachusetts*, 383 U. S. 413, 426-433 (1966) (concurring in judgment); *Ginzburg v. United States*, 383 U. S. 463, 491-492 (1966) (dissenting); *Roth v. United States*, 354 U. S. 476, 508-514 (1957) (dissenting).

<sup>2</sup> *Ginzburg v. United States*, *supra*, at 476 (dissenting); *Mishkin v. New York*, 383 U. S. 502, 515-518 (1966) (dissenting).

that any state or federal ban on, or regulation of, obscenity abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments, would grant certiorari and summarily reverse the judgment.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioner was convicted in the Municipal Court of Los Angeles of exhibiting allegedly obscene motion pictures in violation of Cal. Penal Code § 311.2 (1970), which provides in pertinent part as follows:

“(a) Every person who knowingly . . . exhibits to others, any obscene matter is guilty of a misdemeanor.”

As used in § 311.2,

“‘Obscene matter’ means matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i. e., a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance.” § 311 (a) (Supp. 1975).

On appeal, the Appellate Department of the Superior Court of California for the County of Los Angeles affirmed the conviction. Certification to the Court of Appeal was sought and denied.

It is my view that “at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly ‘obscene’ contents.” *Paris Adult*

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*Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, § 311.2, as it incorporates the definition of "obscene matter" in § 311 (a), is constitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari and, since the judgment of the Appellate Department was rendered after *Miller*, reverse.\* In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 495 (1973) (BRENNAN, J., dissenting).

Further, it appears from the petition and response that the obscenity of the disputed materials was not adjudged by applying local community standards. Based on my dissent in *Hamling v. United States*, 418 U. S. 87, 141 (1974), I believe that, consistent with the Due Process Clause, petitioner must be given an opportunity to have his case decided on, and to introduce evidence relevant to, the legal standard upon which his conviction has ultimately come to depend. Thus, even on its own terms, the Court should vacate the judgment below and remand for a determination whether petitioner should be afforded a new trial under local community standards.

No. 74-6176. STEWART v. IOWA. Sup. Ct. Iowa. Certiorari denied. Reported below: 223 N. W. 2d 250.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL concur, dissenting.

On September 27, 1971, petitioner was charged in an information filed in the Justice of the Peace Court in Vinton, Iowa, with reckless driving of an automobile in-

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\*Although four of us would grant certiorari and reverse the judgment, the Justices who join this opinion do not insist that the case be decided on the merits.

volved in an accident on September 10, 1971, which resulted in the deaths of two people. On October 12, 1971, the Grand Jury of Benton County, Iowa, indicted petitioner for manslaughter arising from the same set of circumstances as formed the basis of the reckless-driving charge. On December 3, 1971, petitioner was found guilty of reckless driving in Justice of the Peace Court and was sentenced to serve 30 days in the county jail and to pay the costs of the action. Subsequently, petitioner filed a motion to dismiss the manslaughter indictment on the ground that prosecution for manslaughter constituted double jeopardy because of his prior conviction for reckless driving based on the same transaction. The motion to dismiss was overruled, and thereafter petitioner was tried and convicted of manslaughter. Petitioner appealed the manslaughter conviction to the Iowa Supreme Court. That court, divided 5 to 4 on the double jeopardy issue, affirmed the conviction. 223 N. W. 2d 250 (1974).

The two charges leveled against petitioner clearly arose out of the same criminal transaction or episode, yet they were tried separately. In that circumstance, we should grant the petition for certiorari and reverse the manslaughter conviction. I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment, which is applicable to the States through the Fourteenth Amendment, *Benton v. Maryland*, 395 U. S. 784 (1969), requires the joinder at one trial, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Waugh v. Gray*, 422 U. S. 1027 (1975) (BRENNAN, J., dissenting); *Wells v. Missouri*, 419 U. S. 1075 (1974) (BRENNAN, J., dissenting); *Moton v. Swenson*, 417 U. S. 957 (1974) (BRENNAN, J., dissenting);

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*Tijerina v. New Mexico*, 417 U. S. 956 (1974) (BRENNAN, J., dissenting); *Ciuzio v. United States*, 416 U. S. 995 (1974) (BRENNAN, J., dissenting); *Harris v. Washington*, 404 U. S. 55, 57 (1971) (concurring statement); *Waller v. Florida*, 397 U. S. 387, 395 (1970) (BRENNAN, J., concurring). See also *People v. White*, 390 Mich. 245, 212 N. W. 2d 222 (1973); *State v. Brown*, 262 Ore. 442, 497 P. 2d 1191 (1972); *Commonwealth v. Campana*, 452 Pa. 233, 304 A. 2d 432, vacated and remanded, 414 U. S. 808 (1973), adhered to on remand, 455 Pa. 622, 314 A. 2d 854 (1974); *State v. Gregory*, 66 N. J. 510, 333 A. 2d 257 (1975).

No. 74-1568. WIND RIVER INDIAN EDUCATION ASSN., INC., ET AL. *v.* WARD ET AL. Sup. Ct. Wyo. Motion of respondents Ward et al. for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 531 P. 2d 872.

No. 74-6553. VARDAS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 518 S. W. 2d 826.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL concur, dissenting.

Petitioner was charged in a two-count indictment; the first count charged robbery by assault, the second count charged robbery by firearms, and the indictment contained an enhancement allegation as to the first count by virtue of a prior conviction. As noted by the court below, both counts related to the same transaction. At petitioner's first trial, on September 5, 1967, the court limited the State to trial on the second count. The trial resulted in a conviction which was subsequently reversed on appeal. 488 S. W. 2d 467 (Tex. Crim. App. 1972). Instead of proceeding to a retrial on the second count of the indictment, however, the State, over petitioner's former jeopardy objection, proceeded to try him on the

first count as compounded by the enhancement allegation which had been abandoned at the 1967 trial. This trial resulted in a conviction which was subsequently affirmed on appeal. 518 S. W. 2d 826 (Tex. Crim. App. 1975).

In my view the rejection of petitioner's former jeopardy claim was error. Cf. *Ciuzio v. United States*, 416 U. S. 995 (1974) (BRENNAN, J., dissenting). I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment, which is applicable to the States through the Fourteenth Amendment, *Benton v. Maryland*, 395 U. S. 784 (1969), requires the joinder at one trial, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Stewart v. Iowa*, ante, p. 902 (BRENNAN, J., dissenting); *Waugh v. Gray*, 422 U. S. 1027 (1975) (BRENNAN, J., dissenting); *Wells v. Missouri*, 419 U. S. 1075 (1974) (BRENNAN, J., dissenting); *Moton v. Swenson*, 417 U. S. 957 (1974) (BRENNAN, J., dissenting); *Tijerina v. New Mexico*, 417 U. S. 956 (1974) (BRENNAN, J., dissenting); *Ciuzio v. United States*, supra (BRENNAN, J., dissenting); *Harris v. Washington*, 404 U. S. 55, 57 (1971) (concurring statement); *Waller v. Florida*, 397 U. S. 387, 395 (1970) (BRENNAN, J., concurring). See also *People v. White*, 390 Mich. 245, 212 N. W. 2d 222 (1973); *State v. Brown*, 262 Ore. 442, 497 P. 2d 1191 (1972); *Commonwealth v. Campana*, 452 Pa. 233, 304 A. 2d 432, vacated and remanded, 414 U. S. 808 (1973), adhered to on remand, 455 Pa. 622, 314 A. 2d 854 (1974); *State v. Gregory*, 66 N. J. 510, 333 A. 2d 257 (1975). I would therefore grant the petition for certiorari and reverse the conviction. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See

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*Heller v. New York*, 413 U. S. 483, 495 (1973) (BRENNAN, J., dissenting).

No. 75-209. WILLIAMS *v.* BRASEA, INC., ET AL.; and

No. 75-225. BRASEA, INC., ET AL. *v.* BENDER WELDING & MACHINE Co., INC., ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 497 F. 2d 67 and 513 F. 2d 301.

No. 75-227. FEDERAL POWER COMMISSION *v.* CONSUMER FEDERATION OF AMERICA ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 169 U. S. App. D. C. 116, 515 F. 2d 347.

No. 75-248. KORHOLZ *v.* DASHO, EXECUTOR, ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 515 F. 2d 511.

No. 75-254. DILLARD, JUDGE *v.* WALKER. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 523 F. 2d 3.

### *Assignment Orders*

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Fifth Circuit for the purpose of hearing the appeal in the case of *United States v. Carden*, No. 74-3037, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial

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duties in the United States Court of Appeals for the Fourth Circuit during the week of November 10, 1975, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit from December 11, 1975, to December 17, 1975, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Third Circuit on April 8 and 9, 1976, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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*Affirmed on Appeal*

No. 75-279. BAKER ET AL. *v.* OWEN ET AL. Affirmed on appeal from D. C. M. D. N. C. Reported below: 395 F. Supp. 294.

*Appeals Dismissed*

No. 74-6715. KLINE ET AL. *v.* ILLINOIS. Appeal from Sup. Ct. Ill. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BRENNAN would note probable jurisdiction and set

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case for oral argument. Reported below: 60 Ill. 2d 246, 326 N. E. 2d 395.

No. 75-207. APPALACHIAN POWER CO. *v.* PUBLIC SERVICE COMMISSION OF WEST VIRGINIA. Appeal from Sup. Ct. App. W. Va. dismissed for want of substantial federal question. MR. JUSTICE POWELL took no part in the consideration or decision of this appeal.

No. 75-263. BOARD OF EDUCATION OF ARMSTRONG HIGH SCHOOL DISTRICT No. 225, VERMILION AND CHAMPAIGN COUNTIES, ET AL. *v.* ELLIS, SUPERINTENDENT OF EDUCATIONAL SERVICE REGION, VERMILION COUNTY, ET AL. Appeal from Sup. Ct. Ill. dismissed for want of substantial federal question. Reported below: 60 Ill. 2d 413, 328 N. E. 2d 294.

No. 75-295. ALBERT SIMON, INC., ET AL. *v.* MYERSON, COMMISSIONER, DEPARTMENT OF CONSUMER AFFAIRS OF THE CITY OF NEW YORK. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 36 N. Y. 2d 300, 327 N. E. 2d 801.

No. 75-305. GRIGGS, COOPER & Co., INC. *v.* NOVAK, LIQUOR CONTROL COMMISSIONER OF MINNESOTA, ET AL.; and

No. 75-315. HEAVEN HILL DISTILLERIES, INC. *v.* NOVAK, LIQUOR CONTROL COMMISSIONER OF MINNESOTA, ET AL. Appeals from Sup. Ct. Minn. dismissed for want of substantial federal question. Reported below: 304 Minn. 28, 229 N. W. 2d 144.

No. 75-284. METROPOLITAN DADE COUNTY, FLORIDA, ET AL. *v.* AEROJET-GENERAL CORP. Appeal from C. A. 5th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 511 F. 2d 710.

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No. 75-5081. *HOWLETT v. FEDERAL NATIONAL MORTGAGE ASSN.* Appeal from Sup. Ct. Mo. dismissed for want of substantial federal question. Reported below: 521 S. W. 2d 428.

No. 74-5314. *SMITH v. KENTUCKY.* Appeal from Ct. App. Ky. dismissed for want of substantial federal question. Reported below: 536 S. W. 2d 457.

### *Miscellaneous Orders*

No. 9, Orig. *UNITED STATES v. LOUISIANA ET AL. (LOUISIANA BOUNDARY CASE).* The First Accounting of Louisiana filed pursuant to the Decree of June 16, 1975 [422 U. S. 13]; the Accounting by the United States filed pursuant to paragraph 6 (b) of the Decree of June 16, 1975; the Accounting by Louisiana filed pursuant to paragraph 5 of the Decree of June 16, 1975; and the Accounting by the United States filed pursuant to paragraphs 5 (b) and 7 of the Decree of June 16, 1975, referred to the Special Master.

No. 36, Orig. *TEXAS v. LOUISIANA.* Exceptions to the Report of the Special Master set for oral argument in due course. [For earlier orders herein, see, *e. g.*, 421 U. S. 905.]

No. A-151. *RAYMOND v. UNITED STATES.* C. A. 6th Cir. Application for stay of execution of judgment and/or bail pending appeal, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied.

No. 74-882. *DECANAS ET AL. v. BICA ET AL.* Ct. App. Cal., 2d App. Dist. [Certiorari granted, 422 U. S. 1040.] Motion of petitioners for divided argument denied.

No. 75-82. *SHEET METAL WORKERS' INTERNATIONAL ASSN. v. CARTER.* Ct. App. Ga. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 74-1107. CAPPAERT ET AL. *v.* UNITED STATES ET AL.; and

No. 74-1304. NEVADA EX REL. WESTERGARD *v.* UNITED STATES ET AL. C. A. 9th Cir. [Certiorari granted, 422 U. S. 1041.] Motion of petitioners for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument.

No. 74-1245. LIBERTY MUTUAL INSURANCE Co. *v.* WETZEL ET AL. C. A. 3d Cir. [Certiorari granted, 421 U. S. 987.] Motion of the Attorney General of Ohio for leave to participate in oral argument as *amicus curiae* denied.

No. 75-320. BRANIFF AIRWAYS, INC. *v.* EL PASO COIN Co., INC., ET AL. Ct. Civ. App. Tex., 8th Sup. Jud. Dist. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-5366. FISHER *v.* DISTRICT COURT OF THE SIXTEENTH JUDICIAL DISTRICT OF MONTANA, IN AND FOR THE COUNTY OF ROSEBUD. Sup. Ct. Mont. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-250. CITY OF CHARLOTTE ET AL. *v.* LOCAL 660, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 890.] Motion of respondent Middleton et al. for leave to proceed *in forma pauperis* denied.

No. 75-208. RATCLIFF *v.* TEXAS ET AL. Motion for leave to file petition for writ of certiorari denied.

No. 75-5194. LEWIS *v.* UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ET AL. Motion for leave to file petition for writ of mandamus denied.

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No. 75-300. NOVICK ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA ET AL. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

*Certiorari Granted*

No. 75-268 RADZANOWER *v.* TOUCHE ROSS & CO. ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 516 F. 2d 896.

No. 75-292. SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA ET AL. *v.* MILIVOJEVICH ET AL. Sup. Ct. Ill. Certiorari granted. Reported below: 60 Ill. 2d 477, 328 N. E. 2d 268.

No. 75-312. GRIBBS, MAYOR OF DETROIT, ET AL. *v.* AMERICAN MINI THEATRES, INC., ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 518 F. 2d 1014.

No. 75-328. UNITED STATES *v.* ORLEANS ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 509 F. 2d 197.

No. 75-339. BUFFALO FORGE CO. *v.* UNITED STEELWORKERS OF AMERICA, AFL-CIO, ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 517 F. 2d 1207.

*Certiorari Denied.* (See also Nos. 74-6715 and 75-284, *supra.*)

No. 74-1516. PRESLEY *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 308 So. 2d 85.

No. 74-1605. ROSENFELD *v.* RUMBLE ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 515 F. 2d 498.

No. 75-52. AUSTIN *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 719.

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No. 74-6718. *STANLEY v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

No. 75-59. *BRADY v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 625.

No. 75-101. *VIGI ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 515 F. 2d 290.

No. 75-113. *RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 72.

No. 75-123. *NICHOLS ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 618.

No. 75-132. *JEFFORDS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 519 F. 2d 1398.

No. 75-180. *INTERSTATE 95 COMMITTEE v. COLEMAN, SECRETARY OF TRANSPORTATION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 515 F. 2d 1021.

No. 75-181. *HAYERLY ET UX. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 224.

No. 75-229. *DE FILIPPO ET AL., T/A A & S v. FORD MOTOR Co.* C. A. 3d Cir. Certiorari denied. Reported below: 516 F. 2d 1313.

No. 75-253. *HARTE v. LEHNHAUSEN, FORMER DIRECTOR, DEPARTMENT OF LOCAL GOVERNMENT AFFAIRS OF ILLINOIS, ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 542, 328 N. E. 2d 543.

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No. 75-269. NATIONAL LABOR RELATIONS BOARD *v.* DECATURVILLE SPORTSWEAR CO., INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 518 F. 2d 788.

No. 75-271. PACKAGING INDUSTRIES, INC. *v.* DIE-MATIC MANUFACTURING CORP. C. A. 2d Cir. Certiorari denied. Reported below: 516 F. 2d 975.

No. 75-275. ADKINS ET AL. *v.* ADICKES ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 264 S. C. 394, 215 S. E. 2d 442.

No. 75-289. SCHULZ *v.* CRESS ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-291. KLEIN *v.* ROBINSON ET AL. Sup. Ct. N. J. Certiorari denied. Reported below: 69 N. J. 133, 351 A. 2d 713.

No. 75-293. IRRIGATION & POWER EQUIPMENT, INC., ET AL. *v.* SIMS CONSOLIDATED, LTD. C. A. 10th Cir. Certiorari denied. Reported below: 518 F. 2d 413.

No. 75-296. BERBERIAN *v.* RHODE ISLAND BAR ASSN. Sup. Ct. R. I. Certiorari denied. Reported below: — R. I. —, 339 A. 2d 277.

No. 75-297. STEBBINS *v.* CROCKER-CITIZENS NATIONAL BANK. C. A. 9th Cir. Certiorari denied. Reported below: 516 F. 2d 784.

No. 75-298. NIX *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 530 S. W. 2d 524.

No. 75-329. KAUFMAN *v.* DUMPSON, ADMINISTRATOR, HUMAN RESOURCES ADMINISTRATION OF THE CITY OF NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 993.

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No. 75-304. *CONTINENTAL CASUALTY CO. v. WINSTON CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 1298.

No. 75-310. *SPERRY RAND CORP. v. DEERE & Co.* C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 2d 1131.

No. 75-316. *BISTANY v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 75-319. *CUKROWSKI ET AL. v. MT. SINAI HOSPITAL, INC., ET AL.* Sup. Ct. Wis. Certiorari denied. Reported below: 67 Wis. 2d 487, 227 N. W. 2d 95.

No. 75-331. *RUFFIN ET AL. v. MERCURY RECORD PRODUCTIONS, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 222.

No. 75-5020. *CARTER v. LARKIN.* C. A. 5th Cir. Certiorari denied.

No. 75-5037. *SIMS v. UNITED STATES*; and

No. 75-5050. *MALONE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 75-5062. *HARRIS v. UNITED STATES*;

No. 75-5080. *HARRIS v. UNITED STATES*; and

No. 75-5096. *PATRICK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 710.

No. 75-5064. *SHAD v. UNITED STATES*;

No. 75-5065. *BYRD v. UNITED STATES*; and

No. 75-5066. *GOBLE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 458.

No. 75-5067. *HERNANDEZ ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

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No. 75-5068. *BALDWIN, AKA CHRISTOFILIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5069. *MASTERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 8.

No. 75-5070. *COCHERES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5083. *VAN BLARICOM v. FORSCHT*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 615.

No. 75-5092. *DONOVAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 625.

No. 75-5104. *McMULLEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 516 F. 2d 917.

No. 75-5113. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1.

No. 75-5117. *GARTNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 518 F. 2d 633.

No. 75-5119. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1191.

No. 75-5120. *KNIGHT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 519 F. 2d 1398.

No. 75-5121. *ROLLS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5126. *BROWN v. PERINI, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1402.

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No. 75-5124. *WARD v. CARPENTER, SHERIFF*. C. A. 9th Cir. Certiorari denied.

No. 75-5134. *PRITCHARD v. JULIAN ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 75-5135. *FOSTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-5137. *EVANS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 1083.

No. 75-5138. *RUMFELT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 75-5139. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5141. *BEY, AKA WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5142. *RUSH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5143. *HUNTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-5145. *LEE v. UNITED STATES* C. A. D. C. Cir. Certiorari denied. Reported below: 168 U. S. App. D. C. 165, 513 F. 2d 423.

No. 75-5151. *HANKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1182.

No. 75-5156. *MCDONNELL v. WOLFF, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 519 F. 2d 1030.

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No. 75-5153. *BROWN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 821.

No. 75-5155. *POPEKO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 771.

No. 75-5174. *WOOLLEN v. WILLIAMS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 75-5180. *RAPHIEL ET AL. v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 75-5276. *VENABLE v. ALABAMA*. C. A. 5th Cir. Certiorari denied.

No. 75-5333. *MATTHEWS v. MILLER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 515 F. 2d 511.

No. 75-5361. *RODDY v. BLACK, REFORMATORY SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 1380.

No. 75-5468. *CASEY, ADMINISTRATOR v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 75-226. *UNITED STATES v. SPINELLA*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 506 F. 2d 426.

No. 75-5400. *LA RUFFA, AKA BROOKS v. NEW YORK*. Ct. App. N. Y. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 37 N. Y. 2d 58, 332 N. E. 2d 312.

OCTOBER 29, 1975

*Dismissal Under Rule 60*

No. 75-5453. *BROWN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari dismissed under this Court's Rule 60. Reported below: 306 So. 2d 627.

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## OCTOBER 31, 1975

*Dismissal Under Rule 60*

No. 75-5075. VICK *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari dismissed under this Court's Rule 60. Reported below: 287 N. C. 37, 213 S. E. 2d 335.

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*Dismissal Under Rule 60*

No. 74-6444. PITTS ET AL. *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari dismissed under this Court's Rule 60. Reported below: 307 So. 2d 473.

*Affirmed on Appeal*

No. 75-134. CANNON *v.* GUSTE ET AL. Affirmed on appeal from D. C. E. D. La.

*Appeals Dismissed*

No. 75-257. BAKER *v.* UNITED STATES. Appeal from C. A. 5th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 514 F. 2d 722.

No. 75-302. SMALL ET AL. *v.* PANGLE, TREASURER OF KANKAKEE COUNTY, ET AL. Appeal from Sup. Ct. Ill. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 60 Ill. 2d 510, 328 N. E. 2d 285.

No. 75-333. NORTH *v.* NORTH. Appeal from Sup. Ct. Kan. Motion of appellee for leave to proceed *in forma pauperis* denied. Appeal dismissed for want of substan-

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date.

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tial federal question. Reported below: 217 Kan. 213, 535 P. 2d 914.

No. 75-5342. MATTHEWS *v.* KAVOUKLIS ET AL. Appeal from C. A. 5th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 75-372. O'DONNELL ET AL. *v.* ANTIN ET AL. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 36 N. Y. 2d 941, 335 N. E. 2d 854.

No. 75-5252. LEE ET UX. *v.* CHILD CARE SERVICE DELAWARE COUNTY INSTITUTION DISTRICT ET AL. Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question. Reported below: 461 Pa. 641, 337 A. 2d 586.

*Certiorari Granted—Vacated and Remanded.* (See also No. 75-245, *ante*, p. 3.)

No. 75-5169. BREUX *v.* UNITED STATES; and

No. 75-5223. HARP *v.* UNITED STATES. C. A. 5th Cir. Motions for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and cases remanded for further consideration in light of *United States v. Hale*, 422 U. S. 171 (1975). Reported below: 513 F. 2d 786.

#### *Miscellaneous Orders*

No. 64, Orig. NEW HAMPSHIRE *v.* MAINE. Report of Special Master received and ordered filed. Exceptions, if any, may be filed by the parties within 45 days. Reply briefs, if any, may be filed within 30 days thereafter. [For earlier orders herein, see, *e. g.*, 419 U. S. 814.]

No. A-323. INTERNAL REVENUE SERVICE *v.* FRUEHAUF CORP. ET AL. C. A. 6th Cir. Motion to vacate stay heretofore granted by MR. JUSTICE STEWART on October 9, 1975, denied.

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No. A-318. BURRAFATO ET UX. *v.* UNITED STATES DEPARTMENT OF STATE ET AL. Application for stay of mandate of the United States Court of Appeals for the Second Circuit and/or stay of deportation, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. Reported below: 523 F. 2d 554.

No. A-353 (75-5402). FAISON *v.* WASHINGTON. Super. Ct. Wash., Cowlitz County. Application for stay of enforcement of judgment and sentence, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. D-47. IN RE DISBARMENT OF MAYES. It having been reported to the Court that Ronald W. Mayes, of Washington, D. C., and Madison, Kan., has been disbarred from the practice of law by the Supreme Court of Kansas, and this Court by order of April 21, 1975 [421 U. S. 927], having suspended the said Ronald W. Mayes from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

It is ordered that the said Ronald W. Mayes, be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. 73-861. EAST CARROLL PARISH SCHOOL BOARD ET AL. *v.* MARSHALL. C. A. 5th Cir. [Certiorari granted, 422 U. S. 1055.] Motion of Lawyers' Committee for Civil Rights Under Law for leave to file a brief as *amicus curiae* granted.

No. 74-1222. WOLFF, WARDEN *v.* RICE. C. A. 8th Cir. [Certiorari granted, 422 U. S. 1055.] Motion of the Attorney General of New Jersey for leave to participate in oral argument as *amicus curiae* denied.

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No. 73-1596. HAMPTON, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL. *v.* MOW SUN WONG ET AL. C. A. 9th Cir. [Restored to calendar, 420 U. S. 959.] Motion for appointment of counsel granted, and Edward H. Steinman, Esquire, of Santa Clara, Cal., is appointed to serve as counsel for respondents in this case.

No. 74-175. MIDDENDORF, SECRETARY OF THE NAVY, ET AL. *v.* HENRY ET AL.; and

No. 74-5176. HENRY ET AL. *v.* MIDDENDORF, SECRETARY OF THE NAVY, ET AL. C. A. 9th Cir. [Restored to calendar, 421 U. S. 906.] Motion of the Solicitor General to permit Harvey M. Stone, Esquire, to present oral argument *pro hac vice* granted.

No. 74-1304. NEVADA EX REL. WESTERGARD *v.* UNITED STATES ET AL. C. A. 9th Cir. [Certiorari granted, 422 U. S. 1041.] Motion of the Salt River Pima-Maricopa Indian Community et al. for leave to file a brief as *amici curiae* granted.

No. 75-436. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE SENATE, ET AL. Appeal from C. A. D. C. Cir.; and

No. 75-437. BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE SENATE, ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 820.] Motion to reconsider motion of Senator Lee Metcalf for leave to permit oral argument on his behalf as *amicus curiae* denied.

No. 74-1656. MOE, SHERIFF, ET AL. *v.* CONFEDERATED SALISH AND KOOTENAI TRIBES OF FLATHEAD RESERVATION ET AL.; and

No. 75-50. CONFEDERATED SALISH AND KOOTENAI TRIBES OF FLATHEAD RESERVATION ET AL. *v.* MOE, SHERIFF, ET AL. Appeals from D. C. Mont. [Probable jurisdiction noted, *ante*, p. 819.] Joint motion to dispense with printing appendix and for leave to proceed on original record granted.

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No. 74-1560. UNITED STATES *v.* MARTINEZ-FUERTE ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 822.] Motion for appointment of counsel granted, and Charles M. Sevilla, Esquire, of San Diego, Cal., is appointed to serve as counsel for respondents in this case.

No. 74-5566. BARRETT *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, 420 U. S. 923.] Motion of the Solicitor General to permit Robert B. Reich, Esquire, to present oral argument *pro hac vice* granted.

No. 75-246. UNITED STATES *v.* HOPKINS. Ct. Cl. [Certiorari granted, *ante*, p. 821.] Motion to dispense with printing appendix granted.

No. 75-5014. DOYLE *v.* OHIO; and

No. 75-5015. WOOD *v.* OHIO. Ct. App. Ohio, Tuscarawas County. [Certiorari granted, *ante*, p. 823.] Motion to permit Ronald L. Collins, Esquire, to present oral argument *pro hac vice* on behalf of respondent in both cases granted. Applications for stay of execution and enforcement of judgments and/or bail (Nos. A-94 and A-96), presented to MR. JUSTICE STEWART, and by him referred to the Court, denied.

No. 75-5318. PAYTON *v.* UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT ET AL.;

No. 75-5441. BRUCE *v.* ESTELLE, CORRECTIONS DIRECTOR;

No. 75-5446. SZIJARTO *v.* CALIFORNIA; and

No. 75-5459. JOHNSON *v.* GRIGGS, INSTITUTION SUPERINTENDENT. Motions for leave to file petitions for writs of habeas corpus denied.

No. 75-5170. LOWE ET AL. *v.* HAYNSWORTH, CHIEF JUDGE, U. S. COURT OF APPEALS; and

No. 75-5279. DELEO *v.* UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT. Motions for leave to file petitions for writs of mandamus denied.

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*Probable Jurisdiction Noted*

No. 75-420. UNITED STATES ET AL. v. CHESAPEAKE & OHIO RAILWAY Co. ET AL. Appeal from D. C. E. D. Va. Probable jurisdiction noted. MR. JUSTICE POWELL took no part in the consideration or decision of this matter.\* Reported below: 392 F. Supp. 358.

*Certiorari Granted*

No. 75-260. McDONALD ET AL. v. SANTA FE TRAIL TRANSPORTATION Co. ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 513 F. 2d 90.

No. 75-44. BURRELL ET AL. v. MCCRAY ET AL. C. A. 4th Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 516 F. 2d 357.

No. 75-76. SOUTH DAKOTA v. OPPERMAN. Sup. Ct. S. D. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: — S. D. —, 228 N. W. 2d 152.

No. 75-382. FEDERAL ENERGY ADMINISTRATION ET AL. v. ALGONQUIN SNG, INC., ET AL. C. A. D. C. Cir. Certiorari granted. In addition to question presented by the petition, the parties are directed to brief and argue applicability of the Anti-Injunction Act, 26 U. S. C. § 7421. Reported below: 171 U. S. App. D. C. 113, 518 F. 2d 1051.

No. 75-5027. BRYAN v. ITASCA COUNTY, MINNESOTA. Sup. Ct. Minn. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 303 Minn. 395, 228 N. W. 2d 249.

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\*See also note, *supra*, p. 918.

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*Certiorari Denied.* (See also Nos. 75-257, 75-302, and 75-5342, *supra.*)

No. 74-1434. *YELLOW FREIGHT SYSTEM, INC. v. BUTLER*; and

No. 75-41. *LOCAL UNION 823, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. BUTLER*. C. A. 8th Cir. *Certiorari denied*. Reported below: 514 F. 2d 442.

No. 74-1511. *GROSS v. UNITED STATES*. C. A. 3d Cir. *Certiorari denied*. Reported below: 511 F. 2d 910.

No. 74-1629. *KARRIGAN ET AL. v. UNITED STATES*. C. A. 9th Cir. *Certiorari denied*. Reported below: 514 F. 2d 35.

No. 74-1648. *THOMPSON v. MISSISSIPPI*. Sup. Ct. Miss. *Certiorari denied*. Reported below: 309 So. 2d 533.

No. 74-6502. *WATKINS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. *Certiorari denied*.

No. 74-6551. *NORMAN v. CLANON, MEDICAL FACILITY SUPERINTENDENT*. Sup. Ct. Cal. *Certiorari denied*.

No. 74-6611. *GAMBLE v. ALABAMA*. C. A. 5th Cir. *Certiorari denied*. Reported below: 509 F. 2d 95.

No. 74-6622. *SELLARS v. MCCARTHY, MEN'S COLONY SUPERINTENDENT*. C. A. 9th Cir. *Certiorari denied*.

No. 74-6624. *RUSS v. FLORIDA*. Sup. Ct. Fla. *Certiorari denied*. Reported below: 313 So. 2d 758.

No. 74-6670. *JOHNSON v. RESHETYLO, HOSPITAL SUPERINTENDENT*. C. A. 6th Cir. *Certiorari denied*. Reported below: 511 F. 2d 1403.

No. 74-6692. *RHEUARK v. JONES, SHERIFF*. C. A. 5th Cir. *Certiorari denied*.

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No. 74-6697. *YOUNG v. SUPERINTENDENT, MARYLAND CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied.

No. 74-6734. *MORRIS v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 1387.

No. 74-6740. *THOMAS v. CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 74-6742. *BRANTLEY v. SULLIVAN ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-36. *DAVIDSON v. KIRBY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 504.

No. 75-48. *SUTTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 167 U. S. App. D. C. 210, 511 F. 2d 448.

No. 75-56. *NEVILLE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 1302.

No. 75-68. *GARY-HOBART WATER CORP. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 284.

No. 75-97. *FIELDS v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 264 S. C. 260, 214 S. E. 2d 320.

No. 75-99. *PARLANE SPORTSWEAR Co., INC. v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 513 F. 2d 835.

No. 75-107. *KATRANIS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 75-117. *ROSS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 383.

No. 75-126. *PODELL v. UNITED STATES*; and

No. 75-128. *MILLER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 144.

No. 75-143. *DUBOFF v. UNITED STATES*; and

No. 75-146. *DEUTSCH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 518 F. 2d 727.

No. 75-153. *LAND O'LAKES, INC., FORMERLY LAND O'LAKES CREAMERIES, INC. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 514 F. 2d 134.

No. 75-154. *WEBB v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 59, 514 F. 2d 895.

No. 75-160. *HAMMONDS v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied.

No. 75-166. *FIDELITY TELEVISION, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 225, 515 F. 2d 684.

No. 75-173. *MACDONALD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-175. *GRIFFITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1190.

No. 75-187. *KELLY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 519 F. 2d 794.

No. 75-217. *SPAGANLO ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1403.

No. 75-237. *COBB v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 75-183. *COSON ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 515 F. 2d 906.

No. 75-228. *WELLMAN INDUSTRIES, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 1401.

No. 75-234. *SUN FIRST NATIONAL BANK OF ORLANDO ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1107.

No. 75-238. *CALLAHAN v. SUPERINTENDENT OF EDUCATION OF LEAKE COUNTY, MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 83 and 513 F. 2d 51.

No. 75-240. *MACDONALD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 75-242. *GEARHEART ET AL. v. FEDERAL RESERVE BANK OF CLEVELAND ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 353.

No. 75-258. *PARKER v. LORENZ, ACTING LIBRARIAN OF CONGRESS, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 58, 514 F. 2d 894.

No. 75-261. *BACHRODT CHEVROLET Co. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. Reported below: 515 F. 2d 512.

No. 75-266. *KRAMER, DBA HY KRAMER ENTERPRISES v. DURALITE Co., INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 514 F. 2d 1076.

No. 75-282. *OLIVER v. WOODWARD, JUDGE.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 25 Ill. App. 3d 66, 322 N. E. 2d 240.

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No. 75-259. *GARDNER ET AL. v. NASHVILLE HOUSING AUTHORITY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 514 F. 2d 38.

No. 75-286. *MARSHALL FOODS, INC. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 75-287. *DIAMOND v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 157.

No. 75-303. *IN RE BOSSOV.* Sup Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 439, 328 N. E. 2d 309.

No. 75-318. *SHANAHAN ET AL. v. NEW JERSEY STATE BOARD OF EDUCATION ET AL.* Super. Ct. N. J. Certiorari denied. Reported below: 133 N. J. Super. 34, 335 A. 2d 69.

No. 75-323. *IN RE BERRY.* C. A. 10th Cir. Certiorari denied. Reported below: 521 F. 2d 179.

No. 75-330. *SATOSKAR v. INDIANA REAL ESTATE COMMISSION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 696.

No. 75-332. *FIRST CALIFORNIA CO. ET AL. v. NEWMAN.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 47 Cal. App. 3d 60, 120 Cal. Rptr. 494.

No. 75-337. *COPELAND v. FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF LAKE COUNTY ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-344. *SMITHEAL v. SMITHEAL.* Ct. Civ. App. Tex., 2d Sup. Jud. Dist. Certiorari denied. Reported below: 518 S. W. 2d 842.

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No. 75-345. *HAVERHILL MANOR, INC. v. COMMISSIONER OF PUBLIC WELFARE ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 330 N. E. 2d 180.

No. 75-346. *SCHANBARGER v. KELLOGG ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 451, 335 N. E. 2d 310.

No. 75-347. *HINISH v. HINISH.* Ct. Sp. App. Md. Certiorari denied.

No. 75-349. *UMPHRES v. SHELL OIL Co.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 420.

No. 75-363. *WOOD, DBA NATIONAL PHOTO SERVICES v. CHACE COMPANY ADVERTISING, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-364. *CONNOR v. HUTTO.* C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 853.

No. 75-365. *WINKELMAN ET AL. v. BLYTH & Co., INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 518 F. 2d 530.

No. 75-367. *IN RE PARKER SQUARE, INC.* C. A. 10th Cir. Certiorari denied.

No. 75-368. *TORRES v. COLORADO.* Ct. App. Colo. Certiorari denied. Reported below: — Colo. App. —, 536 P. 2d 868.

No. 75-373. *SOMBERG ET AL. v. ANDERSON ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 67 N. J. 291, 338 A. 2d 1.

No. 75-374. *WARREN v. KILLORY, SUPERINTENDENT OF SCHOOLS, BROCKTON, MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 516 F. 2d 894.

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No. 75-376. *GRIPPE v. FRANK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 46 App. Div. 2d 848, 362 N. Y. S. 2d 1010.

No. 75-381. *CHACON ET AL. v. GRANATA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 922.

No. 75-383. *CITY OF LOUISVILLE ET AL. v. GLASSON*. C. A. 6th Cir. Certiorari denied. Reported below: 518 F. 2d 899.

No. 75-394. *BOARD OF EDUCATION OF CITY OF DETROIT ET AL. v. MILLIKEN, GOVERNOR OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 679.

No. 75-397. *LOUIE, DBA WATERHOLE #1 v. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-399. *NORMAN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 523 S. W. 2d 669.

No. 75-410. *COWLES COMMUNICATIONS, INC. v. ALIOTO, MAYOR OF SAN FRANCISCO*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 777.

No. 75-412. *PHILLIPS PETROLEUM Co. v. ADAMS; PHILLIPS PETROLEUM Co. v. FIRST NATIONAL BANK OF BORGER; and PHILLIPS PETROLEUM Co. v. RIVERVIEW GAS COMPRESSION Co.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 355, 371, and 374.

No. 75-450. *PORTER v. NOSSEN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 511 F. 2d 1395.

No. 75-460. *COTTEN ET AL. v. TREASURE LAKE, INC. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 518 F. 2d 770.

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No. 75-5031. *BONNER v. MISSOURI*. C. A. 8th Cir. Certiorari denied.

No. 75-5048. *IRVING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 1325.

No. 75-5063. *FLICK v. UNITED STATES*; and

No. 75-5115. *PIERCE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 516 F. 2d 489.

No. 75-5107. *MAGLAYA v. BUCHKOE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 515 F. 2d 265.

No. 75-5123. *BARR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 1407.

No. 75-5127. *PETERSON v. GOODWIN*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 479.

No. 75-5157. *LUTTER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. Reported below: 514 F. 2d 1095.

No. 75-5159. *SIMMONS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1400.

No. 75-5160. *PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1182.

No. 75-5161. *NEWMAN v. UNITED STATES*; and

No. 75-5162. *HOBSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 765.

No. 75-5164. *FRANCISCHINE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 827.

No. 75-5168. *HANNIG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1400.

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No. 75-5165. *CASTELLANO ET AL. v. KOSYDAR, TAX COMMISSIONER OF OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 42 Ohio St. 2d 107, 326 N. E. 2d 686.

No. 75-5172. *PARKS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5173. *ARNEY v. BENNETT, GOVERNOR OF KANSAS, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 75-5175. *LAURA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 508.

No. 75-5178. *BENAVIDEZ, AKA CHESTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 75-5179. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 509.

No. 75-5183. *WRIGHT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 13.

No. 75-5185. *KELTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 519 F. 2d 366.

No. 75-5186. *CANDIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-5188. *FANNON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1405.

No. 75-5189. *KITTINGER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 899.

No. 75-5195. *WOOD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 899.

No. 75-5196. *PHELPS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1190.

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No. 75-5198. *JOHNSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 519 F. 2d 1398.

No. 75-5199. *ARCHER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5201. *THOMPSON v. GARRISON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 516 F. 2d 986.

No. 75-5202. *PAYNE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 508 F. 2d 1391.

No. 75-5203. *WISHMEYER v. BOLTON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 1071.

No. 75-5204. *DORROUGH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-5208. *HAAS v. BOORMAN*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 628.

No. 75-5210. *BURNS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 287 N. C. 102, 214 S. E. 2d 56.

No. 75-5211. *JACKSON ET AL. v. MICHIGAN*. Recorder's Ct. of Detroit. Certiorari denied.

No. 75-5216. *JACKSON v. YOUNG*. Ct. App. Ga. Certiorari denied. Reported below: 134 Ga. App. 368, 214 S. E. 2d 380.

No. 75-5217. *MARTIN ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1403.

No. 75-5219. *SIMPSON v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 509.

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No. 75-5218. *KOHLER v. SANDSTROM, CORRECTIONS DIRECTOR*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 305 So. 2d 76.

No. 75-5221. *STURGEON v. DOUGLAS*. C. A. 8th Cir. Certiorari denied.

No. 75-5224. *CHAPMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 786.

No. 75-5226. *ANTHONY v. VINCENT, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5234. *MARTINEZ-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 516 F. 2d 318.

No. 75-5235. *ROJAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5236. *ROBSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 461 Pa. 615, 337 A. 2d 573.

No. 75-5237. *WORD, AKA HURD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 519 F. 2d 612.

No. 75-5240. *HOLLAND v. PERINI*. C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 99.

No. 75-5247. *METOYER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 538 P. 2d 1066.

No. 75-5250. *ALLUMS ET AL. v. CALIFORNIA; HICKOX v. CALIFORNIA; and MARTIN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 47 Cal. App. 3d 654, 121 Cal. Rptr. 62 (first case).

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No. 75-5248. *NORWOOD v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 75-5255. *KLEINSCHMIDT v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5256. *FLANAGAN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 47 App. Div. 2d 959, 367 N. Y. S. 2d 98.

No. 75-5257. *SHARLOW v. LUCEY, GOVERNOR OF WISCONSIN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 75-5260. *DAVALLE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5264. *COCHRAN v. MARKS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 75-5269. *WASHINGTON v. HENDERSON, WARDEN*. Sup. Ct. La. Certiorari denied. Reported below: 315 So. 2d 40.

No. 75-5272. *CHAPMAN v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 516 F. 2d 1277.

No. 75-5273. *KENYON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 1229.

No. 75-5274. *SMITH v. RIDDLE, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 70.

No. 75-5285. *STOEHR v. INDIANA*; and

No. 75-5286. *STOEHR v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 263 Ind. 208, 328 N. E. 2d 422.

No. 75-5290. *ANONYMOUS ET AL. v. NORTON, COMMISSIONER OF WELFARE OF CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 168 Conn. 421, 362 A. 2d 532.

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No. 75-5287. *BYRD v. GUILFORD COUNTY SUPERIOR COURT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 587.

No. 75-5288. *O'SHEA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

No. 75-5295. *BOLENDER ET AL. v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 24 Ill. App. 3d 804, 322 N. E. 2d 624.

No. 75-5297. *CARPENTER v. GRAY, CORRECTIONAL SUPERINTENDENT.* C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 901.

No. 75-5298. *WILLIAMS v. EAST CLEVELAND POLICE DEPARTMENT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1403.

No. 75-5303. *RANSOM v. DISTRICT OF COLUMBIA BOARD OF PAROLE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 75-5304. *VOLLIN ET AL. v. KIMBEL ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 790.

No. 75-5308. *WILSON v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 41 Ohio St. 2d 236, 325 N. E. 2d 236.

No. 75-5313. *ISAACS v. UNITED STATES*; and

No. 75-5323. *WASHINGTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 409.

No. 75-5319. *PRINCE v. COMMON PLEAS COURT OF ALLEGHENY COUNTY.* C. A. 3d Cir. Certiorari denied.

No. 75-5324. *GUERRERO v. HAUCK, SHERIFF.* C. A. 5th Cir. Certiorari denied.

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No. 75-5317. *LLOYD v. VINCENT*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1272.

No. 75-5327. *PATTERSON v. ALABAMA*. C. A. 5th Cir. Certiorari denied.

No. 75-5328. *OLIVER v. JOHNSON*, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 626.

No. 75-5386. *LITTLE v. NORTH CAROLINA STATE BOARD OF ELECTIONS ET AL.* Ct. App. N. C. Certiorari denied. Reported below: 25 N. C. App. 304, 212 S. E. 2d 674.

No. 75-5390. *BURKS v. EGELER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 221.

No. 75-5395. *PASTET v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 169 Conn. 13, 363 A. 2d 41.

No. 75-5413. *MORETTA v. MORETTA ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 516 F. 2d 894.

No. 75-5438. *SCILLION v. COWAN*, PENITENTIARY SUPERINTENDENT. C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 902.

No. 75-5442. *ALDRIDGE ET UX. v. LUDWIG-HONOLD MANUFACTURING CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1397.

No. 75-5490. *CLARK v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 294 Ala. 493, 318 So. 2d 822.

No. 75-58. *JONES ET AL. v. DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari.

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No. 74-6464. MOORE v. ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 379, 327 N. E. 2d 324.

MR. JUSTICE STEWART.

The petitioner's Illinois conviction for first-degree murder was upheld by a closely divided vote in this Court in 1972, *Moore v. Illinois*, 408 U. S. 786. Moore had there urged that the state prosecutor's failure to disclose certain exculpatory evidence violated the principles of *Brady v. Maryland*, 373 U. S. 83. The Court's ruling that *Brady* had not been violated was based on its interpretation of testimony given in a state post-conviction hearing by a prosecution witness named Sanders.

Sanders had testified at Moore's trial that two days after the murder a person known to Sanders as "Slick" had told Sanders that it was "open season on bartenders" and had confessed that he had shot a bartender in Lansing, a nearby town. (The victim of the murder for which Moore was prosecuted was a bartender in Lansing.) At the trial Sanders had also testified to the effect that it was Moore who had made these incriminating statements. In a pretrial statement not disclosed to the defense, Sanders had told the police that he had first met "Slick" "about six months ago" in a local tavern. Evidence adduced at the post-trial hearing proved that Sanders could not have met Moore then because Moore had been incarcerated in Leavenworth Penitentiary at the time, and Sanders acknowledged that Moore thus could not have been the man he knew as "Slick." This Court viewed these post-trial revelations as indicating only that Sanders had misidentified Moore as "Slick" but not as impeaching Sanders' trial testimony that it was Moore who had confessed to the shooting of a bartender in Lansing. Accordingly, the Court concluded that

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"Sanders' misidentification of Moore as Slick was not material to the issue of guilt." 408 U. S., at 797. Four Justices in dissent interpreted Sanders' post-trial testimony as an acknowledgment that "it was impossible that petitioner was the man with whom he had spoken" about the shooting of the bartender in Lansing. *Id.*, at 804 (opinion of MARSHALL, J., joined by DOUGLAS, STEWART, and POWELL, JJ.).

After this Court's decision, Sanders executed an affidavit stating that it was indeed "Slick," and not Moore, who had confessed to the shooting of the Lansing bartender. On the basis of this affidavit the petitioner again turned to the state courts in an effort to overturn his conviction. Over the strong dissent of Mr. Justice Schaefer, those courts denied him relief on the ground that Sanders' affidavit lacked sufficient credibility. 60 Ill. 2d 379, 327 N. E. 2d 324. I do not quarrel with today's denial of Moore's petition for certiorari, for we cannot from this vantage point intelligently reassess the state courts' determination of questions of credibility. I write only to point out that those questions will be fully amenable to reassessment in a federal habeas corpus proceeding. See *Townsend v. Sain*, 372 U. S. 293.

No. 75-265. ESTES ET AL. *v.* TASBY ET AL. C. A. 5th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 517 F. 2d 92.

No. 75-380. SEABOARD COAST LINE RAILROAD Co. *v.* DIXON. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.\* Reported below: 303 So. 2d 39.

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\*See also note, *supra*, p. 918.

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No. 75-334. NORTH *v.* NORTH. Sup. Ct. Kan. Motion of respondent for leave to proceed *in forma pauperis* and certiorari denied. Reported below: 217 Kan. 213, 535 P. 2d 914.

No. 75-387. AZALEA DRIVE-IN THEATRE, INC., ET AL. *v.* SARGOY ET AL., DBA SARGOY, STEIN & HANFT. Sup. Ct. Va. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.\* Reported below: 215 Va. 714, 214 S. E. 2d 131.

No. 75-388. BOARD OF SUPERVISORS OF FAIRFAX COUNTY *v.* ALLMAN, TRUSTEE, ET AL. Sup. Ct. Va. Certiorari denied, it appearing that the judgment below rests on adequate state grounds. Reported below: 215 Va. 434, 211 S. E. 2d 48.

#### *Rehearing Denied*

No. 74-1426. ALABAMA *v.* PRINCE, *ante*, p. 876;

No. 74-6458. SHADD *v.* HOGAN, WARDEN, *ante*, p. 846;  
and

No. 74-6584. LIPSMAN *v.* GIARDINO ET AL., *ante*, p. 853. Petitions for rehearing denied.

No. 74-6138. RUTHERFORD *v.* CUPP, PENITENTIARY SUPERINTENDENT, 421 U. S. 933. Motion for leave to file petition for rehearing denied.

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#### *Dismissal Under Rule 60*

No. 75-5334. BELL *v.* GEORGIA. Sup. Ct. Ga. Certiorari dismissed under this Court's Rule 60. Reported below: 234 Ga. 473, 216 S. E. 2d 279.

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\*See also note, *supra*, p. 918.

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*Appeals Dismissed*

No. 75-434. *OSAGE OIL & TRANSPORTATION, INC. v. BOARD OF ADJUSTMENT OF FAYETTEVILLE*. Appeal from Sup. Ct. Ark. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 258 Ark. 91, 522 S. W. 2d 836.

No. 75-467. *WIETHE v. CURRY*. Appeal from Ct. App. Ohio, Hamilton County, dismissed for want of substantial federal question.

No. 75-5055. *RANSONETTE v. TEXAS*. Appeal from Ct. Crim. App. Tex. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 522 S. W. 2d 509.

\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of the following:

No. 74-1110, *Eastern Kentucky Welfare Rights Organization v. Simon*, *infra*, p. 943; No. 74-1124, *Simon v. Eastern Kentucky Welfare Rights Organization*, *infra*, p. 943; No. 74-1445, *Bynum v. United States*, *infra*, p. 952; No. 74-6411, *Birnbaum v. United States*, *infra*, p. 952; No. 75-62, *Runyon v. McCrary*, *infra*, p. 945; No. 75-66, *Fairfax-Brewster School, Inc. v. Gonzales*, *infra*, p. 945; No. 75-112, *Saler v. Kreiger*, *infra*, p. 946; No. 75-150, *Flores v. United States*, *infra*, p. 946; No. 75-152, *Whorley v. Virginia*, *infra*, p. 946; No. 75-216, *Saenz v. United States*, *infra*, p. 946; No. 75-236, *Kutler v. United States*, *infra*, p. 959; No. 75-278, *Southern Independent School Assn. v. McCrary*, *infra*, p. 945; No. 75-302, *Small v. Pangle*, *infra*, p. 944; No. 75-306, *McCrary v. Runyon*, *infra*, p. 945; No. 75-377, *Ludwig v. Massachusetts*, *infra*, p. 945; No. 75-428, *McKinney v. Parsons*, *infra*, p. 960; No. 75-434, *Osage Oil & Transportation, Inc. v. Board of Adjustment of Fayetteville*, *infra*, this page; No. 75-467, *Wiethe v. Curry*, *infra*, this page; and No. 75-5046, *Quesada v. United States*, *infra*, p. 946.

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No. 75-5355. *RUSSELL v. CITY OF PIERRE*. Appeal from Sup. Ct. S. D. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: — S. D. —, 228 N. W. 2d 338.

*Certiorari Granted—Vacated and Remanded.* (See No. 74-1569, *ante*, p. 9.)

*Certiorari Granted—Reversed and Remanded.* (See No. 74-1544, *ante*, p. 6; and No. 75-4, *ante*, p. 12.)

*Certiorari Granted—Reversed.* (See No. 75-139, *ante*, p. 19.)

#### *Miscellaneous Orders*

No. A-396. *BONK v. UNITED STATES*. Application for stay of order of the United States Court of Appeals for the Seventh Circuit entered on October 29, 1975, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-403. *LEROY ET AL. v. CITY OF HOUSTON ET AL.* D. C. S. D. Tex. Application for injunction, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. 68, Orig. *PENNSYLVANIA v. NEW JERSEY*. Motion for leave to file bill of complaint set for oral argument.

No. 65, Orig. *TEXAS v. NEW MEXICO*. It is ordered that the Honorable Jean Sala Breitenstein, Senior Judge for the United States Court of Appeals for the Tenth Circuit, be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The

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Master is directed to submit such reports as he may deem appropriate.

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

It is further ordered that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court.

The motion of the United States for leave to intervene is referred to the Special Master. [For earlier order herein, see 421 U. S. 927.]

No. 69, Orig. MAINE ET AL. *v.* NEW HAMPSHIRE. Motion for leave to file bill of complaint set for oral argument.

No. 74-1110. EASTERN KENTUCKY WELFARE RIGHTS ORGANIZATION ET AL. *v.* SIMON, SECRETARY OF THE TREASURY, ET AL.; and

No. 74-1124. SIMON, SECRETARY OF THE TREASURY, ET AL. *v.* EASTERN KENTUCKY WELFARE RIGHTS ORGANIZATION ET AL. C. A. D. C. Cir. [Certiorari granted, 421 U. S. 975.] Motion of United Methodist Church et al. for leave to file a brief as *amici curiae* denied.

No. 74-1529. HENDERSON, CORRECTIONAL SUPERINTENDENT *v.* MORGAN. C. A. 2d Cir. [Certiorari granted, *ante*, p. 821.] Motion of respondent for appointment of counsel granted, and Joseph E. Lynch, Esquire, of Auburn, N. Y., is appointed to serve as counsel for respondent in this case.

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No. 75-95. TENNESSEE ET AL. *v.* DUNLAP. C. A. 6th Cir. [Certiorari granted, *ante*, p. 821.] Motion to dispense with printing an appendix granted.

No. 75-129. SUCHY *v.* UNITED STATES. C. A. 6th Cir. Motion for leave to file an amended petition for writ of certiorari granted.

No. 75-302. SMALL ET AL. *v.* PANGLE, TREASURER OF KANKAKEE COUNTY, ET AL., *ante*, p. 918. Motion of Illinois Association of Homes for the Aging for leave to file a brief as *amicus curiae* denied.

No. 75-353. PIPER ET AL. *v.* CHRIS-CRAFT INDUSTRIES, INC.;

No. 75-354. FIRST BOSTON CORP. *v.* CHRIS-CRAFT INDUSTRIES, INC.; and

No. 75-355. BANGOR PUNTA CORP. *v.* CHRIS-CRAFT INDUSTRIES, INC. C. A. 2d Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 75-5090. IN RE SANTA CATALINA;

No. 75-5431. THOMAS *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA;

No. 75-5507. HARGRAVES *v.* GAGNON, WARDEN;

No. 75-5546. HICKS *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA; and

No. 75-5589. TURNER *v.* BLACK, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 75-5227. BROWN ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA ET AL. Motion for leave to file petition for writ of mandamus denied.

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*Probable Jurisdiction Noted*

No. 75-377. LUDWIG *v.* MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. Probable jurisdiction noted. Reported below: — Mass. —, 330 N. E. 2d 467.

*Certiorari Granted*

No. 75-62. RUNYON ET UX., DBA BOBBE'S SCHOOL *v.* McCRARY ET AL.;

No. 75-66. FAIRFAX-BREWSTER SCHOOL, INC. *v.* GONZALES ET AL.;

No. 75-278. SOUTHERN INDEPENDENT SCHOOL ASSN. *v.* McCRARY ET AL.; and

No. 75-306. McCRARY ET AL. *v.* RUNYON ET UX., DBA BOBBE'S SCHOOL, ET AL. C. A. 4th Cir. Certiorari granted, cases consolidated, and a total of two hours allotted for oral argument. Reported below: 515 F. 2d 1082.

No. 75-104. UNITED JEWISH ORGANIZATIONS OF WILLIAMSBURGH, INC., ET AL. *v.* CAREY, GOVERNOR OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.\* Reported below: 510 F. 2d 512.

No. 75-164. PASADENA CITY BOARD OF EDUCATION ET AL. *v.* SPANGLER ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 519 F. 2d 430.

No. 75-342. FEDERAL POWER COMMISSION *v.* CONWAY CORP. ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 167 U. S. App. D. C. 43, 510 F. 2d 1264.

No. 75-5387. SIFUENTES *v.* UNITED STATES. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument with No. 74-1560, *United States v. Martinez-Fuerte* [certiorari granted, *ante*, p. 822].

\*See also note, *supra*, p. 941.

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No. 75-455. *NADER v. ALLEGHENY AIRLINES, INC.* C. A. D. C. Cir. Certiorari granted. Reported below: 167 U. S. App. D. C. 350, 512 F. 2d 527.

*Certiorari Denied.* (See also Nos. 75-434, 75-5055, and 75-5355, *supra.*)

No. 75-112. *SALER v. KREIGER, SHERIFF, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 632.

No. 75-150. *FLORES v. UNITED STATES*; and

No. 75-5046. *QUESADA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1043.

No. 75-152. *WHORLEY v. VIRGINIA.* Sup. Ct. Va. Certiorari denied. Reported below: 215 Va. 740, 214 S. E. 2d 447.

No. 75-216. *SAENZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 766.

No. 74-6682. *CLEMMONS v. GREGGS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 1338.

No. 74-6731. *WOLF ET AL. v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 60 Ill. 2d 230, 326 N. E. 2d 766.

No. 74-6758. *BEISHIR ET AL. v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 522 S. W. 2d 761.

No. 75-270. *SCHOOL DISTRICT OF OMAHA ET AL. v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 530.

No. 75-301. *BAUMAN v. UNITED STATES.* C. C. P. A. Certiorari denied. Reported below: 511 F. 2d 1407.

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No. 75-276. *TAYLOR ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 70.

No. 75-314. *RITTER v. KLEPPE, SECRETARY OF THE INTERIOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 2d 942.

No. 75-341. *TULIA FEEDLOT, INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 800.

No. 75-423. *JONES v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 75-424. *JEFFERSON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 75-425. *PRICE v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 75-429. *WEYMAN v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 235 Pa. Super. 116, 339 A. 2d 78.

No. 75-430. *WOOLFOLK v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 75-435. *CESSNA AIRCRAFT CO. ET AL. v. WHITE INDUSTRIES, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 213.

No. 75-445. *GENERAL ELECTRIC CREDIT CORP. v. GRUBBS, DBA T. R. GRUBBS TIRE & APPLIANCE*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 783.

No. 75-452. *BOEING CO. ET AL. v. VAN GEMERT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1373.

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No. 75-448. *CAMAJ v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 75-468. *IN-CHO CHUNG v. PARK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 514 F. 2d 382.

No. 75-5009. *CARTER ET AL. v. BATES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-5018. *WEST v. UNITED STATES*; and

No. 75-5307. *ANDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 483.

No. 75-5028. *SOTOMAYER v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5052. *ESSER v. JEFFES, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1398.

No. 75-5058. *SHIRE v. KERNAN*. C. A. 3d Cir. Certiorari denied.

No. 75-5079. *DEANGELO v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: See 312 So. 2d 735.

No. 75-5082. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 75-5097. *BUSH v. WALTERS*. C. A. 3d Cir. Certiorari denied. Reported below: 513 F. 2d 626.

No. 75-5110. *CLARK v. CAMPBELL, JUDGE*. Sup. Ct. Mo. Certiorari denied.

No. 75-5125. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 519.

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No. 75-5140. *LYNCH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 75-5171. *JOYNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 1397.

No. 75-5192. *OWENS v. CALIFORNIA*; and  
No. 75-5428. *BAILEY v. CALIFORNIA*. Ct. App. Cal.,  
1st App. Dist. Certiorari denied.

No. 75-5200. *CLINGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1405.

No. 75-5212. *SAYLES v. SIRICA, U. S. DISTRICT JUDGE*. C. A. D. C. Cir. Certiorari denied.

No. 75-5233. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 518 F. 2d 685.

No. 75-5238. *SULLIVAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 75-5239. *HOWARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-5251. *PONDER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 522 F. 2d 941.

No. 75-5271. *MONTGOMERY v. DAGGETT, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 75-5278. *CARR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

No. 75-5282. *RIVERA-MARQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 1227.

No. 75-5289. *WILLIAMS, AKA STEWART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1182.

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No. 75-5301. *FODDRELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 86.

No. 75-5305. *DICKINSON v. STRICKLAND ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-5309. *WEAVER v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 75-5311. *ALLUIS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 521 F. 2d 1397.

No. 75-5322. *DOUTHIT v. JONES, SHERIFF*. C. A. 5th Cir. Certiorari denied.

No. 75-5326. *SULLIVAN v. HANNON ET AL.* C. A. 10th Cir. Certiorari denied.

No. 75-5335. *BROWN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 75-5338. *KEES v. FRAME, WARDEN*. Sup. Ct. Pa. Certiorari denied.

No. 75-5343. *PRICE v. PERINI, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 520 F. 2d 807.

No. 75-5356. *BURNETT v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 234 Ga. 741, 218 S. E. 2d 4.

No. 75-5358. *BROADIE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 100, 332 N. E. 2d 338.

No. 75-5360. *CADENA v. TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 75-5371. *MINK v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied.

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No. 75-5381. *MACKEY v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 46 Cal. App. 3d 755, 120 Cal. Rptr. 157.

No. 75-5379. *MCCARTNEY v. LATHROP ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-5430. *FAHRIG ET AL. v. FEDERATED DEPARTMENT STORES, INC., DBA RIKE-KUMLER Co.* C. A. 6th Cir. Certiorari denied. Reported below: 513 F. 2d 631.

No. 75-5433. *GILBERT ET AL. v. STERRETT, JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 1389.

No. 75-5487. *LANDRY v. THE GORREDYK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1181.

No. 75-5584. *WHITE v. ALABAMA*. Sup. Ct. Ala: Certiorari denied. Reported below: 294 Ala. 265, 314 So. 2d 857.

No. 75-202. *FERGUSON REORGANIZED SCHOOL DISTRICT R-2 ET AL. v. UNITED STATES*;

No. 75-214. *BERKELEY SCHOOL DISTRICT ET AL. v. UNITED STATES*; and

No. 75-215. *KINLOCH SCHOOL DISTRICT ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE POWELL would grant certiorari in No. 75-214 limited to question whether a federal court has authority to fix and impose the school tax rate upon the residents of the consolidated school district without allowing the rate to be determined in accordance with Missouri law. Reported below: 515 F. 2d 1365.

No. 75-409. *FINKBEINER v. MATTOX*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma*

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*pauperis* granted. Certiorari denied. Reported below: 519 F. 2d 1404.

No. 74-1445. *BYNUM ET AL. v. UNITED STATES*; and  
No. 74-6411. *BIRNBAUM v. UNITED STATES*. C. A.  
2d Cir. Certiorari denied. Reported below: 513 F. 2d  
533.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL concur, dissenting.

The "minimization" provision of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 provides that every order and extension thereof authorizing electronic surveillance shall "contain a provision that the authorization to intercept shall be . . . conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter . . ." 18 U. S. C. § 2518 (5). This "minimization" provision, together with other safeguards, *e. g.*, §§ 2518 (3)(a), (b), (c), and (d), constitutes the congressionally designed bulwark against conduct of authorized electronic surveillance in a manner that violates the constitutional guidelines announced in *Berger v. New York*, 388 U. S. 41 (1967), and *Katz v. United States*, 389 U. S. 347 (1967). Congress has explicitly informed us that the "minimization" and companion safeguards were designed to assure that "the order will link up specific person, specific offense, and specific place. Together [the provisions of Title III] are intended to meet the test of the Constitution that electronic surveillance techniques be used only under the most precise and discriminate circumstances, which fully comply with the requirement of particularity." S. Rep. No. 1097, 90th Cong., 2d Sess., 102 (1968). These cases afford the Court a particularly appropriate vehicle for fashioning principles to guide authorizing judges in administering the "minimization"

provision—guidance which is absolutely essential if the congressional mandate to confine execution of authorized surveillances within constitutional and statutory bounds is to be carried out.

The urgent need for guidance from this Court clearly emerges from the record in these cases. For the record fairly bristles with apparent instances of indiscriminate and unwarranted invasions of privacy of nontargets of the surveillance.

Two telephones at the home of a friend of petitioner Bynum were the subjects of surveillance orders. The orders authorized federal narcotics agents to overhear and electronically record incoming and outgoing conversations of "Bynum and others as yet unknown." The order as extended for one telephone was for a period of 34 days, and the order for the second telephone covered the last 20 days of that period. The judge who authorized the surveillance left administration of the "minimization" provision to the monitoring agents, being of the view that the facts of the massive narcotics conspiracy under investigation precluded *per se* surveillance guidelines promulgated by him and that minimization would be better achieved by allowing the agents discretion in determining what should be intercepted. But the monitoring agents were not informed by the judge or their superiors of this decision. Rather, Mr. Updike, the Assistant United States Attorney who supervised the surveillance, testified that the agents were instructed to intercept all but privileged attorney-client communications:

"And with respect to the actual operation of the intercept, my instructions were that they were to record everything except what any inspector felt was a privileged communication, and as to those they were to report to me when anything of that nature occurred or felt something of that nature occurred.

“But the instructions were that they were to record and to monitor at the start all communications that came over the telephone.”

Moreover, the monitoring agents testified that they were unaware of, and had not been informed of, the statutory “minimization” provision. And although Mr. Updike testified that the monitoring agents did have discretion with regard to whether they should monitor a particular conversation (although not with regard to whether they should record it), he conceded that the agents were never informed that they had such discretion; when questioned whether he was “counting on the agents being bored and taking off their earphones as a vehicle by which the minimization objective of the statute would at least in part be accomplished,” Mr. Updike responded: “I think that is a fair characterization.”

In consequence of this failure in even the slightest respect to comply with the minimization safeguards, every conversation and attempted communication (whether incoming or outgoing) over the target telephones during the period was recorded, and approximately 90% of the completed communications were also contemporaneously monitored by the agents. The Government intercepted 1,974 completed communications, excluding calls to such services as information and the weather, which covered 102 hours of conversation time. Necessarily, calls of short duration will generally have to be monitored *in toto*; agents must inevitably listen briefly to all calls in order to determine the parties to and the nature of the conversation. But 501 conversations lasted at least three minutes, and 71 of these longer calls were made by Bynum’s child’s teenage babysitter Donna, who was totally innocent of any knowledge of her employer’s criminal enterprise; her conversations were therefore “communications not . . . subject to

interception . . . ." The other party in each of these conversations, which accounted for 14½ hours of the intercepted conversations, was not a member of the narcotics conspiracy, and the conversations, which were sometimes the subject of jokes by the monitoring agents, were often of a highly personal and intimate nature. Although Mr. Updike was apprised of the nature of these calls during the course of the surveillance, he nevertheless ordered that Donna's calls be intercepted because they could be "useful" for such matters as determining where actual members of the conspiracy were and thus assist the visual surveillance aspect of the investigation. Of course, since Donna's conversations would not themselves have satisfied the particularity standard of Title III and would not, therefore, have independently been the proper subject of electronic surveillance, they clearly fall within the category whose interception Congress intended to be minimized under § 2518 (5).

Similarly, there were 47 calls of at least 10 minutes duration between petitioner Garnett, who resided at the address of the target telephones and in whose name they were listed, and personal friends who were not members of the conspiracy. Although Garnett was a "known" member of the conspiracy, whose calls might be subject to a lengthier initial surveillance period before their innocent nature was established, these personal calls of considerable length accounted for 19 hours of intercepted communications.

Also intercepted were a substantial number of calls involving attorneys, thus implicating both the attorney-client privilege and Sixth Amendment considerations. The judge had been informed that the surveillance might eventuate in the interception of such communications, particularly since some attorneys were suspected of involvement in the conspiracy. However, the judge ex-

plicitly directed that privileged communications should not be monitored, and he assumed that the interception of such calls would be reported to him. Nevertheless, the judge was told, contrary to the fact, in each interim report on the conduct of the surveillance that no privileged communications had been intercepted; indeed, although 67 telephone conversations involving attorneys were intercepted, 42 of which at least arguably fell within the attorney-client privilege and most of which were recognizable as involving attorneys, the judge was never called upon to decide whether any particular conversation was privileged. Moreover, although Mr. Updike had informed the monitoring agents generally that "privileged communications" of attorneys were not to be intercepted, he never instructed the monitoring agents, who were not themselves attorneys, what type of attorney-client communications would fall within the scope of the privilege.

Also significant, particularly in light of the companion statutory directive that surveillance must terminate as soon as its directives are accomplished, see § 2518 (5), is the fact that Mr. Updike and the monitoring agents were not informed of other developments in the investigation, such as the results of visual surveillance conducted on the suspects or the information supplied by informants. Mr. Updike did not receive the wiretap log entries of the monitoring agents on a daily basis, and he did not scrutinize the logs to evaluate the actual evidentiary value of the information derived from the surveillance. Moreover, although written reports were periodically submitted to the judge during the surveillance period, and although the wiretap log entries were attached to these reports, the reports themselves were conclusory statistical summaries concerning the intercepted communications, and actually revealed that a substantial

percentage of the overheard conversations were not narcotics related.

Eight conversations derived from this surveillance were introduced at petitioners' trial over timely objection, and numerous other conversations may have resulted in the acquisition of other evidence. The "minimization" issue thus has a substantial impact on the rights of these litigants. But it has a significantly broader impact. These cases thus present important questions, and in light of the extensive record upon which to predicate review, afford a particularly appropriate opportunity to delineate standards and procedures to guide law enforcement officials and supervising judges in implementing the minimization strictures of § 2518 (5). More specifically, the cases would permit us to address the following important issues:

(1) Is the mechanical recording of a conversation not actually overheard, an "interception" within 18 U. S. C. § 2510 (4)? The District Court held that conversations recorded but not overheard were not "intercepted." This holding substantially influenced the court's determination that the "minimization" provision had not been violated. The Court of Appeals declined to address the question, holding that the difference between what was only recorded and what was recorded and overheard was both *de minimis* and not measurable on the record.

(2) Was this round-the-clock surveillance conducted in a manner consistent with § 2518 (5), construing that section, as we must, in light of the proscription of general warrants by the Fourth Amendment? The answer to that question necessarily requires that we first specify what standards and procedures govern the determination whether minimization mandated by the section was effected.

(3) What constitutes adequate judicial oversight of

the surveillance to effect minimization? Must the judge keep records of all contacts between the judge and the monitoring agents? Must patterns of innocent or privileged calls be brought to the judge's attention so that he can make an informed contemporaneous determination of the relative evidentiary value of the surveillance compared with the invasion of privacy which it entails? Must the names of suspected co-conspirators be brought to the judge's attention so he can order varying initial surveillance periods in which the agents should determine whether a call is licit or illicit, with only spot monitoring thereafter to ensure that the parties to or the nature of the call have not changed? Must any surveillance directives of the supervising judge be conveyed to the actual monitoring agents, and can a *post hoc* analysis that intercepted conversations were illicit excuse a failure to make an actual minimization effort? Must the judge be informed not only of the conduct of the surveillance, but of the conduct of other aspects of the investigation of which it is but a part, so that the surveillance may be terminated as soon as its objectives are achieved or the wiretap becomes otherwise superfluous to the investigation?

(4) If the surveillance in these cases did not comply with the "minimization" requirement, what is the appropriate remedy? In particular, should suppression be limited to conversations which should not themselves have been intercepted, or should all conversations derived from a surveillance not conducted so as to minimize improper interception be suppressed?

These questions, in the context of a conspiracy investigation conducted through electronic surveillance, are substantial federal issues that merit our plenary review. Such problems are likely to be recurring, and we plainly fail in our judicial responsibility when we do not review

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these cases to give content to the congressional mandate of "minimization."

I would therefore grant the petitions limited to the questions presented respecting the "minimization" provision, § 2518 (5), and set the cases for oral argument.

No. 75-236. *KUTLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS, being of the view, stated in previous opinions by himself<sup>1</sup> and by Mr. Justice Black,<sup>2</sup> that any federal ban on, or regulation of, obscenity abridges freedom of speech and of the press contrary to the First Amendment, would grant certiorari and summarily reverse the judgment. Reported below: 517 F. 2d 1400.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL concur, dissenting.

Petitioner was convicted in the United States District Court for the Western District of Pennsylvania of shipping obscene films by common carrier in interstate commerce in violation of 18 U. S. C. § 1462, and of conspiracy to violate § 1462 and to transport the films in interstate commerce for the purpose of sale or distribution in violation of 18 U. S. C. § 1465. Section 1462 provides in pertinent part:

"Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—

"(a) any obscene, lewd, lascivious, or filthy book,

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<sup>1</sup> *United States v. 12 200-Ft. Reels of Film*, 413 U. S. 123, 130-138 (1973) (dissenting); *Ginzburg v. United States*, 383 U. S. 463, 491-492 (1966) (dissenting); *Roth v. United States*, 354 U. S. 476, 508-514 (1957) (dissenting).

<sup>2</sup> *Ginzburg v. United States*, *supra*, at 476 (dissenting).

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pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character; . . .

“Shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first such offense and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter.”

The Court of Appeals for the Third Circuit affirmed the convictions. 517 F. 2d 1400.

I adhere to my dissent in *United States v. Orito*, 413 U. S. 139, 147 (1973), in which, speaking of 18 U. S. C. § 1462, I expressed the view that “[w]hatever the extent of the Federal Government’s power to bar the distribution of allegedly obscene material to juveniles or the offensive exposure of such material to unconsenting adults, the statute before us is clearly overbroad and unconstitutional on its face.” 413 U. S., at 147–148. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Court of Appeals for the Third Circuit was rendered after *Orito*, reverse.\* In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

No. 75–428. MCKINNEY *v.* PARSONS. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS, being of the view, stated in previous opinions by himself<sup>1</sup> and by

\*Although four of us would grant certiorari and reverse the judgment, the Justices who join this opinion do not insist that the case be decided on the merits.

<sup>1</sup>*Miller v. California*, 413 U. S. 15, 42–47 (1973) (dissenting); *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 70–73 (1973) (dis-

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BRENNAN, J., dissenting

Mr. Justice Black,<sup>2</sup> that any state ban on, or regulation of, obscenity abridges freedom of speech and of the press contrary to the First and Fourteenth Amendments, would grant certiorari and summarily reverse the judgment. Reported below: 513 F. 2d 264.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL concur, dissenting.

Petitioner was convicted in the Circuit Court of Jefferson County, Ala., of violating the obscenity ordinance of the city of Birmingham. Birmingham Ordinance No. 67-2, § 3, provides in pertinent part:

"It shall be unlawful for any person to knowingly . . . exhibit, distribute or have in his possession with intent to distribute, exhibit, sell or offer for sale . . . any obscene matter."

As used in Ordinance No. 67-2, "obscene" meant at the time of the alleged offenses:

"that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i. e., a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters." § 1.

On direct appeal, the Alabama Court of Criminal Appeals dismissed when petitioner's appellate brief was untimely filed. Petitions for writs of certiorari were filed with the Supreme Court of Alabama and denied. A petition for a writ of certiorari was filed with this Court and denied for the reason that the judgment below rested upon an adequate state ground. *McKinney v.*

sentencing); *Memoirs v. Massachusetts*, 383 U. S. 413, 426-433 (1966) (concurring in judgment).

<sup>2</sup> *Mishkin v. New York*, 383 U. S. 502, 515-518 (1966) (dissenting).

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*Birmingham*, 409 U. S. 895 (1972). Thereafter, a petition for habeas corpus relief was filed in the United States District Court for the Northern District of Alabama. Habeas relief was ultimately denied, and on appeal the Fifth Circuit affirmed. 513 F. 2d 264.

It is my view that "at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents." *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, Ordinance No. 67-2 as it existed at the time of the alleged offenses was constitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, vacate the judgment, and remand the case for further proceedings not inconsistent with my dissent in *Paris Adult Theatre I, supra*.\* See *Wasserman v. Municipal Court of Alhambra Judicial District*, 413 U. S. 911 (1973) (BRENNAN, J., dissenting). In that circumstance, I have no occasion to consider whether the other questions presented in this case merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

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*Affirmed on Appeal*

No. 75-168. WHITEHEAD ET AL. v. WESTBROOK. Affirmed on appeal from D. C. W. D. Ark.

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\*Although four of us would grant certiorari and vacate the judgment, the Justices who join this opinion do not insist that the case be decided on the merits.

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No. 74-1418. BUCHANAN ET AL. v. EVANS ET AL.  
Affirmed on appeal from D. C. Del. Reported below:  
393 F. Supp. 428.

MR. JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE and MR. JUSTICE POWELL join as to Parts I and II-B, dissenting.

Appellants insist that the judgment of the District Court is wrong under our holding in *Milliken v. Bradley*, 418 U. S. 717 (1974), while appellees insist that it is consistent with that case. But this case comes here as an appeal from an order of a three-judge District Court enjoining the enforcement of a state statute, 393 F. Supp. 428 (Del. 1975), a question not even present in *Milliken*. The three-judge District Court by its order of April 16, 1975, enjoined appellants from relying upon <sup>1</sup>

<sup>1</sup> Appellees contend, not implausibly, that no injunction was in fact issued in this case, and that the only action of the District Court with respect to Delaware's Educational Advancement Act of 1968 (EAA) was to declare certain provisions unconstitutional. They rely on *Gunn v. University Committee*, 399 U. S. 383 (1970), and *Goldstein v. Cox*, 396 U. S. 471 (1970), to support their conclusion.

If appellees are correct on this point, of course, appellants should have taken their appeal to the United States Court of Appeals for the Third Circuit rather than to this Court. *Gonzalez v. Employees Credit Union*, 419 U. S. 90 (1974).

But in *Gunn, supra*, this Court held that "there was no order of any kind either granting or denying an injunction . . ." 399 U. S., at 387. *Goldstein v. Cox, supra*, held that a District Court's denial of plaintiffs' motion for summary judgment was not appealable to this Court under 28 U. S. C. § 1253 where plaintiffs in their complaint had sought no preliminary injunction.

Here the operative language of the District Court's order addressed to appellants was that "[i]n preparing any inter-district plan, the Defendant State Board of Education is enjoined from relying upon those provisions of [the EAA] found unconstitutional by this Court." There is thus an injunction, and it is against the enforcement of certain provisions of a state statute. While, for reasons

provisions of a Delaware statute which by their terms had expired six years earlier. Because in doing so I believe the District Court decided an issue that is demonstrably moot, I would reverse its judgment on this point. Since the additional question of whether the *Milliken* issues briefed by the parties are properly before us under any conceivable theory is one which veritably bristles with jurisdictional problems, I would note probable jurisdiction and set the case for argument on these points. The Court's summary affirmance, in my opinion, not only wrongfully upholds an erroneous injunction issued by the District Court, but because of the difficult jurisdictional questions present in this case leaves totally beclouded and uncertain what is decided by that summary affirmance.

## I

The challenged Delaware statute, known as the Educational Advancement Act (EAA), was enacted by the legislature in June 1968 "to provide the framework for an effective and orderly reorganization of the existing school districts of this State through the retention of certain existing school districts and the combination of other existing school districts." Del. Code Ann., Tit. 14, § 1001 (1975).<sup>2</sup>

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which follow, I believe that the District Court was wrong in passing on the merits of the statute, that consideration is an argument going beyond the issue of whether or not its order was in fact an injunction as that term is used in § 1253.

<sup>2</sup> The preamble provided as follows:

"The purpose of this chapter is to provide the framework for an effective and orderly reorganization of the existing school districts of this State through the retention of certain existing school districts and the combination of other existing school districts. It is the purpose and intent of the General Assembly to establish the policies, procedures, standards and criteria under which the State Board of Education is authorized to determine and establish the appropriate

Appellant Delaware State Board of Education and its members were placed under an explicit timetable by this statute. By September 1, 1968, they were to develop specific criteria for implementing a reorganization plan in accordance with requirements contained in the statute; by October 24, 1968, they were required to develop a plan conforming to these criteria; and in subsequent months they were to submit the plan to local boards of education, and to receive and pass on their objections to the proposed plan. Del. Code Ann., Tit. 14, §§ 1003, 1004 (a) and (b) (1975). Section 1005 provided that on July 1, 1969, "all proposed school districts contained in the plan as adopted [under § 1004] shall be constituted and established as reorganized school districts."<sup>3</sup>

Section 1004 (c) contained an exclusion which was the basis of appellees' constitutional attack on the statute.<sup>4</sup> It provided that, in contrast to the wide discretion

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reorganized school districts and to implement the reorganization thereof."

<sup>3</sup> Section 1002 (2) defined this term:

"'Reorganized school district' means a school district which is constituted and established in accordance with the provisions of this chapter, including . . . where applicable, a school district resulting from a consolidation or division in accordance with the provisions of this chapter."

<sup>4</sup> In pertinent part, § 1004 (c) provided:

"On or before March 1, 1969, the State Board of Education shall meet and adopt a final plan of reorganization of school districts which it deems wise and in the best interests of the educational system of this State; provided, that no plan of reorganization of school districts shall be adopted which fails to meet the following requirements:

"(2) Each proposed school district including more than 1 component former school district shall have a pupil enrollment of not less than 1900 nor more than 12,000 in grades 1 through 12. 'Pupil enrollment' as used in this subsection means enrollment as of September 30, 1968. Excluding vocational-technical districts there

conferred upon the state board with respect to other school districts in the State, the city of Wilmington should constitute a single school district. The District Court sustained appellees' claim that this provision invidiously discriminated against Negroes, finding that although there had been no intent to do so on the part of the legislature, the effect of the statute was to lock in Negro schoolchildren within the Wilmington school district in a way that might not have resulted if that district had been subject to the state board's discretionary power to consolidate as were the remaining districts in the State under the 1968 legislation. The District Court summarized this portion of the EAA in the following language:

"The key reorganization provisions of the Act provided an *exemption* of approximately one year from the long-standing requirement in Delaware law that consolidation of contiguous school districts must be approved by a referendum in each of the districts affected. 14 Del. C. §§ 1001-05. In other words, for a *limited* time, the State Board of Education was authorized to consolidate school districts according to the dictates of sound educational administration and certain statutory criteria. The Wilmington School District was explicitly excluded from the reorganization powers of the State Board by § 1004 (c)(4): 'The proposed school district for the City of Wilmington shall be the City of Wilmington with the territory within its limits.' Wilmington was also excluded implicitly from any consolidation plan by § 1004 (c)(2), which limited

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shall be no fewer than 20 nor more than 25 reorganized school districts.

"(4) The proposed school district for the City of Wilmington shall be the City of Wilmington with the territory within its limits."

the maximum pupil enrollment in any proposed school district to 12,000." 393 F. Supp., at 438-439 (emphasis added).

The difficulty with the District Court's holding, quite apart from its constitutional merits, is that the statute authorized action by appellant state school board only until July 1, 1969. As the District Court explicitly found, the reorganization powers from which Wilmington was excluded lapsed on that date. After that date, neither the city of Wilmington nor Negro schoolchildren attending schools in the city could suffer any discrimination as a result of the *state board's enforcement* of the *statute*: the state school board no longer had unilateral power to effect consolidation. That step can be accomplished only by approval of the voters in the affected school districts by referendum. Under Del. Code Ann., Tit. 14, § 1027 (1975), while a voter-approved consolidation plan can apparently be rejected by the state board in its discretion, a voter-rejected consolidation plan cannot be resurrected by the state board.<sup>5</sup>

Thus by July 1, 1969, the state board had been relegated, Cinderella-like, to the status which it occupied prior to the 1968 legislation. The provision of § 1004 (c), limiting the authority of the state board with

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<sup>5</sup> Appellees had originally claimed that § 1027 implicitly excluded Wilmington from its operation, 379 F. Supp. 1218, 1219 n. (Del. 1974), and therefore contributed along with § 1004 (c) to the alleged unconstitutional confinement. But the District Court in its present decision found that under § 1027 "consolidation of Wilmington with neighboring school districts is still possible by . . . referendum." 393 F. Supp. 428, 442 n. 29 (Del. 1975). Section 1026, which sets out a similar mechanism for altering reorganized school district boundaries, does expressly exclude Wilmington. Appellees have not pursued their initial charge that this section also unconstitutionally confined black students, and the District Court did not mention § 1026 in its second opinion. Appellees have not asserted either claim on this appeal, and our inquiry can go only to § 1004 (c).

respect to the school district consisting of the city of Wilmington, was relevant, if at all, at the time this case was heard by the three-judge court, only as a historical fact. Whatever may be the proper weight to be accorded this historical fact in the assessment by a single-judge district court of the factors made relevant in *Milliken*, it was *functus officio* as a part of an operative statute.

A three-judge district court cannot enjoin the operation of a statute which has expired by the time the court's decree is entered. Indeed, so strongly has this Court felt about the necessity for a "live controversy" that it has vacated the judgment of the District Court where the statute was repealed *after* the ruling of that court but before decision here. *Diffenderfer v. Central Baptist Church*, 404 U. S. 412 (1972). *A fortiori*, a prayer for restraint against a state officer's enforcement of a statute which expired *prior* to litigation presents a dead issue. The grant of judicial power in Art. III of the United States Constitution limits federal courts to cases or controversies, and a dispute about the constitutionality of a statute which is no longer in effect is moot in the classical sense.

## II

Presumably the Court's summary and unexplained affirmance of the judgment of the District Court upholds its issuance of an injunction against the enforcement of sections of a law which by their own terms have expired. By reason of the summary nature of the Court's action, however, neither the parties nor the District Court can know what additional effect the affirmance here may have. Although the parties have briefed the *Milliken* issues, I believe that there are all but insurmountable jurisdictional difficulties to the Court's reach-

ing them, whether it were to affirm or to reverse the injunctive portion of the District Court's judgment. I would at the very least note probable jurisdiction and hear argument on them in order to make a principled determination as to whether we have authority on this appeal to deal with those issues at all.

## A

On the assumption that the District Court was correct in issuing the injunction against the enforcement of the Delaware statute, an assumption with which I disagree for reasons previously stated, there is the most serious question as to whether the Court could reach the *Milliken* issues even if it wished to do so. This case is here on direct appeal only because 28 U. S. C. § 1253 authorizes such appeal "from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges."

This language stands in sharp contrast to the language of 28 U. S. C. § 1252, dealing with direct appeals from district court judgments invalidating Acts of Congress, the relevant language of which is:

"Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States . . . holding an Act of Congress unconstitutional in any civil action, suit or proceeding . . ."

Construing this language in *United States v. Raines*, 362 U. S. 17 (1960), the Court stated that it seemed "to indicate a desire of Congress that the whole case come up . . ." *Id.*, at 27 n. 7.<sup>6</sup>

<sup>6</sup>The Court in *Raines* contrasted the scope of § 1252 with the scope of 18 U. S. C. § 3731, the Criminal Appeals Act. That

By contrast, the much narrower language of § 1253 allows appeal here not from a final judgment or decree but only from "an order granting or denying . . . an interlocutory or permanent injunction . . ." It is established by the consistent holdings of this Court that this section, together with 28 U. S. C. § 2281, is to be narrowly, rather than broadly, construed. *Gonzalez v. Employees Credit Union*, 419 U. S. 90, 98 (1974); *Phillips v. United States*, 312 U. S. 246, 248 (1941).

The Court's opinion in *Florida Lime Growers v. Jacobsen*, 362 U. S. 73, 76 (1960), is highly instructive on this point. There the issue was whether, in an appeal pursuant to § 1253, this Court and the District Court had jurisdiction to entertain nonconstitutional attacks on the challenged statute as well as constitutional attacks. The Court held that they did. Mr. Justice Frankfurter and Mr. Justice Douglas in dissent contended they did not. I should think that if at the time of the decision in *Florida Lime Growers* it was a fairly debatable question whether this Court and the District Court could entertain nonconstitutional challenges to the very statute against which the injunction was sought, there could be little doubt that neither our jurisdiction nor the jurisdiction of the District Court would extend still further to embrace issues which were independent of and far more extensive than the assumed "present" invalidity of the challenged statute.

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Act allowed the Government a right of appeal from particular types of decisions of a district court prior to trial in a criminal case, and the Court in construing it in *United States v. Borden Co.*, 308 U. S. 188, 193 (1939), stated that "[t]he Government's appeal does not open the whole case." The language of § 1253, with which we deal, is much more akin to that of the Criminal Appeals Act than it is to that of § 1252. See also *United States v. Keitel*, 211 U. S. 370, 397-399 (1908).

## B

Serious as these jurisdictional doubts seem to me, those which flow from the opposite assumption—that the District Court erred in enjoining the enforcement of the provisions of a statute which by their terms had expired—are even more troubling. The prayer<sup>7</sup> seeking

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<sup>7</sup> Reopening a desegregation suit that had lain dormant since the mid-sixties, appellees contended that the city's black students were being compelled to attend segregated schools. The claim was three-fold: (1) the state board continued to maintain an unconstitutional dual system in New Castle County, of which Wilmington is a part; (2) the State through various practices, *e. g.*, low-cost housing policies, had enforced or approved public and private discrimination resulting in segregated schools; (3) the portions of the EAA establishing a mechanism for school district consolidation, both created a suspect classification in directing that Wilmington be continued as a single school district and prevented the state board from implementing its Fourteenth Amendment duty to dismantle the dual system.

Since the third prong of appellees' claim assertedly ran against the board's enforcement of a state statute, a three-judge court was empaneled. 28 U. S. C. § 2281. The District Court, in two separate opinions, passed upon the entire complaint. The first decision, in July 1974, found that the geographic zoning plan adopted for Wilmington in 1956 had not been effective in eliminating many racially identifiable schools, and that a unitary system had not been established, a failure chargeable to the state board. See 379 F. Supp. 1218, 1221-1223 (Del.). The latter two contentions, since they related to possible interdistrict relief, were postponed until consideration of the proper remedy. Specifically, the claim that the EAA's exclusion of Wilmington unconstitutionally impeded the dismantling process was deemed premature since drastic intradistrict relief might be curative. The parties were ordered to submit alternative intradistrict and interdistrict plans, the latter to incorporate suburban school districts within the county.

Two weeks later, this Court handed down *Milliken v. Bradley*, 418 U. S. 717 (1974), which identified the prerequisites to ordering interdistrict relief. The suburban county districts, at the District Court's invitation, intervened as defendants to contest any proposed

injunctive relief against the enforcement of the Delaware statute was filed in the District Court in this case in 1971. At that time, the provisions of § 1004 (c) ul-

consolidation remedy. They chose to adopt the state board's pleadings and stand on the evidence already of record.

After oral arguments, the District Court rendered the instant decision. Under its reading of *Milliken* the predicate for inter-district relief was "racially discriminatory acts of the state or local school districts [that] have been a substantial cause of inter-district segregation." *Id.*, at 745. So framing its inquiry the District Court found: (1) a percentage of suburban students of both races had, pre-*Brown v. Board of Education*, 347 U. S. 483 (1954), traveled into the city to attend segregated schools in Wilmington; (2) the growth of identifiably black schools since *Brown* mirrored the substantial white migration to the suburbs, a demographic shift in part encouraged and assisted by governmental policies, the cumulative effect of which constituted segregative action with interdistrict effects; (3) the passage of the EAA, with its grant of truncated reorganizational power (excluding Wilmington therefrom) to the state board (a) operated not in purpose but in effect to create a suspect racial classification under the Equal Protection Clause, and (b) thus constituted a substantial interdistrict violation under *Milliken*. The District Court concluded as follows:

"Here, the racially discriminatory exclusion of Wilmington prevented the State Board from considering whether sound educational principles dictated a consolidation of Wilmington with other school districts. But for this racial classification, the Board may have consolidated Wilmington with other New Castle County districts, with the result that the racial proportions of the districts would have been altered significantly. Even though the State Board may not have been required to alter the Wilmington District, this Court cannot find that the exclusion from the Board's powers was racially insignificant. On the contrary, the reorganization provisions of the [EAA] played a significant part in maintaining the racial identifiability of Wilmington and the suburban New Castle County school districts. In short, the General Assembly 'contributed to the separation of the races by . . . redrawing school district lines,' *Milliken v. Bradley*, [418 U. S.,] at 755 . . . (STEWART, J., concurring).[\*]" 393 F. Supp., at 445-446.

Footnote [\*] elaborated on "redrawing":

"School district reorganization pursuant to [the EAA] amounted

mately struck down by the District Court had been *functus officio* since 1969. I would think that our recent treatment of nonjusticiability in a three-judge court context applies equally to the defect of mootness at the time injunctive relief is sought:

“[T]hat the complaint was nonjusticiable [is] not merely short of the ultimate merits; it [is] also, like an absence of statutory subject-matter jurisdiction, a ground upon which a single judge could have declined to convene a three-judge court, or upon which the three-judge court could have dissolved itself, leaving final disposition of the complaint to a single judge.

“The three-judge court is not required where the district court itself lacks jurisdiction of the complaint . . . . See *Ex parte Poresky*, 290 U. S. 30, 31 [(1973)].” *Gonzalez v. Employees Credit Union*, 419 U. S., at 100.

At the time injunctive relief against the statute was first sought, the action was not one “required” under § 1253 to be heard by a three-judge court because the claim

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to educational redistricting. Invidious discrimination in such redistricting is perforce an ‘inter-district violation.’ The [EAA] ‘redrew’ the Wilmington School district lines by removing the existing Wilmington boundaries from the State Board’s discretion at the same time that other school districts in Delaware were eligible for consolidation.”

Pursuant to the above the District Court declared unconstitutional “[t]hose provisions of [the EAA] excluding the Wilmington School District from eligibility for consolidation,” and ordered the parties to submit “alternative plans to remedy the segregation found [in the two opinions] (a) within the present boundaries of [Wilmington], and (b) incorporating other areas of [the] County.” *Id.*, at 447. The accompanying order also specifically enjoined the board, in preparing the interdistrict version, “from relying upon” the EAA provisions found unconstitutional.

even at that stage was moot. In such a situation, our appellate jurisdiction is confined solely to corrective action in connection with the district court's mistaken issuance of an injunctive decree:

"As the case was not one within [§ 2281], the merits cannot be brought to this Court by a direct appeal. [Citations omitted.] But, although the merits cannot be reviewed here in such a case, this Court by virtue of its appellate jurisdiction in cases of decrees purporting to be entered pursuant to [§ 2281], necessarily has jurisdiction to determine whether the court below has acted within the authority conferred by that section and to make such corrective order as may be appropriate to the enforcement of the limitations which that section imposes." *Gully v. Interstate Nat. Gas Co.*, 292 U. S. 16, 18 (1934).

See also *Phillips v. United States*, 312 U. S., at 248; *Bailey v. Patterson*, 369 U. S. 31, 34 (1962); *Gonzalez v. Employees Credit Union*, *supra*, at 95 n. 12.

On the assumption that the District Court wrongly enjoined the enforcement of the statute which was moot at the time the injunction was first sought, the only proper exercise of the jurisdiction conferred upon us by 28 U. S. C. § 1253 is to reverse the injunctive decree issued by the District Court on the ground that the relief sought did not necessitate the convening of a three-judge district court, and remand the case so that it may proceed before a single-judge court.

I think the decision of the Court of Appeals for the Sixth Circuit in a situation virtually identical to that now presented here, and presented to that court in an earlier stage of the *Milliken* litigation, is of some weight in deciding the question of our jurisdiction here. That court held, *Bradley v. Milliken*, 468 F. 2d 902, cert.

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denied, 409 U. S. 844 (1972), that an order finding an interdistrict violation and requiring submission of plans, but not imposing any remedy, was not appealable from the District Court to the Court of Appeals. Since the jurisdiction conferred upon the courts of appeals by 28 U. S. C. §§ 1291 and 1292 (a) is far more generous in scope than that conferred upon us by 28 U. S. C. § 1253, if the Court of Appeals was right in *Milliken* it is highly doubtful that we have any authority to go beyond review of the District Court's injunctive decree here.

The resolution of each of these issues which I have treated in this dissent is probably not free from doubt, and I could understand a reasoned disposition of the case here which differed from the views which I have expressed. But this is one of those cases in which an opinion of the Court seems to me to be necessary, not merely to resolve an issue concededly present, but to denominate for the benefit of the parties and the District Court what issues the Court conceives to be resolved by its summary affirmance. My dissent from that sort of affirmance here is based on my conviction that it is extraordinarily slipshod judicial procedure as well as my conviction that it is incorrect.

No. 75-361. ASSOCIATION OF AMERICAN PHYSICIANS & SURGEONS ET AL. *v.* MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. Affirmed on appeal from D. C. N. D. Ill. Reported below: 395 F. Supp. 125.

No. 75-497. BUSH ET AL. *v.* SEBESTA, SUPERVISOR OF ELECTIONS, ET AL. Affirmed on appeal from D. C. M. D. Fla.

No. 75-5116. BETTS ET AL. *v.* MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL. Affirmed on appeal from D. C. Vt. Reported below: 391 F. Supp. 1122.

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*Appeals Dismissed*

No. 75-5408. GREEN *v.* UNITED STATES DEPARTMENT OF LABOR ET AL. Appeal from D. C. Mass. dismissed for want of jurisdiction.

No. 75-5573. GREEN *v.* DEPARTMENT OF PUBLIC WELFARE OF MASSACHUSETTS ET AL. Appeal from D. C. Mass. dismissed for want of jurisdiction.

No. 75-5481. WILLIS *v.* NORTH CAROLINA STATE BOARD OF LAW EXAMINERS. Appeal from Sup. Ct. N. C. dismissed for want of substantial federal question. Reported below: 288 N. C. 1, 215 S. E. 2d 771.

*Vacated and Remanded on Appeal*

No. 74-1165. SENDAK, ATTORNEY GENERAL OF INDIANA *v.* NIHISER, DBA MOVIELAND DRIVE-IN THEATER. Appeal from D. C. N. D. Ind. Judgment vacated and case remanded for further consideration in light of *Huffman v. Pursue, Ltd.*, 420 U. S. 592 (1975). Reported below: 405 F. Supp. 482.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL concur, dissenting.

This is a direct appeal from the decision of the three-judge District Court for the Northern District of Indiana declaring an Indiana obscenity public nuisance statute, Ind. Stat. Ann. § 9-2711 *et seq.* (Supp. 1974) (now codified at Ind. Code § 35-30-10.5-1 *et seq.*), patently unconstitutional under the First and Fourteenth Amendments and enjoining its enforcement. For some unknown or at least unexplained reason the Court today remands this case for reconsideration in light of *Huffman v. Pursue, Ltd.*, 420 U. S. 592 (1975). I dissent because the three-judge court anticipated that decision and has already discharged the responsibility imposed by that decision.

On October 12, 1973, the prosecuting attorney for Adams County, Ind., filed in the Adams Circuit Court a petition to enjoin and abate appellee's motion picture theater as a public nuisance. On the same day the Circuit Court entered a temporary restraining order with a notice and summons to appear for a hearing on a temporary injunction. Additionally, a subpoena *duces tecum* issued, ordering appellee to produce before the court the film "Deep Throat" and all other motion pictures in his possession, and also a list of the titles and play dates of all motion pictures exhibited by him over the past three years.

The prosecutor was proceeding under the Indiana obscenity public nuisance statute, *supra*. The statute provides that a place which exhibits obscene films is a public nuisance,<sup>1</sup> and provides for a court order requiring the closure for up to one year of any place determined to be a public nuisance.<sup>2</sup> An *ex parte* restraining order may issue for up to 10 days without any prior judicial determination of the obscenity of specific films, and a preliminary injunction may issue if, after hearing, the allegations of the complaint "are sustained to the satisfaction of the court."<sup>3</sup> The statute further provides that at trial the "general reputation of the place" is both admissible and prima facie evidence for proving the existence of the nuisance.<sup>4</sup> If a nuisance is established at trial, an order closing the theater for a year and confiscating all personal property and contents therein shall issue.<sup>5</sup> The owner of a theater closed by either preliminary or permanent injunction may obtain a release from the closing order

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<sup>1</sup> Ind. Stat. Ann. § 9-2711 (d) (Supp. 1974).

<sup>2</sup> § 9-2716 (Supp. 1974).

<sup>3</sup> § 9-2714 (Supp. 1974).

<sup>4</sup> § 2715 (Supp. 1974).

<sup>5</sup> § 9-2716 (Supp. 1974).

only by posting a bond conditioned on the abatement of the nuisance.<sup>6</sup>

On October 19, 1973, appellee filed suit in the United States District Court for the Northern District of Indiana. The complaint sought a declaratory judgment pursuant to 28 U. S. C. §§ 2201–2202 that the statute under which the prosecutor was proceeding was unconstitutional. The complaint also sought to enjoin any further proceedings in the Adams Circuit Court, relief premised on 42 U. S. C. § 1983. On November 14, 1974, the District Court granted summary judgment in favor of appellee and the relief sought.

The Court today vacates the judgment below and remands for further consideration in light of its decision last Term in *Huffman v. Pursue, Ltd.*, *supra*. *Huffman*, a case involving a similar nuisance statute from Ohio, held that the principles of *Younger v. Harris*, 401 U. S. 37 (1971), which limit federal-court equitable interference with state-court criminal proceedings, are also applicable to certain state-court proceedings which are “in aid of and closely related to criminal statutes . . . .” 420 U. S., at 604. Accordingly, the Court in *Huffman* remanded for a determination whether under the facts of the action “extraordinary circumstances” existed bringing the case within the narrow exceptions to *Younger*’s general bar.

But in the instant case, the District Court anticipated *Huffman* and, for the very reasons relied on by this Court in that case, clearly held that *Younger* principles were applicable.<sup>7</sup> That court then proceeded

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<sup>6</sup> §§ 9–2714, 2716 (Supp. 1974).

<sup>7</sup> The District Court stated:

“[A]ttempts to enforce civil provisions such as the one here may be characterized as civil proceedings utilized to enforce the criminal laws and thus subject to *Younger* in any event. . . . The best ap-

to an extended analysis of the factual situation and concluded that the case fell within the *Younger* exceptions as involving a

“statutory scheme here . . . arguably in several respects ‘flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it.’”  
405 F. Supp. 482, 494 (ND Ind. 1974).

The court concluded that the provisions rendering admissible “general reputation” evidence and constituting such evidence sufficient “prima facie” evidence of the existence of the nuisance imposed an unconstitutional prior restraint upon freedom of expression because there was not first required a judicial determination of the obscenity of any specific materials, and because the censor was not required to bear the burden of proving obscenity. The court emphasized that the statute provided for the seizure and destruction of materials which had never been judicially determined to be obscene, and for the seizure and destruction of constitutionally protected materials “merely because they are found in a place which has a reputation of exhibiting obscene films . . .” *Id.*, at 495. Furthermore, the court emphasized, once a closing order has issued, the statutory scheme permits future restraints against exhibition of all films unless the owner first discharges the burden of demonstrating their nonobscenity. And if such a showing is made and a release from the closing order obtained, the owner must thereafter “determine at his peril what

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proach is not to regard labels ‘civil’ and ‘criminal’ as controlling, but to analyze the competing interests which each case presents.”  
405 F. Supp. 482, 493 (ND Ind. 1974).

is literally or arguably within the definition of 'nuisance.' " *Ibid.*<sup>8</sup>

Finally, and of particular significance, the District Court held the definitional section of the statute to be "flagrantly and patently in violation of express constitutional guarantees." *Id.*, at 496. The statute defines as a nuisance a place at which "lewd, indecent, lascivious, or obscene" films are exhibited.<sup>9</sup> The court reached its conclusion upon the authority of two Indiana Supreme Court decisions which struck down criminal obscenity statutes employing the same definition on the ground that it was too general in nature under the principles announced in *Miller v. California*, 413 U. S. 15 (1973). *Mohney v. State*, 261 Ind. 56, 300 N. E. 2d 66 (1973); *Stroud v. State*, 261 Ind. 58, 300 N. E. 2d 100 (1973).

Thus the case fits precisely within the clearly settled *Younger* exception permitting federal courts to grant relief against state authorities who proceed under a statute "flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it." This exception, first fashioned in *Watson v. Buck*, 313 U. S. 387, 402 (1941), and reaffirmed in *Younger*, 401 U. S., at 53-54, was twice recognized in *Huffman* itself, 420 U. S., at 602, 611. Therefore the judgment of the District Court should be affirmed. The Court's remand to require the

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<sup>8</sup> The statutory scheme also provides for "summary" trial and punishment for violation of an outstanding injunction or closing order, and for any contempt of court. Ind. Stat. Ann. § 9-2717 (Supp. 1974). In this context the District Court found the statutory scheme to be an attempt to circumvent the safeguards attendant upon formal criminal proceedings. 405 F. Supp., at 496.

<sup>9</sup> Ind. Stat. Ann. § 9-2711 (d) (Supp. 1974).

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District Court to do over what it has done already makes no sense whatever. I respectfully dissent.<sup>10</sup>

*Miscellaneous Orders*

No. A-385. LONG VISITOR ET AL. *v.* UNITED STATES. C. A. 8th Cir. Application for bail pending timely filing of petition for writ of certiorari, presented to Mr. Justice Douglas, and by him referred to the Court, denied.

No. A-392 (75-322). VERNELL *v.* UNITED STATES. C. A. 5th Cir. Application for bail, presented to Mr. Justice Douglas, and by him referred to the Court, denied.

No. A-395. LAK MAN TOM *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Motion to vacate stay of deportation heretofore entered by Mr. Justice Douglas on October 30, 1975, granted.

No. A-432. HAMLING ET AL. *v.* UNITED STATES. Application for stay of mandate of the United States Court of Appeals for the Ninth Circuit, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. 75-110. SAKRAIDA *v.* AG PRO, INC. C. A. 5th Cir. [Certiorari granted, *ante*, p. 891.] Motion of respondent to limit grant of certiorari denied.

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<sup>10</sup> It is no answer that the Court said in *Huffman* that the Ohio nuisance statute there involved did not fit within the "flagrantly and patently violative of express constitutional prohibitions" exception to *Younger*, 420 U. S., at 611-612, and n. 23, since one Ohio state-court decision had narrowly construed the scope of the statute, *id.*, at 612 n. 23, and another had construed the Ohio definition of obscenity as comporting with the specificity requirements of *Miller v. California*, 420 U. S., at 596 n. 4. In sharp contrast, Indiana court decisions have not narrowed the scope of the Indiana nuisance statute and the Indiana Supreme Court, in the two decisions relied upon by the District Court, has held that the same definition of obscenity appearing in Indiana's criminal obscenity statutes does not satisfy the specificity standards of *Miller*.

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No. 74-1025. HINES ET AL. *v.* ANCHOR MOTOR FREIGHT, INC., ET AL. C. A. 6th Cir. [Certiorari granted, 421 U. S. 928.] Motion to substitute Chrya J. Cartwright, Administratrix of Estate of Arthur D. Cartwright, as a party petitioner in place of Arthur D. Cartwright, deceased, granted.

No. 75-5402. FAISON *v.* WASHINGTON. Motion for leave to file petition for writ of certiorari denied.

No. 75-5375. JOHNSON *v.* CICCIONE ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 75-5315. CHILEMBWE *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ET AL.;

No. 75-5410. STRATTON *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT; and

No. 75-5427. TUBBS *v.* SUPREME COURT OF TEXAS. Motions for leave to file petitions for writs of mandamus denied.

No. 75-288. SLOAN *v.* COURT OF APPEALS OF NEW YORK. Motion for leave to file petition for writ of mandamus and/or other relief denied.

*Probable Jurisdiction Noted*

No. 75-73. BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS, ET AL. *v.* BAIRD ET AL.; and

No. 75-109. HUNERWADEL *v.* BAIRD ET AL. Appeals from D. C. Mass. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. Cases set for oral argument with Nos. 74-1151, *Planned Parenthood of Central Missouri v. Danforth*, and 74-1419, *Danforth v. Planned Parenthood of Central Missouri* [probable jurisdiction noted, *ante*, p. 819]. Reported below: 393 F. Supp. 847.

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*Certiorari Granted*

No. 75-491. UNITED STATES *v.* AGURS. C. A. D. C. Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 167 U.S. App. D. C. 28, 510 F. 2d 1249.

*Certiorari Granted—Vacated and Remanded.* (See No. 74-1312, *ante*, p. 44.)

*Certiorari Granted—Reversed.* (See No. 74-1451, *ante*, p. 48.)

*Certiorari Granted—Reversed and Remanded.* (See No. 75-5401, *ante*, p. 61.)

*Certiorari Denied*

No. 73-1750. PITT COUNTY TRANSPORTATION Co. *v.* CAROLINA FREIGHT CARRIERS CORP. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 492 F. 2d 243.

No. 74-973. JONES TRUCK LINES, INC. *v.* RYDER TRUCK LINES, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 507 F. 2d 100.

No. 74-6691. LERNER *v.* MULLEN, WARDEN. C. A. 1st Cir. Certiorari denied.

No. 75-137. GRUBB *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 75-138. YEOMANS ET AL. *v.* KENTUCKY ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 514 F. 2d 993.

MR. JUSTICE BRENNAN, dissenting.

Petitioners, including citizens of Kentucky and Ohio, instituted this class action on behalf of all purchasers of nonvoting shares of Harmony Loan Co. of Kentucky seeking damages from the Commonwealth of Kentucky, the State of Ohio, certain agencies of these

States, and other defendants not relevant here. Petitioners alleged that the States aided and abetted, or participated in, fraudulent activities in violation of the Securities Act of 1933 (48 Stat. 74, as amended, 15 U. S. C. § 77a *et seq.*), the Securities Exchange Act of 1934 (48 Stat. 881, as amended, 15 U. S. C. § 78a *et seq.*), and various rules promulgated by the Securities and Exchange Commission (primarily Rule 10b-5, 17 CFR § 240.10b-5 (1975)). The United States District Court for the Southern District of Ohio dismissed the action as to the States on the ground that it was barred by the Eleventh Amendment, and the United States Court of Appeals for the Sixth Circuit affirmed, 514 F. 2d 993 (1975).

In part, this suit is brought by citizens of Kentucky and Ohio against Kentucky, Ohio, and agencies of these States. In that circumstance, the States may not invoke the Eleventh Amendment as to plaintiffs suing their own States, since that Amendment bars federal court suits against States only by citizens of other States. Rather, the question is whether the States may avail themselves of the nonconstitutional but ancient doctrine of sovereign immunity as a bar to petitioners' claims for damages. In my view the States may not assert sovereign immunity for the reason I expressed in dissent in *Employees v. Missouri Public Health Dept.*, 411 U. S. 279, 298 (1973): The States surrendered that immunity, in Hamilton's words, "in the plan of the Convention" that formed the Union, at least insofar as the States granted Congress specifically enumerated powers. See *id.*, at 319 n. 7; *Parden v. Terminal R. Co.*, 377 U. S. 184 (1964). Congressional authority to enact the securities laws cited above is found in Art. I, § 8, cl. 3, one of the enumerated powers granted Congress by the States in the Constitution. I remain of the opinion that "because of

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its surrender, no immunity exists that can be the subject of a congressional declaration or a voluntary waiver," 411 U. S., at 300, and thus have no occasion to inquire whether or not Congress authorized actions against the States for federal securities law violations, or whether Kentucky and Ohio have waived immunity on the facts of this case.

I would grant certiorari and reverse the judgment.

No. 75-151. *GREENLEE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 899.

No. 75-157. *LIEBERT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 519 F. 2d 542.

No. 75-163. *CALIFORNIA & HAWAIIAN SUGAR CO. ET AL. v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-211. *DALTON v. INDIANA REFRIGERATOR LINES, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 795.

No. 75-230. *LOVATO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 520 F. 2d 1270.

No. 75-244. *BRAVERMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 522 F. 2d 218.

No. 75-274. *BIBBS, ADMINISTRATOR, ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 896, 521 F. 2d 1405.

No. 75-343. *DISTRICT 153, INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 168 U. S. App. D. C. 77, 512 F. 2d 991.

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No. 75-321. *R. L. SWEET LUMBER Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 10th Cir. Certiorari denied. Reported below: 515 F. 2d 785.

No. 75-447. *CITY OF CLEVELAND v. PUBLIC UTILITIES COMMISSION OF OHIO ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 42 Ohio St. 2d 403, 330 N. E. 2d 1.

No. 75-459. *GOODYEAR TIRE & RUBBER Co. v. LOCAL UNION No. 200, UNITED RUBBER, CORK, LINOLEUM & PLASTIC WORKERS OF AMERICA*. Sup. Ct. Ohio. Certiorari denied. Reported below: 42 Ohio St. 2d 516, 330 N. E. 2d 703.

No. 75-462. *NATIONAL CAR RENTAL SYSTEM, INC. v. BETTER MONKEY GRIP Co. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 724.

No. 75-473. *HAHN ET UX. v. HAHN*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 75-474. *STATE BOARD OF ELECTIONS OF ILLINOIS ET AL. v. COMMUNIST PARTY OF ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 517.

No. 75-476. *CARR ET AL. v. MONTGOMERY COUNTY BOARD OF EDUCATION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1374.

No. 75-480. *NATIONAL EDUCATIONAL ADVERTISING SERVICES, INC. v. CASS STUDENT ADVERTISING, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 516 F. 2d 1092.

No. 75-486. *GROH v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 69 Wis. 2d 481, 230 N. W. 2d 745.

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No. 75-489. SPERBERG *v.* GOODYEAR TIRE & RUBBER CO. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 708.

No. 75-494. OVERSEAS MOTORS, INC. *v.* IMPORT MOTORS LTD., INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 119.

No. 75-535. PANDUIT CORP. *v.* BURNDY CORP. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 517 F. 2d 535.

No. 75-5109. HOOD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 75-5122. HOOK *v.* VERNI ET AL. C. A. 2d Cir. Certiorari denied.

No. 75-5167. WILLIAMS *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 509.

No. 75-5191. WENDEL *v.* LEVI, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari denied.

No. 75-5242. ALLEN ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 710.

No. 75-5284. WRIGLEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 362.

No. 75-5292. EATHERTON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 519 F. 2d 603.

No. 75-5293. FARMER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 512 F. 2d 160.

No. 75-5310. DE LA FUENTE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

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No. 75-5312. *RANDLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 75-5316. *WIDMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 75-5320. *POGUE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1182.

No. 75-5321. *NOBLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5331. *WARREN ET AL. v. RAMSEY, SUPERINTENDENT, FEDERAL PRISON INDUSTRIES, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 75-5345. *HARRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1405.

No. 75-5347. *FREEMAN v. ARGONAUT INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-5350. *SCHNEIDER v. GRAND*. C. A. 8th Cir. Certiorari denied.

No. 75-5352. *CAMP v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 75.

No. 75-5354. *ARBORE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 75-5365. *JACKSON v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 511 F. 2d 1400.

No. 75-5367. *GALLIHER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1404.

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No. 75-5377. *PETERS v. CRAIN BROS., INC.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-5388. *HORNE v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied.

No. 75-5389. *TYE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 519 F. 2d 586.

No. 75-5392. *BUNKERS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 521 F. 2d 1217.

No. 75-5397. *WALLACE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 75-5404. *TODA v. TANAKA.* Sup. Ct. Haw. Certiorari denied.

No. 75-5405. *ROUNDTREE v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 75-5406. *FOYE v. LAVALLEE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 1396.

No. 75-5407. *RISTAU v. HENDERSON, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 75-5409. *BURDEAU v. TRUSTEES OF THE CALIFORNIA STATE COLLEGES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 507 F. 2d 770.

No. 75-5412. *MILLS v. MUSCOGEE COUNTY SUPERIOR COURT, COLUMBUS, GA.* C. A. 5th Cir. Certiorari denied.

No. 75-5415. *FLORES ET AL. v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 764.

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No. 75-5417. *NAJARES v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5435. *SWAN v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 394 Mich. 451, 231 N. W. 2d 651.

No. 75-5439. *BELL v. SKELTON, CHAIRMAN, TEXAS BOARD OF PARDONS AND PAROLES, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

No. 75-5451. *CONWAY ET AL. v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 75-5452. *BOHMER v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 46 Cal. App. 3d 185, 120 Cal. Rptr. 136.

No. 75-5462. *GRIFFIN v. WARDEN, WEST VIRGINIA STATE PENITENTIARY*. C. A. 4th Cir. Certiorari denied. Reported below: 517 F. 2d 756.

No. 75-5463. *WELSH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5469. *LAUB v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 75-5531. *WILLIAMS v. NEW YORK*. Sup. Ct. N. Y., New York County. Certiorari denied.

No. 75-5532. *HALL v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied.

No. 75-5535. *KING v. SCHUBIN, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 522 F. 2d 527.

No. 75-5557. *MALONE v. ALABAMA*. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 77.

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No. 75-5570. *LOCKMAN v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 169 Conn. 116, 362 A. 2d 920.

No. 75-5628. *MCDONALD v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied.

*Rehearing Denied.*

No. 74-1374. *PILUSO v. UNITED STATES*, *ante*, p. 874;

No. 74-1384. *CLAY COMMUNICATIONS, INC. v. SPROUSE*, *ante*, p. 882;

No. 74-1442. *PETERSON v. MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.*, *ante*, p. 830;

No. 74-1474. *DICKSON v. DICKSON*, *ante*, p. 832;

No. 74-1504. *BAGLEY PRODUCE, INC. v. NATIONAL LABOR RELATIONS BOARD*, *ante*, p. 833;

No. 74-1532. *COCKE v. CANTOR ET AL.*, *ante*, p. 835;

No. 74-1562. *MERETSKY v. UNITED STATES*, *ante*, p. 836;

No. 74-6323. *JORDAN v. UNITED STATES*, *ante*, p. 842;

No. 74-6707. *BOWERSKI, AKA BONAFONTI v. UNITED STATES*, *ante*, p. 860;

No. 74-6719. *ESCOFIL v. COMMISSIONER OF INTERNAL REVENUE*, *ante*, p. 804;

No. 74-6724. *MONTANO-SEVILLA v. IMMIGRATION AND NATURALIZATION SERVICE*, *ante*, p. 861;

No. 74-6729. *THORNTON v. LOUISIANA*, *ante*, p. 861;

No. 74-6753. *BENNETT v. DIRECTOR OF INTERNAL REVENUE FOR NORTH CAROLINA ET AL.*, *ante*, p. 862;

No. 75-5. *SERRA v. UNITED STATES*, *ante*, p. 863;

No. 75-156. *DALLAS CAP & EMBLEM MFG., INC. v. BOSTON PROFESSIONAL HOCKEY ASSN., INC., ET AL.*, *ante*, p. 868;

No. 75-170. *THOMPSON v. CITY OF COVINGTON ET AL.*, *ante*, p. 869; and

No. 75-5114. *ALERS v. TOLEDO ET AL.*, *ante*, p. 897. Petitions for rehearing denied.

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No. 75-5214. *BARNETT v. MACDONALD, DBA KERR, FITZGERALD & KERR, ante*, p. 873. Petition for rehearing denied.

#### *Assignment Orders*

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

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Eighth Circuit from January 12, 1976, to January 16, 1976, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Seventh Circuit during the week of May 24, 1976, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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#### *Dismissal Under Rule 60*

No. 75-587. *PHILIP B. BASSER ADVERTISING, INC., ET AL. v. REDEVELOPMENT AUTHORITY OF THE CITY OF PHILADELPHIA*. Pa. Commw. Ct. Certiorari dismissed as to petitioner Sorger under this Court's Rule 60. Reported below: 19 Pa. Commw. 272, 339 A. 2d 885.

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*Appeals Dismissed*

No. 75-172. OHIO *v.* TYMCIO. Appeal from Sup. Ct. Ohio dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied, it appearing that the judgment below rests on adequate state grounds. Reported below: 42 Ohio St. 2d 39, 325 N. E. 2d 556.

No. 75-366. AGOST ET AL. *v.* IDAHO ET AL. Appeal from Sup. Ct. Idaho dismissed for want of substantial federal question. Reported below: 96 Idaho 711, 535 P. 2d 1348.

No. 75-378. MALDINI ET AL. *v.* AMBRO, SUPERVISOR OF TOWN OF HUNTINGTON, ET AL. 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. Reported below: 36 N. Y. 2d 481, 330 N. E. 2d 403.

No. 75-5519. DESA *v.* MICHIGAN. Appeal from Cir. Ct. Mich., Macomb County, dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

*Vacated and Remanded on Appeal*

No. 75-219. PERINI, CORRECTIONAL SUPERINTENDENT *v.* DOWNEY. Appeal from C. A. 6th Cir. Motion of appellee for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for reconsideration in light of enactment of Ohio Rev. Code Ann. § 2925.03, by Amended Substitute House Bill No. 300, File No. 105, §§ 1, 3, effective Nov. 21, 1975. See Page's Ohio Revised Code, 1975 Legis. Bull. No. 4, p. 261. Reported below: 518 F. 2d 1288.

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*Certiorari Granted—Reversed and Remanded.* (See No. 74-6738, *ante*, p. 64; and No. 75-124, *ante*, p. 67.)

*Certiorari Granted—Vacated and Remanded.* (See No. 75-5182, *ante*, p. 73.)

*Miscellaneous Orders*

No. 75-5634. *ZBICHORSKI v. GAGNON, WARDEN.* Motion for leave to file petition for writ of habeas corpus denied.

No. 75-5502. *COZZETTI v. HALL, CHIEF JUDGE, U. S. DISTRICT COURT.* Motion for leave to file petition for writ of mandamus denied.

*Certiorari Denied.* (See also Nos. 75-172, 75-378, and 75-5519, *supra*.)

No. 74-6642. *FABIAN v. UNITED STATES.* C. A. 4th Cir. *Certiorari* denied.

No. 74-6647. *TYLER ET AL. v. RYAN ET AL.* C. A. 8th Cir. *Certiorari* denied.

No. 75-119. *KIMBERLY-CLARK CORP. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.* C. A. 6th Cir. *Certiorari* denied. Reported below: 511 F. 2d 1352.

No. 75-205. *HARRIS v. VIRGINIA.* Sup. Ct. Va. *Certiorari* denied.

No. 75-213. *ROMANO v. UNITED STATES.* C. A. 2d Cir. *Certiorari* denied. Reported below: 516 F. 2d 768.

No. 75-327. *WOOD v. UNITED STATES.* Ct. Cl. *Certiorari* denied. Reported below: 207 Ct. Cl. 948, 521 F. 2d 1405.

No. 75-356. *INTERNATIONAL LONGSHOREMEN'S ASSN. ET AL. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.* C. A. 5th Cir. *Certiorari* denied. Reported below: 511 F. 2d 273.

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No. 75-281. *SEAY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 646.

No. 75-290. *LOPEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 437.

No. 75-384. *ATLANTIC MARINE, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 1404.

No. 75-408. *RASTELLI v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 240, 333 N. E. 2d 182.

No. 75-417. *GRIFFITH v. NIXON ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 518 F. 2d 1195.

No. 75-426. *BRATTON, EXECUTOR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 832.

No. 75-469. *GREENYA v. GEORGE WASHINGTON UNIVERSITY ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 167 U. S. App. D. C. 379, 512 F. 2d 556.

No. 75-496. *REGIONAL HIGH SCHOOL DISTRICT No. 5 ET AL. v. BAKER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 799.

No. 75-498. *DAWSON v. FLORIDA BAR*. Sup. Ct. Fla. Certiorari denied. Reported below: 318 So. 2d 385.

No. 75-499. *ROGERS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 258 Ark. 314, 524 S. W. 2d 227.

No. 75-504. *IN RE THURMER*. Sup. Ct. Cal. Certiorari denied.

No. 75-512. *SHAPIRO v. BOROUGH OF HIGHTSTOWN*. Sup. Ct. N. J. Certiorari denied.

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No. 75-517. *MACE v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 234 Pa. Super. 463, 341 A. 2d 505.

No. 75-521. *WILKE, TRUSTEE IN BANKRUPTCY v. BROOKS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 515 F. 2d 741.

No. 75-529. *FARLEY TERMINAL CO., INC. v. ATCHISON, TOPEKA & SANTA FE RAILWAY CO.* C. A. 9th Cir. Certiorari denied. Reported below: 522 F. 2d 1095.

No. 75-537. *TOUCHE ROSS & CO. ET AL. v. FABRIKANT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-551. *BUTLER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 55 Ala. App. 421, 316 So. 2d 348.

No. 75-5074. *HARKINS v. BOMERITO ET AL.* C. A. 8th Cir. Certiorari denied.

No. 75-5177. *SHELTON v. UNITED STATES*;

No. 75-5184. *WHITE v. UNITED STATES*; and

No. 75-5245. *MCWHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 590 and 591.

No. 75-5213. *OWENS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 515 F. 2d 507.

No. 75-5243. *STEPHENS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5253. *HUDSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5330. *GRIMES ET AL. v. UNITED STATES*; and

No. 75-5336. *LEWIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 528 F. 2d 143.

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No. 75-5265. DAVIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 518 F. 2d 81.

No. 75-5291. WEST *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-5294. JONES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 384.

No. 75-5341. GRIFFITH (CASTILLO) *v.* GOVERNMENT OF THE CANAL ZONE. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1181.

No. 75-5346. SHIELDS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 302, 515 F. 2d 1019.

No. 75-5353. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-5363. BOWSER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 75-5373. DOBBS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 1401.

No. 75-5383. JONES *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 336 A. 2d 535.

No. 75-5385. RAY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-5399. STRATTON *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY. C. A. 6th Cir. Certiorari denied.

No. 75-5420. ROOTS *v.* WOODALL. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

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No. 75-5434. *STOVER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-5436. *HILL v. NORTH AMERICAN HIDE EXPORTERS, INC.* C. A. 5th Cir. Certiorari denied.

No. 75-5440. *STRAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 711.

No. 75-5448. *LEONARD ET AL. v. MISSISSIPPI STATE PROBATION AND PAROLE BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 509 F. 2d 820.

No. 75-5450. *CURRY v. JENSEN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 523 F. 2d 387.

No. 75-5455. *DONNELLY ET AL. v. DONNELLY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 515 F. 2d 129.

No. 75-5465. *LEWIS v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 896.

No. 75-5475. *COX v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 1401.

No. 75-5476. *TARAS v. FIRST ARLINGTON NATIONAL BANK*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 636.

No. 75-5479. *KLEIN v. BUTLER, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5480. *HILTON v. VINCENT, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5489. *STEVENSON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 48 App. Div. 2d 1015, 372 N. Y. S. 2d 994.

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No. 75-5495. *PUSTARE v. HAVENER, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1405.

No. 75-5501. *WILLS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 61 Ill. 2d 105, 330 N. E. 2d 505.

No. 75-5512. *ABINA v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 75-5513. *EPPS v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 343, 334 N. E. 2d 566.

No. 75-5515. *SHEARS v. OHIO*. Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 75-5518. *PATTERSON v. AULT, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 75-5521. *BALL v. ALABAMA*. C. A. 5th Cir. Certiorari denied.

No. 75-5524. *ROBINSON v. TURNELLO, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5528. *HELTZEL v. COWAN, PENITENTIARY SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 518 F. 2d 851.

No. 75-5530. *MORENO v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 75-5534. *BOWES v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 75-223. *PENNSYLVANIA v. JACKSON ET AL.* Sup. Ct. Pa. Certiorari denied, it appearing that the judgment below rests on adequate state grounds. Reported below: 461 Pa. 632, 337 A. 2d 582.

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No. 75-5536. *WASHINGTON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5539. *CURRIER v. CITY OF PASADENA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 48 Cal. App. 3d 810, 121 Cal. Rptr. 913.

No. 75-5554. *BEATTY v. ALSTON, WORKHOUSE SUPERINTENDENT*. Sup. Ct. Ohio. Certiorari denied. Reported below: 43 Ohio St. 2d 126, 330 N. E. 2d 921.

No. 75-5566. *WHITEHOUSE v. DERAMUS, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1400.

No. 75-350. *PACIFIC LIGHTING SERVICE CO. ET AL. v. FEDERAL POWER COMMISSION*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 518 F. 2d 718.

No. 75-359. *CALIFORNIA ET AL. v. FEDERAL POWER COMMISSION*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 518 F. 2d 718.

No. 75-403. *DAYTON BOARD OF EDUCATION ET AL. v. BRINKMAN ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 518 F. 2d 853.

No. 75-432. *GRECO v. ORANGE MEMORIAL HOSPITAL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 873.

MR. JUSTICE WHITE, with whom THE CHIEF JUSTICE joins, dissenting.

This case presents the question whether a private hospital largely funded by the State and Federal Govern-

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WHITE, J., dissenting

ments, partly controlled by the state government and the policymaking body of which is chosen by members of the community may, consistent with the Constitution, refuse to perform elective abortions. In unanimously answering the question in the affirmative, different members of the court below employed two distinct lines of analysis, each of which squarely conflicts with the rule of law existing in other Circuits. The question is important, the conflict is clear, and this Court has a responsibility to resolve it.

Petitioner is a doctor who had staff privileges at the respondent hospital at times relevant to this lawsuit.<sup>1</sup> The hospital had been built by the Orange County, Tex., government with local government money and with federal money obtained by Orange County under the Hill-Burton Act. 60 Stat. 1040, § 605, as added, 78 Stat. 453, and amended, 42 U. S. C. § 291e. The hospital and the land under it were owned by Orange County. However, in 1957, Orange County leased the hospital and the land under it for \$1 per year to the respondent, Orange County Memorial Hospital Corp. (Corporation), a nonprofit tax-exempt corporation. Under the lease the Corporation agreed: (1) to operate the hospital as a nonprofit institution and to furnish to the general public medical and surgical care subject to such terms and regulations as the Corporation might prescribe; (2) to carry out the assurances required of the county in order to obtain federal funds and to relinquish possession of the hospital in the event it failed adequately to comply; (3) to have all equipment and

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<sup>1</sup> Respondents point out that petitioner ceased his relationship with the hospital after the filing of the instant lawsuit and claim that the case therefore became moot. However this may be with respect to petitioner's injunctive and declaratory claims, his suit for damages is plainly still alive.

supplies inventoried, in a manner approved by the county, and to dispose of worthless, damaged, or worn-out equipment only with the prior approval of the Commissioners Court; (4) to be responsible for the expense of the day-to-day operation and maintenance of the hospital; (5) to make additions to the hospital with the written consent of the county and at its own expense; (6) to keep all appropriate insurance in effect; (7) to submit an annual audit to the county and to furnish any information which the county felt would be necessary to inform the people of Orange County about the operation and financial condition of the institution; (8) to accept indigent patients certified by the Corporation subject to the prior obligation to receive emergency cases. Orange County has reserved the right through its County Health Office to advise the Corporation that an indigent is being kept in the hospital for a longer period of time than necessary. The lease specifically indicates that the Corporation "has undertaken to relieve [the county] of the responsibility and expense of operating a hospital."

The policy of the hospital is, as a result of the lease to the Corporation, set by the Corporation's Board of Directors which consists of nine members. Five are drawn from "life members"—consisting of all people who have contributed \$1,000 or more to the Corporation—and four are elected by "advisory-members"—consisting of any Orange County property owner who attends Corporation meetings.

The Board of Directors, on recommendation of the medical staff, adopted in early 1973 a policy against the performance of "elective" abortions at the hospital. As a result, petitioner was unable to accommodate patients who sought his services for that purpose. Petitioner then brought suit under 42 U. S. C. § 1983 against, *inter*

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*alia*, the Corporation, its Board of Directors, and the County Commissioners of Orange County, seeking damages and injunctive relief. Petitioner claimed that the actions of the respondents were unconstitutional in that they interfered with the liberty of a woman to choose whether or not to bear a child, in violation of the Fourteenth Amendment, as construed in *Roe v. Wade*, 410 U. S. 113 (1973), and also interfered with his right to practice his profession free from unconstitutional interference.<sup>2</sup>

The District Court dismissed petitioner's complaint essentially on the ground that the Board of Directors of the Corporation is a nongovernmental body and that the state instrumentality, *i. e.*, Orange County, was not responsible for the Board's decision not to give elective abortions. Absent such responsibility, respondents' conduct is not unconstitutional.

A panel of the Court of Appeals for the Fifth Circuit also concluded that respondents had not acted in viola-

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<sup>2</sup> Respondents claim that *Roe v. Wade*, and *Doe v. Bolton*, 410 U. S. 179 (1973), recognize a constitutional right in the abortion decision of the woman seeking the abortion and not in the doctor; and argue that a doctor has no standing to litigate the interests of the pregnant woman except when he is the defendant in a criminal case. This argument was rejected by both courts below as being inconsistent with this Court's decision to extend standing to doctors in *Doe v. Bolton*, *supra*, at 188-189, who had been plaintiffs below and not defendants in a criminal case. Accord: *Wulff v. Singleton*, 508 F. 2d 1211 (CA8 1974), cert. granted, 422 U. S. 1041 (1975); *Nyberg v. City of Virginia*, 495 F. 2d 1342 (CA8 1974) (podiatrist); *Shaw v. Hospital Authority of Cobb County*, 507 F. 2d 625 (CA5 1975); *YWCA v. Kugler*, 342 F. Supp. 1048, 1055 (NJ 1972). In light of the fact that this Court will decide in *Wulff v. Singleton*, *supra*, the standing issue presented in this case, an outright denial of this petition can be justified only by a conclusion that the other issues decided below do not merit review.

tion of the Constitution. Two members of the panel agreed with the District Court and stated that the respondents had not acted in an unconstitutional manner because the "State" was not responsible for the Board of Directors' decisions. This conclusion is squarely in conflict with the law of two other Circuits. In *O'Neill v. Grayson County War Memorial Hospital*, 472 F. 2d 1140 (1973), the Sixth Circuit held a hospital to be an instrumentality of the State, the conduct of which is governed by the same constitutional limitations as the State's, on facts virtually identical to those involved here. In *O'Neill*, hospital facilities were owned by the county and leased to a foundation for the sum of \$1 per year. The foundation agreed to fulfill all duties and responsibilities incident to the maintenance and operation of the hospital and agreed to assume the obligations and agreements that the county governing body had made with the United States in securing Hill-Burton funds. Similarly, the governing body of the hospital was to contain some members selected from the communities served by the hospital. The only fact even mentioned in the *O'Neill* opinion which is not mentioned in the opinion below is that there the non-profit corporation was, in the event that it ceased to function, to pay to the local government any unused contributions. The provision, which would come into play only in the very unlikely event that the nonprofit corporation ceased to exist for other than financial reasons, can hardly explain the different result in that case. The decision in *O'Neill* conflicts with the decision in this case. The conclusion of the two judges below is also in conflict with the rule in the Fourth Circuit that a hospital is a governmental instrumentality solely by reason of receipt of Hill-Burton funds and the hospital's consequent legal obligations. *Christhilf v. Annapolis*

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*Emergency Hospital Assn., Inc.*, 496 F. 2d 174 (1974); *Sams v. Ohio Valley General Hospital Assn.*, 413 F. 2d 826 (1969); *Simkins v. Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (1963). Contra: *Watkins v. Mercy Medical Center*, 520 F. 2d 894 (CA9 1975); *Ascherman v. Presbyterian Hospital of Pacific Med. Ctr., Inc.*, 507 F. 2d 1103 (CA9 1974); *Doe v. Bellin Memorial Hospital*, 479 F. 2d 756 (CA7 1973); *Ward v. St. Anthony Hospital*, 476 F. 2d 671 (CA10 1973); *Jackson v. Norton-Children's Hospitals, Inc.*, 487 F. 2d 502 (CA6 1973).

The third member of the panel below also concluded that the respondents had engaged in no unconstitutional conduct. He stated that the *State* may properly choose to fund operations by paying for the hospital in which they are performed, without permitting the hospital to be used for any particular type of operation. This conclusion is squarely contrary to the decisions of two Circuits, *Doe v. Poelker*, 515 F. 2d 541 (CA8 1975); *Nyberg v. City of Virginia*, 495 F. 2d 1342 (CA8 1974); and *Doe v. Hale Hospital*, 500 F. 2d 144 (CA1 1974); and contrary in principle to the law in several others. *Doe v. Rose*, 499 F. 2d 1112 (CA10 1974); *Wulff v. Singleton*, 508 F. 2d 1211 (CA8 1974), cert. granted, 422 U. S. 1041 (1975); *Doe v. Mundy*, 514 F. 2d 1179 (CA7 1975); see also *Roe v. Norton*, 380 F. Supp. 726 (Conn. 1974); *Doe v. Wohlgemuth*, 376 F. Supp. 173 (WD Pa. 1974); *Doe v. Rampton*, 366 F. Supp. 189 (Utah 1973); *Klein v. Nassau County Medical Center*, 347 F. Supp. 496 (EDNY 1972); *Doe v. Westby*, 383 F. Supp. 1143 (SD 1974), vacated and remanded, 420 U. S. 968 (1975); and cf. *Hathaway v. Worcester City Hospital*, 475 F. 2d 701 (CA1 1973).

It is apparent that on either theory adopted by the members of the court below to support its conclusion that the respondents had not acted in violation of the

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Constitution, there is a conflict with the law in other Circuits. Whether or not the Court agrees with the result reached below, the conflicts are square; they are on issues which arise with frequency in the lower federal courts; and they are on significant questions of law. Perhaps, in light of the current pressures on our docket, there may be a category of conflicts, involving insignificant points of federal law, which we simply do not have the capacity to resolve. However, it would undoubtedly surprise members of the bar and the public that this Court views the conflicts created by the decision below to fall within such a category.

The task of policing this Court's decisions in *Roe v. Wade*, 410 U. S. 113 (1973), and *Doe v. Bolton*, 410 U. S. 179 (1973), is a difficult one; but having exercised its power as it did, the Court has a responsibility to resolve the problems arising in the wake of those decisions. I would grant the petition for a writ of certiorari and set this case for oral argument.

No. 74-495. *SUSI ET AL. v. FLOWERS*, JUDGE. Sup. Ct. Ohio. Certiorari denied. Reported below: 43 Ohio St. 2d 11, 330 N. E. 2d 662.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL concurs, dissenting.

Petitioners were arrested on August 31, 1971, and charged with permitting a room to be used for gambling, a misdemeanor, Ohio Rev. Code Ann. § 2915.01 (Supp. 1972), and with possession of numbers game tickets, a felony, Ohio Rev. Code Ann. § 2915.111 (Supp. 1972). On March 6, 1972, petitioners were tried and convicted of the first charge in the Municipal Court of Franklin County, Ohio. They were subsequently indicted on the felony charge in the Court of Common Pleas of Franklin County, and they filed a motion to

dismiss the indictment as violative of double jeopardy based on the previous conviction for a misdemeanor arising out of the same criminal episode. The trial court overruled the motion to dismiss, and the Court of Appeals dismissed petitioners' complaint seeking habeas corpus. *In re Susi*, 38 Ohio App. 2d 73, 313 N. E. 2d 422 (1973). The same court then dismissed petitioners' motion for a writ of prohibition, and this dismissal was affirmed on appeal by the Ohio Supreme Court. *State ex rel. Susi v. Flowers*, 43 Ohio St. 2d 11, 330 N. E. 2d 662 (1975).

Thus, the State seeks to try petitioners on two charges in separate trials, although the charges clearly arose out of the same criminal transaction or episode. In that circumstance, we should grant the petition for certiorari and reverse the denial of petitioners' complaint seeking a writ of prohibition. I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment, which is applicable to the States through the Fourteenth Amendment, *Benton v. Maryland*, 395 U. S. 784 (1969), requires the joinder at one trial, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Vardas v. Texas*, ante, p. 904 (BRENNAN, J., dissenting); *Stewart v. Iowa*, ante, p. 902 (BRENNAN, J., dissenting); *Waugh v. Gray*, 422 U. S. 1027 (1975) (BRENNAN, J., dissenting); *Wells v. Missouri*, 419 U. S. 1075 (1974) (BRENNAN, J., dissenting); *Moton v. Swenson*, 417 U. S. 957 (1974) (BRENNAN, J., dissenting); *Tijerina v. New Mexico*, 417 U. S. 956 (1974) (BRENNAN, J., dissenting); *Ciuzio v. United States*, 416 U. S. 995 (1974) (BRENNAN, J., dissenting); *Harris v. Washington*, 404 U. S. 55, 57 (1971) (concurring statement of Doug-

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las, BRENNAN, and MARSHALL, JJ.,); *Waller v. Florida*, 397 U. S. 387, 395 (1970) (BRENNAN, J., concurring). See also *People v. White*, 390 Mich. 245, 212 N. W. 2d 222 (1973); *State v. Brown*, 262 Ore. 442, 497 P. 2d 1191 (1972); *Commonwealth v. Campana*, 452 Pa. 233, 304 A. 2d 432 (1973), vacated and remanded, 414 U. S. 808 (1973), adhered to on remand, 455 Pa. 622, 314 A. 2d 854 (1974); *State v. Gregory*, 66 N. J. 510, 333 A. 2d 257 (1975).

### *Rehearing Denied*

No. 74-1410. ROBERTS ET AL. *v.* UNITED STATES, *ante*, p. 829;

No. 74-1548. OLD TOWN YACHT BASIN, INC. *v.* CITY OF ALEXANDRIA, *ante*, p. 836;

No. 74-1585. B. COLEMAN CORP. *v.* 47TH & STATE CURRENCY EXCHANGE, INC., *ante*, p. 806;

No. 74-6336. WARNER *v.* UNITED STATES, *ante*, p. 843;

No. 74-6588. COZZETTI *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ET AL., *ante*, p. 818;

No. 74-6651. LYNCH *v.* UNITED STATES, *ante*, p. 852; and

No. 75-45. TANG ET AL. *v.* CRAVER ET AL., *ante*, p. 865. Petitions for rehearing denied.

No. 74-1573. UNITED MINE WORKERS OF AMERICA ET AL. *v.* ISLAND CREEK COAL Co., *ante*, p. 877. Petition for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

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### *Dismissal Under Rule 60*

No. 75-513. DOOLITTLE ET AL. *v.* UNITED STATES. C. A. 5th Cir. Petition for writ of certiorari dismissed as to petitioner Baxter under this Court's Rule 60.

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*Dismissal Under Rule 60*

No. 75-5751. MEYERS *v.* UNITED STATES. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 60.

*Affirmed on Appeal*

No. 75-280. WASHUM ET AL. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. Ariz.

No. 75-348. CLEMONS ET AL. *v.* UNITED STATES ET AL. Appeal from D. C. S. D. Ohio. Motion of American Physical Therapy Assn. for leave to file a brief as *amicus curiae* granted. Judgment affirmed.

No. 75-582. NORFOLK & WESTERN RAILWAY CO. ET AL. *v.* BEATTY ET AL., JUDGES. Affirmed on appeal from D. C. S. D. Ill. Reported below: 400 F. Supp. 234.

*Appeals Dismissed*

No. 75-299. NATIONAL GYPSUM Co. *v.* ADMINISTRATOR, LOUISIANA DEPARTMENT OF EMPLOYMENT SECURITY, ET AL. Appeal from Sup. Ct. La. dismissed for want of properly presented federal question. Reported below: 313 So. 2d 230.

No. 75-519. JAMIESON *v.* COMMISSIONER OF INTERNAL REVENUE. 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. Reported below: 519 F. 2d 1405.

No. 75-5571. PEREZ ET AL. *v.* BATEMAN, COMMISSIONER, DEPARTMENT OF COMMUNITY AFFAIRS OF MASSACHUSETTS, ET AL. Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question. Reported below: — Mass. —, 331 N. E. 2d 801.

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No. 75-542. *YONKERS COMMUNITY DEVELOPMENT AGENCY v. MORRIS ET AL.* Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 37 N. Y. 2d 478, 335 N. E. 2d 327.

No. 75-5593. *OGROD, AKA OGRODNICKI v. OGROD, AKA OGRODNICKI.* Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question.

#### *Miscellaneous Orders*

No. A-426. *NEBRASKA PRESS ASSN. ET AL. v. STUART, JUDGE.* On November 21, 1975, applicants filed a motion with the full Court to vacate in part MR. JUSTICE BLACKMUN's stay order filed herein on November 20, 1975. Inasmuch as the order of November 20 was directed solely to the order dated October 27, 1975, of the District Court of Lincoln County, Neb., and by its terms was subject to such action as might subsequently be taken by the Supreme Court of Nebraska, and inasmuch as the Supreme Court of Nebraska on December 1 issued its order in the matter and MR. JUSTICE BLACKMUN's order has thereby expired and is no longer effective, applicants' motion is denied. Denial of this application is without prejudice to the Court's consideration of the applicants' further application for stays and for other relief filed with this Court on December 4, 1975, and presently pending. [See No. A-513, *infra.*]

No. A-455. *BROWN v. UNITED STATES.* C. A. 6th Cir. Application for bail pending appeal, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-466. *STEEL ET AL. v. FINE ET AL.* Application for writ of habeas corpus and all other relief, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

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No. A-495. *RATCLIFF v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS.* Application for leave to file petition for writ of mandamus, presented to MR. JUSTICE POWELL, and by him referred to the Court, denied.

No. A-513. *NEBRASKA PRESS ASSN. ET AL. v. STUART, JUDGE.* Motion to treat previously filed papers as a petition for writ of certiorari to the Supreme Court of Nebraska granted; consideration of said petition for writ of certiorari is deferred until requested responses thereto have been received or until the close of business Tuesday, December 9, 1975. Consideration of application for stay of judgment of the Supreme Court of Nebraska, entered December 1, 1975, deferred pending further order of the Court. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant the application. [See No. A-426, *supra*.]

No. 54, Orig. *UNITED STATES v. FLORIDA ET AL.* It is ordered that the Honorable Olin Hatfield Chilson, Senior Judge for the United States District Court for the District of Colorado, be appointed Special Master in place of the Honorable Charles L. Powell, deceased.

The Special Master shall have authority to fix the time and conditions for filing of additional pleadings and to direct subsequent proceedings, and authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The Master shall be allowed his actual expenses, the allowances to him, the compensation paid to his technical, stenographic and clerical assistants, the cost of printing his reports, and all other proper expenses shall be

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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 the 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.

The motion of the defendants for leave to file a counterclaim is referred to the Special Master. [For earlier orders herein, see, *e. g.*, 408 U. S. 918.]

No. 74-1452. HOSPITAL BUILDING CO. *v.* TRUSTEES OF REX HOSPITAL ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 820.] Motion of Federation of American Hospitals for leave to file a brief as *amicus curiae* granted.

No. 74-1492. WASHINGTON, MAYOR OF WASHINGTON, D. C., ET AL. *v.* DAVIS ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 820.] Motion of American Society for Personnel Administration for leave to file a brief as *amicus curiae* granted.

No. 75-19. UNITED STATES *v.* SANTANA ET AL. C. A. 3d Cir. [Certiorari granted, *ante*, p. 890.] Motion of Americans for Effective Law Enforcement, Inc., et al. for leave to file a brief as *amici curiae* granted.

No. 74-76. SOUTH DAKOTA *v.* OPPERMAN. Sup. Ct. S. D. [Certiorari granted, *ante*, p. 923.] Motion for appointment of counsel granted, and it is ordered that Robert C. Ulrich, Esquire, of Vermillion, S. D., is appointed to serve as counsel for respondent in this case.

No. 75-246. UNITED STATES *v.* HOPKINS. Ct. Cl. [Certiorari granted, *ante*, p. 821.] Motion to substitute Alice R. Hopkins in place of Roy C. Hopkins, deceased, as party respondent granted.

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No. 75-169. OMAHA TRIBE OF INDIANS ET AL. *v.* PETERS ET AL. C. A. 8th Cir. Motion to grant petition for writ of certiorari and to consolidate for oral argument with No. 75-5027, *Bryan v. Itasca County, Minnesota*, [certiorari granted, *ante*, p. 923], denied. Reported below: 516 F. 2d 133.

No. 75-709. BEAL, SECRETARY OF WELFARE OF PENNSYLVANIA, ET AL. *v.* FRANKLIN ET AL.; and

No. 75-772. FRANKLIN ET AL. *v.* FITZPATRICK, DISTRICT ATTORNEY OF PHILADELPHIA COUNTY, ET AL. Appeals from D. C. E. D. Pa. Motions to expedite and to consolidate with No. 74-1151, *Planned Parenthood of Central Missouri v. Danforth*; and No. 74-1419, *Danforth v. Planned Parenthood of Central Missouri* [probable jurisdiction noted, *ante*, p. 819], denied.

No. 75-5454. STRATTON *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied.

#### *Certiorari Granted*

No. 75-252. MEACHUM, CORRECTIONAL SUPERINTENDENT, ET AL. *v.* FANO ET AL. C. A. 1st Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument with No. 74-520, *Montanye v. Haymes* [certiorari granted, 422 U. S. 1055]. Reported below: 520 F. 2d 374.

No. 75-510. FLINT RIDGE DEVELOPMENT Co. *v.* SCENIC RIVERS ASSOCIATION OF OKLAHOMA ET AL.; and

No. 75-545. HILLS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL. *v.* SCENIC RIVERS ASSOCIATION OF OKLAHOMA ET AL. C. A. 10th Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 520 F. 2d 240.

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*Certiorari Denied.* (See also No. 75-519, *supra*.)

No. 74-6716. *ASHTON v. ILLINOIS*. App. Ct. Ill., 1st Dist. *Certiorari denied*. Reported below: 25 Ill. App. 3d 172, 323 N. E. 2d 133.

No. 75-31. *WRIGHT, WARDEN, ET AL. v. JOHNSON*. C. A. 5th Cir. *Certiorari denied*. Reported below: 509 F. 2d 828.

No. 75-190. *HALL v. VIRGINIA*. Cir. Ct., Albemarle County, Va. *Certiorari denied*.

No. 75-285. *BARNETT v. UNITED STATES*; and

No. 75-5339. *THOR v. UNITED STATES*. C. A. 5th Cir. *Certiorari denied*. Reported below: 512 F. 2d 811.

No. 75-294. *WESTBULK ET AL. v. CARIBE SHIPPING Co., INC.* C. A. 1st Cir. *Certiorari denied*. Reported below: 514 F. 2d 1214.

No. 75-307. *KUTA v. UNITED STATES*. C. A. 7th Cir. *Certiorari denied*. Reported below: 518 F. 2d 947.

No. 75-308. *TARQUENO v. UNITED STATES*. C. A. 7th Cir. *Certiorari denied*. Reported below: 521 F. 2d 1402.

No. 75-309. *ALIOTO, MAYOR OF SAN FRANCISCO, ET AL. v. WESTERN ADDITION COMMUNITY ORGANIZATION ET AL.* C. A. 9th Cir. *Certiorari denied*. Reported below: 514 F. 2d 542.

No. 75-313. *MAZZEI v. UNITED STATES*. C. A. 3d Cir. *Certiorari denied*. Reported below: 521 F. 2d 639.

No. 75-322. *VERNELL v. UNITED STATES*. C. A. 5th Cir. *Certiorari denied*. Reported below: 510 F. 2d 383.

No. 75-335. *HALPENNY ET AL. v. UNITED STATES*. C. A. 6th Cir. *Certiorari denied*. Reported below: 517 F. 2d 1405.

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No. 75-338. *SERVANTES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 1402.

No. 75-351. *CALLAHAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 515 F. 2d 511.

No. 75-352. *DISILVIO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 520 F. 2d 247.

No. 75-357. *ALOI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 511 F. 2d 585.

No. 75-358. *TROISE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1182.

No. 75-379. *POMPONIO ET AL. v. UNITED STATES*; and  
No. 75-413. *POMPONIO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 517 F. 2d 460.

No. 75-386. *ROCKWELL ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 512 F. 2d 882.

No. 75-389. *STRONG ET AL. v. UNITED STATES*;  
No. 75-438. *POTTAWATOMIE TRIBE OF INDIANS ET AL. v. UNITED STATES*; and

No. 75-458. *HANNAHVILLE INDIAN COMMUNITY ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 554, 518 F. 2d 556.

No. 75-396. *HOME SAVINGS & LOAN ASSN. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 514 F. 2d 1199.

No. 75-401. *CHAPIN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 303, 515 F. 2d 1274.

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No. 75-400. *DI NOVO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 523 F. 2d 197.

No. 75-419. *BRAHANEY DRILLING CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 270.

No. 75-433. *KENDRICK ET AL. v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 842.

No. 75-456. *SIOUX NATION OF INDIANS ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 234, 518 F. 2d 1298.

No. 75-475. *SAC AND FOX TRIBE OF INDIANS OF OKLAHOMA ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 897, 521 F. 2d 1405.

No. 75-530. *BROWN v. NEW YORK*. App. Term, Sup. Ct. N. Y., 9th & 10th Jud. Dists. Certiorari denied.

No. 75-533. *SCHUMACKER ET AL. v. PEIRCE JUNIOR COLLEGE*. Pa. Commw. Ct. Certiorari denied. Reported below: 17 Pa. Commw. 604, 333 A. 2d 510.

No. 75-534. *CHURCH v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 317 So. 2d 386.

No. 75-544. *PAXTON ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 520 F. 2d 923.

No. 75-548. *POSNER v. BAR ASSOCIATION OF BALTIMORE CITY*. Ct. App. Md. Certiorari denied. Reported below: 275 Md. 250, 339 A. 2d 657.

No. 75-549. *KOTAKIS v. ELGIN, JOLIET & EASTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. Reported below: 520 F. 2d 570.

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No. 75-550. *WILSON v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 258 Ark. 110, 522 S. W. 2d 413.

No. 75-553. *BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPLOYEES, AFL-CIO v. REA EXPRESS, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 164.

No. 75-555. *COURT REPORTERS OF DADE COUNTY v. CIRCUIT JUDGES FOR THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 314 So. 2d 782.

No. 75-556. *COCKE v. JAMES STEWART CO. ET AL.* Ct. App. Ariz. Certiorari denied.

No. 75-560. *BURNS v. DECKER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 1404.

No. 75-563. *SANTOS v. PENNSYLVANIA*; and

No. 75-564. *RICHARD, AKA HARRIS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 233 Pa. Super. 254, 336 A. 2d 423.

No. 75-569. *ALLIED CONTRACTORS, INC. v. TOWN OF FEDERALSBURG*. Ct. App. Md. Certiorari denied. Reported below: 275 Md. 151, 338 A. 2d 275.

No. 75-572. *ADKINS v. UNDERWOOD ET AL., JUDGES*. C. A. 7th Cir. Certiorari denied. Reported below: 520 F. 2d 890.

No. 75-578. *MOLONEY ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 491.

No. 75-583. *DOCKING ET AL. v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 217 Kan. 756, 539 P. 2d 329.

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No. 75-586. UNITED PENTECOSTAL CHURCH OF HODGE, LOUISIANA, ET AL. *v.* LOUISIANA THROUGH THE DEPARTMENT OF HIGHWAYS. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 313 So. 2d 886.

No. 75-587. PHILIP B. BASSER ADVERTISING, INC., ET AL. *v.* REDEVELOPMENT AUTHORITY OF THE CITY OF PHILADELPHIA. Pa. Commw. Ct. Certiorari denied. Reported below: 19 Pa. Commw. 272, 339 A. 2d 885.

No. 75-596. BERSCH *v.* ARTHUR ANDERSEN & Co. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 974.

No. 75-597. REHOR *v.* CASE WESTERN RESERVE UNIVERSITY. Sup. Ct. Ohio. Certiorari denied. Reported below: 43 Ohio St. 2d 224, 331 N. E. 2d 416.

No. 75-615. CONSUMER ENTERPRISES, INC. *v.* NATIONAL FOOTBALL LEAGUE PROPERTIES, INC. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 26 Ill. App. 3d 814, 327 N. E. 2d 242.

No. 75-5087. FLUM *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 39.

No. 75-5118. ROSS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 522 S. W. 2d 214.

No. 75-5154. SAM *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 310 So. 2d 923.

No. 75-5158. PRESTAGE *v.* REED, PENITENTIARY SUPERINTENDENT. C. A. 5th Cir. Certiorari denied.

No. 75-5163. SHURNEY *v.* GRAY, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1400.

No. 75-5166. YOUNGBEAR *v.* IOWA. Sup. Ct. Iowa. Certiorari, denied. Reported below: 229 N. W. 2d 728.

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No. 75-5176. *HICKS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 75-5181. *BELL v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 311 So. 2d 104.

No. 75-5193. *DOBBINS v. DOBBINS*. Sup. Ct. Ga. Certiorari denied. Reported below: 234 Ga. 347, 216 S. E. 2d 102.

No. 75-5197. *KALLIE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 588.

No. 75-5205. *DAVIS v. VIRGINIA*. Cir. Ct., Lynchburg, Va. Certiorari denied.

No. 75-5225. *BALLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 519 F. 2d 463.

No. 75-5267. *BORUSKI v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 75-5270. *BORUSKI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 75-5275. *DAVIS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 462 Pa. 27, 336 A. 2d 888.

No. 75 5277. *RIVERA v. UNITED STATES*; and

No. 75-5378. *TORRES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 723.

No. 75-5283. *PETERS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 314 So. 2d 724.

No. 75-5300. *REED v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 F. 2d 624.

No. 75-5368. *TUCKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 75-5332. *COX, ADMINISTRATRIX v. DRAVO CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 620.

No. 75-5337. *ZEKTER v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 13 Wash. App. 24, 533 P. 2d 399.

No. 75-5348. *LAZUR v. BROAD MOUNTAIN CLUB, INC.* Sup. Ct. Pa. Certiorari denied. Reported below: 461 Pa. 668, 337 A. 2d 599.

No. 75-5357. *RUSK, AKA THOR v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 815.

No. 75-5369. *PHILLIPS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 522 F. 2d 606.

No. 75-5374. *HARRIS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1272.

No. 75-5396. *BLEVINS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 75-5411. *JOHNSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 92.

No. 75-5418. *HAILEY v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 75-5422. *FORTUNE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 883.

No. 75-5443. *GARCIA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 75-5447. *MISTIE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1400.

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No. 75-5445. SAULS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 520 F. 2d 568.

No. 75-5461. CONNOR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 75-5467. EATON *v.* DYER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 1404.

No. 75-5471. BORUSKI *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied.

No. 75-5478. KELTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 531.

No. 75-5485. DOZIER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 522 F. 2d 224.

No. 75-5494. VON KRONENBERGER *v.* CALIFORNIA; and

No. 75-5516. PRILEY *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5498. COVERT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-5500. POULOS *v.* UNITED STATES;

No. 75-5503. McEARCHERN ET AL. *v.* UNITED STATES; and

No. 75-5522. MARRIFIELD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 877.

No. 75-5517. KWIATKOWSKI ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 75-5533. STROUP *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied.

No. 75-5537. JOHN *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied.

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No. 75-5466. *PHILLIPS v. PHILLIPS*. Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 326 N. E. 2d 729.

No. 75-5540. *WOODS v. PERINI, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1406.

No. 75-5544. *LAGRONE v. MCBRIDE ET AL.* C. A. 10th Cir. Certiorari denied.

No. 75-5558. *ROY v. DUNN*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 U. S. App. D. C. 224, 521 F. 2d 324.

No. 75-5560. *SADLER v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 1401.

No. 75-5561. *BRANTLEY v. ADAMS, JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-5563. *JONES v. GATHRIGHT, CORRECTIONAL SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 529 F. 2d 515.

No. 75-5564. *MOORE v. LAVALLEE, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5565. *PAYTON v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN*. C. A. 7th Cir. Certiorari denied.

No. 75-5567. *JORDAN v. JOHNSON, CORRECTIONS DIRECTOR, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 1401.

No. 75-5574. *MCLEAN v. GARRISON, WARDEN*. C. A. 4th Cir. Certiorari denied.

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No. 75-5576. WINFORD *v.* WYRICK, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 1114.

No. 75-5578. SMITH *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., Alameda County. Certiorari denied.

No. 75-5579. HAMMOND *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5580. DOESCHER *v.* JONES, SHERIFF. C. A. 5th Cir. Certiorari denied.

No. 75-5582. CURTIS *v.* ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 521 F. 2d 717.

No. 75-5583. ZAVALA *v.* CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 75-5587. HECKSTALL *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied.

No. 75-5595. TUBBS *v.* HENDERSON, WARDEN. Sup. Ct. La. Certiorari denied. Reported below: 318 So. 2d 43.

No. 75-5600. WILLIAMS *v.* JOHNSON, CORRECTIONAL SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 519 F. 2d 1398.

No. 75-5603. AREY *v.* MARYLAND. Ct. App. Md. Certiorari denied.

No. 75-5605. MABRA *v.* GRAY. C. A. 7th Cir. Certiorari denied. Reported below: 518 F. 2d 512.

No. 75-5613. FAIR *v.* SULLIVAN, SUPERVISOR OF ELECTIONS. C. A. 5th Cir. Certiorari denied.

No. 75-5615. STEERE *v.* TEXAS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 521 F. 2d 812.

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No. 75-5617. MATTHEWS ET UX. *v.* YALE-NEW HAVEN HOSPITAL. App. Div., Conn. Ct. Common Pleas. Certiorari denied. Reported below: 32 Conn. Supp. 539, 343 A. 2d 661.

No. 75-5620. SCULLY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-5621. ENBINDER *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 330 N. E. 2d 846.

No. 75-5623. BANDA *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1057.

No. 75-5625. STEWART *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

No. 75-5627. OLTIVEROS *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 478.

No. 75-5630. DIXON *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 75-5631. KENARD *v.* NEW MEXICO. Ct. App. N. M. Certiorari denied. Reported below: 88 N. M. 107, 537 P. 2d 1003.

No. 75-5636. SMITH *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., Alameda County. Certiorari denied.

No. 75-5651. CRAVENS *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 75-102. McELROY ET UX. *v.* TAYLOR. Ct. App. Tenn. Motion of Holt Adoption Program, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 522 S. W. 2d 345.

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No. 75-5665. *VLAHAKIS v. ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 634.

No. 75-5755. *WHITE v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 169 Conn. 223, 363 A. 2d 143.

No. 75-317. *WOESTENDIEK ET AL. v. WALKER ET UX.* Sup. Ct. Colo. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: — Colo. —, 538 P. 2d 450.

No. 75-415. *PORTLAND CEMENT ASSN. v. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.* C. A. D. C. Cir. Motion of National Association of Manufacturers for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 168 U. S. App. D. C. 248, 513 F. 2d 506.

No. 75-573. *ZWEIG ET AL. v. HEARST CORP.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE would grant certiorari. Reported below: 521 F. 2d 1129.

No. 75-5263. *LUJAN v. NEW MEXICO.* Sup. Ct. N. M. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 87 N. M. 400, 534 P. 2d 1112.

No. 75-5750. *RAITPORT v. GENERAL MOTORS CORP. ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

#### *Rehearing Denied*

No. 74-6502. *WATKINS v. ESTELLE, CORRECTIONS DIRECTOR, ante*, p. 924; and

No. 74-6622. *SELLARS v. MCCARTHY, MEN'S COLONY SUPERINTENDENT, ante*, p. 924. Petitions for rehearing denied.

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No. 75-284. METROPOLITAN DADE COUNTY, FLORIDA, ET AL. *v.* AEROJET-GENERAL CORP., *ante*, p. 908;

No. 75-289. SCHULZ *v.* CRESS ET AL., *ante*, p. 913;

No. 75-5081. HOWLETT *v.* FEDERAL NATIONAL MORTGAGE ASSN., *ante*, p. 909;

No. 75-5174. WOOLLEN *v.* WILLIAMS ET AL., *ante*, p. 917;

No. 75-5226. ANTHONY *v.* VINCENT, CORRECTIONAL SUPERINTENDENT, *ante*, p. 934;

No. 75-5413. MORETTA *v.* MORETTA, *ante*, p. 937; and

No. 75-5431. THOMAS *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA, *ante*, p. 944. Petitions for rehearing denied.

No. 74-1571. SARULLO ET AL. *v.* UNITED STATES, *ante*, p. 837; and

No. 74-6599. GLENN *v.* NEW YORK, *ante*, p. 853. Motions for leave to file petitions for rehearing denied.

#### *Assignment Orders*

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Second Circuit from April 12, 1976, to April 16, 1976, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Second Circuit from June 1, 1976, to June 4, 1976, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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*Certiorari Granted*

No. 75-817. NEBRASKA PRESS ASSN. ET AL. *v.* STUART, JUDGE. Sup. Ct. Neb. Motion of Nebraska Press Assn. et al. for leave to treat their application as a petition for certiorari having been heretofore granted [*ante*, p. 1011], it is ordered:

1. Petition for writ of certiorari granted;
2. Motion to expedite denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant motion.
3. Application for stay denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant application. MR. JUSTICE WHITE would stay judgment of the Nebraska Supreme Court to the extent that its order forbade the publication of information disclosed in public at the preliminary hearing in the criminal case out of which this case arose. In this respect, he is in disagreement with the Court's actions in this case today. He joins the Court in granting the petition for writ of certiorari and in ordering plenary consideration of this case, which as he understands it, raises issues broader than the power of the State to enjoin the publication of facts disclosed at a public hearing in a state court. Being convinced that these questions should be decided only after adequate briefing and argument and ample time for mature consideration, he is in agreement that we should not attempt to hear and decide this case prior to the beginning of the criminal trial in early January.
4. Petitioners Nebraska Press Assn. et al. are invited to file an amended petition for certiorari on or before December 30, 1975. Responses may be made in accord with the Court's Rules.

Reported below: 194 Neb. 783, 236 N. W. 2d 794.

DECEMBER 15, 1975

*Appeals Dismissed*

No. 75-599. *APPALACHIAN POWER CO. v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA ET AL.* Appeal from Sup. Ct. App. W. Va. dismissed for want of substantial federal question. MR. JUSTICE POWELL took no part in the consideration or decision of this appeal.

No. 75-648. *MORITT v. EXTRAORDINARY SPECIAL AND TRIAL TERM OF THE SUPREME COURT, COUNTY OF KINGS, ET AL.* Appeal from App. Div., Sup. Ct. N. Y., 2d Jud. Dept., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 46 App. Div. 2d 784, 361 N. Y. S. 2d 20.

No. 75-5590. *TONEY v. ARIZONA.* Appeal from Super. Ct. Ariz., Pima County, dismissed for want of substantial federal question.

*Miscellaneous Orders*

No. A-472. *KELLEY v. UNITED STATES ET AL.* Application for stay of order of the United States District Court for the Central District of California, entered on October 2, 1975, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-512. *SEDGWICK v. UNITED STATES.* Application to recall mandate of the District of Columbia Court of Appeals and to stay its issuance pending filing of petition for writ of certiorari, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. Reported below: 345 A. 2d 465.

No. A-527. *KREMENS, HOSPITAL DIRECTOR, ET AL. v. BARTLEY ET AL.* Application for stay of judgment of the

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United States District Court for the Eastern District of Pennsylvania, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, granted.

No. 73-861. EAST CARROLL PARISH SCHOOL BOARD ET AL. *v.* MARSHALL. C. A. 5th Cir. [Certiorari granted, 422 U. S. 1055.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* in support of respondent granted and 15 additional minutes allotted for that purpose. Petitioners allotted 15 additional minutes for oral argument.

No. 74-1589. GENERAL ELECTRIC CO. *v.* GILBERT ET AL.; and

No. 74-1590. GILBERT ET AL. *v.* GENERAL ELECTRIC CO. C. A. 4th Cir. [Certiorari granted, *ante*, p. 822.] Motion of Celanese Corp. for leave to file a brief as *amicus curiae* granted.

No. 75-76. SOUTH DAKOTA *v.* OPPERMAN. Sup. Ct. S. D. [Certiorari granted, *ante*, p. 923.] Motion of the Attorney General of South Dakota to permit Earl R. Mettler, Esquire, to present oral argument *pro hac vice* granted.

No. 75-110. SAKRAIDA *v.* AG PRO, INC. C. A. 5th Cir. [Certiorari granted, *ante*, p. 891.] Motion of Texas Farmers Union for leave to file a brief as *amicus curiae* granted.

No. 75-122. CANTOR, DBA SELDEN DRUGS CO. *v.* DETROIT EDISON CO. C. A. 6th Cir. [Certiorari granted, *ante*, p. 821.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* in support of petitioner granted and 15 additional minutes allotted for that purpose. Respondent allotted 15 additional minutes for oral argument.

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No. 75-527. ARNETT, DIRECTOR, DEPARTMENT OF FISH AND GAME OF CALIFORNIA *v.* FIVE GILL NETS ET AL. Ct. App. Cal., 1st App. Dist. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-554. BEAL, SECRETARY, DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA, ET AL. *v.* DOE ET AL. C. A. 3d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-624. JONES, DIRECTOR, DIVISION OF FAMILY SERVICES OF UTAH, ET AL. *v.* T. H. Appeal from D. C. Utah. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-5387. SIFUENTES *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, *ante*, p. 945.] Motion for appointment of counsel granted, and it is ordered that Ballard Bennett, Esquire, of Weslaco, Tex., be appointed to serve as counsel for petitioner in this case.

No. 75-644. BAKER ET UX. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON; and

No. 75-5591. CHILEMBWE *v.* WANGELIN, JUDGE. Motions for leave to file petitions for writs of mandamus denied.

No. 75-5596. VIDAL *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. Motion for leave to file petition for writ of mandamus and/or certiorari denied.

*Certiorari Granted*

No. 75-616. VILLAGE OF ARLINGTON HEIGHTS ET AL. *v.* METROPOLITAN HOUSING DEVELOPMENT CORP. ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 517 F. 2d 409.

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No. 74-1263. BREWER, WARDEN *v.* WILLIAMS. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 509 F. 2d 227.

No. 74-6438. SCOTT ET AL. *v.* KENTUCKY PAROLE BOARD ET AL. C. A. 6th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted.

No. 75-235. G. M. LEASING CORP. ET AL. *v.* UNITED STATES ET AL. C. A. 10th Cir. Certiorari granted limited to Question 2 presented by the petition which reads as follows: "Whether tax agents of the United States acted illegally in seizing automobiles and documents in violation of petitioner G. M. Leasing Corporation's Fourth Amendment rights under the Constitution of the United States." Reported below: 514 F. 2d 935.

No. 75-251. FITZPATRICK ET AL. *v.* BITZER, CHAIRMAN, STATE EMPLOYEES' RETIREMENT COMMISSION, ET AL.; and

No. 75-283. BITZER, CHAIRMAN, STATE EMPLOYEES' RETIREMENT COMMISSION, ET AL. *v.* MATTHEWS ET AL. C. A. 2d Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 519 F. 2d 559.

*Certiorari Denied.* (See also No. 75-648, *supra.*)

No. 74-1233. GREEN ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 1062.

No. 74-1367. ROSENBERG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 515 F. 2d 190.

No. 74-1461. PAY MING LEU *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 511 F. 2d 1062.

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No. 74-5865. *JORGENSEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-6160. *GRIFFIN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 327 A. 2d 530.

No. 75-311. *JASCOURT v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 75-320. *BRANIFF AIRWAYS, INC. v. EL PASO COIN Co., INC., ET AL.* Ct. Civ. App. Tex., 8th Sup. Jud. Dist. Certiorari denied. Reported below: 517 S. W. 2d 915.

No. 75-362. *CRABTREE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-370. *SKARTSIVAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1403.

No. 75-371. *LEADING FIGHTER ET AL. v. COUNTY OF GREGORY*. Sup. Ct. S. D. Certiorari denied. Reported below: — S. D. —, 230 N. W. 2d 114.

No. 75-385. *MAGGIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 80.

No. 75-390. *CRAFT, AKA WOODS, ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 564.

No. 75-391. *MUCKENSTRUM, AKA BAKER, ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 568.

No. 75-392. *BURCH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1405.

No. 75-398. *GERRY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 515 F. 2d 145.

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No. 75-402. *HONEYCUTT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 521 F. 2d 1402.

No. 75-406. *WUNNICKE ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-411. *BRANDENFELS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 522 F. 2d 1259.

No. 75-416. *MOSKOWITZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 518 F. 2d 1406.

No. 75-418. *FISHER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 518 F. 2d 836.

No. 75-427. *MARTIN ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 1395.

No. 75-446. *STERN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 521.

No. 75-463. *DIGIRLOMO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 372.

No. 75-484. *CHAMBER OF COMMERCE OF THE UNITED STATES v. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 519 F. 2d 595.

No. 75-485. *CHAMBER OF COMMERCE OF THE UNITED STATES v. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 352.

No. 75-540. *BOYLE ET AL. v. KLEPPE, SECRETARY OF THE INTERIOR*. C. A. 9th Cir. Certiorari denied.

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No. 75-531. *TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-598. *SHANNON ET AL. v. MORALES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 411.

No. 75-609. *MORTON ET AL. v. CHARLES COUNTY BOARD OF EDUCATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 520 F. 2d 871.

No. 75-613. *METCALF v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 75-626. *NOLAN v. MEYER ET AL., TRUSTEES*. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1276.

No. 75-629. *KLINE ET UX. v. HEYMAN ET AL.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 309 So. 2d 242.

No. 75-5207. *ANDERSON v. UNITED STATES*; and

No. 75-5424. *HUGHES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 517 F. 2d 1405.

No. 75-5254. *SKAGGS ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 513 F. 2d 634.

No. 75-5340. *RIOS-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 75-5359. *BOROM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 1405.

No. 75-5393. *HANSMA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 75-5403. *NORMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5419. *HAIRRELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 1264.

No. 75-5470. *BURNETT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 1373.

No. 75-5506. *JACKMAN ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5509. *CANTU ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 494.

No. 75-5526. *BROGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 28.

No. 75-5542. *GOMORI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 522 F. 2d 959.

No. 75-5556. *MARTIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 525 F. 2d 703.

No. 75-5559. *HILLSMAN ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 522 F. 2d 454.

No. 75-5572. *NAVA-FLORES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 524 F. 2d 1129.

No. 75-5597. *STRICKLAND v. MONROE COUNTY PUBLISHING Co., INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 1401.

No. 75-5602. *TAYLOR v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied.

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- No. 75-5599. *GRIFFITH v. ILLINOIS*; and  
No. 75-5637. *LYONS v. ILLINOIS*. App. Ct. Ill., 5th  
Dist. Certiorari denied. Reported below: 26 Ill. App.  
3d 193, 324 N. E. 2d 677.
- No. 75-5606. *HECKSTALL v. UNITED STATES ET AL.*  
C. A. D. C. Cir. Certiorari denied.
- No. 75-5607. *BARNES v. ESTELLE, CORRECTIONS DI-  
RECTOR*. C. A. 5th Cir. Certiorari denied. Reported  
below: 518 F. 2d 182.
- No. 75-5618. *JURGENS v. MARBLEY*. C. A. 9th Cir.  
Certiorari denied.
- No. 75-5638. *VANDYGRIFT v. HILLSBOROUGH COUNTY  
COMMISSIONERS*. Sup. Ct. Fla. Certiorari denied.
- No. 75-5639. *PULIDO-HERNANDEZ v. UNITED STATES*.  
C. A. 9th Cir. Certiorari denied.
- No. 75-5641. *SAMUELS v. HOPPER, WARDEN*. C. A.  
5th Cir. Certiorari denied.
- No. 75-5646. *HOVER v. FLORIDA*. Sup. Ct. Fla. Cer-  
tiorari denied. Reported below: 317 So. 2d 748.
- No. 75-5648. *HARPER v. GRAY*. C. A. 7th Cir. Cer-  
tiorari denied. Reported below: 525 F. 2d 694.
- No. 75-5650. *YOSS v. SCHUBERT, HOSPITAL SUPERIN-  
TENDENT, ET AL.* C. A. 7th Cir. Certiorari denied.
- No. 75-5653. *ADAMS v. CBI-FAIRMAC CORP.* Ct.  
App. D. C. Certiorari denied.
- No. 75-5662. *HOWARD v. HENDERSON, WARDEN*. C. A.  
5th Cir. Certiorari denied. Reported below: 519 F. 2d  
1176.
- No. 75-5666. *HARRIS v. NEW YORK*. Onondaga  
County Ct. Certiorari denied.

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No. 75-5667. MURPHY *v.* BRISCOE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1087.

No. 75-5671. McLAUGHLIN *v.* VINZANT, CORRECTIONAL SUPERINTENDENT. C. A. 1st Cir. Certiorari denied. Reported below: 522 F. 2d 448.

No. 75-5676. BEAUPRE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 526 S. W. 2d 811.

No. 75-5677. THOMASSEN *v.* BURKHEAD. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 75-5702. RICHARDS *v.* ALABAMA. C. A. 5th Cir. Certiorari denied. Reported below: 510 F. 2d 1406.

No. 75-375. WHITE FARM EQUIPMENT Co. *v.* COMMISSIONER OF INTERNAL REVENUE; and

No. 75-558. COMMISSIONER OF INTERNAL REVENUE *v.* AMERADA HESS CORP. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACKMUN and MR. JUSTICE POWELL would grant certiorari in No. 75-375, limited to Question 2 presented in the petition. Reported below: 517 F. 2d 75.

No. 75-453. NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES *v.* KLASSEN, POSTMASTER GENERAL, ET AL. C. A. D. C. Cir. Motion of National Association for the Advancement of Colored People for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 168 U. S. App. D. C. 293, 514 F. 2d 189.

No. 75-691. SHIELDS ET AL. *v.* FRANKLIN ET AL.; and

No. 75-5505. FRANKLIN ET AL. *v.* SHIELDS ET AL. Petition for certiorari before judgment to C. A. 4th Cir. Motion of respondents for leave to proceed *in forma pauperis* in No. 75-691 granted. Certiorari denied. Reported below: See 399 F. Supp. 309.

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No. 75-487. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY *v.* ABRAMS. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this petition. Reported below: 521 F. 2d 1094.

MR. CHIEF JUSTICE BURGER, with whom MR. JUSTICE POWELL joins, dissenting.

The Court of Appeals has advanced the novel doctrine that when a federal court acts on a record made in state disciplinary proceedings the federal court's power to discipline a member of its bar is circumscribed by the scope of the penalty imposed by the state courts. It has always seemed clear to me that the federal courts have plenary power over the admission, disbarment, or discipline of attorneys who practice before them. See Cheatham, *The Reach of Federal Action Over the Profession of Law*, 18 *Stan. L. Rev.* 1288, 1291-1292 (1966). The federal courts are not bound by the standards of professional conduct prescribed or enforced by the States any more than States are bound by federal action. A federal court may well determine that conduct found tolerable by another jurisdiction merits disbarment in federal court, as our actions disciplining members of this Court's Bar implicitly demonstrate. See, *e. g.*, *In re Disbarment of Osborne*, 420 U. S. 918 (1975); *In re Disbarment of Buttles*, 419 U. S. 1101 (1975); *In re Disbarment of Mades*, 414 U. S. 1154 (1974). A federal court must apply state law in diversity cases, but there is not the slightest reason to do so in judging the conduct of members of its own bar.

I do not share the view that this is a subject not warranting the time for full briefing and argument here. Granting that the burdens of our calendar do not permit full review of all we might desire, the issue here seems so

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clear that we could appropriately grant the writ and reverse the judgment summarily.

No. 75-5268. *YOUNG v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE WHITE would grant certiorari. Reported below: 234 Ga. 488, 216 S. E. 2d 586.

*Rehearing Denied*

No. 75-236. *KUTLER v. UNITED STATES*, *ante*, p. 959;

No. 75-258. *PARKER v. LORENZ, ACTING LIBRARIAN OF CONGRESS, ET AL.*, *ante*, p. 927;

No. 75-323. *IN RE BERRY*, *ante*, p. 928;

No. 75-374. *WARREN v. KILLORY, SUPERINTENDENT OF SCHOOLS, BROCKTON, MASSACHUSETTS, ET AL.*, *ante*, p. 929;

No. 75-435. *CESSNA AIRCRAFT CO. ET AL. v. WHITE INDUSTRIES, INC.*, *ante*, p. 947.

No. 75-5324. *GUERRERO v. HAUCK, SHERIFF*, *ante*, p. 936; and

No. 75-5584. *WHITE v. ALABAMA*, *ante*, p. 951. Petitions for rehearing denied.

No. 74-1574. *UNITED MINE WORKERS OF AMERICA ET AL. v. ARMCO STEEL CORP. ET AL.*, *ante*, p. 877. Petition for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

No. 74-6726. *ORBIZ, AKA LLACA v. UNITED STATES*, *ante*, p. 861. Motion for leave to file petition for rehearing denied.

DECEMBER 17, 1975

*Dismissal Under Rule 60*

No. 74-1549. *BAILEY v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 512 F. 2d 833.

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DECEMBER 19, 1975

*Miscellaneous Order.* (For Court's order making allotment of Justices, see *ante*, p. II.)

DECEMBER 22, 1975

*Miscellaneous Order*

No. A-550 (75-436 and 75-437). BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from C. A. D. C. Cir.; and

BUCKLEY ET AL. *v.* VALEO, SECRETARY OF THE UNITED STATES SENATE, ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 820.] Application to enjoin appellees from making certification pursuant to 26 U. S. C. § 9036 (a) for payments to finance campaign activities of certain candidates for nomination for election to be President of the United States and from making certification pursuant to 26 U. S. C. § 9008 (g) for payments to finance certain Presidential nominating conventions, pending final disposition of the appeals in this Court, was received by THE CHIEF JUSTICE, December 17, 1975, and, after calling for a response, he presented the said application to the Court.

Upon consideration of the said application for an injunction, and of the opposition thereto filed by the Solicitor General of the United States, December 17, 1975, it is ordered that there being no majority to grant the injunction, the said application is denied. THE CHIEF JUSTICE, MR. JUSTICE STEWART, MR. JUSTICE BLACKMUN, and MR. JUSTICE REHNQUIST would grant the injunction. MR. JUSTICE STEVENS took no part in the consideration or disposition of this application.

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*Affirmed on Appeal*

No. 75-414. THOMPSON VAN LINES, INC., ET AL. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. Reported below: 399 F. Supp. 1131.

No. 75-677. SCHWARTZ, CHAIRMAN, NEW YORK BOARD OF ELECTIONS, ET AL. *v.* VANASCO ET AL. Affirmed on appeal from D. C. E. D. N. Y. Reported below: 401 F. Supp. 87.

No. 75-678. SCHWARTZ, CHAIRMAN, NEW YORK BOARD OF ELECTIONS, ET AL. *v.* POSTEL. Affirmed on appeal from D. C. S. D. N. Y. Reported below: 401 F. Supp. 87.

No. 75-520. NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST would note probable jurisdiction and set case for oral argument. Reported below: 397 F. Supp. 591.

*Appeals Dismissed*

No. 75-602. CABOT CORP. *v.* PUBLIC SERVICE COMMISSION OF WEST VIRGINIA ET AL. Appeal from Sup. Ct. App. W. Va. dismissed for want of substantial federal question.

No. 75-639. GENTILE ET AL. *v.* ALTERMATT ET AL. Appeal from Sup. Ct. Conn. dismissed for want of substantial federal question. Reported below: 169 Conn. 267, 363 A. 2d 1.

No. 75-5715. SWAIN *v.* TENNESSEE. Appeal from Sup. Ct. Tenn. dismissed for want of substantial federal question. Reported below: 527 S. W. 2d 119.

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No. 75-717. *STUDENTS INTERNATIONAL MEDITATION SOCIETY v. HIRAM RICKER & SONS*. Appeal from Sup. Jud. Ct. Me. dismissed for want of jurisdiction. Reported below: 342 A. 2d 262.

No. 75-5730. *NEAL v. HOLLADAY ET AL.* Appeal from D. C. N. D. Ga. dismissed for want of jurisdiction.

No. 75-666. *COFFEE-RICH, INC., ET AL. v. FIELDER, DIRECTOR OF AGRICULTURE OF CALIFORNIA, ET AL.* Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 48 Cal. App. 3d 990, 122 Cal. Rptr. 302.

No. 75-5738. *HARRISON v. LOCAL 54, AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO*. Appeal from C. A. 3d Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 518 F. 2d 1276.

No. 75-5206. *ORSINI v. BLASI*. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Mr. JUSTICE BRENNAN and Mr. JUSTICE WHITE would note probable jurisdiction and set case for oral argument. Reported below: 36 N. Y. 2d 568, 331 N. E. 2d 486.

*Certiorari Granted—Vacated and Remanded*

No. 75-129. *SUCHY v. UNITED STATES*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further proceedings in which petitioner will be allowed to file a petition for rehearing and in which the court may determine whether further briefing and argument are necessary. Reported below: 513 F. 2d 633.

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*Miscellaneous Orders*

No. A-500. SARULLO *v.* UNITED STATES, *ante*, p. 837. Application to stay further execution and enforcement of judgment of conviction by the United States District Court for the Western District of Tennessee, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-527. KREMENS, HOSPITAL DIRECTOR, ET AL. *v.* BARTLEY ET AL. D. C. E. D. Pa. Motion to vacate in part stay heretofore granted by this Court on December 15, 1975 [*ante*, p. 1028] denied.

No. A-532 (75-522). TALLANT ET AL. *v.* UNITED STATES. D. C. N. D. Ga. Reapplication for bail, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-543. CITIZENS COMMITTEE TO OPPOSE ANNEXATION *v.* CITY OF LYNCHBURG, VIRGINIA, ET AL. C. A. 4th Cir. Application for injunction, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. Reported below: 528 F. 2d 816.

No. A-597. FRANKS *v.* FRANKS. Application for stay of mandate of Supreme Court of Colorado, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. Reported below: — Colo. —, 542 P. 2d 845.

No. 74-220. HANCOCK, ATTORNEY GENERAL OF KENTUCKY *v.* TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. 6th Cir. [Certiorari granted, 420 U. S. 971.] Motion of the State of Alabama for leave to file a brief as *amicus curiae* granted.

No. 73-7031. FOWLER *v.* NORTH CAROLINA. Sup. Ct. N. C. [Restored to calendar, 422 U. S. 1039.] Motion

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of the Attorney General of California for leave to participate in oral argument as *amicus curiae* denied. Motion of American Ethical Union et al. for leave to file a brief as *amici curiae* granted.

No. 74-1151. PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. *v.* DANFORTH, ATTORNEY GENERAL OF MISSOURI, ET AL.; and

No. 74-1419. DANFORTH, ATTORNEY GENERAL OF MISSOURI *v.* PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. Appeals from D. C. E. D. Mo. [Probable jurisdiction noted, *ante*, p. 819.] Motion of Lawyers for Life, Inc., et al. for leave to file a brief as *amici curiae* granted. Motions of D. C. Right of Life Committee (Wash., D. C.) et al., and Dr. Eugene Diamond et al. for leave to file briefs as *amici curiae* denied.

No. 74-1263. BREWER, WARDEN *v.* WILLIAMS. C. A. 8th Cir. [Certiorari granted, *ante*, p. 1031.] Motion for appointment of counsel granted, and it is ordered that Robert Bartels, Esquire, of Iowa City, Iowa, be appointed to serve as counsel for respondent in this case.

No. 74-1318. DREW MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. *v.* ANDREWS ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 820.] Motion of respondents for leave to proceed further herein *in forma pauperis* denied.

No. 74-1492. WASHINGTON, MAYOR OF WASHINGTON, D. C., ET AL. *v.* DAVIS ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 820.] Motion of Educational Testing Service for leave to file a brief as *amicus curiae* granted. Motion of Executive Committee of the Division of Industrial Organizational Psychology (Div. 14) of the American Psychological Assn. for leave to file a brief as *amicus curiae* granted and request to participate in oral argument denied.

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No. 74-1487. UNITED STATES *v.* MACCOLLOM. C. A. 9th Cir. [Certiorari granted, *ante*, p. 821.] Motion for appointment of counsel granted, and it is ordered that John A. Strait, Esquire, of Seattle, Wash., be appointed to serve as counsel for respondent in this case.

No. 74-1542. UNION ELECTRIC CO. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 8th Cir. [Certiorari granted, *ante*, p. 821.] Motion of Coalition for the Environment, St. Louis Region, for leave to file a brief as *amicus curiae* granted.

No. 74-1563. CITY OF EASTLAKE ET AL. *v.* FOREST CITY ENTERPRISES, INC. Sup. Ct. Ohio. [Certiorari granted, *ante*, p. 890.] Motion of San Diego Building Contractors Assn. et al. for leave to file a brief as *amici curiae* granted.

No. 74-1646. ANDRESEN *v.* MARYLAND. Ct. Sp. App. Md. [Certiorari granted, *ante*, p. 822.] Motion of the Solicitor General to participate in oral argument as *amicus curiae* in support of respondent granted and 15 additional minutes allotted for that purpose. Petitioner also allotted 15 additional minutes for oral argument.

No. 75-62. RUNYON ET UX. *v.* MCCRARY ET AL.;

No. 75-66. FAIRFAX-BREWSTER SCHOOL, INC. *v.* GONZALES ET UX.;

No. 75-278. SOUTHERN INDEPENDENT SCHOOL ASSN. *v.* MCCRARY ET AL.; and

No. 75-306. MCCRARY ET AL. *v.* RUNYON ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 945.] Motion of Dade Christian Schools, Inc., for leave to file a brief as *amicus curiae* granted.

No. 75-76. SOUTH DAKOTA *v.* OPPERMAN. Sup. Ct. S. D. [Certiorari granted, *ante*, p. 923.] Motion of Americans for Effective Law Enforcement, Inc., for leave to file a brief as *amicus curiae* granted.

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No. 75-122. CANTOR, DBA SELDEN DRUGS Co. v. DETROIT EDISON Co. C. A. 6th Cir. [Certiorari granted, *ante*, p. 821.] Motions of National Association of Regulatory Utility Commissioners and Michigan Bell Telephone Co. et al. for leave to file briefs as *amici curiae* granted.

No. 75-260. McDONALD ET AL. v. SANTA FE TRAIL TRANSPORTATION Co. ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 923.] Motions of Chamber of Commerce of the United States, American Jewish Committee, and Anti-Defamation League of B'nai B'rith for leave to file briefs as *amici curiae* granted.

No. 75-292. SERBIAN EASTERN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA ET AL. v. MILIVOJEVICH ET AL. Sup. Ct. Ill. [Certiorari granted, *ante*, p. 911.] Motion of the Catholic Bishop of Chicago for leave to file a brief as *amicus curiae* granted.

No. 75-312. YOUNG, MAYOR OF DETROIT, ET AL. v. AMERICAN MINI THEATRES, INC., ET AL. C. A. 6th Cir. [Certiorari granted, *sub. nom. Gribbs v. American Mini Theatres, Inc.*, *ante*, p. 911.] Motion of respondents for additional time for oral argument denied. Alternative request for divided argument granted.

No. 75-377. LUDWIG v. MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. [Probable jurisdiction noted, *ante*, p. 945.] Motion of appellant for leave to proceed further herein *in forma pauperis* denied.

No. 75-676. BOWMAN TRANSPORTATION, INC. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL. Appeal from D. C. W. D. Ark. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 75-562. ROSEBUD SIOUX TRIBE *v.* KNEIP, GOVERNOR OF SOUTH DAKOTA, ET AL. C. A. 8th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 75-681. GRAYSON *v.* WENKE, JUDGE, ET AL.;

No. 75-5553. WILSON *v.* MULLOY, U. S. MAGISTRATE;  
and

No. 75-5654. JACKSON *v.* STANLEY, U. S. DISTRICT JUDGE. Motions for leave to file petitions for writs of mandamus denied.

*Probable Jurisdiction Noted*

No. 75-628. CRAIG ET AL. *v.* BOREN, GOVERNOR OF OKLAHOMA, ET AL. Appeal from D. C. W. D. Okla. Probable jurisdiction noted. Reported below: 399 F. Supp. 1304.

*Certiorari Granted*

No. 75-679. INTERNAL REVENUE SERVICE *v.* FRUEHAUF CORP. ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 522 F. 2d 284.

No. 75-552. KLEPPE, SECRETARY OF THE INTERIOR, ET AL. *v.* SIERRA CLUB ET AL.; and

No. 75-561. AMERICAN ELECTRIC POWER SYSTEM ET AL. *v.* SIERRA CLUB ET AL. C. A. D. C. Cir. Motion of American Public Power Assn. et al. for leave to file a brief as *amici curiae* granted. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Application for stay of injunction entered by the United States Court of Appeals for the District of Columbia Circuit on January 3, 1975, and continued on June 16, 1975, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted pending final disposition of these cases. Reported below: 169 U. S. App. D. C. 20, 514 F. 2d 856.

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No. 75-567. OREGON EX REL. STATE LAND BOARD *v.* CORVALLIS SAND & GRAVEL Co.; and

No. 75-577. CORVALLIS SAND & GRAVEL Co. *v.* OREGON EX REL. STATE LAND BOARD. Sup. Ct. Ore. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 272 Ore. 545, 536 P. 2d 517; 272 Ore. 550, 538 P. 2d 70.

*Certiorari Denied.* (See also Nos. 75-666 and 75-5738, *supra.*)

No. 75-67. UNITED STATES *v.* ROBBINS. C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 301.

No. 75-125. GETTY *v.* KENTUCKY BAR ASSN. Ct. App. Ky. Certiorari denied. Reported below: 535 S. W. 2d 91.

No. 75-264. HOGERVORST *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied.

No. 75-340. BRODERICK ET AL. *v.* DIGRAZIA, BOSTON POLICE COMMISSIONER. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 330 N. E. 2d 199.

No. 75-360. MARSHALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 274.

No. 75-421. FRED IMBERT, INC. *v.* COMPAGNIE GENERALE TRANSATLANTIQUE. C. A. 1st Cir. Certiorari denied. Reported below: 517 F. 2d 371.

No. 75-422. INTERNATIONAL ENGINEERING Co., A DIVISION OF A-T-O, INC. *v.* RUMSFELD, SECRETARY OF DEFENSE, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 167 U. S. App. D. C. 396, 512 F. 2d 573.

No. 75-431. GOSNELL ET AL. *v.* HOLSON ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 264 S. C. 619, 216 S. E. 2d 539.

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No. 75-439. *McSPADEN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 42 Ohio St. 2d 307, 329 N. E. 2d 85.

No. 75-440. *MANDELL v. UNITED STATES*; and

No. 75-441. *MANDELL ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 525 F. 2d 671.

No. 75-451. *COHEN v. ANCHOR HOCKING GLASS CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 1404.

No. 75-457. *VENIOS ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 521 F. 2d 506.

No. 75-461. *MITCHELL v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 75-464. *MOORE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 522 F. 2d 1068.

No. 75-470. *THORNBURG v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 521 F. 2d 1397.

No. 75-471. *COLLIS v. KENTUCKY BAR ASSN.* Ct. App. Ky. Certiorari denied. Reported below: 535 S. W. 2d 95.

No. 75-472. *BETTIS CORP. ET AL. v. CHARLES WHEATLEY Co.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 486.

No. 75-479. *McFARLAND v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 38, 517 F. 2d 938.

No. 75-483. *POHLMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 522 F. 2d 974.

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No. 75-488. *AGUILERA-ENRIQUEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 565.

No. 75-501. *BROWN, AKA FEDERICO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 526 F. 2d 585.

No. 75-506. *BOYD ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 520 F. 2d 642.

No. 75-507. *MATTHEWS v. UNITED STATES*; and  
No. 75-538. *GRANCICH ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 518 F. 2d 352.

No. 75-508. *KAESERMAN v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 75-511. *H. B. BUSTER HUGHES, INC. v. OCEAN DRILLING & EXPLORATION Co.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 817.

No. 75-514. *VEGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1088.

No. 75-516. *HICKMAN ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 523 F. 2d 323.

No. 75-518. *BRANCATO ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 904.

No. 75-523. *KAPLAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 75-539. *AQUILA ET AL. v. BRICHFORD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1402.

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No. 75-526. LOCAL 1104, COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 411.

No. 75-546. KLEIFGEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 75-547. PUN HOI CHENG *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1351.

No. 75-557. NEW MEXICO *v.* MATHEWS, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 10th Cir. Certiorari denied. Reported below: 517 F. 2d 989.

No. 75-559. VESPE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 520 F. 2d 1369.

No. 75-574. TOPSY'S INTERNATIONAL, INC., ET AL. *v.* SEIFFER ET AL.; and

No. 75-633. TOUCHE ROSS & CO. *v.* SEIFFER ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 520 F. 2d 795.

No. 75-575. KLEIN ET AL. *v.* CITY OF MENLO PARK ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-581. CIVITA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 521 F. 2d 1397.

No. 75-585. REILLY *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1399.

No. 75-590. CONSUMERS UNION OF THE UNITED STATES, INC. *v.* PERIODICAL CORRESPONDENTS' ASSN. ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 169 U. S. App. D. C. 370, 515 F. 2d 1341.

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No. 75-589. *DI VIAIO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1398.

No. 75-591. *DIEZ ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 892.

No. 75-603. *M. C. MANUFACTURING CO., INC., ET AL. v. TEXAS FOUNDRIES, INC.* Ct. Civ. App. Tex., 9th Sup. Jud. Dist. Certiorari denied. Reported below: 519 S. W. 2d 269.

No. 75-605. *WYATT ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 1402.

No. 75-607. *ASSOCIATION OF MASSACHUSETTS CONSUMERS, INC. v. SECURITIES AND EXCHANGE COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 170 U. S. App. D. C. 118, 516 F. 2d 711.

No 75-614. *HAPAG-LLOYD, A. G., ET AL. v. TEXACO PANAMA, INC.*; and

No. 75-665. *FITZGERALD, PUBLIC ADMINISTRATOR OF NEW YORK COUNTY, ET AL. v. TEXACO INC. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 448.

No. 75-617. *GREENBERG ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 588.

No. 75-625. *PERRY ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 520 F. 2d 235.

No. 75-627. *MCDONNELL DOUGLAS CORP. v. TUFT*. C. A. 8th Cir. Certiorari denied. Reported below: 517 F. 2d 1301.

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No. 75-630. TERMINAL FLOUR MILLS Co. ET AL. *v.* HELIX MILLING Co. C. A. 9th Cir. Certiorari denied. Reported below: 523 F. 2d 1317.

No. 75-631. ALDER ET AL. *v.* SANDSTROM, CORRECTIONS DIRECTOR, ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 317 So. 2d 732.

No. 75-635. DONOVAN ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1316.

No. 75-637. TAYLOR ET AL. *v.* R & A CONSTRUCTION, INC., ET AL. Ct. App. Wash. Certiorari denied.

No. 75-645. MORTON ET AL. *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: — Colo. —, 539 P. 2d 1255.

No. 75-646. A/S ARCADIA *v.* GULF INSURANCE Co. C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 756.

No. 75-653. WEEKS, CHAIRMAN, DUPAGE COUNTY BOARD OF COMMISSIONERS, ET AL. *v.* CLARK, TREASURER OF DUPAGE COUNTY, ET AL. C. A. 7th Cir. Certiorari denied.

No. 75-654. BENNER GLASS Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 641.

No. 75-660. JACOBI ET AL. *v.* BACHE & Co., INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1231.

No. 75-687. CLARK ET AL. *v.* AMERICAN NATIONAL BANK & TRUST COMPANY OF CHATTANOOGA. Ct. App. Tenn. Certiorari denied. Reported below: 531 S. W. 2d 563.

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No. 75-663. *VAUGHN v. G. D. SEARLE & Co.* Sup. Ct. Ore. Certiorari denied. Reported below: 272 Ore. 367, 536 P. 2d 1247.

No. 75-664. *SCHURMANN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1088.

No. 75-667. *EXHIBITORS POSTER EXCHANGE, INC., ET AL. v. NATIONAL SCREEN SERVICE CORP. ET AL.; and POSTER EXCHANGE, INC. v. NATIONAL SCREEN SERVICE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 110 (first case); 517 F. 2d 117 (second case).

No. 75-668. *AMERICAN INVESTMENT Co. ET AL. v. HARRIS.* C. A. 8th Cir. Certiorari denied. Reported below: 523 F. 2d 220.

No. 75-673. *NATIONAL SHIPPING & TRADING CORP. ET AL. v. INTEROCEAN SHIPPING Co.* C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 527.

No. 75-674. *WHEELING-PITTSBURGH STEEL CORP. v. GRIFFITH ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 31.

No. 75-675. *SCHWARTZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 75-683. *NMS INDUSTRIES, INC. v. SCHWARTZ ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 925.

No. 75-685. *TUCKER v. KENTUCKY BAR ASSN.* Ct. App. Ky. Certiorari denied. Reported below: 535 S. W. 2d 97.

No. 75-686. *ZAMRZLA v. SANDERS.* Ct. App. Okla. Certiorari denied.

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No. 75-688. *L Q MOTOR INNS, INC., ET AL. v. SPECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 278.

No. 75-690. *COTTON BAKING CO., INC. v. LOCAL 369, BAKERY & CONFECTIONERY WORKERS INTERNATIONAL UNION OF AMERICA, AFL-CIO*. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 1235.

No. 75-692. *STEINER v. BALL ET AL.* Cir. Ct. Va., Arlington County. Certiorari denied.

No. 75-694. *DAVID G. ALLEN Co., INC. v. PILOT FREIGHT CARRIERS, INC.* Ct. App. N. C. Certiorari denied. Reported below: 25 N. C. App. 315, 212 S. E. 2d 699.

No. 75-695. *PRYOR ET AL. v. AMERICAN PRESIDENT LINES; and SACILOTTO v. NATIONAL SHIPPING CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 520 F. 2d 974 (first case); 520 F. 2d 983 (second case).

No. 75-697. *DICKSTEIN ET AL. v. SEVENTY CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 522 F. 2d 1294.

No. 75-704. *MONSANTO Co. v. REED BROS., INC.* C. A. 8th Cir. Certiorari denied. Reported below: 525 F. 2d 486.

No. 75-714. *HEILIG v. CHRISTENSEN, JUDGE, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 91 Nev. 120, 532 P. 2d 267.

No. 75-742. *FIRST AMERICAN BANK & TRUST Co. ET AL. v. ELLWEIN, COMMISSIONER, STATE BANKING BOARD, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 1309.

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No. 75-723. *TRIANO v. SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, HUDSON COUNTY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 75-741. *LEE ET AL. v. VENICE WORK VESSELS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 512 F. 2d 85.

No. 75-743. *HIEGER ET AL. v. FORD MOTOR Co.* C. A. 6th Cir. Certiorari denied. Reported below: 516 F. 2d 1324.

No. 75-5130. *COLON v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 461 Pa. 577, 337 A. 2d 554.

No. 75-5222. *SCOTT ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 520 F. 2d 697.

No. 75-5249. *OLIVER v. UNITED STATES DEPARTMENT OF JUSTICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 426.

No. 75-5306. *WILLIAMS v. GUNN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 75-5325. *LEE v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied.

No. 75-5344. *DELEO v. POGUE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 75-5351. *McKINNEY v. WALKER, WARDEN.* C. A. 4th Cir. Certiorari denied.

No. 75-5362. *BELT v. UNITED STATES; and*

No. 75-5644. *ROUILLARD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 516 F. 2d 873.

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- No. 75-5364. *PRESTIDGE v. UNITED STATES*;  
No. 75-5398. *McGRUDER v. UNITED STATES*; and  
No. 75-5484. *TREVINO v. UNITED STATES*. C. A. 5th  
Cir. Certiorari denied. Reported below: 514 F. 2d  
1288.
- No. 75-5370. *FRUGE v. ZAPATA OFFSHORE DRILLING  
Co. ET AL.* C. A. 5th Cir. Certiorari denied. Reported  
below: 512 F. 2d 1404.
- No. 75-5372. *HERNANDEZ-URIBE v. UNITED STATES*.  
C. A. 8th Cir. Certiorari denied. Reported below: 515  
F. 2d 20.
- No. 75-5376. *WELCH v. CALIFORNIA*. Ct. App. Cal.,  
2d App. Dist. Certiorari denied.
- No. 75-5380. *LADD v. CALIFORNIA ET AL.* Ct. App.  
Cal., 2d App. Dist. Certiorari denied.
- No. 75-5382. *CRAWFORD v. UNITED STATES*. C. A.  
4th Cir. Certiorari denied. Reported below: 519 F. 2d  
347.
- No. 75-5414. *STEPINS v. CALIFORNIA*. Ct. App. Cal.,  
1st App. Dist. Certiorari denied.
- No. 75-5423. *WORTH v. KANSAS*. Sup. Ct. Kan.  
Certiorari denied. Reported below: 217 Kan. 393, 537  
P. 2d 191.
- No. 75-5429. *HARKINS v. DRAVO CORP.* C. A. 3d Cir.  
Certiorari denied. Reported below: 517 F. 2d 1398.
- No. 75-5432. *GUEL-PERALES ET UX. v. IMMIGRATION  
AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certio-  
rari denied.
- No. 75-5456. *BLACKSHEAR v. GRIGGS, INSTITUTION  
SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

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No. 75-5458. *WINGARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 522 F. 2d 796.

No. 75-5473. *ANTONIOU v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 590.

No. 75-5474. *ENGRAM v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 337 A. 2d 488.

No. 75-5477. *JOHNSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 336 A. 2d 545.

No. 75-5482. *ALEXANDER v. GARDNER-DENVER Co.* C. A. 10th Cir. Certiorari denied. Reported below: 519 F. 2d 503.

No. 75-5486. *LUNN v. NEW MEXICO*. Ct. App. N. M. Certiorari denied. Reported below: 88 N. M. 64, 537 P. 2d 672.

No. 75-5488. *ALBANESE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 1397.

No. 75-5493. *JAMES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 519 F. 2d 1348.

No. 75-5496. *FINCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1087.

No. 75-5497. *VICKERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 899.

No. 75-5504. *POND v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 210.

No. 75-5523. *CHAMBERS v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 524 S. W. 2d 826.

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No. 75-5547. *STULL ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 687.

No. 75-5548. *WOLFISH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 525 F. 2d 457.

No. 75-5549. *RUTH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1399.

No. 75-5550. *McCOY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 962.

No. 75-5551. *CAVER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 75-5552. *TRABACCHI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 526 F. 2d 585.

No. 75-5562. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1088.

No. 75-5568. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 75-5569. *SCOTT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 75-5575. *PHILLIPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 48.

No. 75-5577. *VAN ORSDELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 1323.

No. 75-5588. *JONES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 75-5608. *BENIGNO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 565.

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No. 75-5622. *NOVELLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1078.

No. 75-5624. *CRUZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 523 F. 2d 473.

No. 75-5647. *CLARK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 525 F. 2d 695.

No. 75-5668. *COLLINS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 523 F. 2d 1051.

No. 75-5675. *DEVONISH v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1181.

No. 75-5681. *ROBINSON v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied.

No. 75-5683. *BARBER v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 75-5685. *TOLBERT ET AL. v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5692. *VAN ALSTYNE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 46 Cal. App. 3d 900, 121 Cal. Rptr. 363.

No. 75-5698. *KRIDER v. WOLFF, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 1297.

No. 75-5701. *REED v. COOK, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 75-5703. *BOCCHETTA ET AL. v. LOYOLA UNIVERSITY ET AL.* C. A. 7th Cir. Certiorari denied.

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No. 75-5704. *MILES v. BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSN.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-5705. *BOWEN v. LAVALLEE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 75-5719. *CUTCHENS v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 310 So. 2d 273.

No. 75-5721. *RICHMAN ET UX. v. WALKER, GOVERNOR OF ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 525 F. 2d 694.

No. 75-5723. *McKNIGHT v. OHIO.* Ct. App. Ohio, Stark County. Certiorari denied.

No. 75-5724. *TURNER v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 75-5725. *HUSKEY ET AL. v. WOODCOCK ET AL.; and GABAUER v. WOODCOCK ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 520 F. 2d 1096 (first case); 520 F. 2d 1084 (second case).

No. 75-5726. *PACE v. ALABAMA.* C. A. 5th Cir. Certiorari denied. Reported below: 521 F. 2d 812.

No. 75-5727. *EAGEN v. ALABAMA.* C. A. 5th Cir. Certiorari denied.

No. 75-5734. *SWITZER v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 75-5736. *DENMAN v. WERTZ.* C. A. 6th Cir. Certiorari denied.

No. 75-5737. *ROGERS v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 43 Ohio St. 2d 28, 330 N. E. 2d 674.

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No. 75-5742. *HUNTER v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 75-5745. *DIAZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-5753. *HOLDING v. HOLDING*. Sup. Ct. Va. Certiorari denied.

No. 75-5754. *GOBIE v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied.

No. 75-5760. *FISH v. CARDWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 75-5765. *MILLER v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-5766. *CANTY v. BROWN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 587.

No. 75-5768. *HOGAN v. HAVENER, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 519 F. 2d 1402.

No. 75-5770. *TURLEY v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 75-5775. *EMERSON v. LASH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 521 F. 2d 1403.

No. 75-5777. *VAN METER v. SECURITY SAVINGS BANK ET AL.* C. A. 8th Cir. Certiorari denied.

No. 75-5783. *DILLARD v. NEW YORK CITY TRANSIT AUTHORITY*. Ct. App. N. Y. Certiorari denied. Reported below: 37 N. Y. 2d 806, 338 N. E. 2d 326.

No. 75-5791. *LABELLE v. LAVALLEE, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 750.

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No. 74-1213. CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF INDUSTRIAL WELFARE, ET AL. v. HOMEMAKERS, INC., OF LOS ANGELES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 509 F. 2d 20.

MR. JUSTICE WHITE, with whom MR. JUSTICE BLACKMUN joins, dissenting.

This petition presents the questions whether a California statute<sup>1</sup> that requires covered employers to pay premium overtime wages to female employees, with no such requirement as to male employees, conflicts with and is pre-empted by § 703 (a) of Title VII of the Civil Rights Act of 1964, 78 Stat. 255, 42 U. S. C. § 2000e-2 (a), and, if so, whether the federal courts should remedy its invalidity by declaring that an employer may disregard the California statute and need not pay premium overtime wages to female employees. The Court of Appeals answered both questions in the affirmative, 509 F. 2d 20 (CA9 1974), and approved the District Court's refusal, 356 F. Supp. 1111, 1112 (ND Cal. 1973), to follow a decision of another Court of Appeals that is in square conflict on both questions. *Hays v. Potlatch Forests, Inc.*, 465 F. 2d 1081 (CA8 1972), aff'g 318 F. Supp. 1368 (ED Ark. 1970). These are substantial questions, and it is the Court's duty to resolve this disagreement which

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<sup>1</sup> Cal. Labor Code § 1350.5 (a) (1971):

"Employers of employees covered under the provisions of the Fair Labor Standards Act may employ females up to 10 hours during any one day of 24 hours or up to 58 hours in one week, provided that they are compensated at the rate of 1½ times the regular rate of pay for time worked for one employer in excess of eight hours in any one day or 40 hours in any one week."

Only the overtime premium requirement is at issue in this case. The maximum hour limitations were held invalid in *Rosenfeld v. Southern Pacific Co.*, 444 F. 2d 1219 (CA9 1971).

now impedes the important process of reconciling the federal statutes outlawing sex-based discrimination in employment with numerous "protective" state employment laws applicable only to female employees.

Respondent Homemakers, which employs men and women, filed suit in District Court asking that Cal. Labor Code § 1350.5 (a) (1971) be declared in conflict with Title VII and unenforceable. It argued that to pay the overtime premium to female employees in compliance with state law would violate Title VII because there was no statutory requirement to pay such wages to male employees. Without discussion the District Court concluded that requiring payment of premium overtime wages only to female employees did conflict with Title VII. "[A]ware that the only authority directly on this issue is contrary," the District Court declined the State's invitation to follow *Hays v. Potlatch Forests, Inc.*, *supra*, and to require Homemakers to pay the same overtime premium to men as to women. To do so "would constitute usurpation of the legislative power that has been vested exclusively in the state Legislature." 356 F. Supp., at 1112. The District Court also rejected the State's argument that both federal<sup>2</sup> and state<sup>3</sup> "equal pay" laws required Homemakers to equalize wages by paying premium overtime wages to male employees, not by forbidding payment of such wages to female employees. It reasoned that the State's position conflicted with the purpose of the "equal pay" statutes which was "to protect only working women, not men, by supplementing women's income in an attempt to narrow the gap between the income of working women and that

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<sup>2</sup> § 3 of the Equal Pay Act of 1963, 77 Stat. 56, amending § 6 of the Fair Labor Standards Act of 1938, 52 Stat. 1062, 29 U. S. C. § 206 (d).

<sup>3</sup> Cal. Labor Code § 1197.5 (1971).

of men similarly employed." *Ibid.* The Court of Appeals affirmed the judgment that § 1350.5 (a) conflicted with Title VII and was unenforceable, expressly approving the District Court's refusal to follow *Hays v. Potlatch Forests, Inc.*, *supra*. 509 F. 2d, at 22-23.

The statute at issue in *Hays*, Ark. Stat. Ann. § 81-601 (1960), is essentially indistinguishable from § 1350.5 (a) and was upheld in District Court against the claim that it had been superseded by Title VII and should be declared unenforceable. The Court of Appeals for the Eighth Circuit affirmed, holding that the Arkansas statute was not inconsistent with Title VII because it "does not say that women must be paid more than men; it simply says that they must be paid daily overtime without making a similar requirement as to men," 465 F. 2d, at 1082, quoting 318 F. Supp., at 1375, and that "any discrimination against men resulting from the Arkansas statute is to be cured by extending the benefits of that statute to male employees rather than holding it invalid." 465 F. 2d, at 1083.<sup>4</sup>

I would grant the petition for a writ of certiorari and set the case for oral argument.

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<sup>4</sup> In *Hays v. Potlatch Forests, Inc.*, the Court of Appeals noted that extending the benefits to male employees was "in accord with the express policies" of the Equal Pay Act, 29 U. S. C. § 206 (d) (1), 465 F. 2d, at 1083, although the District Court had found "it unnecessary to appraise [the] assertion" that the Equal Pay Act as well as the Civil Rights Act required payment of premium overtime wages to male employees. 318 F. Supp., at 1374 n. 1.

The Court of Appeals for the Eighth Circuit also accorded "great deference" to Equal Employment Opportunity Commission regulations, 29 CFR § 1604.2 (b) (1972), making failure to extend statutory premium overtime benefits to male as well as female employees an "unlawful employment practice." In this case both the District Court, 356 F. Supp., at 1113, and the Court of Appeals, 509 F. 2d, at 22, held that the EEOC did not have authority to issue regulations which modified state substantive law so extensively.

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No. 75-273. CLARK *v.* HILLIARD. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 516 F. 2d 1344.

No. 75-482. JEFFERS ET AL. *v.* UNITED STATES; and

No. 75-5492. SMITH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these petitions. Reported below: 520 F. 2d 1256.

No. 75-701. SCHOOL DISTRICT NO. 1, DENVER, COLORADO, ET AL. *v.* KEYES ET AL.; and

No. 75-702. CONGRESS OF HISPANIC EDUCATORS ET AL. *v.* SCHOOL DISTRICT NO. 1, DENVER, COLORADO, ET AL. C. A. 10th Cir. Motion of Puerto Rican Legal Defense & Education Fund, Inc., for leave to file a brief as *amicus curiae* in No. 75-702 granted. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this motion and petitions. Reported below: 521 F. 2d 465.

No. 75-5449. GRACE *v.* HOPPER, WARDEN. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 234 Ga. 669, 217 S. E. 2d 267.

No. 75-5592. SILVA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 517 F. 2d 1401.

No. 75-5761. SCOGGIN *v.* SCHRUNK, MAYOR OF PORTLAND, OREGON, ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 522 F. 2d 436.

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*Rehearing Denied*

No. 75-5412. *MILLS v. MUSCOGEE COUNTY SUPERIOR COURT, COLUMBUS, GEORGIA*, *ante*, p. 989;

No. 75-5476. *TARAS v. FIRST ARLINGTON NATIONAL BANK*, *ante*, p. 998; and

No. 75-5558. *ROY v. DUNN*, *ante*, p. 1022. Petitions for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these petitions.

No. 74-1414. *SHUMAR v. UNITED STATES*, *ante*, p. 879. Motion for leave to proceed further herein *in forma pauperis* granted. Motion for leave to file petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these motions.

No. 75-175. *GRIFFITH v. UNITED STATES*, *ante*, p. 926. Motion for leave to file petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

JANUARY 16, 1976

*Miscellaneous Order*

No. A-637. *GRATTON v. UNITED STATES*. Application for recall and stay of mandate of the United States Court of Appeals for the Seventh Circuit, presented to MR. JUSTICE STEVENS, and by him referred to the Court, denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this application.

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*Affirmed on Appeal*

No. 75-740. *GRAHAM v. FONG EU, SECRETARY OF STATE OF CALIFORNIA, ET AL.* Affirmed on appeal from D. C. N. D. Cal. Reported below: 403 F. Supp. 37.

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No. 75-5827. *MANES ET AL. v. GOLDIN, COMPTROLLER, CITY OF NEW YORK, ET AL.* Affirmed on appeal from D. C. E. D. N. Y. Reported below: 400 F. Supp. 23.

*Appeals Dismissed*

No. 75-481. *PENDLETON ET AL. v. CALIFORNIA.* Appeal from App. Dept., Super. Ct. Cal., County of Orange, dismissed for want of substantial federal question.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Appellants were convicted in the Municipal Court of Orange County of distributing obscene matter in violation of Cal. Penal Code § 311.2 (1970), which provides in pertinent part:

“(a) Every person who knowingly . . . distributes . . . to others, any obscene matter is guilty of a misdemeanor.”

As used in § 311.2,

“‘Obscene matter’ means matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, *i. e.*, a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance.” § 311 (a) (Supp. 1975).

On appeal, the Appellate Department of the Superior Court of California for the County of Orange affirmed the convictions.

It is my view that “at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit

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the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents." *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, § 311.2, as it incorporates the definition of "obscene matter" in § 311 (a), is constitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), and since the judgment of the Appellate Department was rendered after *Miller*, I would reverse. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 495 (1974) (BRENNAN, J., dissenting).

Moreover, on the basis of the Court's own holding in *Jenkins v. Georgia*, 418 U. S. 153 (1974), its dismissal is improper. As permitted by this Court's Rule 12 (1), which provides that the record in a case need not be certified to this Court, the appellants did not certify the allegedly obscene materials involved in this case. It is plain, therefore, that the Court, which has not requested the certification of those materials, has failed to discharge its admitted responsibility under *Jenkins* independently to review those materials under the second and third parts of the *Miller* obscenity test.

No. 75-622. *JOHNS-MANVILLE PRODUCTS CORP. v. COMMISSIONER OF REVENUE ADMINISTRATION*. Appeal from Sup. Ct. N. H. dismissed for want of substantial federal question. MR. JUSTICE POWELL would note probable jurisdiction and set case for oral argument. Reported below: 115 N. H. 428, 343 A. 2d 221.

No. 75-761. *DONOHUE v. CITY OF SAN JOSE*. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of

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substantial federal question. Reported below: 51 Cal. App. 3d 40, 123 Cal. Rptr. 804.

No. 75-5520. *LANG v. ILLINOIS*. Appeal from App. Ct. Ill., 1st Dist., dismissed for want of jurisdiction, it appearing that there is no final judgment of the highest court of a State wherein a judgment could be had as required by 28 U. S. C. § 1257.

*Certiorari Granted—Vacated and Remanded.* (See also No. 75-584, *ante*, p. 326.)

No. 74-1184. *AMERICAN TRADING TRANSPORTATION CO., INC., ET AL. v. ESCOBAR*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *American Foreign S. S. Co. v. Matise*, *ante*, p. 150. MR. JUSTICE STEVENS took no part in the consideration or decision of this case. Reported below: 503 F. 2d 271.

*Certiorari Dismissed.* (See No. 75-543, *ante*, p. 325.)

#### *Miscellaneous Orders*

No. A-503 (75-5731). *BEALS v. UNITED STATES*. C. A. 6th Cir. Application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. D-55. *IN RE DISBARMENT OF SILVERTON*. It having been reported to the Court that Ronald Robert Silverton, of Los Angeles, Cal., has been disbarred from the practice of law by the Supreme Court of California, and this Court by order of October 6, 1975 [*ante*, p. 812], having suspended the said Ronald Robert Silverton from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and

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served upon the respondent and a response having been filed thereto;

It is ordered that the said Ronald Robert Silverton be disbarred from the practice of law in this Court and that his name be stricken from the role of attorneys admitted to practice before the Bar of this Court.

No. 73-1288. ALFRED DUNHILL OF LONDON, INC. *v.* REPUBLIC OF CUBA ET AL. C. A. 2d Cir. [Certiorari granted, 416 U. S. 981.] Motion of John G. Laylin et al. for leave to file a brief as *amici curiae* denied.

No. 74-1151. PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. *v.* DANFORTH, ATTORNEY GENERAL OF MISSOURI, ET AL.; and

No. 74-1419. DANFORTH, ATTORNEY GENERAL OF MISSOURI *v.* PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. Appeals from D. C. E. D. Mo. [Probable jurisdiction noted, *ante*, p. 819.] Motion of Missouri Nurses for Life for leave to file a brief as *amicus curiae* granted.

No. 74-1318. DREW MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. *v.* ANDREWS ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 820.] Motion of Equal Rights Advocates, Inc., et al. for leave to file a brief as *amici curiae* granted. Motion of respondents for divided argument granted.

No. 74-1542. UNION ELECTRIC Co. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 8th Cir. [Certiorari granted, *ante*, p. 821.] Motion of Exxon Corp. et al. for leave to file an untimely brief as *amici curiae* denied.

No. 75-110. SAKRAIDA *v.* AG PRO, INC. C. A. 5th Cir. [Certiorari granted, *ante*, p. 891.] Motion of Bar Association for the District of Columbia for leave to file a brief as *amicus curiae* granted.

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No. 74-6438. SCOTT ET AL. *v.* KENTUCKY PAROLE BOARD ET AL. C. A. 6th Cir. [Certiorari granted, *ante*, p. 1031.] Respondents' suggestion of mootness and motion of petitioners to substitute James Ray Brumley et al. in place of Ewell Scott as parties petitioner deferred to hearing of case on the merits.

No. 75-260. McDONALD ET AL. *v.* SANTA FE TRAIL TRANSPORTATION CO. ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 923.] Motion of American Federation of Labor & Congress of Industrial Organizations for leave to file a brief as *amicus curiae* denied.

No. 75-312. YOUNG, MAYOR OF DETROIT, ET AL. *v.* AMERICAN MINI THEATRES, INC., ET AL. C. A. 6th Cir. [Certiorari granted *sub nom.* *Gribbs v. American Mini Theatres, Inc.*, *ante*, p. 911.] Motions of Motion Picture Association of America, Inc., and American Civil Liberties Union et al. for leave to file briefs as *amici curiae* denied.

No. 75-5932. HARPER *v.* MCCARTHY, MEN'S COLONY SUPERINTENDENT. Motion for leave to file petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 75-395. SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION EX REL. DIVISION OF HIGHWAYS *v.* SCHUMAKER ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 518 F. 2d 653.

No. 75-594. INTERCOUNTY CONSTRUCTION CO. *v.* OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION. C. A. 4th Cir. Certiorari denied. Reported below: 522 F. 2d 777.

No. 75-643. ALLEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 522 F. 2d 1229.

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No. 75-680. *CAMPBELL ET AL. v. BEAUGHLER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 519 F. 2d 1307.

No. 75-710. *BOLT, BERANEK & NEWMAN, INC. v. MCDONNELL DOUGLAS CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 338.

No. 75-722. *INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO v. REA EXPRESS, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 164.

No. 75-728. *ROSENSTOCK v. ROSENSTOCK.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 75-733. *LONG ISLAND LIGHTING CO. ET AL. v. STANDARD OIL COMPANY OF CALIFORNIA ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 1269.

No. 75-738. *TESAR v. TOWN OF CRETE, NEBRASKA.* C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 1404.

No. 75-749. *NORRIS v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 26 N. C. App. 259, 215 S. E. 2d 875.

No. 75-752. *DECOSTA v. COLUMBIA BROADCASTING SYSTEM, INC., ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 520 F. 2d 499.

No. 75-755. *28 EAST JACKSON ENTERPRISES, INC. v. CULLERTON, COOK COUNTY ASSESSOR, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 523 F. 2d 439.

No. 75-756. *SMITH ET AL. v. SMITH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 523 F. 2d 121.

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No. 75-782. *PELTZMAN v. CENTRAL GULF LINES, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 96.

No. 75-789. *McGEE v. BURLINGTON NORTHERN, INC.* Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 540 P. 2d 298.

No. 75-795. *CISSELL, TRUSTEE IN BANKRUPTCY v. AMERICAN HOME ASSURANCE Co.* C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 2d 790.

No. 75-5460. *MODESKY v. MORRIS, SECRETARY, DEPARTMENT OF SOCIAL AND HEALTH SERVICES OF WASHINGTON, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-5472. *DIMERY v. MARYLAND.* Ct. App. Md. Certiorari denied. Reported below: 274 Md. 661, 338 A. 2d 56.

No. 75-5499. *SAFELY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 75-5510. *WALKER v. DURLEY ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 75-5525. *GREEN ET AL. v. UNITED STATES;* and  
No. 75-5670. *PICCORA ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 523 F. 2d 229.

No. 75-5527. *DEAN v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 67 Wis. 2d 513, 227 N. W. 2d 712.

No. 75-5545. *WINGATE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 309.

No. 75-5581. *WARREN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

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No. 75-5604. *CRAFT v. LOUISIANA ET AL.* Sup. Ct. La. Certiorari denied.

No. 75-5610. *LARSEN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 525 F. 2d 444.

No. 75-5612. *GOMEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 523 F. 2d 185.

No. 75-5614. *JASPER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 523 F. 2d 395.

No. 75-5629. *GOODRICH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 75-5633. *BARR v. OLIVER, U. S. DISTRICT JUDGE.* C. A. 8th Cir. Certiorari denied.

No. 75-5642. *QUILLEN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 75-5645. *TRUJILLO v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 75-5655. *WILLIAMS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 75-5664. *WHEELER v. NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY ET AL.* Sup. Ct. N. H. Certiorari denied. Reported below: 115 N. H. 347, 341 A. 2d 777.

No. 75-5669. *HARRIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 75-5672. *OLSEN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 521 F. 2d 1404.

No. 75-5695. *BJORNSON ET AL. v. UNITED STATES* C. A. 5th Cir. Certiorari denied.

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No. 75-5708. *LUDWIG ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 523 F. 2d 705.

No. 75-5718. *HERRON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 521 F. 2d 813.

No. 75-5732. *CARTER v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 207 Ct. Cl. 316, 518 F. 2d 1199.

No. 75-5784. *ROOT v. TERRITORY OF GUAM*. C. A. 9th Cir. Certiorari denied. Reported below: 524 F. 2d 195.

No. 75-5789. *ASHFORD v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 515 F. 2d 1181.

No. 75-5793. *KESER v. REGAN, PRISON SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 521 F. 2d 1400.

No. 75-5797. *McCRAY v. BOSLOW, INSTITUTION DIRECTOR, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 526 F. 2d 589.

No. 75-5798. *GASPERICH v. CHURCH*. Ct. App. Md. Certiorari denied. Reported below: 275 Md. 534, 341 A. 2d 789.

No. 75-5802. *AGNES v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 75-5804. *CARTER v. WALKER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 520 F. 2d 941.

No. 75-5805. *STRATTON v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 30 Ill. App. 3d 550, 332 N. E. 2d 556.

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No. 75-5806. *OLDEN v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 75-5808. *MILLER v. GUNN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 75-5812. *WILLIAMS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 48 App. Div. 2d 1015, 372 N. Y. S. 2d 568.

No. 75-5814. *GILLIARD v. CASSCLES, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-5816. *LUCKETT v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 91 Nev. 681, 541 P. 2d 910.

No. 75-5819. *CRONNON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 56 Ala. App. 192, 320 So. 2d 697.

No. 75-5820. *SCARPELLI v. WORKMEN'S COMPENSATION APPEAL BOARD ET AL.* Pa. Commw. Ct. Certiorari denied. Reported below: 18 Pa. Commw. 30, 333 A. 2d 828.

No. 75-5821. *JONES v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 75-5823. *WAGNER v. CUPP, PENITENTIARY SUPERINTENDENT*. Ct. App. Ore. Certiorari denied.

No. 75-5824. *VAN METER v. MORGAN, SHERIFF*. C. A. 8th Cir. Certiorari denied.

No. 74-758. *PROVIDENT SECURITIES Co. v. FOREMOST-McKESSON, INC.* C. A. 9th Cir. Certiorari denied. Mr. Justice STEVENS took no part in the consideration or decision of this petition. Reported below: 506 F. 2d 601.

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No. 74-1328. *JENKS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 513 F. 2d 633.

No. 75-580. *ALLIS-CHALMERS MANUFACTURING CO. v. GULF & WESTERN INDUSTRIES, INC.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 527 F. 2d 335.

No. 75-721. *PHELPS v. CHRISTISON, RECEIVER*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition.

No. 75-5611. *LISK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 522 F. 2d 228.

No. 75-82. *SHEET METAL WORKERS' INTERNATIONAL ASSN. v. CARTER*. Ct. App. Ga. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 133 Ga. App. 872, 212 S. E. 2d 645.

No. 75-184. *LAVALLEE, CORRECTIONAL SUPERINTENDENT v. ROGERS*. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 517 F. 2d 1330.

No. 75-502. *AMERICAN MARINE CORP. v. LOUVIERE ET AL.*; and

No. 75-505. *PNEUMATIC SERVICE & EQUIPMENT CO. ET AL. v. LOUVIERE ET AL.* C. A. 5th Cir. Motion of respondents Louviere et al. for leave to proceed *in forma pauperis* in No. 75-505 granted. Certiorari denied. Reported below: 509 F. 2d 278 and 515 F. 2d 571.

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No. 75-449. *COOK & Co., INC. v. PIERCE ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 518 F. 2d 720.

No. 75-493. *ILLINOIS v. LANG.* App. Ct. Ill., 1st Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 26 Ill. App. 3d 648, 325 N. E. 2d 305.

No. 75-5391. *DEMPSEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 513 F. 2d 274.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissenting.

Petitioner was charged with conspiracy to possess and distribute cocaine under an indictment that alleged seven overt acts involving petitioner. Three of these acts were the subject of an earlier indictment charging substantive offenses, and petitioner had pleaded guilty to the substantive indictment before the conspiracy indictment was returned. Petitioner made a timely claim in the District Court that the conspiracy indictment should be dismissed as barred by the Double Jeopardy Clause and collateral estoppel. He also argued that he would not have pleaded guilty had he known that the Government would follow with a conspiracy indictment. His claim was rejected, and his conviction after a jury trial was affirmed on appeal. *United States v. Marshall*, 513 F. 2d 274 (CA5 1975).

The two indictments concerned charges against petitioner that clearly arose out of the same criminal transaction or episode. In that circumstance, I would grant the petition for certiorari and reverse the conspiracy conviction. I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment requires prosecution in

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one proceeding, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Susi v. Flowers*, ante, p. 1006 (BRENNAN, J., dissenting); *Vardas v. Texas*, ante, p. 904 (BRENNAN, J., dissenting); *Stewart v. Iowa*, ante, p. 902 (BRENNAN, J., dissenting); *Waugh v. Gray*, 422 U. S. 1027 (1975) (BRENNAN, J., dissenting); *Wells v. Missouri*, 419 U. S. 1075 (1974) (BRENNAN, J., dissenting); *Moton v. Swenson*, 417 U. S. 957 (1974) (BRENNAN, J., dissenting); *Tijerina v. New Mexico*, 417 U. S. 956 (1974) (BRENNAN, J., dissenting); *Ciuzio v. United States*, 416 U. S. 995 (1974) (BRENNAN, J., dissenting); *Harris v. Washington*, 404 U. S. 55, 57 (1971) (concurring statement); *Waller v. Florida*, 397 U. S. 387, 395 (1970) (BRENNAN, J., concurring). See also *People v. White*, 390 Mich. 245, 212 N. W. 2d 222 (1973); *State v. Brown*, 262 Ore. 442, 497 P. 2d 1191 (1972); *Commonwealth v. Campana*, 452 Pa. 233, 304 A. 2d 432, vacated and remanded, 414 U. S. 808 (1973), adhered to on remand, 455 Pa. 622, 314 A. 2d 854 (1974); *State v. Gregory*, 66 N. J. 510, 333 A. 2d 257 (1975).

No. 75-5538. CHAVIS ET AL. v. NORTH CAROLINA. Sup. Ct. N. C. Motion for an *in camera* examination of amended statements of a State's witness and certiorari denied. Reported below: 287 N. C. 261, 214 S. E. 2d 434.

### *Rehearing Denied*

No. 74-1418. BUCHANAN ET AL. v. EVANS ET AL., ante, p. 963. Petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition.

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- No. 74-1457. SUMITOMO FORESTRY Co., LTD., of JAPAN *v.* THURSTON COUNTY, WASHINGTON, *ante*, p. 831;
- No. 75-124. TEXAS *v.* WHITE, *ante*, p. 67;
- No. 75-301. BAUMAN *v.* UNITED STATES, *ante*, p. 946;
- No. 75-314. RITTER *v.* KLEPPE, SECRETARY OF THE INTERIOR, ET AL., *ante*, p. 947;
- No. 75-467. WIETHE *v.* CURRY, *ante*, p. 941;
- No. 75-560. BURNS *v.* DECKER ET AL., *ante*, p. 1017;
- No. 75-5124. WARD *v.* CARPENTER, SHERIFF, *ante*, p. 916;
- No. 75-5212. SAYLES *v.* SIRICA, U. S. DISTRICT JUDGE, *ante*, p. 949;
- No. 75-5312. RANDLE *v.* UNITED STATES, *ante*, p. 988;
- No. 75-5396. BLEVINS *v.* UNITED STATES, *ante*, p. 1020;
- No. 75-5404. TODA *v.* TANAKA, *ante*, p. 989;
- No. 75-5408. GREEN *v.* UNITED STATES DEPARTMENT OF LABOR ET AL., *ante*, p. 976;
- No. 75-5409. BURDEAU *v.* TRUSTEES OF THE CALIFORNIA STATE COLLEGES ET AL., *ante*, p. 989;
- No. 75-5420. ROOTS *v.* WOODALL, *ante*, p. 997;
- No. 75-5450. CURRY *v.* JENSEN ET AL., *ante*, p. 998;
- No. 75-5490. CLARK *v.* ALABAMA, *ante*, p. 937;
- No. 75-5531. WILLIAMS *v.* NEW YORK, *ante*, p. 990;
- and
- No. 75-5573. GREEN *v.* DEPARTMENT OF PUBLIC WELFARE OF MASSACHUSETTS, *ante*, p. 976. Petitions for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these petitions.
- No. 74-6663. SWANSON *v.* ESTELLE, CORRECTIONS DIRECTOR, *ante*, p. 858. Motion for leave to file petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

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*Dismissal Under Rule 60*

No. 75-850. FLEMING ET AL. v. UNITED STATES. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 526 F. 2d 191.

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*Certiorari Granted*

No. 74-6257. GREGG v. GEORGIA. Sup. Ct. Ga. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 4 presented by the petition which reads as follows: "Whether the imposition and carrying out of the sentence of death for the crime of murder under the law of Georgia violates the Eighth or Fourteenth Amendment to the Constitution of the United States?" Reported below: 233 Ga. 117, 210 S. E. 2d 659;

No. 75-5394. JUREK v. TEXAS. Ct. Crim. App. Tex. Motion for leave to proceed *in forma pauperis* granted. Certiorari limited to Question 1 presented by the petition which reads as follows: "Does the imposition and carrying out of the sentence of death for the crime of murder under the law of Texas violate the Eighth or Fourteenth Amendment to the Constitution of the United States?" Reported below: 522 S. W. 2d 934;

No. 75-5491. WOODSON ET AL. v. NORTH CAROLINA. Sup. Ct. N. C. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 287 N. C. 578, 215 S. E. 2d 607;

No. 75-5706. PROFFITT v. FLORIDA. Sup. Ct. Fla. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 315 So. 2d 461; and

No. 75-5844. ROBERTS v. LOUISIANA. Sup. Ct. La.

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Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 319 So. 2d 317.

Briefs for petitioners in all of the foregoing cases [Nos. 74-6257 through 75-5844] shall be filed with the Clerk on or before February 25, 1976. Briefs for respondents shall be filed on or before March 25, 1976. Cases set for oral argument at 1 p. m. on March 30, 1976, subject to further order of the Court. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

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*Affirmed on Appeal*

No. 75-716. CARTWRIGHT VAN LINES, INC. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. W. D. Mo. Reported below: 400 F. Supp. 795.

*Appeals Dismissed*

No. 75-5863. FEREBEE *v.* VIRGINIA. Appeal from Cir. Ct., City of Portsmouth. Appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 75-827. SNOW ET AL. *v.* CITY OF MEMPHIS ET AL. Appeal from Sup. Ct. Tenn. dismissed for want of substantial federal question. Reported below: 527 S. W. 2d 55.

No. 75-525. PIRILLO ET AL. *v.* TAKIFF, JUDGE, ET AL. Appeal from Sup. Ct. Pa. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 462 Pa. 511, 341 A. 2d 896.

No. 75-822. THOMPSON *v.* KENTON COUNTY BOARD OF ELECTION COMMISSION ET AL. Appeal from Ct. App.

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Ky. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

*Miscellaneous Orders*

No. A-472. *KELLEY v. UNITED STATES ET AL.* D. C. C. D. Cal. Reapplication for stay pending appeal, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this reapplication.

No. A-638. *HANSON ET AL. v. UNITED STATES ET AL.* C. A. 8th Cir. Application for temporary restraining order, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this application.

No. D-59. *IN RE DISBARMENT OF NELSON.* Raymond Alexander Nelson, of San Anselmo, Cal., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. The rule to show cause heretofore issued on October 14, 1975 [*ante*, p. 888], is hereby discharged.

No. 52, Orig. *UNITED STATES v. FLORIDA.* Supplemental Report of Special Master received and ordered filed. Parties directed to submit a proposed decree. [See 420 U. S. 531.]

No. 64, Orig. *NEW HAMPSHIRE v. MAINE.* Motion of New Hampshire Commercial Fishermen's Assn. for leave to file a brief as *amicus curiae* granted. [For earlier orders herein, see, *e. g.*, *ante*, p. 919.]

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No. 65, Orig. TEXAS *v.* NEW MEXICO. Report of Special Master on motion of the United States for leave to intervene received and ordered filed. Motion for leave to intervene granted. [For earlier orders herein, see, *e. g.*, *ante*, p. 942.]

No. 74-492. OHIO *v.* GALLAGHER. Sup. Ct. Ohio. [Certiorari granted, 420 U. S. 1003.] Motion of petitioner for leave to file supplemental brief after argument granted, and the brief is to be filed no later than February 13, 1976. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

No. 74-1318. DREW MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. *v.* ANDREWS ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 820.] Motions of Child Welfare League of America and National Education Assn. for leave to file briefs as *amici curiae* granted.

No. 74-1393. SINGLETON, CHIEF, BUREAU OF MEDICAL SERVICES, DEPARTMENT OF HEALTH AND WELFARE OF MISSOURI *v.* WULFF ET AL. C. A. 8th Cir. [Certiorari granted, 422 U. S. 1041.] Motion of respondents to expand scope of certiorari denied.

No. 75-104. UNITED JEWISH ORGANIZATIONS OF WIL-  
LIAMSBURGH, INC., ET AL. *v.* CAREY, GOVERNOR OF NEW  
YORK, ET AL. C. A. 2d Cir. [Certiorari granted, *ante*,  
p. 945.] Motion of Board for Legal Assistance to the  
Jewish Poor, Inc., et al., for leave to file a brief as *amici*  
*curiae* granted. MR. JUSTICE MARSHALL took no part in  
the consideration or decision of this motion.

No. 74-145. NORTHERN CHEYENNE TRIBE *v.* HOLLOW-  
BREAST ET AL. C. A. 9th Cir. [Certiorari granted, *ante*,  
p. 891.] Motion of Neil Haight, Esquire, to permit  
Steven L. Bunch to participate in oral argument *pro hac*  
*vice* granted.

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No. 75-957. EVANS ET AL. *v.* FROMME ET AL. C. A. 9th Cir. Motion to expedite consideration to consolidate for oral argument with No. 75-817, *Nebraska Press Assn. v. Stuart, Judge* [certiorari granted, *ante*, p. 1027], denied.

No. 75-5529. TYLER *v.* WANGELIN, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

No. 75-5483. TYLER *v.* WANGELIN, U. S. DISTRICT JUDGE; and

No. 75-5807. MATTHEWS *v.* INGRAHAM, U. S. CIRCUIT JUDGE, ET AL. Motions for leave to file petitions for writs of prohibition denied.

*Certiorari Granted*

No. 75-804. HILL *v.* UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, LOCAL 25, ET AL. Ct. App. Cal., 2d App. Dist. Certiorari granted. Reported below: 49 Cal. App. 3d 614, 122 Cal. Rptr. 722.

*Certiorari Denied.* (See also Nos. 75-525, 75-822, and 75-5863, *supra*.)

No. 75-454. BRANNON *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 25 N. C. App. 635, 214 S. E. 2d 213.

No. 75-576. ERHARD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 75-588. WASHINGTON ET AL. *v.* UNITED STATES ET AL.;

No. 75-592. NORTHWEST STEELHEADERS COUNCIL OF TROUT UNLIMITED *v.* UNITED STATES ET AL.; and

No. 75-705. WASHINGTON REEF NET OWNERS ASSN. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 520 F. 2d 676.

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No. 75-604. CALDWELL, AKA MORGAN, ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: — U. S. App. D. C. —, — F. 2d —.

No. 75-612. QUICKSEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 525 F. 2d 337.

No. 75-619. MANN ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 517 F. 2d 259.

No. 75-620. NEIDORF ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 522 F. 2d 916.

No. 75-640. FRANK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 520 F. 2d 1287.

No. 75-706. ADOLPH COORS CO. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 10th Cir. Certiorari denied. Reported below: 519 F. 2d 1280.

No. 75-730. RETAIL CREDIT CORP. ET AL. *v.* HOKE. C. A. 4th Cir. Certiorari denied. Reported below: 521 F. 2d 1079.

No. 75-732. KFC NATIONAL MANAGEMENT Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied.

No. 75-745. CHAYES VIRGINIA CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. Reported below: 519 F. 2d 1406.

No. 75-768. BURGWIN ET AL. *v.* MATTSON ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 522 F. 2d 1213.

No. 75-779. JACK *v.* BLACK, JUDGE. C. A. 4th Cir. Certiorari denied.

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No. 75-786. COUNTY BOARD OF ARLINGTON COUNTY *v.* GOD. Sup. Ct. Va. Certiorari denied. Reported below: 216 Va. 163, 217 S. E. 2d 801.

No. 75-790. McCULLOUGH *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 13 Wash. App. 1017.

No. 75-793. LOCAL 254, GRAPHIC ARTS INTERNATIONAL UNION, AFL-CIO, ET AL. *v.* WESTERN PUBLISHING Co., INC. C. A. 7th Cir. Certiorari denied. Reported below: 522 F. 2d 530.

No. 75-799. SCHWARTZ *v.* SCHWARTZ. Ct. Sp. App. Md. Certiorari denied. Reported below: 26 Md. App. 427, 338 A. 2d 386.

No. 75-801. SPENCE *v.* STATE BAR OF SOUTH CAROLINA ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 265 S. C. 64, 216 S. E. 2d 870.

No. 75-803. HOFFER ET AL. *v.* ANTHONY DE CRESCENZO, INC. Ct. Sp. App. Md. Certiorari denied. Reported below: 26 Md. App. 655, 338 A. 2d 424.

No. 75-810. CALDWELL *v.* SOUTHEAST TITLE & INSURANCE Co. Sup. Ct. Fla. Certiorari denied. Reported below: 278 So. 2d 350.

No. 75-848. AGOSTI *v.* HUGE ET AL., TRUSTEES. C. A. D. C. Cir. Certiorari denied. Reported below: 172 U. S. App. D. C. 224, 521 F. 2d 324.

No. 75-5511. MOORE *v.* KOELZER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 517 F. 2d 1400.

No. 75-5543. FRAZIER *v.* UNITED STATES; and

No. 75-5773. PETERSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 524 F. 2d 167.

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No. 75-5555. *POWERS v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. Reported below: 96 Idaho 833, 537 P. 2d 1369.

No. 75-5598. *SNOW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5601. *SMITH v. STYNCHCOMBE, SHERIFF*. Sup. Ct. Ga. Certiorari denied. Reported below: 234 Ga. 780, 218 S. E. 2d 63.

No. 75-5619. *NATTIN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 316 So. 2d 115.

No. 75-5632. *PATTERSON v. AULT, CORRECTIONS COMMISSIONER, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 521 F. 2d 812.

No. 75-5635. *LOGAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 75-5643. *MURPHY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 517 F. 2d 1395.

No. 75-5657. *EDWARDS v. LOUISIANA*. C. A. 5th Cir. Certiorari denied. Reported below: 520 F. 2d 321.

No. 75-5658. *WIMBERLY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 75-5659. *MARTIN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 75-5660. *WEEKS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 316 So. 2d 71.

No. 75-5694. *SPRANGLE, AKA GREENE, ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 523 F. 2d 1052.

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No. 75-5661. *WINTERS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 75-5673. *SNOW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 521 F. 2d 730.

No. 75-5691. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 523 F. 2d 64.

No. 75-5707. *HINES v. BOMBARD, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 521 F. 2d 1109.

No. 75-5729. *TEPLITSKY v. BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 75-5829. *NOROIAN ET AL. v. CALIFORNIA ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 75-5834. *HARMON v. HODGE*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 U. S. App. D. C. 224, 521 F. 2d 324.

No. 75-5846. *SELLARS v. ESTELLE, CORRECTIONS DIRECTOR*. Certiorari before judgment to C. A. 5th Cir. Certiorari denied.

No. 75-5852. *RANDALL v. METHENY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 75-5856. *BROOKS v. BAY STATE ABRASIVE PRODUCTS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 516 F. 2d 1003.

No. 75-5859. *PATTERSON v. BUSBEE, GOVERNOR OF GEORGIA, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 523 F. 2d 1053.

No. 75-5862. *HOFFMAN v. GEORGETOWN UNIVERSITY HOSPITAL CORP.* Ct. App. D. C. Certiorari denied.

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No. 75-5864. *RUDMAN v. STONE, CORRECTIONAL SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied.

No. 75-5865. *SANDERS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 288 N. C. 285, 218 S. E. 2d 352.

No. 75-5872. *FORD v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 75-5874. *WILKINS v. WILLIAMS, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 75-5885. *TABASSO v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 73-2005. *UNITED STATES ET AL. v. RAMBO*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 492 F. 2d 1060.

No. 74-722. *UNITED STATES ET AL. v. CLARK ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 501 F. 2d 108.

No. 74-6568. *MAURICIO v. McADAMS, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition.

No. 75-785. *MANTA ET AL. v. TRYFOROS ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 518 F. 2d 1258.

No. 75-863. *CHICAGO RAWHIDE MANUFACTURING CO. v. CRANE PACKING Co.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 523 F. 2d 452.

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No. 75-5990. LIPSMAN *v.* GIARDINO. C. A. 2d Cir. Application for stay, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. Certiorari denied.

*Rehearing Denied*

No. 75-139. ROSE, WARDEN *v.* HODGES ET AL., *ante*, p. 19;

No. 75-406. WUNNICKE ET AL. *v.* UNITED STATES, *ante*, p. 1033;

No. 75-415. PORTLAND CEMENT ASSN. *v.* TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL., *ante*, p. 1025;

No. 75-5154. SAM *v.* MISSISSIPPI, *ante*, p. 1018;

No. 75-5348. LAZUR *v.* BROAD MOUNTAIN CLUB, INC., *ante*, p. 1020;

No. 75-5587. HECKSTALL *v.* DISTRICT OF COLUMBIA, *ante*, p. 1023;

No. 75-5666. HARRIS *v.* NEW YORK, *ante*, p. 1036; and

No. 75-5671. McLAUGHLIN *v.* VINZANT, CORRECTIONAL SUPERINTENDENT, *ante*, p. 1037. Petitions for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these petitions.

OPINIONS OF JUDICIAL OFFICERS IN  
CHAMBERS

HORTONVILLE JOINT SCHOOL DISTRICT NO. 1  
V. BOARD OF HORTONVILLE EDUCATORS  
ASSOCIATION et al.

BY APPOINTING COUNCIL

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REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 1092 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions in the current preliminary print of the United States Reports with *permanent* page numbers, thus making the official citations immediately available.

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No. 27-190 - *Lynch v. Franchise*, U. S. 74 25  
Application for stay, presented by Mr. James H. ...  
and by him referred to the Court, docket. Original  
closed.

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No. 75-494 - *Wicks et al. v. United States*,  
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