

OCTOBER TERM, 1967

REFERENCE INDEX

CONTENTS:	Page
Statistics.....	II
General.....	II
Rules.....	III
Appeals.....	III
Arguments.....	IV
Attorneys.....	V
Briefs.....	V
Certiorari.....	VI
Costs and Damages.....	VII
Extraordinary Writs.....	VII
Judgments, Opinions and Mandates.....	VII
Original Cases.....	X
Parties.....	XI
Records.....	XI
Rehearings.....	XI
Stays and Bail.....	XI
Conclusion.....	XIII

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	10	1, 540	2, 036	3, 586
Cases disposed of.....	2	1, 338	1, 633	2, 973
Remaining on dockets.....	8	202	403	613

Cases disposed of—Appellate Docket:

By written opinions.....	155
By per curiam opinions or orders.....	204
By motion to dismiss or per stipulation (merits cases).....	0
By denial or dismissal of petitions for certiorari.....	979

Cases disposed of—Miscellaneous Docket:

By written opinions.....	0
By denial or dismissal of petitions for certiorari.....	1,337
By denial or withdrawal of other applications.....	166
By granting of other applications.....	5
By per curiam dismissal of appeals.....	31
By other per curiam opinions or orders.....	67
By transfer to Appellate Docket.....	27

Number of written opinions.....	110
Number of printed per curiam opinions.....	19
Number of petitions for certiorari granted (Appellate).....	97
Number of appeals in which jurisdiction was noted or postponed (Appellate).....	40
Number of admissions to bar.....	3,118

GENERAL:

Court convened October 2, 1967 and adjourned June 17, 1968.....	Page 1, 505
Chief Justice temporarily allotted to USCA-6. No journal entry (February 6, 1968, during recess).	
Marshall, J., Commission read and Judicial Oath taken (Constitutional Oath administered by Black, J., September 1, 1967).....	1
Reed, J., Designated and assigned to U.S. Court of Claims..	107

GENERAL—Continued

	Page
Clark, J., Designated and assigned to U.S. Court of Customs and Patent Appeals-----	126
Designated and assigned to U.S. Court of Claims -----	337
Allotment order-----	63
Clark, Ramsey, Attorney General, presented argument (645) -----	351
Griswold, Erwin N., Solicitor General presented-----	96
Friesen, Ernest C., Appointed Director of Administrative Office of United States Courts (December 11, 1967)-----	199
Building closed (April 5, 1968) in view of local civil disturbance. Delegation of 21 persons representing about 400 demonstrators presented their views to Clerk.	

RULES:

Federal Rules of Appellate Procedure prescribed December 4, 1967, effective July 1, 1968-----	144
Federal Rules of Civil Procedure amended December 4, 1967, effective July 1, 1968 (Rules 6, 9, 41, 77 and 81)-----	181
Federal Rules of Criminal Procedure amended December 4, 1967, effective July 1, 1968 (Rules 45, 49, 56 and 57)-----	183

APPEALS:

Dismissed and certiorari granted (932)-----	483
Dismissed for failure to file notice of appeal within the time provided by Rule 11 (1668 Misc.)-----	489
Failure to docket appeal within time fixed by Rule 13 held "not jurisdictional" (56 days late). (Footnote to per curiam opinion, 1393 Misc.) 391 U.S. 598-----	452
Dismissed (USDC) for want of jurisdiction (491)-----	89
Dismissed as moot (163)-----	217
Dismissed (State) for want of a properly presented federal question (1147)-----	484
Parties to proceedings directed to file notices of appeal and docket case within certain period to comply with terms of stay order (778-779)-----	113
Consideration of motion to docket and dismiss appeal postponed pending consideration of any jurisdictional statement that may be filed. No jurisdictional statement filed and motion to docket and dismiss under Rule 14(3) granted. (Iaquinta v. New York City Employees Retirement System). Motion to vacate dismissal denied (1301) -----	263, 362, 490

APPEALS—Continued

	Page
Appeal from action by Clerk in denying extension of time to file brief opposing certiorari. Clerk's action upheld (1046) -----	327
ARGUMENTS:	
Motion to advance denied (1116-1117)-----	280
Joint motion to advance granted (1134, 1138)-----	280
Motion of amicus curiae to postpone oral argument denied (618) -----	207
Argument postponed sua sponte pending filing of certiorari in companion case (600)-----	264
Action on motion to participate in oral argument deferred (600) -----	264
Motion for consecutive oral arguments denied (227)-----	194
Motion for additional time for argument and for permission for three attorneys to participate denied (742)-----	311
Motion to consolidate "held" case with one in which certiorari had been granted, denied (528, 386 Misc.)---	99, 195
Nine hours allotted for argument (60, et al.) Prior to argument counsel agreed to and took only 5¼ hours-----	14
Four hours of argument and four attorneys per side allowed with division of time to be settled among counsel (778-779)-----	113
Twelve attorneys permitted to argue (778, 779, 830-836, Penn-Central Merger and Inclusion Cases)-----	184
Sixteen attorneys permitted to argue and eight hours allowed for oral argument (90, et al., Permian Basin Area Rate Cases)-----	186, 188
Motion of Bar Associations for leave to argue orally granted when their status as parties was in question (73) -	221
After argument, parties were requested to advise Court within 10 days what effect, if any, the enactment of the Civil Rights Act of 1968 has upon this litigation (645)--	371
Cases restored to calendar for reargument (813, 1134, 1138) -----	490
Restored to calendar for rebriefing and reargument (187)--	263
Motion to modify order of remand set for argument and thereafter restored to calendar for reargument (133) --	325, 490

ARGUMENTS—Continued

Page

Motion to adduce additional testimony after argument denied in opinion (90, et al., Permian Basin Area Rate Cases) -----	399
Two cases granted and placed on summary calendar (1 hour) (232-233)-----	15

ATTORNEYS:

Motion for appointment of counsel granted (703, 726, 876, 482, 898, 1257, 1281, 1399, 1469)-----	90,
131, 194, 263, 278, 408, 409, 423, 491	491
Counsel appointed to support judgment of CA when both petitioner and respondent requested reversal (637)-----	195
Resignation of James Lee Werner (No. —, O. T. 1966, In the Matter of Resignation of James Lee Werner)-----	11
Resignation of Charles H. Quimby, III (155 Misc.)-----	264
Disbarment of Earl J. Lombard (179 Misc.)-----	13
Disbarment of James M. McCullough (180 Misc.)-----	246
Suspension and disbarment of John Flather Ellis (995 Misc.) -----	132, 279
Suspension and disbarment of William R. O'Malley (1038 Misc.) -----	207, 279
Suspension and rule to show cause issued (Diana Kearny Powell, 882 Misc.)-----	99
Suspension and rule to show cause issued (Sol Rothbard, 1902 Misc.)-----	423
Time for filing return on rule to show cause on disbarment extended sua sponte as result of subsequent order of USDC (155 Misc.)-----	207

BRIEFS:

Motion to file supplemental brief after argument granted (75) -----	131
Motion for leave to file supplemental memorandum after argument granted (21)-----	206
Motion for leave to file petitioners' supplemental memorandum after argument granted (325)-----	408
Motion for leave to file amicus curiae brief after argument and decision denied (232-233)-----	441
Motion to dispense with printing brief of City Legal Aid Society, as amicus curiae, denied (701)-----	311
Motion to strike brief in opposition to certiorari denied (766) -----	230

BRIEFS—Continued

Page

State invited to submit brief and participate in oral argument in case restored for reargument (187)-----	263
Briefing schedule expedited for parties supporting and attacking order of FPC (Permian Basin Area Rate Cases) -----	16
Motions to dismiss or affirm directed to be filed within limited time to comply with conditions of stay order (778-779) -----	113
U.S. and ICC requested to further clarify question of mootness (163)-----	90

CERTIORARI:

Writs dismissed as improvidently granted (41, 68, 37, 702, 154)-----	98, 118, 216, 345, 482
Writ dismissed as improvidently granted without prejudice to application for federal habeas corpus (68)-----	118
Writ dismissed as improvidently granted in a 5-4 per curiam opinion (497)-----	389
Order granting certiorari subsequently limited sua sponte (801) -----	441
Granted limited to Court-framed question (344 Misc., 638 Misc., 1185 Misc.)-----	224, 333, 492
Granted and review limited to questions framed by Court which had not been raised or passed upon below (885, 1007 Misc.)-----	491
Denied for reason that petition was not timely filed (1154) _	495
Denied without prejudice to application for writ of habeas corpus in the appropriate USDC (347, 371, 1090)-----	36, 494
Denied with dissenting opinions on question of existence of state of war in Vietnam (401)-----	103
Order denying certiorari vacated sua sponte and by per curiam the Court again denied certiorari assigning as its reason that "it is not yet ripe for review". (353)-----	193
Motion to dispense with printing extra copies of Appendix "C" to petition granted (661 Misc.)-----	142
Motion to dispense with printing opinion of USDC as appendix to petition, granted (724)-----	212
Motion to defer consideration of petition for certiorari granted (359 Misc.)-----	195
Joint motion to defer consideration of petitions granted (1038-1039) -----	453

CERTIORARI—Continued

Page

Court denied appeal from action of Clerk in denying extension of time to file brief opposing certiorari (1046)-----	327
Motion to Court (after denial by a Justice) to suspend the effectiveness of order denying certiorari denied (1088)---	372
Motion for leave to file substituted petition for certiorari granted (326)-----	36
Further consideration of motion to dismiss writ postponed to hearing on merits. Court failed to act upon motion in opinion but denied motion after decision (43)-----	12, 366

COSTS AND DAMAGES:

Motion to retax costs so as to relieve payment of costs by counsel for Senate Committee denied (118 O.T. 1966)---	11
Motion to retax costs granted and costs equally divided where merits of case not decided (624 O.T. 1966)-----	11
Motion to amend judgment and retax costs granted—judgment amended so as to tax one-half of costs in favor of petitioner where government and private parties were involved (69)-----	468
Costs retaxed so as to relieve Bar Associations from payment where they had appeared as amicus curiae at invitation of lower court (73)-----	489
In denying certiorari, Court reminded State that it still owed costs under our prior mandate (1090)-----	494

EXTRAORDINARY WRITS:

Mandamus or certiorari denied without prejudice to further proceedings in USDC consistent with opinion in companion cases (663 Misc., 664 Misc.)-----	215
---	-----

JUDGMENTS, OPINIONS AND MANDATES:

Judgments:

Judgment (SC) announced (405)-----	480
Affirmed (USDC) by equally divided Court (26)---	192
Affirmed (State) by equally divided Court (237)-----	324
Affirmed (CA) by equally divided Court (70, 800)---	332, 438
No judgment issued (SC). CA had directed issuance of mandamus. Court vacated order and remanded without judgment (36)-----	118
Judgment (CA) remains in effect. Four members would reverse and four would dismiss writ as improvidently granted, one disqualification (700)---	332

JUDGMENTS, OPINIONS AND MANDATES—Continued

Judgments—Continued

	Page
Affirmed (USDC) subject to modifications and conditions stated in opinion and remanded for entry of such orders and for such further action as may be consistent with opinion and judgment (778, et al.)--	215
Affirmed (USDC) without prejudice to presentation of appropriate motion in USDC for modification of injunction (768)-----	218
Affirmed (CA) as to one petitioner and reversed as to other petitioner (55)-----	323
Judgment (SC) amended (1335 O.T. 1966)-----	78
Amended (SC) so as to "vacate", rather than "reverse", and remand to CA rather than USDC (513 O.T. 1966, 1335 O.T. 1966)-----	78
Reversed (CA) and remanded to USDC with instructions to dismiss writ of habeas corpus (284)-----	88
Reversed (CA) and remanded to CA with directions to reinstate judgment of USDC (54)-----	118
Reversed (CA) and remanded to CA with directions to decide the merits of the appeal of the Secretary of Labor (57)-----	216
Reversed (CA) and remanded to CA with directions to enter a judgment reversing judgment of dismissal of USDC (58)-----	216
Reversed (CA) and remanded to CA with directions to enter a judgment affirming order of SEC (305)-----	303
Reversed (CA) and remanded to CA with directions to affirm order of Federal Maritime Commission (257-258)-----	305
Reversed (CA) insofar as it related to certain trade allowances and remanded to CA with directions to remand to FTC for further proceedings (27)-----	323
Reversed (CA) and remanded to USDC with directions to order a new election under supervision of Secretary of Labor (891)-----	450
Reversed (CA) and remanded to CA with directions to reverse in full the judgment of USDC and to remand case for trial (733)-----	464
Reversed (Court of Claims) and remanded with instructions to remand to Indian Claims Commission (219)-----	345

JUDGMENTS, OPINIONS AND MANDATES—Continued

Judgments—Continued

	Page
Reversed (USDC) and remanded with directions to enter judgment affirming order of ICC (797)-----	480
Vacated (CCPA) upon suggestion of mootness and remanded to CCPA with directions to dismiss as moot (46) -----	8
Vacated (CA and USDC) and remanded to USDC with instructions to dismiss the case as moot (72)--	204
Vacated (CA) and remanded to CA with directions to dismiss mandamus proceedings as moot (480)-----	217
Vacated (CA) and remanded to CA for consideration of those issues raised on appeal that have not been considered, and should CA affirm as to those issues, for appropriate disposition preserving the judgment of the USDC and protecting the interests of the non-joined parties (28)-----	261
Vacated (CA) and remanded to USDC for such disposition as law and justice require—death of petitioner (3)-----	274
Vacated (CA) and remanded to CA with directions to enter judgment affirming in its entirety judgment of USDC (309-310)-----	419
Vacated (CA) and remanded to USDC to reinstate the judgment and sentence without reaching issues raised by petitioner in second case (232-233)-----	438
Vacated (CA) insofar as it affirmed USDC's approval of plan in its application to junior high schools and remanded to USDC (740)-----	439
Vacated (CA) and remanded to USDC with directions to dismiss petition as moot (933 Misc.)-----	486
Vacated (USDC) on joint suggestion of mootness and remanded to USDC (271)-----	88
Modified (CA) as to fees and as modified affirmed (339) -----	324
Motion to modify order of remand from a plenary hearing to a hearing in chambers set for oral argument (133)-----	325
Motion for immediate issuance of judgment granted (778, et al., Penn-Central Merger and Inclusion Cases) -----	257

JUDGMENTS, OPINIONS AND MANDATES—Continued

Opinions:

	Page
Per curiam amended (513 O.T. 1966, 1335 O.T. 1966) _	78
Dissenting opinion on denial of certiorari (115, 163 Misc., 91, 401, 197, 145, 483, 548, 58 Misc., 248 Misc., 502 Misc., 1072, 1276, 1044 Misc.) _____	75, 77, 92, 103, 122, 137, 138, 208, 213, 235, 245, 442, 445
Per curiam on denial of mandamus (649 Misc.) _____	119
Opinion "dubitante", Douglas, J. (66) _____	203

Mandates:

Mandate recalled. Order granting certiorari and judgment vacated and new order granting certiorari and issuing new judgment to proper Florida court entered. (400) _____	370
Mandate issued forthwith sua sponte (701) _____	459

ORIGINAL CASES:

Special Master appointed (Judge Gilbert H. Jertberg) (32 Orig.) _____	194
(Judge Gunnar H. Nordbye) (33 Orig.) _____	220
(Judge Charles J. Vogel, in place of Judge Walter L. Pope, resigned) (17 Orig.) _	489
Answer and counterclaim referred to Special Master (33 Orig.) _____	325
Answer referred to Special Master (32 Orig.) _____	333
Motion for leave to intervene and file answer referred to Special Master (31 Orig.) _____	90
Motions to intervene as plaintiff and/or defendant together with answer and cross claims referred to Special Master for report and recommendation (31 Orig.) _____	311
Joint motion to file a stipulation, etc., referred to Special Master (31 Orig.) _____	453
Motion of U. S. for leave to intervene granted (29 Orig.) _	408
Joint motion for continuance granted (29 Orig.) _____	408
Motion for entry of supplemental decree set down for oral argument (9 Orig.) _____	423
Request to reply to counterclaim and otherwise plead granted (29 Orig.) _____	277
Motion for leave to file bill of complaint granted and 60 days allowed to answer (29 Orig., 32 Orig., 33 Orig.) _	194, 220
Parties ordered to submit proposed decree (9 Orig.) _____	130

PARTIES:

	Page
Motion to be added as parties respondent granted (169)---	35
Motion to change caption granted upon suggestion of death (1134) -----	372
Motion to substitute party petitioner granted (428, 800) _	221, 371
Motion to substitute party petitioner granted (death) (23)	423
Motion to substitute Parole Board for Superintendent of State Penitentiary as party respondent granted (Habeas corpus review) (22)-----	11
Motion to substitute party respondent granted (45 Misc.) --	435
Motion for leave to intervene denied. Petitioner was a cor- poration sole and owner sought leave to intervene (623) _	205

RECORDS:

Motion to dispense with printing record granted (67)----	12
Motion to supplement record granted (290)-----	36
Printing of appendices dispensed with sua sponte (778-779) -----	113
Motion to dispense with printing appendix granted (154) --	221

REHEARINGS:

Response to rehearing requested (30 days) (133, 718, 1105 O.T. 1966, 483, 191 O.T. 1962)-----	131, 222, 262, 264, 362
Rehearing granted. Order denying certiorari vacated, certiorari granted and judgment (CA) vacated (861 O.T. 1965, 1105, O.T. 1966, 135)-----	273, 324, 465
Rehearings denied but "reversal" changed to "vacation" and remand clauses amended (513 O.T. 1966, 1335 O.T. 1966) -----	78
Rehearing denied in view of representation of State that relief could be obtained in light of changed circum- stances (191 O.T. 1962)-----	451

STAYS AND BAIL:

Stays:

Stay of order directing consummation of "Penn- Central Merger and Inclusion Cases" presented to Harlan, J., and by him referred to the Court, granted under certain conditions (778-779)-----	113
--	-----

STAYS AND BAIL—Continued

Stays—Continued

	Page
Application for stay presented to Stewart, J., and by him referred to the Court, granted to extent that seized documents shall remain in their present custody pending further proceedings in USDC, such proceedings to be taken within five days. Subsequent orders continued stay and expedited appeal, and following dismissal of appeal stay continued until CA acts (No. —, <i>McSurely v. Ratliff</i> , 1113)---	115, 262, 324
Motion to fix place of custody of petitioner denied (No. —, <i>Stassi v. U.S.</i>)-----	119
Motion to vacate stay of mandate of CA denied (428) -	246
Judgment of USDC stayed sua sponte in order noting probable jurisdiction (1116-1117)-----	280
Court authorized that Missouri conduct 1968 Congressional elections under 1967 Missouri Congressional Reapportionment Act (1116-1117)-----	280
Application for stay referred to Court by Harlan, J., denied on Friday (No. —, <i>Winters v. U.S.</i>)-----	330
Application for reconsideration of application for temporary stay presented to Douglas, J., and by him referred to the Court, denied. Douglas, J., dissents. (No. —, <i>Winters v. U.S.</i>)-----	423
Stay theretofore granted by White, J., continued in opinion on merits pending expeditious proceeding in CA (791 Misc.)-----	440
Application for injunction or stay presented to Harlan, J., and by him referred to the Court, denied (No. —, <i>Shiffman v. Selective Service Local Board No. 5</i>)-----	440
Application for stay presented to Fortas, J., and by him referred to the Court, denied (No. —, <i>Zigmond v. Selective Service Local Board No. 16</i>)-----	441
Application for stay or bail presented to Black, J., and by him referred to the Court, denied (No. —, <i>Gyuro v. Connecticut</i>)-----	453

Bail:

Motion for security for costs and supersedeas bond denied at time of denial of certiorari (609)-----	122
Motion for bail denied (1078 Misc.)-----	246

CONCLUSION:

	Page
Recess announced until certain date unless "otherwise ordered" -----	126
Order suspending call of calendar entered April 29, 1968; arguments completed May 2, 1968-----	395, 402
Order fixing adjournment date (June 10, 1968)-----	478
Final order (June 17, 1968)-----	505

In the Supreme Court of the United States

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

The Chief Justice said:

“The 1967 Term of the Supreme Court of the United States is now convened, and thankfully with a full Court.

“As was announced on June 12, 1967, the last day of the 1966 Term, Justice Clark retired after 18 years of distinguished service on the Court. While we still feel the loss of his wisdom and companionship, the felicitous reason for his retirement compels us to forego the regret which we would otherwise have.

“Happily, during the Summer recess, the President, with the advice and consent of the Senate, has appointed the Honorable Thurgood Marshall of New York an Associate Justice of the Supreme Court to succeed Justice Clark.

“Justice Marshall has taken the Constitutional Oath administered by Mr. Justice Black. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal of the Court will escort him to his seat on the Bench.”

The Clerk then read the commission as follows:

“LYNDON B. JOHNSON,

President of the United States of America,

“To All Who Shall See these Presents, *Greeting:*

“Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Thurgood Marshall of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Thurgood Marshall, during his good behavior.

“In testimony whereof, I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington this thirtieth day of August, in the year of our Lord one thousand nine hundred and sixty-seven, and

of the Independence of the United States of America the one hundred and ninety-second.

[SEAL]

“By the President :

“LYNDON B. JOHNSON.

“RAMSEY CLARK,
“*Attorney General.*”

The oath of office was then administered by the Clerk, and Mr. Justice Marshall was escorted by the Marshal to his seat on the bench.

The oaths taken by Mr. Justice Marshall are in the following words, *viz:*

“I, Thurgood Marshall, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

“So help me God.

“THURGOOD MARSHALL.

“Subscribed and sworn to before me the 1st day of September A. D. 1967.

“HUGO L. BLACK,
“*Associate Justice.*”

“I, Thurgood Marshall, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

“So help me God.

“THURGOOD MARSHALL.

“Subscribed and sworn to before me this 2nd day of October A. D. 1967.

[SEAL]

“JOHN F. DAVIS,
“*Clerk of the Supreme Court of the United States.*”

ADMISSIONS TO THE BAR

Joseph A. Gladney, of Baton Rouge, La., Paul Bender, of Philadelphia, Pa., Edward R. Kirkland, of Orlando, Fla., Mandle Rottman, of Los Angeles, Calif., Jerrold M. Ladar, of San Francisco, Calif., Kenton C. Granger, of Prairie Village, Kans., Nicholas P. Cardwell, of

Hartford, Conn., Robert Jon Bopp, of St. Louis, Mo., James S. Mofsky, of Washington, D.C., Howard J. Feldman, of Washington, D.C., Richard M. Schwartz, of New York, N.Y., Allan A. Tepper, of Boston, Mass., D. Grove Moler, of Mullens, W. Va., Jack Turner Crabtree, of Oklahoma City, Okla., Richard P. Cavanagh, of Utica, N.Y., Andrew L. Jefferson, Jr., of San Antonio, Tex., James Leroy Roper, of Los Angeles, Calif., and Robert Earl Williamson, of Cleveland, Ohio, on motion of Mr. Ralph Simon Spritzer; Richard W. Yarborough, of Austin, Tex.; and Harvey Jackson Yarborough, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; Walter Jensen, Jr., of Fort Collins, Colo., on motion of Mr. Gordon Allott; Raymond Edmund Ford, of Fort Pierce, Fla., on motion of Mr. Paul G. Rogers; Paul W. Haviland, of Medford, Oreg., on motion of Mr. John R. Dellenback;

Donald J. Hennessy, of Naperville, Ill., and Carleton F. Nadelhoffer, Jr., of Naperville, Ill., on motion of Mr. John N. Erlenborn; Bradley Carson Miles, of Abilene, Tex., on motion of Mr. Omar Burleson; Sidney P. Abramson, of St. Paul, Minn., and Gerard D. Hegstrom, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; William H. Fleece, of St. Petersburg, Fla., Ray C. Osborne, of St. Petersburg, Fla., Gordon Douglas McCutcheon, Jr., of St. Petersburg, Fla., and John Thomas Ware III, of St. Petersburg, Fla., on motion of Mr. William C. Cramer; David K. Mitchelson, of Portland, Oreg., on motion of Mr. Wendell Wyatt; Patrick R. Caine, of Springfield, Mass., on motion of Mr. Edward L. Weisl, Jr.; Donald A. Jelinek, of Selma, Ala., on motion of Mr. Anthony J. Amsterdam; Dorothy F. Battle, of Chicago, Ill., Frank V. Battle, of Chicago, Ill., Eugene G. Coombs, Jr., of Boston, Mass., Alex P. LeGrand, of Milwaukee, Wis., and Erwin E. Pollack, of Jersey City, N.J., on motion of Mr. Daniel L. O'Connor; Arthur Scheiner, of Washington, D.C., on motion of Mr. Harold F. Reis; George F. Hartje, Jr., of Conway, Ark., on motion of Mr. John Patrick Baker; Knight Edwards, of Providence, R.I., and Ronald Lagueux, of Providence, R.I., on motion of Mr. Frederick Bernays Wiener; Robert E. Jackson, of New Orleans, La., on motion of Mr. Guy Farmer; Hubbard C. Wilcox, of Elyria, Ohio, on motion of Mr. Harvey John Wilcox; William M. Barrett, of Lorain, Ohio, on motion of Mr. Ellsworth Jennison; Robin H. Fairbairn, of Orange, Calif., on motion of Mr. Robert A. Foster;

Harry K. McNamee, of Butler, Pa., and John Murrin, of Butler, Pa., on motion of Mr. Joseph Leo McGroary; Albert A. Blinder, of New York, N.Y., and Stephen Hochhauser, of New York, N.Y., on motion of Mr. Richard Zeke Steinhaus; Dorothy Vermelle Sampson, of Sumter, S.C., on motion of Mr. Donald James Sampson; Frederick C. Seegert, Jr., of Milwaukee, Wis., on motion of Mr. Wilbur D. Sparks; Roger L. Toner, of Newark, N.J., and Herman D. Michels, of Newark, N.J., on motion of Mr. John Philip Carlson; Juan Blaima-

yar-Ferrara, of Ponce, P.R., Carlos D. Bonaparte-Torrent, of Ponce, P.R., and Gino P. Negretti-Santisteban, of Miami, Fla., on motion of Mr. John T. Rigby; Dix Boring, of San Francisco, Calif., Richard H. Rahl, of Oakland, Calif., and John M. Curphey, of Toledo, Ohio, on motion of Mr. Ralph J. Moore; Raymond B. Ritchel, Jr., of Middle Village, N.Y., on motion of Mr. Van A. Stillely; James L. Armour, of Houston, Tex., and Thomas P. Hamill, of Houston, Tex., on motion of Mr. William J. Grove; Isador Weil, of Silver Spring, Md., on motion of Mr. Samuel L. Davidson; Martin Roy Kirchhoff, of Fort Thomas, Ky., and Stanley C. Moebus, of Fort Thomas, Ky., on motion of Mr. Richard B. Kirkpatrick; Anthony F. Essaye, of Washington, D.C., on motion of Mr. Robert D. Larsen; Harry C. Batchelder, Jr. of New York, N.Y., on motion of Miss Mildred E. Bixby; Patrick Francis Sheehy, of Los Angeles, Calif., on motion of Mr. Robert H. Winn;

Roger George Darley, of San Antonio, Tex., on motion of Mr. F. H. Campbell; Wallace D. Connor, of Kingstree, S.C., on motion of Mr. Frank Barton; Judd L. Black, of Oklahoma City, Okla., on motion of Mr. Hugh F. Owens; Bruce Miles Sullivan, of Stony Brook, N.Y., on motion of Mr. Stephen N. Shulman; Stephen Joel Trachtenberg, of Brooklyn, N.Y., on motion of Mr. August W. Steinhilber; Wayne C. Black, of Elyria, Ohio, Harry C. Bogart, of Elyria, Ohio, Harry F. Butler, of Elyria, Ohio, Edward J. Conley, of Lorain, Ohio, David L. Daley, of Elyria, Ohio, Ronald O. Dunn, of Elyria, Ohio, Meyer Gordon, of Lorain, Ohio, Kenneth C. Hamister, of Elyria, Ohio, James Perry Horn, of Elyria, Ohio, Clayton Ellsworth Horne, of Lorain, Ohio, John A. Howard, of Elyria, Ohio, Richard R. Huber, of Oberlin, Ohio, David Preston Hyman, of Elyria, Ohio, Andrew McArthur Keep, of Lorain, Ohio, Terrence J. Kurtzweil, of Avon, Ohio, Richard J. Martinek, of Amherst, Ohio, David A. McGee, of Lorain, Ohio, Garrett J. Murray, of Elyria, Ohio, Gerald Lynn Prucha, of Lorain, Ohio, Stanley Richard Scholz, of Lorain, Ohio, Fred J. Snoble, of Elyria, Ohio, Seth Edward Stevens, of Amherst, Ohio, Richard A. Stith, of Elyria, Ohio, Eugene A. Tonry, of Elyria, Ohio, Henry P. Webber, of Lorain, Ohio, Henry T. Webber, of Lorain, Ohio, and William George Wickens, of Lorain, Ohio, on motion of Mr. Robert Taft, Jr.; and

Albert E. Townsend, Jr., of Little Rock, Ark., C. Howard Gladden, of Atlanta, Ga., Donald J. Kennedy, of Palo Alto, Calif., Robert Cromwell Taylor, of San Francisco, Calif., Robert S. Harrington, of Los Angeles, Calif., George B. Dolan, Jr., of Boulder, Colo., H. Harold Calkins, of Denver, Colo., Stanley F. Johnson, Jr., of Boulder, Colo., Russell P. Kramer, of Denver, Colo., Roger F. Gleason, of New Britain, Conn., Aaron W. Jacobson, of Washington, D.C., Robert L. King, of San Francisco, Calif., Earl F. Lane, of Rockville,

Md., Richard V. Harrison, of Sarasota, Fla., Frederick H. Hope, of Palm Beach, Fla., William M. Watson, of St. Petersburg, Fla., Joel S. Thwaites, of Atlanta, Ga., Byron H. Mathews, Jr., of Newnan, Ga., John A. Holtzman, of Washington, Ill., John S. Kavanaugh, of Chicago, Ill., Harry L. McFarlane, of Chatham, N.J., John H. Royster, of Peoria, Ill., Walter E. Moehle, of Belleville, Ill., James R. Yore, of Bethesda, Md., Paul A. McLennon, of Downers Grove, Ill., Benjamin J. Weaver, of Indianapolis, Ind., Philip R. Correll, of Carmel, Ind., Flemming L. Liggitt, of Indianapolis, Ind., George Kowalczyk, of Fort Wayne, Ind., Robert P. Lewis, of Frankfort, Ind., William H. Williamson, of Indianapolis, Ind., Dwight F. Gallivan, of Bluffton, Ind., John V. Chapman, of Davenport, Iowa, R. Wilbur Daeschner, of Chicago, Ill., Eugene G. Coombs, of Wichita, Kans., Russel N. Barrett, of Wichita, Kans., Robert J. Hornung, of Wichita, Kans., Donald F. Nemitz, of St. Louis, Mo., Nelson Perry, of Louisville, Ky., John C. Klotter, of Anchorage, Ky., Harry C. Campbell, of Pikeville, Ky., John C. Gardner, of Baltimore, Md., Roy Dobson Cromwell, of Arnold, Md., Lawrence W. Bowe, of Rockville, Md., Herbert J. Cronin, of Silver Spring, Md., Lawrence C. Bailey, of Boston, Mass., Frederick M. Donovan, of Boston, Mass., John L. Brennan, of Cranford, N.J., H. Frank Angell, of Hollywood, Calif., Theodore D. Foster, of Alden, Mich., John R. Hocking, of Detroit, Mich., John C. Doig, of Grand Rapids, Mich., Marshall W. Houts, of Laguna Beach, Calif., Donald M. Jardine, of St. Paul, Minn., Albin G. Berens, of Rochester, Minn., Alden D. Sheffield, of Minneapolis, Minn., Bert J. Landree, of Minneapolis, Minn., Stig A. Larson, of Center City, Minn., Harold J. Anderson, of Minneapolis, Minn., Wallace R. Hoaglund, of Bloomington, Minn., Samuel W. Hardy, of St. Paul, Minn., Frank M. Fudali, of Minneapolis, Minn., Vernon J. Schweiger, of Minneapolis, Minn., Zack Jennings Van Landingham, of Hilton Head Island, S.C., Thor E. Fladwed, of Couer d'Alene, Idaho, James H. Morrow, Jr., of Bozeman, Mont., Maurice W. Corcoran, of Wichita, Kans., Edwin M. Dotten, Jr., of Summit, N.J., Peter A. Smith, of Elizabeth, N.J., Joseph F. McCorry, of Norwalk, Conn., Charles O. Blaisdell, of New York, N.Y., Delon Francis Mousaw, of Rochester, N.Y., Emmett F. McNamara, of Bay Shore, N.Y., William J. Mackay, of Syracuse, N.Y., Joseph Frederick Doherty, of New York, N.Y., Albert J. Tuohy, of Centerport, N.Y., William James Rooney, of New York, N.Y., Matthew J. Murray, of New York, N.Y., John P. Linehan, of Branchville, N.J., Joseph W. Lucca, of Valley Cottage, N.Y., Frank A. Madden, Jr., of New York, N.Y., Charles E. Roberts, of Chagrin Falls, Ohio, John Dennis O'Connell, of New York, N.Y., Edward Joseph McCabe, of Timonium, Md., Ralph J. Gregg, of Buffalo, N.Y., Robert M. Eckelberger, of Johnson City, N.Y., George P.

Byrne, Jr., of New York, N.Y., James K. Hoeffling, of Kettering, Ohio, Wayne L. Listerman, of Cleveland, Ohio, H. Burton Bracy, of Cleveland, Ohio, Allen J. Andrews, of Toledo, Ohio, John Philip Manton, of Toledo, Ohio, Clarence Swearingen, Jr., of Inglewood, Calif., John Patrick Crowley, of Bowling Green, Ohio, Elmer Frederick Emirch, of Cincinnati, Ohio, Harold E. Wonnell, of Columbus, Ohio, Eugene W. Youngs, of Cincinnati, Ohio, Thomas A. Conroy, of Cincinnati, Ohio, Wayne L. Turpin, of Oklahoma City, Okla., Leo B. Feary, of Chicago, Ill., John E. McDonald, Jr., of Charlotte, N.C., Carmon J. Stuart, of Winston-Salem, N.C., Morris H. Sheer, of Philadelphia, Pa., Charles Morris Solomon, of Philadelphia, Pa., Leonard J. Cook, of Philadelphia, Pa., Arthur M. Peters, Jr., of Danville, Pa., William J. Rockenstein, of Butler, Pa., John W. Vincent, of St. Louis, Mo., Dicken E. Kidwell, of Murfreesboro, Tenn., Murray H. Nance, Jr., of Sherman, Tex., James C. Laffin, of St. Louis, Mo., Raymond L. Tollett, of Big Spring, Tex., C. B. Wheeler, of Texarkana, Tex., James W. Beless, Jr., of Salt Lake City, Utah, David Bingham Dee, of Salt Lake City, Utah, Russell E. White, of Scotia, N.Y., William J. Higgins, Jr., of Kenosha, Wis., Martin L. Croak, of Madison, Wis., John B. Frisch, of Milwaukee, Wis., and Edward L. Jennings, Jr., of Los Angeles, Calif., on motion of Mr. Daniel L. O'Connor, were admitted to practice.

Adjourned until Monday, October 9, 1967, at 10 o'clock.

The day call for Monday, October 9, 1967, will be as follows: Nos. 9, **Original, 8**, and **13**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

James Edward Shillingburg, of Washington, D.C., David R. Harrison, of San Francisco, Calif., Bruce I. Hochman, of Los Angeles, Calif., Gilbert E. Gove, of Detroit, Mich., Benjamin Evans Dean, of Owego, N.Y., James F. Donahoe, of New York, N.Y., John J. Fox, of New York, N.Y., Harry Levy, of New York, N.Y., and Harold Weintraub, of Syosset, N.Y., on motion of Mr. Ralph Simon Spritzer; William T. Bagley, of San Rafael, Calif., Gordon A. Fleury, of Sacramento, Calif., Stanley Craig Hatch, of Santa Barbara, Calif., and George H. Murphy, of Sacramento, Calif., on motion of Mr. Thomas H. Kuchel; Richard J. Maughan, of Salt Lake City, Utah, and Stephen A. West, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Theodore James Tierney, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Robert D. Rouse, Jr., of Farmville, N.C., on motion of Mr. Samuel J. Ervin, Jr.; Richard C. Seither, of New Orleans, La., on motion of Mr. Hale Boggs; Harris Jay Buchbinder, of Miami, Fla., on motion of Mr. Claude Pepper; Jay B. Ellis, of Berea, Ohio, Michael T. Scanlon, of North Olmstead, Ohio, and James D. Sweeney, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Phon E. Hudkins, of Indianapolis, Ind., on motion of Mr. Andrew Jacobs, Jr.;

Thomas J. Conway, of St. Louis, Mo., on motion of Mr. Frank M. Karsten; Gerald J. Cotter, of Mount Pleasant, Mich., on motion of Mrs. Marguerite R. Cederberg; T. T. Turnbull, of Tallahassee, Fla., John J. Graham, of New Orleans, La., and Joseph Bayard Miller, of New Orleans, La., on motion of Mr. Jack P. F. Gremillion; Edward H. Hermsen, of Los Angeles, Calif., on motion of Mr. Joseph P. Tumulty, Jr.; Klaus Newes, of New York, N.Y., on motion of Mr. Walter A. Slowinski, Jr.; T. K. McCleerey, of Des Moines, Iowa, on motion of Mr. Henry Russell Thomas; William B. Craig, of Omaha, Nebr., and Paul D. Wilson, Jr., of Des Moines, Iowa, on motion of Mr. Jack E. Horskey; Richard Burton Daley, of Stockton, Calif., on motion of Mr. George Blow; S. David Levy, of Washington, D.C., on motion of Mr. Robert Jordan Wager; Leslie H. Gaston, of Washington, D.C., on motion of Mr. Saul I. Serota; J. Arthur Sandlin, of Austin, Tex., on motion of Mr. Houghton Brownlee, Jr.; Robert

Anthony Jacques, of Rockville, Md., on motion of Mr. Donald Hugh Green; Abe Arthur Rotwein, of Jackson, Miss., on motion of Mr. Joseph Rotwein; John J. Rooney, of Cheyenne, Wyo., on motion of Mr. Dudley D. Miles, Joseph Gay Conley, of Fairmont, W. Va., on motion of Mr. Frank Gay Gantz Conley; Robert M. Grubbs, of New York, N.Y., on motion of Mr. Fred W. Peel; Henry Root Stern, Jr., of Old Westbury, N.Y., on motion of Mr. Gerald B. Greenwald; Chester Browning Gynn, Jr., of Cleveland, Ohio, on motion of Mr. Albert E. Brault; and Richard Edward Enright, Jr., of New York, N.Y., on motion of Mr. Alonzo Barnard Kight, were admitted to practice.

The Chief Justice said:

"The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 46. Edward J. Brenner, Commissioner of Patents, petitioner, *v.* Jack H. Hofstetter. On writ of certiorari to the United States Court of Customs and Patent Appeals. Judgment vacated and case remanded to the United States Court of Customs and Patent Appeals with directions to dismiss the appeal as moot. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 79. TV Pix, Inc., et al., appellants, *v.* J. G. Allard et al., Commissioners of the Public Service Commission of Nevada. Appeal from the United States District Court for the District of Nevada. Judgment vacated and case remanded to the United States District Court for the District of Nevada for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 108. Walter Petronia et al., appellants, *v.* Alaska. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 170. Joe D. Morgan and Jack Thornton, a partnership, etc., et al., appellants, *v.* Alabama. Appeal from the Supreme Court of Alabama. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 176. Howard Price, d/b/a Howard Price and Company, appellant, *v.* The State Road Commission of West Virginia et al.; and

No. 177. R. C. Wetherall, Jr., et al., appellants, *v.* The State Road Commission of West Virginia et al. Appeals from the Circuit Court of West Virginia, Kanawha County. The motions to dismiss are granted and appeals are dismissed for want of jurisdiction. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*. The Chief Justice and Mr. Justice Brennan are of the opinion that probable jurisdiction should be noted.

No. 204. Robert C. Bohannan, Jr., appellant, *v.* Arizona ex rel. Darrell F. Smith, Attorney General. Appeal from the Supreme Court of Arizona. The motion to dispense with printing the motion to dismiss is granted. The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. 225. Brenard G. Rhoades et al., appellants, *v.* School District of Abington Township et al. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 235. Lunie Lattimer, appellant, *v.* Crystal Clear, Inc., et al. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 273. New Jersey Chapter, American Institute of Planners, etc., et al. appellants, *v.* New Jersey State Board of Professional Planners et al. Appeal from the Supreme Court of New Jersey. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 327. Wesley G. Nelles, appellant, *v.* Lynn M. Bartlett, Superintendent of Public Instruction of the State of Michigan, et al. Appeal from the Supreme Court of Michigan. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 332. Rupert Watson, d/b/a Maine-Wide Adjusters, appellant, *v.* State of Maine Commissioner of Banking. Appeal from the Supreme Judicial Court of Maine. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 345. John P. Hamrick, appellant *v.* Alabama. Appeal from the Supreme Court of Alabama. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 26, Misc. Jack William Smith, petitioner, *v.* Arizona. On petition for writ of certiorari to the Supreme Court of Arizona. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Arizona in light of *Anders v. California*, 386 U.S. 738. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Stewart dissent.

No. 51, Misc. Preston Cobb, petitioner, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 57, Misc. Louise E. Troutt, appellant, *v.* Carl K. Wilson Company et al. Appeal from the Supreme Court of Tennessee, Western Division. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 74, Misc. Stuart Garvin, appellant, *v.* Massachusetts. Appeal from the Supreme Judicial Court of Massachusetts. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 190, Misc. Ervin Hohensee and Richard Hohensee, appellants, *v.* Lovell O. Minear. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 256, Misc. Garfield J. Kelly, appellant, *v.* Ward Lane, Warden. Appeal from the United States District Court for the Northern District of Indiana. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 269, Misc. Ruth Strickland, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 288, Misc. Francis Ernest Phillips, appellant, *v.* Indiana. Appeal from the Supreme Court of Indiana. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 339, **October Term, 1958.** Jerome S. Spevack, petitioner, *v.* Lewis L. Strauss et al. The motion for confirmation of conclusive effect of executed order is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. —, **October Term, 1966.** In the Matter of Resignation of James Lee Werner. James Lee Werner, Esquire, of Cincinnati, Ohio, having resigned 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 in this Court. Mr. Justice Marshall took no part in this matter.

No. 118, **October Term, 1966.** James A. Dombrowski et al., petitioners, *v.* James Eastland, etc., et al. The motion of respondent, J. G. Sourwine, to retax costs is denied. Mr. Justice Black and Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 624, **October Term, 1966.** Earle C. Moody et al., appellants, *v.* Richmond M. Flowers et al. The motion of appellees to retax costs is granted and the costs are equally divided. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 16. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 22. William Earl Walkling, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. The motion of the National Legal Aid and Defender Association for leave to file a brief, as *amicus curiae*, is granted. The motion in No. 22 to substitute Washington State Board of Prison Terms and Paroles in place of B. J. Rhay, Superintendent, Washington State Penitentiary, as the party respondent is granted.

No. 21. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. The motion of Slaff, Mosk and Rudman for leave to file a brief, as *amicus curiae* is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 27. Federal Trade Commission, petitioner, *v.* Fred Meyer, Inc., et al. The motion of the Atlantic Coast Independent Distributors Association, Inc., for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 33. United Mine Workers of America, District 12, petitioner, *v.* Illinois State Bar Association et al. The motions of the American Federation on Labor and Congress of Industrial Organization; The National Lawyers Guild and the State Bar of California for leave to file briefs, as *amicus curiae*, are granted. The motion of the NAACP Legal Defense and Educational Fund, Inc., et al., for leave to file a

brief, as *amici curiae*, is granted. The motions of the NAACP Legal Defense and Educational Fund, Inc., et al.; and the State Bar of California for leave to participate in the oral argument as *amici curiae*, are denied.

No. 43. Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. Further consideration of the motion of respondent to dismiss the writ of certiorari is postponed to the hearing of the case on the merits.

No. 49. National Labor Relations Board, petitioner, *v.* Fleetwood Trailer Co., Inc. The motion of the American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 67. John W. Terry et al., petitioners, *v.* Ohio. The motions of petitioner, Terry, for leave to proceed further herein *in forma pauperis* and to dispense with printing the record are granted. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 85. United States, appellant, *v.* Charles Jackson et al. The motion of the respondent for leave to proceed further herein *in forma pauperis* is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 86. United States, appellant, *v.* Third National Bank in Nashville et al. The motion of The Comptroller of the Currency to remove this case from the summary calendar is granted. Mr. Justice Fortas and Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 90. Continental Oil Company and Midhurst Oil Corporation, petitioner, *v.* Federal Power Commission;

No. 95. The Superior Oil Company, petitioner, *v.* Federal Power Commission;

No. 98. New Mexico and Texas, petitioners, *v.* Federal Power Commission;

No. 99. Sun Oil Company, petitioner, *v.* Federal Power Commission et al.;

No. 100. California and Public Utilities Commission of California, petitioners, *v.* Skelly Oil Company et al.;

No. 101. Hunt Oil Company et al., petitioners, *v.* Federal Power Commission;

No. 102. Pacific Gas and Electric Company et al., petitioners, *v.* Skelly Oil Company et al.;

No. 105. Perry R. Bass et al., petitioners, *v.* Federal Power Commission;

No. 117. Federal Power Commission, petitioner, *v.* Skelly Oil Company et al.; and

No. 181. City of Los Angeles, petitioner, *v.* Skelly Oil Company et al. The motion of the Associated Gas Distributors Group for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 147. K-91, Inc., petitioner, *v.* Gershwin Publishing Corporation et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 246. Herman Moses et al., appellants, *v.* Washington et al.:

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington et al.;

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al.; and

No. 387. Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, petitioners, *v.* R. E. Nordwick, Executor, etc., et al. The Solicitor General is invited to file briefs in these cases expressing the views of the United States. Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 179, *Misc.* In the Matter of the Disbarment of Earl J. Lombard. It having been reported to the Court that Earl J. Lombard of Washington, District of Columbia, has been disbarred from the practice of law by the United States Court of Appeals for the District of Columbia Circuit, duly entered on the eighteenth day of May, 1967, and this Court by order of June 5, 1967, having suspended the said Earl J. Lombard from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

IT IS ORDERED that the said Earl J. Lombard 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. 386, *Misc.* Pearlle Sims, etc., petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. The motion of American Trial Lawyers Association for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 405. Leroy Powell, appellant, *v.* Texas. Appeal from the County Court at Law No. 1 of Travis County, Texas. In this case probable jurisdiction is noted.

No. 107. United States, appellant, *v.* Arnold Habig et al. Appeal from the United States District Court for the Southern District of Indiana. In this case probable jurisdiction is noted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 196. Herbert Schneider, appellant, *v.* Willard J. Smith, Commandant, United States Coast Guard. Appeal from the United States District Court for the Western District of Washington. Motion to dispense with printing the jurisdictional statement granted. Further consideration of the question of jurisdiction in this case postponed to the hearing of the case on the merits. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 324. Norfolk and Western Railway Company et al., appellants, *v.* Missouri State Tax Commission et al. Appeal from the Supreme Court of Missouri. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 410. Gary Duncan, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction is noted. Case placed on the summary calendar and set for oral argument immediately following No. 52.

No. 111, Misc. John Earl Cameron et al., appellants, *v.* Paul Johnson, etc., et al. Appeal from the United States District Court for the Southern District of Mississippi. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction is noted and case transferred to the appellate docket. *Certiorari Granted*

No. 59. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. Motion of petitioner for leave to intervene granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 60. Federal Power Commission, petitioner, *v.* Sunray DX Oil Company et al.;

No. 61. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company et al.;

No. 62. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al.;

No. 80. Federal Power Commission, petitioner, *v.* Standard Oil Company of Texas, etc., et al.;

No. 97. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit granted; and

No. 111. Shell Oil Company, petitioner, *v.* Public Service Commission of New York;

No. 143. Skelly Oil Company et al., petitioners, *v.* Public Service Commission of New York et al.;

No. 144. Federal Power Commission, petitioner, *v.* Public Service Commission of New York et al.; and

No. 231. The Superior Oil Company, petitioner, *v.* Federal Power Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of nine hours allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 65. Frank P. Poafpybitty et al., petitioners, *v.* Skelly Oil Company. Petition for writ of certiorari to the Supreme Court of Oklahoma granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 219. The Peoria Tribe of Indians of Oklahoma et al, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 232. United States, petitioner, *v.* David Paul O'Brien; and

No. 233. David Paul O'Brien, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit and cases placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 267. United States, petitioner, *v.* Neifert-White Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 305. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 339. Anne P. Newman et al., petitioners, *v.* Piggie Park Enterprises, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 73. In the Matter of John Ruffalo, Jr., petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 149. Wayne Dyke et al., petitioners, *v.* Taylor Implement Manufacturing Company, Inc. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, granted. Case placed on the summary calendar and set for oral argument immediately following No. 92.

No. 178. National Labor Relations Board, petitioner, *v.* United Insurance Company of America et al.; and

No. 179. Insurance Workers International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Cases consolidated and each case is placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 187. Menominee Tribe of Indians, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted. Mr Justice Marshall took no part in the consideration or decision of this petition.

No. 276. Raymond Hopkins, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 257. Federal Maritime Commission et al., petitioners, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line) et al.; and

No. 258. American Society of Travel Agents, Inc., petitioner, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line) et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and each case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 261. City and County of San Francisco, petitioner, *v.* Skelly Oil Company et al.;

No. 262. City of San Diego, petitioner, *v.* Skelly Oil Company et al.;

No. 266. Standard Oil Company of Texas, a Division of Chevron Oil Company, petitioner *v.* Federal Power Commission; and

No. 388. Mobil Oil Corporation et al., petitioners, *v.* Federal Power Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit is granted. Cases consolidated for oral argument with the other "Permian Basin Area Rate Cases" and set for oral argument on Monday, December 4, 1967. The briefs of those parties supporting the order of the Federal Power Commission shall be filed on or before November 1, 1967, and of those attacking said order shall be filed on or before November 20, 1967. Mr.

Justice Marshall took no part in the consideration or decision of these petitions.

No. **309**. American Federation of Musicians of the United States and Canada et al., petitioners, *v.* Joseph Carroll et al.; and

No. **310**. Joseph Carroll et al., petitioners, *v.* American Federation of Musicians of the United States and Canada, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and two hours allotted for oral argument. The Chief Justice and Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **325**. James A. Watts et al., petitioners, *v.* Seward School Board et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Supreme Court of Alaska granted and case placed on the summary calendar.

No. **335**. The Hanover Shoe, Inc., petitioner, *v.* United Shoe Machinery Corporation; and

No. **463**. United Shoe Machinery Corporation, petitioner, *v.* The Hanover Shoe, Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and two hours allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **445**. Avco Corporation, petitioner, *v.* Aero Lodge No. 735, International Association of Machinists and Aerospace Workers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. **19, Misc.** Brooks Lee Anderson, petitioner, *v.* Wilburn C. Johnson, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket.

No. **36, Misc.** In the Matter of Buddy Lynn Whittington, petitioner. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of Ohio, Fairfield County, granted. Case transferred to the appellate docket.

No. **291, Misc.** Ronald L. Johnson, petitioner, *v.* Massachusetts. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Judicial Court of Massachusetts granted. Case transferred to the appellate docket.

No. **55, Misc.** Jack Allen Barber, petitioner, *v.* Ray H. Page, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 66, Misc. Richard Garner, petitioner, *v.* Howard Yeager, Warden, et al. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 109, Misc. George William Bruton, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar and set for oral argument immediately following No. 66 Misc. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

CERTIORARI DENIED

No. 112. Christopher Gian-Cursio et al., petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 116. Terence Hallinan, petitioner, *v.* The Roman Catholic Archbishop of San Francisco et al. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 118. Compania Anonima Venezolano de Navegacion, petitioner, *v.* William H. Matthews et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 125. General Plywood Corporation, petitioner, *v.* United States Plywood Corporation; and

No. 140. United States Plywood Corporation, petitioner, *v.* General Plywood Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 128. Jerome L. Doff et al., petitioners, *v.* Brunswick Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 132. John Roderick, as Trustee of Mrak Coal Company, et al., petitioners, *v.* Chugach Electric Association. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 136. Angelo Minichiello, petitioner, *v.* Royal Business Funds Corporation. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 137. Louis O'D. Lee, petitioner, *v.* St. Joe Paper Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 142. Pacific Sportfishing, Inc., et al., petitioners, *v.* June E. Berry, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **146.** John E. Ring, petitioner, *v.* June Strelecki, Director of Motor Vehicles, et al. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. **150.** Deola Fisher, Sr., petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. **152.** Marie LaHitte et vir, petitioners, *v.* Acme Refrigeration Supplies, Inc., et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. **153.** J. P. Kimbrell, petitioner, *v.* Atlas Perry et al. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. **157.** James W. Smith, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **161.** Aaron Cohen, Trustee, etc., petitioner, *v.* James Talcott, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **162.** Tidewater Patent Development Company, Incorporated, petitioner, *v.* K. M. Kitchen and Virginia M. Kitchen, partners, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **175.** Provident Security Life Insurance Company et al., petitioners, *v.* Angus J. DePinto, et al.; and

No. **191.** Angus J. DePinto et al., petitioners, *v.* Provident Security Life Insurance Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **182.** Alan E. Kligerman et al., petitioners, *v.* John A. Lynch, President of the Senate of New Jersey, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **184.** L. E. Riffe, petitioner, *v.* Wilshire Oil Company of Texas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **185.** John P. Coyne, Administrator, etc., petitioner, *v.* John Mohr & Sons, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **186.** James B. Hensley, petitioner, *v.* Fort Worth and Denver Railway Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District, denied.

No. **189.** Novo Industrial Corporation, petitioner, *v.* Standard Screw Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **206.** Coe Manufacturing Company, petitioner, *v.* Jeddelloh Brothers Sweed Mills, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 207. Owen E. Jackson et al., petitioners, *v.* Western Geothermal, Inc., et al. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 210. Continental Casualty Company, petitioner, *v.* Float-Away Door Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 211. United Bond and Mortgage Corporation, petitioner, *v.* Crown Central Petroleum Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 213. William Cahn, etc., petitioner, *v.* John Nicholas, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 214. Troy Cannon Construction Company, Inc., petitioner, *v.* Dallas Job et al. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 218. Purex Corporation, Ltd., et al., petitioners, *v.* St. Louis National Stockyards Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 220. Chandler J. Walker, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 222. John M. Sisko, petitioner, *v.* Southern Resin & Fiberglass Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 226. Albert Collins et al., petitioners, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 228. Robert L. Nicholson, petitioner, *v.* Martin Lowenstein. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 230. Fred Sorensen, petitioner, *v.* Wayne R. Swanson. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 238. Tax Review Board of Philadelphia, petitioner, *v.* Esso Standard Division of Humble Oil and Refining Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 239. Roy Isaacs et al., petitioners, *v.* Oklahoma City et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 240. Arkwright Mutual Insurance Company, petitioner, *v.* Bargain City, U.S.A., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 244. Olga Natoli, petitioner, *v.* Margaret K. Hamilton et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 245. Charles W. Grogan et al., petitioners, *v.* Anthony J. Wachter. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 248. Marybelle Louise O'Brien, petitioner, *v.* Socony-Mobil Oil Co. (Successor to the Virginia-Carolina Chemical Corporation). Petition for writ of certiorari to the Supreme Court of New Jersey and/or the Supreme Court of Appeals of Virginia denied.

No. 249. Anchor Hocking Glass Corporation, petitioner, *v.* Corning Glass Works. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 251. Glenn Collins, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 264. Reginald Lee Frazier, petitioner, *v.* North Carolina State Bar. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 277. Jack Neilson, Inc., petitioner, *v.* Thomas Jordan, Inc., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 280. William David Kenney, petitioner, *v.* Pancake Kitchens, Inc., et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 285. Ruth Dell, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 286. Ben Florman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 289. Jose Aramis Alvarez, etc., et al., petitioners, *v.* Pan American Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 294. Jimmy Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 295. Henry Odell Callis, as Guardian, and as Guardian ad litem of David Manuel Mendez, et al., petitioners, *v.* The Long Island Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 304. Northwest Airlines, Inc., petitioner, *v.* Air Line Pilots Association, International, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 308. Albert Hoelsken and Leonard Amato, d/b/a Active Rubbish Service, petitioner, *v.* Public Utilities Commission of Colorado et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 312. Max J. Lugash et al., petitioners, *v.* Santa Anita Manufacturing Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 314. Southern Railway Company, petitioner, *v.* Earl N. Bryan. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 329. Ove Skou Rederi A/S et al., petitioners, *v.* John L. Marshall et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 331. Aaron L. Simon, petitioner, *v.* Maurice Weingold, Public Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 333. Seville Syndicate, Inc., et al., petitioners, *v.* Moritz Kozlowski. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 340. Walter B. Nivens et al., petitioners, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 341. Albert J. Vlasak, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. 342. Blair Manufacturing Company, petitioner, *v.* Emmett Hampton et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 351. Carlos Manuel Falla y Alvarez, petitioner, *v.* Pan-American Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 355. All Concessions, Inc., petitioner, *v.* City of Peabody. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 360. Hoff Research & Development Laboratories, Inc., petitioner, *v.* Philippine National Bank et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 364. St. Joe Paper Company, petitioner, *v.* Hartford Accident and Indemnity Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 366. American Investors Fund, Inc., petitioner, *v.* Rosalind Fogel et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 367. Donald L. Atkins, petitioner, *v.* Schmutz Manufacturing Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 369. Ephraim Freightways, Inc., petitioner, *v.* Red Ball Motor Freight, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 375. Thomas Licavoli, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 377. Carl S. Zilk et al., petitioners, *v.* Deaton's Fountain Service, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 381. Local Union No. 721, United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Needham Packing Company, etc. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 392. Gilbert P. Brush and Monroe Percy Bloch, Co-partners, etc., petitioners, *v.* The Republic of Cuba et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 395. Motorola, Inc., petitioner, *v.* Esther Marion Armstrong, Executrix. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 398. Thor-Dahl A/S, petitioner, *v.* Crescent Wharf & Warehouse Company. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 403. Southern Railway Company, petitioner, *v.* Franklin J. Chambers et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 404. Frank DeStasio, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 408. The Monroe Sander Corporation, petitioner, *v.* David Livingston, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 409. Standard Electrica, S. A., petitioner, *v.* Hamburg Sudamerikanische Dampfschiffahrts-Gesellschaft. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 413. Gordon A. Rogers, petitioner, *v.* Robert J. Zingheim. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 414. Tom S. Bumgarner et al., petitioners, *v.* Joe Brown Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **420.** Jerome S. Glazer et al., petitioners, *v.* Guilford Glazer. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **422.** Patrick D. Goldsmith, etc., petitioner, *v.* Stuart M. Goldsmith. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **424.** Jesse Taylor, Jr., petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **426.** Florence Scott, etc., petitioner, *v.* WKJG, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **429.** Travelers Indemnity Company, petitioner, *v.* Greyhound Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **431.** Continental Casualty Company, petitioner, *v.* Jacob John Pfeifer. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. **435.** Dennis Thomas Sateriale, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **438.** Keith Milton Rhinehart, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **440.** Charles N. Baptist, petitioner, *v.* Bankers Indemnity Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **473.** Southern Rambler Sales, Inc., petitioner, *v.* American Motors Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **76.** James T. Benn, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **81.** Gerald Tomaszek and Joseph D'Argento, petitioners, *v.* United States;

No. **84.** Mike LaJoy, petitioner, *v.* United States; and

No. **114.** Patrick Schang, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **83.** Grover C. Crowe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 94. Leonard Royall Aiken, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 96. Jersey State Bank, petitioner, *v.* Royal Indemnity Company et al. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 103. Louis M. Ray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 119. Ti Ti Peat Humus Company, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 120. Lloyd Edwards as Executor, etc., petitioner, *v.* V. Lee Phillips. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 124. Estate of Betty Berry, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 126. Jerome S. Murray et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 133. Ruby Kolod et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 134. Homer Phillips, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 135. Paul R. Jones, petitioner, *v.* United States; and

No. 223. Leo B. Mittelman, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 138. Morris R. Blane, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 151. Louis Zwick and Joseph Zwick, etc., et al., petitioners, *v.* Orville L. Freeman, Secretary of Agriculture of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 156. Wert Lanelvin Akins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 159. B & L Farms Co. et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 160. D. R. Smalley & Sons, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 165. Frederick B. Krol, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 166. Thomas Kapatos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 167. Scherer & Sons, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 171. Daniel Murphy et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 173. Clarence Roberts et al., petitioners, *v.* United States; and

No. 192. United States, petitioner, *v.* Sandra & Dennis Fishing Corporation et al. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 183. Henry Roy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 188. Pan Cargo Shipping Corp., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 194. Local Union No. 12, United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO, petitioner, *v.* National Labor Relations Board; and

No. 212. Local 1367, International Longshoremen's Association AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 195. Saul I. Birnbaum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 198. Lawrence Lewis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 200. Blue Cab Company et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 202. Adam DiMichele, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 203. Eugene Ellsworth Ayotte, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 208. Howard Charles Lipsitz, petitioner, *v.* Gines Perez, Commanding General, Fort Jackson, South Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 209. Union Petroleum Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 215. Overnite Transportation Company, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 217. Sanford A. Schafitz, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 234. Continental Oil Company, petitioner, *v.* Stewart L. Udall, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 241. Sarkes Tarzian, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 242. Utica Mutual Insurance Company, petitioner, *v.* Merle D. Vincent, Jr., Regional Director of the Third Region of the National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 250. Remler Company, petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 253. Michael Alan McCowan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 254. Bernard Kaplan et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 255. United States, petitioner, *v.* U.S. Thermo Control Co. et al. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **256.** Caddo Parish School Board et al., petitioners, *v.* United States et al.;

No. **282.** East Baton Rouge Parish School Board et al., petitioners, *v.* Clifford Eugene Davis, Jr., et al.; and

No. **301.** Board of Education of the City of Bessemer et al., petitioners, *v.* United States et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **263.** Florence Printing Company, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **265.** Charles Town, Incorporated, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **269.** Solite Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **270.** Furr's, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **274.** K. B. & J. Young's Super Markets, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **278.** J. Gordon Turnbull, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. **279.** Turnbull, Inc., Transferee, petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Court of Appeal for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **292.** Anthony M. Reinach, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **297.** Alex Carl Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 299. Borden Cabinet Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 300. James Charles Pollock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 303. The Cincinnati Gas & Electric Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 307. Perry Publications, Inc., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 311. Perma-Home Corporation et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 315. Dale H. Snyder, petitioner, *v.* H. Turley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 318. Robert C. Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 320. Vincent Serman and Lenine Strollo, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 321. Ogle Protection Service, Inc., and James L. Ogle, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 343. Harry T. Maltby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 349. Floyd L. Hoffman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 350. Local Union No. 742, United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 352. District Lodge No. 15 of the International Association of Machinists, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 354. Joseph J. Imhoff, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 356. Anthony Provenzano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 358. Ignazio Intravaia et al., petitioners, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 359. James Eastman, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 361. Clifford L. Lionberger, d.b.a. Lionberger's Auto Parts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 365. Charles Myron Moore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 376. George K. Fisher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the

Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 379. Samuel Sosa, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 389. John W. Tynan et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 390. Ruth M. Mass, petitioner, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 396. California Citizens Band Association, Incorporated, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 407. Allen S. Krakover, Trustee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 411. Amino Brothers Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 412. Edgar Rundle, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 423. Ernest Nightingale et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 425. Joseph Mattia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 447. International Longshoremen's and Warehousemen's Union, Local 12, petitioner, *v.* National Labor Relations Board. Peti-

tion for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 453. Billy Ray Grimes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 470. Board of Managers of the Arkansas Training School for Boys at Wrightsville et al., petitioners, *v.* Noma Mae George, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 110. Betty J. Worrell, petitioner, *v.* George W. Matters et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 129. AMP Incorporated, petitioner, *v.* General Motors, Inc. Petition for writ of certiorari to the United States Court of Customs and Patent Appeal denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 131. Tina Deal, etc., et al., petitioners, *v.* Cincinnati Board of Education et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 139. South Shore Packing Corporation, petitioner, *v.* City of Vermilion et al. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 168. Charles Carabbia, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Mahoning County, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 190. Michael J. Vaiarella, petitioner, *v.* James F. Shanahan Corporation. Petition for writ of certiorari to the Superior Court of Massachusetts, Essex County, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 193. Washington Metropolitan Area Transit Commission, petitioner, *v.* D. C. Transit System, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 199. Marguerite Lovelett Nowell, petitioner, *v.* Ames Nowell. Petition for writ of certiorari to the Court of Civil Appeals of Texas,

Fifth Supreme Judicial District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 243. Blount Brothers Construction Company, petitioner, *v.* J. P. Greathouse Steel Erectors, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 252. Efrain T. Suarez, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 275. Donald G. Willis, petitioner, *v.* Thomas P. O'Brien, Judge of the Intermediate Court of Ohio County, West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 287. Ronald J. Abboud, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 288. O. V. Foy, petitioner, *v.* Norfolk and Western Railway Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 291. Methodist River Oaks Apartments, Inc., petitioner, *v.* City of Waco et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Tenth Supreme Judicial District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 293. Fiore Buccieri et al., petitioners, *v.* Illinois Crime Investigating Commission. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 362. Joseph E. Niedziejko et al., petitioners, *v.* Board of Fire and Police Commissioners of the City of Milwaukee. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 437. Ocean Drilling & Exploration Company, petitioner, *v.* Berry Brothers Oil Field Service, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 451. Ames Nowell, petitioner, *v.* Marguerite Lovelett Nowell. Petition for writ of certiorari to the Supreme Court of Connecticut denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 468. Raymond Charles Smith, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 93. Public Service Electric and Gas Company, petitioner, *v.* Federal Power Commission et al. Motion of Northwest Jersey Natural Gas, Inc., et al., for leave to file a brief, as *amici curiae*. granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 122. Custer Channel Wing Corporation et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 141. Kenneth Leo Fowler et al., petitioners, *v.* C. P. Benton. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 148. Louis Eugene Sudduth, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 169. Benjamin F. Kitchen, Jr., petitioner, *v.* Elizabeth Franzheim Reese. Motion of Kenneth Franzheim, II, et al. to be added as parties respondent and motion of Lillie Weir Franzheim McCullar to be added as a party respondent granted. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 172. Merritt-Chapman & Scott Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Fortas and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 180. Paul C. Edwards et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. The Chief Justice and Mr. Justice Stewart are of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 268. Atlantic Coast Line Railroad Company, petitioner, *v.* Georgia, Southern and Florida Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 272. Eiko Uehara Rose, petitioner, *v.* Robert S. McNamara, Secretary of Defense. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

ERRATA

The following should be included at page 36 at the end of the paragraph dealing with No. 302:

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

This contractual controversy is bound in the end to be resolved either by arbitration or by a judicial trial, but the court below has required the parties to go through the inconvenience and expense of arbitration before they can obtain a binding decision that the arbitration forum is in fact the proper one. Since this gross waste of time and effort is neither required by the applicable statutes nor consistent with fair and efficient judicial procedure, I would grant certiorari and reverse.

The dispute over which tribunal should determine the merits of this case arises in this way. Cunard, the respondent, chartered a ship owned by petitioner and also acted as stevedore in unloading the ship when it reached New York. A longshoreman employee of Cunard was injured during Cunard's stevedoring operation and sued petitioner, the ship's owner. Petitioner owner then claimed that Cunard was liable to indemnify it for any damages it might have to pay Cunard's employee. If the claim of indemnity is considered to be a dispute arising under the charter contract, that contract governs and the controversy must be arbitrated in London. If, however, the controversy arises not under the Charter but under the stevedore's warranty of workmanlike service implied by law, *Ryan Stevedoring Co. v. Pan-Atlantic Steamship Corp.*, 350 U. S. 124 (1956), then

the case must be tried by the District Court in New York. The District Judge decided that the dispute arose under the Charter and stayed the judicial proceedings pending arbitration. The Court of Appeals, while expressing considerable doubt as to whether arbitration was in fact proper, nevertheless followed what it considered to be the requirements of *Schoenamsgrubber v. Hamburg Line*, 294 U. S. 454 (1935), and ruled that the District Judge's order was not yet appealable. I think decent and expeditious judicial procedure requires that the principles governing appealability announced in *Schoenamsgrubber* be repudiated and that the Court of Appeals be held obligated to determine the proper tribunal now, either on the ground that the order is a "final" judgment and appealable as such, 28 U. S. C. § 1291, or on the ground that it is an interlocutory decision amounting in all substance and effect to an "injunction" and therefore appealable under 28 U. S. C. § 1292 (a)(1).

Section 1292 (a)(1) permits appeals from "Interlocutory orders . . . granting, continuing, modifying, refusing or dissolving injunctions" An order should be appealable within the meaning of this statute if in substantial effect it is equivalent to an injunction, and as a matter of fact we have so held. *Ettelson v. Metropolitan Insurance Co.*, 317 U. S. 188 (1942). It is true that some doubt has been cast on the *Ettelson* test by *City of Morgantown v. Royal Insurance Co.*, 337 U. S. 254 (1949), and *Baltimore Contractors v. Bodinger*, 348 U. S. 176 (1955). But these more recent cases have introduced confusion and technicality into the law, requiring resolution of this statutory question in terms of the fiction of separate law, equity, and admiralty "sides" of the United States District Court. I think the time has come to abandon this outmoded fiction about "sides of the Court" and return to the sound principles announced in *Ettelson, supra*. Here as in *Ettelson* plaintiffs are "in no different position than if a state equity

court had restrained them from proceeding in [a] law action." *Ettelson, supra*, 317 U. S., at 192. Since the stay entered in this case was an injunction in every practical sense, I would hold that it was an injunction in the statutory sense and allow the present appeal.

I also think this order was "final" within the meaning of 28 U. S. C. § 1291. Our cases dealing with the meaning of finality have provided no satisfactory definition of this term, as this Court has itself repeatedly recognized. *McGourkey v. Toledo & Ohio Railway*, 146 U. S. 536 (1892); *Dickinson v. Petroleum Conversion Corp.*, 338 U. S. 507 (1950). Certainly we have time and again departed from the statement in *Catlin v. United States*, 324 U. S. 229, 239 (1945), that the decision to be final and appealable must be one which "leaves nothing for the court to do but execute the judgment," and we have held numerous orders final and appealable which had left open major questions in litigation but were nevertheless "in that small class which finally determine claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review, and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated." *Cohen v. Beneficial Loan Corp.*, 337 U. S. 541, 546 (1949). See also *Roberts v. U. S. District Court*, 339 U. S. 844 (1950); *Brown Shoe Co. v. United States*, 370 U. S. 294 (1962). The same practical test of finality has been applied to determine whether the judgment of a state court is "final" within the meaning of 28 U. S. C. § 1257. *Construction Laborers v. Curry*, 371 U. S. 542 (1963); *Mercantile National Bank v. Langdeau*, 371 U. S. 555 (1963).

Accordingly, I do not regard as conclusive the fact that in cases of this kind "[t]he parties are still before the court and further proceedings may be moved after the arbitrators have acted." Compare *Lowry & Co. v. S. S. Le Moyne D'Iberville*, 372 F. 2d 123, 124 (C. A.

2d Cir. 1967). The order in the present case stayed the judicial proceedings petitioner had commenced in New York and required the parties to go to London and conduct an arbitration that may prove costly and time consuming. Under these circumstances the question whether petitioner had a right to prompt determination of his claim in a judicial forum is "too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated." *Cohen, supra*. The court below was correct, of course, in noting that if the arbitration award proves satisfactory to petitioner, the question of arbitrability will then be moot, but in that event petitioner's right—if it has one—to avoid the costs and inconveniences incident to a foreign arbitration will have been irretrievably lost. It was this very danger that was the controlling consideration in *Cohen, supra*, 337 U. S., at 546.

It is also true that postponing review will prove to have been the more efficient approach if the District Judge's ruling is ultimately affirmed. But the probability of such an outcome can never be assessed from the present vantage point. There is at least a strong possibility that when review is finally had, the ruling will be found erroneous by the United States courts. In that case it will be necessary to proceed at long last to trial. At the moment all we can say is that we must risk either an unnecessary appeal or an unnecessary arbitration. The former may be somewhat bothersome for the appellate courts, but the latter will be such a serious burden for both the parties that I would unhesitatingly choose to avoid it. I would grant the writ, reverse the judgment below, and require a ruling now on the only controversy between the parties that is ripe for decision at this time—should the case be arbitrated or tried in court?

Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 281. Wing Wa Lee, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 283. Donald F. Knox, petitioner, *v.* Ohio. Motion to defer consideration of the petition and for other relief denied. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 290. Barnard B. Spindel, petitioner, *v.* Massachusetts. Motion of petitioner to supplement record granted. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 296. Percy S. Winfield et ux., petitioners, *v.* Commissioner of Internal Revenue. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 302. Rederi A/B Disa, petitioner, *v.* Cunard Steamship Company, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 316. General Motors Corporation, petitioner, *v.* International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW). Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 326. Wyman C. Lowe, petitioner, *v.* Taylor Steel Products Company et al. Motion for leave to file a substituted petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 336. Local 254, Building Service Employees International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 347. Malcolm Roberts, petitioner, *v.* Florida; and

No. 371. Louis Nash, petitioner, *v.* Florida. Petitions for writs of certiorari to the District Court of Appeal of Florida, Third District,

denied without prejudice to applications for writs of habeas corpus in the appropriate United States District Courts. Mr. Justice Douglas is of the opinion that certiorari should be granted in No. 347.

No. 382. Carl L. Danielson et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 417. Michael A. Lemongello, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted on the issues of double jeopardy and the propriety of declaring a mistrial in these circumstances.

No. 419. Pete King, petitioner, *v.* United Benefit Fire Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 427. Albert Bradick, petitioner, *v.* Ivan Israel et al. Motion of Israel to dispense with printing respondent's brief granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 432. James R. Hoffa et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice White and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 443. Coulter Electronics, Inc., petitioner, *v.* A. B. Lars Ljungberg & Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. 446. Leonard Gamage, petitioner, *v.* Harold Brown, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 449. Mooney Aircraft, Inc., petitioner, *v.* National Labor Relations Board. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 454. Robert D. Morgan, petitioner, *v.* Jack D. H. Hays, Judge of the Superior Court of the State of Arizona, et al. Petition for writ

of certiorari to the Supreme Court of Arizona denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 5, **Misc.** Ray D. Garrett, petitioner, *v.* Delmar Larsen, Sheriff of Salt Lake County. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 6, **Misc.** Fergus Neil MacLeod, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 7, **Misc.** Samuel D. Collins, petitioner, *v.* Harold V. Field, Superintendent, California Men's Colony. Petition for writ of certiorari to the Supreme Court of California denied.

No. 8, **Misc.** Rafael Sanchez Marichez, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 9, **Misc.** Edward John Esparza, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 11, **Misc.** Franklin E. Jones et al., petitioners, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 17, **Misc.** Keith Robert Adell, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 22, **Misc.** David Lewis Clark, petitioner, *v.* Louisiana; and

No. 23, **Misc.** Alvin Howard, petitioner, *v.* Louisiana. Petitions for writs of certiorari to the Supreme Court of Louisiana denied.

No. 24, **Misc.** David Frank Spanbauer, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 37, **Misc.** Lyman A. Moore, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 39, **Misc.** Wilbert Rideau, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 40, **Misc.** Anthony M. Puchalski, petitioner, *v.* Howard Yeager, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 41, **Misc.** Grady Asbon Cox, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 46, **Misc.** Elwood Lamar Albright, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 47, **Misc.** Donald Ray Buchanan, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 56, **Misc.** Hillard Elmer Smith, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 59, **Misc.** Martin L. Jones, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 61, **Misc.** Joseph Montague, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 62, **Misc.** Harold W. McLaughlin, petitioner, *v.* John C. Burke. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 67, **Misc.** Leamon Adolph Burton, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 68, **Misc.** Harry Mueller, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 69, **Misc.** Homer E. Schake, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 81, **Misc.** James McCrimmon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 83, **Misc.** Rodger Wyley, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 85, **Misc.** Morell Weber, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 86, **Misc.** Leonard Bostic, petitioner, *v.* Robert P. Johnson, Justice of the Peace, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 89, **Misc.** Raymond Ward Clemmons, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 90, **Misc.** Edward Bennett, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 94, **Misc.** Willie Floyd Law, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 95, **Misc.** Albert G. Anaya, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 97, **Misc.** William Nick Frontuto, petitioner, *v.* California; and No. 236, **Misc.** Robert Bernal, petitioner, *v.* California. Petitions for writs of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 98, **Misc.** L. T. McKee, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 100, **Misc.** Robert Walker, petitioner, *v.* National Maritime Union et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 103, **Misc.** Wilson Colvin, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 104, **Misc.** Marvin Ophein, petitioner, *v.* Fred J. Nichol, Chief Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 105, **Misc.** Masaru Sumida et al., petitioners, *v.* Frank L. James et al. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 106, **Misc.** William Edwin Wall, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 108, **Misc.** Arthur Zamorano, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 112, **Misc.** Sarah Johnson, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Common Pleas of Ohio, Hamilton County, denied.

No. 113, **Misc.** James Hiram Tillman, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 114, **Misc.** Odis Manning, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 115, **Misc.** Woodrow Whisman, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 119, **Misc.** Eddie David Cox, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 120, **Misc.** Jessie Garvis Argo, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 122, **Misc.** John Cunningham, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 125, **Misc.** James Morris Fletcher, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 128, **Misc.** Thomas Foy, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 129, **Misc.** Harry Edgar Robbins, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 130, **Misc.** Sammy Williams, petitioner, *v.* Walter H. Dunbar et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 134, **Misc.** Eddie Samuel Ivory, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 136, **Misc.** Robert G. Peoples, petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 137, **Misc.** Lawrence Lester, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 140, **Misc.** Ivy Joseph Jupiter, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 142, **Misc.** Charlie Lentz, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 149, **Misc.** Marion Don Stanley, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 150, **Misc.** Sammy Williams, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 151, **Misc.** Edna May Richardson, petitioner, *v.* Ingram Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 154, **Misc.** John Robert Saunders, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 157, **Misc.** L. C. Berry, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 158, *Misc.* Joseph Charles McGee, petitioner, *v.* Second District Criminal Court of Dallas County, Texas, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 161, *Misc.* Richard Eugene Sires, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 167, *Misc.* Millard Vernon Dedmon, petitioner, *v.* Arthur L. Oliver, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 169, *Misc.* Oliver Steve Carter, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 170, *Misc.* H. R. Cochran, petitioner, *v.* W. S. Hunt, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 173, *Misc.* Lowell Lyons, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 177, *Misc.* Wilfred Raymond Pederson et al., petitioners, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 182, *Misc.* Cornell James Bryant, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 185, *Misc.* Carlos H. Peck, petitioner, *v.* Carl D. Toronto et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 187, *Misc.* Arthur L. Frederick, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 188, *Misc.* Leon Joe Linker, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 189, *Misc.* Calvin Thomas, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 191, *Misc.* Patrick A. Roberts, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 192, *Misc.* Paul Eugene LaVergne, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 195, *Misc.* Charles Baker, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 203, **Misc.** Rex Hubbard, petitioner, *v.* Wayne K. Patterson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 204, **Misc.** George A. Berry, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 206, **Misc.** Louis Hayward White, petitioner, *v.* Cornelius M. Cooper et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 210, **Misc.** John Hizel, Jr., petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 211, **Misc.** Vernon Otis Beavers, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 212, **Misc.** Jackie Hall, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 216, **Misc.** Vincent Lee, petitioner, *v.* Albert E. Graubeger, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 218, **Misc.** Louis Antoine, petitioner, *v.* Lykes Brothers Steamship Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 223, **Misc.** Henry Agard, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 224, **Misc.** Louis Barrera, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 225, **Misc.** Kinnon Wilks, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 226, **Misc.** Frank Finley, petitioner, *v.* Elinor Chandler. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 227, **Misc.** Eddie Borges Santos, petitioner, *v.* Louis S. Nelson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 229, **Misc.** Charles William Wampler, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 232, **Misc.** Verl Evans Newstrom, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 235, **Misc.** Guisepe LoPiccolo, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 238, **Misc.** Leroy Harshaw, petitioner, *v.* Frederick W. Johnson, Clerk, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 242, **Misc.** Wayne E. Beckus, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 245, **Misc.** Chester Kahafer, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 246, **Misc.** Willie Warner Hickman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 249, **Misc.** Joseph T. Keeley, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 252, **Misc.** Carmen Gaspero, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 253, **Misc.** Andrew Leo Oksanen, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 258, **Misc.** Charles F. Bundy, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 259, **Misc.** Leon McKelvey, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 263, **Misc.** Ray Marvin Graves, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 264, **Misc.** Charles Dixon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 271, **Misc.** James William Smith, petitioner, *v.* Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 272, **Misc.** James W. Moore, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 274, **Misc.** George Taylor and Willis Langley, petitioners, *v.* Gulf States Utilities Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 276, *Misc.* Wilbur Thompson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 282, *Misc.* George W. Ahrens, Jr., petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 283, *Misc.* James Tucker Silvers, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 284, *Misc.* Alexander Alexander, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 287, *Misc.* Dale LeRoy Konvalin, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 290, *Misc.* Willie Parler, petitioner, *v.* M. R. Schneckloth, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 298, *Misc.* John Charles, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 299, *Misc.* Calvin Belton, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 302, *Misc.* Jack Fox, petitioner, *v.* Milton K. Higgins et al. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 303, *Misc.* Arthur G. Abel, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 304, *Misc.* Oscar Shipp, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 308, *Misc.* Renaldo Vazquez, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 310, *Misc.* John J. Berry, petitioner, *v.* Z. P. Chagas and Ervin W. Atkerson. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 311, *Misc.* Sylvester E. McCoy, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 312, *Misc.* Roy Tinsley, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 313, *Misc.* David William Smith, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 317, *Misc.* Raymond Idus Hudgens, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 320, *Misc.* Morris Hargrove, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 323, *Misc.* Jim Fair, petitioner, *v.* Louis de la Parte et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 324, *Misc.* George T. Danielsen, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 326, *Misc.* Morris Anglin, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 327, *Misc.* Paul Joseph Schompert, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 331, *Misc.* Isadore Olshen, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 335, *Misc.* George Pratt, as Conservator of the Estate of Gilbert Baker, an incompetent, petitioner, *v.* Roger Baker, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 336, *Misc.* Jerry LaBarth, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 339, *Misc.* Lowell Russell et al., petitioners, *v.* Catholic Charities et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 342, *Misc.* Alexander Alexander, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 345, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 348, *Misc.* Nicholas Yanity et al., petitioners, *v.* Clinton Benware et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 350, *Misc.* Arthur L. Rivers, petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 351, *Misc.* James Topsy, petitioner, *v.* Warden of the California State Prison at San Quentin et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 352, *Misc.* William Jarrels, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 353, *Misc.* Charles Bishop, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 355, *Misc.* Louis L. Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 356, *Misc.* Wales Gilbert Peck, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 357, *Misc.* Lloyd Dale Watroba, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 358, *Misc.* Feliciano Mendez, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ fo certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 361, *Misc.* Louis Ludwik Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 362, *Misc.* Paul Kiper, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 363, *Misc.* Robert Nicholson and Jimmy D. Maddox, petitioners, *v.* Maurice M. Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 364, *Misc.* George A. Mount, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 365, *Misc.* James Andrews, petitioner, *v.* C. M. Simpson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 367, *Misc.* William McFarland, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 369, *Misc.* Bruce Bosley, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 370, *Misc.* Frank Nelson, Jr., petitioner, *v.* Darling Shop of Birmingham, Inc., et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 371, *Misc.* Charles Allison, petitioner, *v.* Louis S. Nelson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 372, *Misc.* Walter Maurice Lee, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 374, *Misc.* Patrick J. O'Neill, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 376, *Misc.* William Saddler and Constance Saddler, petitioners, *v.* Safeway Stores, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 377, *Misc.* Wilbert J. Jackson, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 378, *Misc.* P. Carey, petitioner, *v.* George Washington University. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 380, *Misc.* Alberto Gonzales Barquera, Jr., petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 383, *Misc.* Thomas M. Moore, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 384, *Misc.* Wayne Leroy Armstrong, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 385, *Misc.* Cranston Carr, alias Crant Carr, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 388, *Misc.* Robert Roberts, petitioner, *v.* Vernon L. Pepersack, State Commissioner of Corrections et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 389, *Misc.* James Leon Thomas, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 392, *Misc.* Guster Salton, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeal for the Fifth Circuit denied.

No. 396, *Misc.* Gussie Mickel, petitioner, *v.* South Carolina State Employment Service et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 403, *Misc.* Charles J. Hanford, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **405, Misc.** Raymond R. Villa, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **409, Misc.** William F. Gogerty, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **411, Misc.** William Bandhauer, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **412, Misc.** Horace E. Turner, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **413, Misc.** Theodore Silver, petitioner, *v.* Raymond K. Procnier, Director, Department of Corrections. Petition for writ of certiorari to the Supreme Court of California denied.

No. **418, Misc.** L. Gilbert Cohen, petitioner, *v.* Newsweek, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **427, Misc.** Robert Eugene Salgado, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **429, Misc.** Dimitri Kapsalis, petitioner, *v.* L. S. Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **430, Misc.** Herman Pillows, petitioner, *v.* H. V. Field, Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **433, Misc.** Spencer Alexander, petitioner, *v.* Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **441, Misc.** John Edward Jenkins, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **444, Misc.** David Manning, petitioner, *v.* California et al. Petition for writ of certiorari to the United States of Appeals for the Ninth Circuit denied.

No. **455, Misc.** Larry Eugene Outten, petitioner, *v.* Virginia. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **465, Misc.** Thomas Russel, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 476, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden, et al. Petition for writ of certiorari to the Supreme Court of New York, Clinton County, denied.

No. 513, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 12, **Misc.** George Richard Walks On Top, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 13, **Misc.** Benjamin Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 20, **Misc.** Charles B. Amata, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 25, **Misc.** Guadalupe A. Perez, petitioner, *v.* United States; and

No. 33, **Misc.** Salvador Urquidi, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 29, **Misc.** Jerome Wallace Pilarski, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 32, **Misc.** Juanita Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 33, **Misc.** Fred Coduto, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 44, **Misc.** Yvonne Newman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 48, **Misc.** James E. Lofland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for

the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 60, Misc. Joe Sears Lewis, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 63, Misc. Billy Ray Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 71, Misc. Harvey J. Spencer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 72, Misc. Jimmie Otis Wooten, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 75, Misc. William Chapman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 76, Misc. James Pearl Hailey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of the petition.

No. 79, Misc. Tyson King, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 82, Misc. Joseph J. Brooks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 84, Misc. Coleman Harper Bell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 87, Misc. Joseph Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 88, **Misc.** Mark John Beufve, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 96, **Misc.** Talmage Alonzo Agy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 99, **Misc.** June Heyward Stephens, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 107, **Misc.** James B. Gillespie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 110, **Misc.** Maurice Raymond Shaw, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 126, **Misc.** Anthony Cardarella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 127, **Misc.** Fannie Mae Ross, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 131, **Misc.** Howard R. Barnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 133, **Misc.** Asa Hurrial Minor, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 135, **Misc.** Robert Dewey Hilbrich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 138, **Misc.** Mahlon Steward, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for

the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 144, Misc. Bernard M. Rice, petitioner, *v.* A. M. Stoepler. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 147, Misc. Arnulfo S. Hinguanzo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 153, Misc. William Thornwell Hunter, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 184, Misc. James O. Scurry, petitioner, *v.* Thomas R. Sard et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 201, Misc. Robery Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 205, Misc. Raymond Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 207, Misc. Gilbert Lewis Whitfield, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 208, Misc. Harold Adams et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 209, Misc. Edwin Walker White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 213, Misc. Norbert Derengowski, petitioner, *v.* United States Marshal, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 219, *Misc.* James Francis Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 231, *Misc.* Pablo Perez Montanez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 233, *Misc.* James Frederick Ronan, Jr., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 250, *Misc.* James Ralph Willis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 254, *Misc.* Charles Emile Groleau et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 257, *Misc.* John Burich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 265, *Misc.* Richard Elmer Woodring, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 275, *Misc.* Bruce Braverman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 277, *Misc.* Olga Gunzburger, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 278, *Misc.* Ray C. Stevenson, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 280, *Misc.* Jesse Eugene Dearing, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 285, *Misc.* Maurice Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 292, *Misc.* Richard Kenneth Schmidt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 296, *Misc.* Lonnie Stigall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 297, *Misc.* Charles Tomaiolo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 300, *Misc.* Apolonia Cruz, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 315, *Misc.* Alfred Earl Toles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 322, *Misc.* Gerald Glen Boyden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 325, *Misc.* James T. Pope, petitioner, *v.* Jacob J. Parker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 328, *Misc.* Lawrence Guffey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 333, *Misc.* Wilford L. Hamann et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the

United States Courts of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 334, *Misc.* Raymond I. Peterson, petitioner, *v.* Ramsey Clark, United State Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 346, *Misc.* Robert Edward Gravenmier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 347, *Misc.* Fred Norman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 360, *Misc.* Ernest Vida, petitioner, *v.* Paul P. Sartwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 390, *Misc.* Henry Morton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 410, *Misc.* Charles William Helton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 489, *Misc.* John Joseph Waltenberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 21, *Misc.* Daryl Evans and Bernard Butler, petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 52, *Misc.* Martin Steven Littleton, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 101, *Misc.* James Bonsall Mears, Jr., etc., petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

denied.

No. 164, **Misc.** Nathan Elmont Eli, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 77, **Misc.** Henry E. Hansen, petitioner, *v.* John C. Burke Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Stewart would grant certiorari, vacate the judgment and remand to the district court for consideration of the petitioner's claims in the light of *Klopper v. North Carolina*, 386 U.S. 213.

No. 116, **Misc.** Billy Ray Silvers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 118, **Misc.** Benjamin George Tucker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 338, **Misc.** Donald E. Starner, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 241, **Misc.** Nevada Tax Commission, petitioner, *v.* Bruce R. Thompson, Federal District Judge for the District of Nevada, et al. Motion for leave to file petition for writ of certiorari denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 152, **Misc.** John Arthur Welsh, petitioner, *v.* California et al.;

No. 172, **Misc.** Frank Gaito, petitioner, *v.* Robert W. Duggan, District Attorney, etc., et al.;

No. 186, **Misc.** Edward M. Hector, petitioner, *v.* United States Court of Appeals for the Ninth Circuit;

No. 196, **Misc.** Ernest Edward Vnuk, aka Stephen Anthony, petitioner, *v.* Peter Pitchess, Sheriff of Los Angeles County;

No. 228, **Misc.** In the Matter of the Application of Jacob Barash, petitioner;

No. 243, **Misc.** Alberta Kitty Baker, petitioner, *v.* Sam Miller McNaul;

No. 270, **Misc.** Ralph Blackburn, petitioner, *v.* Florida;

No. 239, *Misc.* Andrew McGarrity, petitioner, *v.* Louis S. Nelson, Acting Warden;

No. 293, *Misc.* Coleridge Taylor Mason, Jr., petitioner, *v.* Warden, State Prison of Southern Michigan;

No. 354, *Misc.* Arthur A. Meyer, petitioner, *v.* H. V. Field, Superintendent of California Mens Colony;

No. 381, *Misc.* John F. Denson, petitioner, *v.* Ward Lane, Warden;

No. 400, *Misc.* Joseph Cottlo, petitioner, *v.* California et al.;

No. 401, *Misc.* Robert S. Spearmint, petitioner, *v.* Ohio et al.;

No. 458, *Misc.* Bert Leroy Baker, petitioner, *v.* John E. Bennett, Warden; and

No. 522, *Misc.* Chester L. Oughton, petitioner, *v.* R. W. Meier, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 54, *Misc.* Herman Edward Nelms, petitioner, *v.* United States; and

No. 391, *Misc.* William Richard Dow, etc., petitioner, *v.* Attorney General of United States. Motion for leave to file petitions for writs of habeas corpus denied. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 156, *Misc.* Patrick R. Kennedy, petitioner, *v.* Commandant, United States Disciplinary Barracks, Fort Leavenworth, Kansas. Motion for leave to file petition for writ of habeas corpus and for other relief denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 240, *Misc.* James Floyd Workman, petitioner, *v.* John W. Turner, Warden; and

No. 416, *Misc.* Eugene L. Forester, petitioner, *v.* Harold V. Field et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 145, *Misc.* Richard Fisk, petitioner, *v.* George R. Currie, Chief Justice, Supreme Court of Wisconsin;

No. 178, *Misc.* Harry E. Chope, petitioner, *v.* Thomas P. Thornton, Judge, United States District Court for the Eastern District of Michigan;

No. 239, *Misc.* Loren Blackwell, petitioner, *v.* George R. Currie, Chief Justice, et al.;

No. 321, *Misc.* Thomas J. Ballou, Jr., petitioner, *v.* Bailey Aldrich et al.;

No. 340, *Misc.* John Luomala, petitioner, *v.* Fred Kunzel; and

No. 419, **Misc.** Jesse D. Rucker, petitioner, *v.* California Department of Corrections. Motions for leave to file petitions for writs of mandamus denied.

No. 221, **Misc.** Utica Mutual Insurance Company, petitioner, *v.* United States District Court for the Northern District of New York et al. Motion for leave to file petition for writ of mandamus denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 368, **Misc.** Board of Regents of the University of Texas et al., petitioners, *v.* Irving Goldberg, Circuit Judge, et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 37, **October Term, 1966.** Curtis Publishing Company, petitioner, *v.* Wallace Butts;

No. 57, **October Term, 1966.** American Trucking Associations, Inc., et al., appellants, *v.* The Atchinson, Topeka and Sante Fe Railway Company, et al.;

No. 59, **October Term, 1966.** National Automobile Transporters Association of Detroit, Michigan, appellant, *v.* The Atchison, Topeka and Sante Fe Railway Company et al.;

No. 60, **October Term, 1966.** United States et al., appellants, *v.* The Atchison, Topeka and Sante Fe Railway Company et al.;

No. 150, **October Term, 1966.** The Associated Press, petitioner, *v.* Edwin A Walker;

No. 616, **October Term, 1966.** Harold Eugene Wenzler, Jr., petitioner, *v.* Peter Pitchess, Sheriff of Los Angeles County, et al.;

No. 1093, **October Term, 1966.** Order of Railway Conductors and Brakemen et al., appellants, *v.* United States et al.;

No. 1112, **October Term, 1966.** Will Foster, petitioner, *v.* Lykes Bros. Steamship Co., Inc.;

No. 1164, **October Term, 1966.** Saul Landau, petitioner, *v.* Addison Fording, Chief of Police, Berkeley, California, et al.;

No. 1190, **October Term, 1966.** John Nuccio et al., petitioners, *v.* United States;

No. 1216, **October Term, 1966.** Arthur C. Allyn, Jr., petitioner, *v.* Robert J. Flannery et al.;

No. 1237, **October Term, 1966.** M. Lois Corson et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 1239, **October Term, 1966.** Jackson County Public Water Supply District, No. 1, petitioner, *v.* Ong Aircraft Corporation et al.;

No. 1242, **October Term, 1966.** Kenneth A. Green, petitioner, *v.* Illinois;

No. 1243, **October Term, 1966.** Donald L. Jackson, petitioner, *v.* New York;

No. 1256, **October Term, 1966.** Robert Dulaine, petitioner, *v.* United States;

No. 1303, **October Term, 1966.** City of New Orleans et al., petitioners, *v.* United States et al.;

No. 1319, **October Term, 1966.** Homer Brooks, petitioner, *v.* John Renton Hunter et al.;

No. 1325, **October Term, 1966.** Irma Grossman et al., petitioners, *v.* Jeannette Stubbs et al.; and

No. 1339, **October Term, 1966.** Jerome S. Spevack, petitioner. *v.* J. William Pike. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 8, **October Term, 1966.** Chicago and North Western Railway Company et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company, et al.; and

No. 23, **October Term, 1966.** United States et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company, et al. Motion for leave to file supplement to petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 216, **October Term, 1966.** National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. Motion of Aerojet-General Corporation for leave to file a brief, as *amicus curiae*, in support of petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 249, **October Term, 1966.** Wyatt Tee Walker et al., petitioners, *v.* City of Birmingham, etc. Motions of American Jewish Congress; and the American Federation of Labor and Congress of Industrial Organizations for leave to file briefs, as *amicus curiae*, in support of petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these motions and petition.

No. 911, **October Term, 1966.** J. E. Davant et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 953, **October Term, 1966.** D. J. Miller, petitioner, *v.* County of Los Angeles;

No. 1228, **October Term, 1966.** Tool Research and Engineering Corporation, petitioner, *v.* Honcor Corporation; and

No. 1298, **October Term, 1966.** Herman J. Heidrich, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 993, **October Term, 1966.** Charles Tannenbaum, appellant, *v.* New York. Motion of the New York Civil Liberties Union for leave to file a brief, as *amicus curiae*, in support of petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 1101, **October Term, 1966.** Gordon Evanson et al., petitioners, *v.* Northwest Holding Company. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 1186, **October Term 1966.** Harry Shackman et al., appellants, *v.* Roger Arnebergh, City Attorney for the City of Los Angeles, et al. Motion for leave to supplement the petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 557, **Misc., October Term, 1965.** Frank Piscitello, petitioner, *v.* New York. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 514, **Misc., October Term, 1966.** James J. Potter and Harvey G. Wolfe, petitioners, *v.* California.

No. 939, **Misc., October Term, 1966.** Edward Henry Kushmer, Jr., petitioner, *v.* United States;

No. 1178, **Misc., October Term, 1966.** John F. Beltowski, petitioner, *v.* Minnesota;

No. 1194, **Misc., October Term, 1966.** Waldo Kent Ferguson and Robert Lowell Rogers, petitioners, *v.* United States;

No. 1267, **Misc., October Term, 1966.** Carmine Moccio, petitioner, *v.* New York;

No. 1319, **Misc., October Term, 1966.** Abyssinia Hayes, etc., petitioner, *v.* Edward J. Hendrick, Superintendent, etc.;

No. 1337, **Misc., October Term, 1966.** Bessie Thompson, petitioner, *v.* Edward Thompson et al.;

No. 1471, **Misc., October Term, 1966.** Irvin Hall, petitioner, *v.* United States;

No. 1494, **Misc., October Term, 1966.** Allen W. Hendricks, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 1509, **Misc., October Term, 1966.** John F. Beltowski, petitioner, *v.* Judge Earl R. Larson;

No. 1523, **Misc., October Term, 1966.** Alfred H. Osborne, Sr., petitioner, *v.* United States;

No. 1547, **Misc., October Term, 1966.** Vivian Brown, petitioner, *v.* United States;

No. 1563, **Misc., October Term, 1966.** George Robert Brown, petitioner, *v.* Indiana;

No. 1565, Misc., October Term, 1966. Francisco Cepero, appellant, *v.* Industrial Commission of Puerto Rico, etc.;

No. 1572, Misc., October Term, 1966. Charles Patterson et al., appellants, *v.* Virginia Electric and Power Co.;

No. 1576, Misc., October Term, 1966. Raymond Llanes, petitioner, *v.* United States;

No. 1600, Misc., October Term, 1966. Robert O. Gilmore, Jr., petitioner, *v.* Ronald Reagan et al.;

No. 1606, Misc., October Term, 1966. Francisco Cepero, appellant, *v.* Victor Rivera Colon et al.;

No. 1624, Misc., October Term, 1966. Theophilus Charles Williams, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 1633, Misc., October Term, 1966. Carl Albert Luxem, petitioner, *v.* California;

No. 1674, Misc., October Term, 1966. Bige Hensley et al., petitioners, *v.* United States;

No. 1677, Misc., October Term, 1966. Sherman H. Skolnick, petitioner, *v.* Federal Circuit Judges of Seventh Judicial Circuit;

No. 1678, Misc., October Term, 1966. Sherman H. Skolnick, petitioner, *v.* Walter J. Cummings, Jr., et al.;

No. 1742, Misc., October Term, 1966. Robert Allan Ladd, petitioner, *v.* Superior Court of the County of Los Angeles; and

No. 1766, Misc., October Term, 1966. Mervin Carlos McKinney, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petitioners for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 385, Misc., October Term, 1966. Leaman Russell Smith, petitioner, *v.* California. Motion for leave to supplement petition granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 1015, Misc., October Term, 1966. Nimrod M. Wingfield, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary;

No. 1306, Misc., October Term, 1966. Alvin Calloway, petitioner, *v.* Ohio et al.; and

No. 1308, Misc., October Term, 1966. Douglas Stiltner, petitioner, *v.* Washington et al. Motions for leave to file petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 1264, Misc., October Term, 1966. Anna Knoll and Rose Keller, petitioners, *v.* Socony Mobil Oil Company, Inc., et al. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

ORDER

It is ordered that the following allotment be made of the Chief Justice and Associate Justice of this Court among the circuits, pursuant to Title 28, United States Code, Section 42, and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Earl Warren, Chief Justice,
For the First Circuit, Abe Fortas, Associate Justice,
For the Second Circuit, John M. Harlan, Associate Justice,
For the Third Circuit, William J. Brennan, Jr., Associate Justice,
For the Fourth Circuit, Earl Warren, Chief Justice,
For the Fifth Circuit, Hugo L. Black, Associate Justice,
For the Sixth Circuit, Potter Stewart, Associate Justice,
For the Seventh Circuit, Thurgood Marshall, Associate Justice,
For the Eighth Circuit, Byron R. White, Associate Justice,
For the Ninth Circuit, William O. Douglas, Associate Justice,
For the Tenth Circuit, Byron R. White, Associate Justice.

ORAL ARGUMENT

No. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. Argued by Mr. Louis F. Claiborne for the plaintiff, by Mr. Victor A. Sachse for defendant, State of Louisiana and by Mr. Houghton Brownlee, Jr. and Mr. Crawford C. Martin for defendant, State of Texas.

No. 8. United States, appellant, *v.* Eugene Frank Roebel. Reargued by Mr. Kevin T. Maroney for the appellant and by Mr. John J. Abt for the appellee.

No. 13. Stephen R. Wainwright, petitioner, *v.* City of New Orleans, Louisiana. Argument commenced by Mr. Melvin L. Wulf for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 10, 1967, will be as follows: Nos. **13, 2, 12, and 236.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Lauren Ashley Smith, of Clinton, Iowa, on motion of Mr. Wayne Lyman Morse; Irving Jeffrey Panzer, of New York, N.Y., on motion of Mr. Richard L. Ottinger; Ernest E. Figari, Jr., of Dallas, Tex., on motion of Mrs. Charles Alan Wright; Sidney Theodore Daniel, of Washington, D.C., on motion of Mr. Irwin E. Blum; Evan L. Schwab, of Seattle, Wash., on motion of Mr. Melvin L. Wulf; Fritz H. Giesecke, of Astoria, Oreg., on motion of Mr. Jacob Hagopian; Elaine S. Amendola of Orange, Conn., and Francis James King, of Bridgeport, Conn., on motion of Mr. Jacob D. Zeldes; Richard Cullen Browne, of Washington, D.C., on motion of Mr. Francis C. Browne; Francis James MacGregor, of Winsted, Conn., on motion of Mr. Russell Rowell; John Warren White, of Boston, Mass., on motion of Mr. James W. Quiggle; Carl L. Chattin, of Goshen, Ind., on motion of Mr. Ray S. Donaldson; Paul Warner Hessel, of Brooklyn, N.Y., on motion of Mr. Harris Weinstein; Robert Lieber, of Poughkeepsie, N.Y., on motion of Mr. Maurice H. Klitzman; Thomas Morton Gittings, Jr., of Washington, D.C., on motion of Mr. Paul M. Rhodes; and Robert L. Spatz, of Annandale, Va., on motion of Mr. Joseph Wieder Salus II, were admitted to practice.

ORAL ARGUMENT

No. 13. Stephen R. Wainwright, petitioner, *v.* City of New Orleans, Louisiana. Argument continued by Mr. Melvin L. Wulf for the petitioner, by Mr. Richard C. Seither for the respondent and concluded by Mr. Melvin L. Wulf for the petitioner.

No. 2. James Marchetti, petitioner, *v.* United States. Leave granted Mr. Francis X. Beytagh, Jr., to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Harris Weinstein. Re-argued by Mr. Jacob D. Zeldes for the petitioner and by Mr. Francis X. Beytagh, Jr., for the respondent, *pro hac vice*, by special leave of Court.

No. 12. Anthony M. Grosso, petitioner, *v.* United States. Leave granted Mr. Francis X. Beytagh, Jr., to appear and present oral argu-

ment for the respondent, *pro hac vice*, on motion of Mr. Harris Weinstein. Reargument commenced by Mr. Charles Alan Wright for the petitioner and continued by Mr. Francis X. Beytagh, Jr., for the respondent, *pro hac vice*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 11, 1967, will be as follows:
Nos. **12, 236, 41, 16, 22**, and **29**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Hyrum Ralph Klemm, of Bountiful, Utah, on motion of Mr. Frank E. Moss; Jack Thomas Brinkley, of Columbus, Ga., Grover H. Posey, of Columbus, Ga., and Samuel Paul Anderson, Jr., of Macon, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Elliott Arthur Cohen, of Flushing, N.Y., on motion of Mr. Theodore R. Kupferman; Ira J. Raab, of New York, N.Y., on motion of Mr. Herbert Tenzer; Charles H. Frost, of Willows, Calif., on motion of Mr. James C. Corman; Paul Clayton Summitt, of Searcy, Ark., on motion of Miss Beatrice Rosenberg; Robert Clifford Fulford, of Birmingham, Ala., and William F. Stahl, of Junction City, Kans., on motion of Mr. Donald J. Cronin;

James J. Twohig, of Boston, Mass., on motion of Mr. James Thaddeus Clark; Richard B. Spindle, III, of Norfolk, Va., on motion of Mr. Walter A. Slowinski; Sherrill David Luke, of Los Angeles, Calif., on motion of Mr. Alan Jay Moscov; R. Virgil Allen, of Los Angeles, Calif., and Paul B. Steinberg, of Miami Beach, Fla., on motion of Mr. Harris Weinstein; Rita E. Hauser, of New York, N.Y., on motion of Mr. Richard J. Medalie; Frank Moses McCann, of Lynchburg, Va., on motion of Mr. Robert E. Redding; Robert D. Haworth, of Houston, Tex., on motion of Mr. James L. Amour; Lloyd Bruce Stevens, Jr., of Kirkwood, Mo., on motion of Mr. Robert Maurice Phipps; John Dale Upham, of St. Louis, Mo., on motion of Mr. Arnold H. Cole; H. Coke Wilson, Jr., of Houston, Tex., on motion of Mr. Bernarr Roe Pravel; Maurice H. Katz, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; John Robert Halliburton, of Richardson, Tex., on motion of Mr. Will Ernest Leonard, Jr.; Richard Marvel Thomas, of Groton, Conn., on motion of Mr. Charles E. Martin; Darrell Lloyd Jones, of Washington, D.C., on motion of Mr. James W. M. Moore; Edward H. Schwarz, Jr., of Washington, D.C., on motion of Mr. Frank H. Strickler; and Hyman Louis Rosenberg, of Washington, D.C., on motion of Mr. Eugene Ebert, were admitted to practice.

ORAL ARGUMENT

No. 12. Anthony M. Grosso, petitioner, *v.* United States. Reargument continued by Mr. Francis X. Beytagh, Jr., for the respondent, *pro hac vice*, by special of Court and concluded by Mr. Charles Alan Wright for the petitioner. *leave*

No. 236. Miles Edward Haynes, petitioner, *v.* United States. Argued by Mr. Charles Alan Wright for the petitioner and by Mr. Harris Weinstein for the respondent.

No. 41. Sam Umans, petitioner, *v.* United States. Argued by Mr. Edward Brodsky for the petitioner and by Mr. Sidney M. Glazer for the respondent.

No. 16. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 22. William Earl Walkling, petitioner, *v.* Washington State Board of Prison Terms and Paroles. Argument commenced by Mr. Evan L. Schwab for the petitioners and continued by Mr. Stephen C. Way for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 12, 1967, will be as follows:
Nos. 16 (and 22), 29, 34, 78, and 25.

x

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Larry S. Stewart, of Miami, Fla., on motion of Mr. Paul G. Rogers; Anthony Raymond Brookman, of Oakland, Calif., on motion of Mr. Jerome Russell Waldie; Robert W. Green, of Boise, Idaho, on motion of Mr. John A. Carver, Jr.; Zoltan A. Harasty, of Los Angeles, Calif., and Richard Newman, of Fair Lawn, N.J., on motion of Mr. Theodore George Gilinsky; Juan G. Collas, Jr., of Chicago, Ill., and Jack Peter Janetatos, of Falls Church, Va., on motion of Mr. Walter A. Slowinski; Frederick William Wagner, of Tampa, Fla., on motion of Mr. J. William Norman; Herbert Gerald Blitz, of Los Angeles, Calif., Henry P. Erlich, of Los Angeles, Calif., and Nicolas Ferrara, of Los Angeles, Calif., on motion of Mr. E. Lewis Reid; James David Kendall, of Quincy, Wash., on motion of Mr. Edward Maitland Raymond; William Ronald Slye, of Houston, Tex., on motion of Mr. Francis H. Caskin, 3d; Warren Niles Low, of Bethesda, Md., on motion of Mr. George W. Reiber; and Clarence D. Musser, of Darien, Conn., on motion of Mr. Winthrop A. Johns, were admitted to practice.

ORAL ARGUMENT

No. 16. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 22. William Earl Walkling, petitioner, *v.* Washington State Board of Prison Terms and Paroles. Argument continued by Mr. Stephen C. Way for the respondents and concluded by Mr. Evan L. Schwab for the petitioners. Memorandum for respondents to come.

No. 29. Sanford Zwickler, appellant, *v.* Aaron E. Koota, as District Attorney of the County of Kings. Argued by Mr. Emanuel Redfield for the appellant and by Mr. Samuel A. Hirshowitz for the appellee.

No. 34. International Longshoremen's Association, Local 1291, petitioner, *v.* Philadelphia Marine Trade Association; and

No. 78. International Longshoremen's Association, Local 1291, its officers and members, petitioners, *v.* Philadelphia Marine Trade Association. Argument commenced by Mr. Abraham E. Freedman for the petitioners and continued by Mr. Francis A. Scanlan for the respondent.

Adjourned until Monday, October 16, 1967, at 10 o'clock.

The day call for Monday, October 16, 1967, will be as follows: Nos. 34 (and 78), 25, 20, 31, and 33.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

James Clint Brown, of Tampa, Fla., John George Fatolitis, of Tarpon Springs, Fla., Robert B. Abrams, of Heppner, Oreg., Alex L. Parks, of Portland, Oreg., Laurence E. Fann, of Houston, Tex., and John Victor Kozina, of Milwaukee, Wis., on motion of Mr. Ralph Simon Spritzer; Clyde S. DuPont, of Washington, D.C., on motion of Mr. Hiram L. Fong; Michael Cullen, of Long Beach, Calif., on motion of Mr. Jerome Russell Waldie; Thomas J. Meskill, of New Britain, Conn., W. David Keith, of Manchester, Conn., and John F. Shea, Jr., of Manchester, Conn., on motion of Mr. Donald G. Brotzman;

Stephen Forsythe Rivers, of New York, N.Y., and James E. White, of New York, N.Y., on motion of Mr. Spark M. Matsunaga; Stirley Newell, of Phoenix, Ariz., Lawrence C. Cantor, of Phoenix, Ariz., and John L. Augustine, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Floyd Cummings Dodson, of Santa Barbara, Calif., on motion of Mr. George Meader; John Mead, Jr., of Dallas, Tex., Dee Brown Walker, of Dallas, Tex., and Charles L. Caperton, of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders; Vernon A. Poschel, of Springfield, Mo., on motion of Mr. Harold W. Gardner; George H. O'Brien, of Whittier, Calif., on motion of Mr. Dominick Manoli; Edward R. Brown, of Cleveland, Ohio, and Peter Reed, of Cleveland, Ohio, on motion of Mr. Thomas V. Koykka;

Bernard L. Friedman, of Columbia, S.C., on motion of Mr. Henry R. Thomas; Corinne S. Shulman, of Beverly Hills, Calif., and Adley M. Shulman, of Beverly Hills, Calif., on motion of Mr. E. Lewis Reid; Karan F. Minick, of Washington, D.C., on motion of Miss Margaret M. Pallansch; Donald P. McCormick, of South Nyack, N.Y., and Donal Finbarr McCarthy, of Westbury, N.Y., on motion of Mr. Victor H. Kramer; Elsbeth Levy Bothe, of Baltimore, Md., on motion of Mr. Sanford J. Rosen; Harvey A. Schneider, of Beverly Hills, Calif., on motion of Mr. Burton Marks; Malcolm Yeaman Marshall, Jr., of Louisville, Ky., on motion of Mr. Thomas McElrath Debevoise; Robert Pegram Harrison, of Atlanta, Ga., on motion of Mr. Michael Bader; Donald L. Brunner, of Shelbyville, Ind., Charles Michael Cord, of Kokomo, Ind., and John Conrad Maugans, of Kokomo, Ind., on

motion of Mr. Robert N. Miser; J. Barbee Winston, of New Orleans, La., on motion of Mr. George B. Matthews; Elmer Anthony Ambrogne, of Washington, D.C., on motion of Mr. Benjamin Earl Hinden; Ronald Joseph Jacobs, of Tulsa, Okla., on motion of Mr. John H. Dorsey; Thomas William Dowdy, of Springfield, Va., on motion of Mr. F. Mather Archer; and C. William Fechtig, of Carmi, Ill., Watts C. Johnson, of Princeton, Ill., and Henry William Phillips, of Fairbury, Ill., on motion of Mr. Bernard H. Bertrand, were admitted to practice.

The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 87. United States, appellant, *v.* Mercantile Trust Company National Association et al. Appeal from the United States District Court for the Eastern District of Missouri. Judgment reversed and case remanded to the United States District Court for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court in *United States v. First City National Bank of Houston*, 386 U.S. 361. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 201. Harvey R. Bitter, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 306. The Associated Press, petitioner, *v.* Edwin A. Walker. On petition for writ of certiorari to the Court of Appeal of Louisiana, Second Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the Court of Appeal of Louisiana, Second Circuit, for further proceedings not inconsistent with *Curtis Publishing Co. v. Butts*, 388 U.S. 130. Opinion *per curiam*. Mr. Justice Black, with whom Mr. Justice Douglas joins, concurs in the result for the reasons stated in Mr. Justice Black's concurring opinion in *Curtis Publishing Co. v. Butts*, 380 U.S. 130, 170 (1967).

No. 322. Joseph P. Lordi, Director of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of New Jersey, appellant, *v.* Louis J. Epstein and Julius Epstein, etc. Appeal from the United States District Court for the District of New Jersey. The motion to affirm is granted and the judgment affirmed. Opinion

per curiam. Mr. Justice Black and Mr. Justice Harlan would note probable jurisdiction and set case for oral argument.

No. 328. Lester C. Newton Trucking Company, appellant, *v.* United States and Interstate Commerce Commission. Appeal from the United States District Court for the District of Delaware. The motion to affirm is granted and judgment affirmed. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White would note probable jurisdiction and set case for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 330. Robert B. Roberts, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 27, Misc. Kenneth Wood, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for reconsideration in light of the Solicitor General's memorandum and the relevant criteria of the Criminal Justice Act. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 91, Misc. Sherman H. Skolnick, appellant, *v.* Board of Commissioners of Cook County et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the the opinion of this Court. Opinion *per curiam*.

No. 162, Misc. Johnny Coleman, petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 174, Misc. Alexander David Jones, petitioner, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 572, Misc. Harry William Raymond, appellant, *v.* Vincent L. Toffany, Commissioner of Motor Vehicles of New York. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 69. Volkswagenwerk Aktiengesellschaft, petitioner, *v.* Federal Maritime Commission et al. The joint motion to remove this case from the summary calendar is granted and a total of one and one-half hours is allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. 416. Florence Flast et al., appellants, *v.* John W. Gardner, Secretary of the Department of Health, Education and Welfare of the United States, et al. Appeal from the United States District Court for the Southern District of New York. Motion of the National Council of Churches for leave to file a brief, as *amicus curiae*, granted. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 71. James P. Carafas, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 127. Reading Company, petitioner, *v.* Francis Shunk Brown, 3rd, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 286, Misc. Robert T. Mathis, Sr., petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition and motion.

CERTIORARI DENIED

No. 346. Hewitt R. K. Parsons, petitioner, *v.* Gulf & South American Steamship Company, Inc. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 357. Mirro-Dynamics Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 370. Inter-American Citizens for Decency Committee et al., petitioners *v.* Andy W. McBeath. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 386. Stewart-Warner Corporation, petitioner, *v.* Bishman Manufacturing Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 391. Joseph Bancroft & Sons Co., petitioner, *v.* Shelley Knitting Mills, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 397. Lesly Cohen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 418. The Stuyvesant Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 421. William J. Campbell, Chief Judge of the United States District Court for the Northern District of Illinois, petitioner *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 441. Raymond C. Wallace, petitioner, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 448. Barbara Flemming, etc., petitioner, *v.* Alva B. Adams, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 450. Logan Lanes, Inc., petitioner, *v.* Brunswick Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 455. Clayton H. Stief, petitioner, *v.* J. A. Sexauer Manufacturing Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 106. Etel Ober et al., petitioners, *v.* James C. Nagy et al. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 221. The Iowa Tribe of the Iowa Reservation in Oklahoma et al., petitioners, *v.* United States; and

No. 457. United States, petitioner, *v.* Sac and Fox Tribe of Indians of Oklahoma et al. Petitions for writs of certiorari to the United

ERRATA

The following should be included at page 75 at the end of the paragraph dealing with No. 115:

MR. JUSTICE FORTAS, with whom MR. JUSTICE DOUGLAS joins, dissenting from the denial of certiorari.

A policeman saw petitioner seated in an improperly parked car at 1:50 a. m. The policeman spoke to petitioner, but received no reply. He detected a strong odor of alcohol on petitioner's breath. He took petitioner to a nearby police station. Petitioner requested permission to call an attorney. The request was refused. He was questioned, but refused to answer. He said he would answer questions "if he could call a lawyer."

According to the police, petitioner was unsteady on his feet and his clothes were disarranged. No medical or chemical test for drunkenness was administered to petitioner or requested by him. Petitioner refused, in the absence of counsel, to submit to the performance tests routinely used by police in such cases.

Petitioner was placed in a cell. He was awakened at 7:05 a. m., signed a form to the effect that he had been warned of his right to counsel, to remain silent and to be free on bail. Ten minutes later, he telephoned his attorney.

Petitioner was thereafter brought to trial before a judge of the Seventh Circuit Court of Connecticut. He was represented by counsel. He demanded and was denied a jury trial. He also asserted that his rights under the Sixth and Fourteenth Amendments to the United States Constitution had been violated because he was denied counsel at the time of his detention and examination at

the police station. These claims were denied, and judgment was entered that defendant was guilty of the crime of being "found intoxicated." Gen. Stat. Conn. § 53-246.

The maximum penalty for this offense under Connecticut law is a \$20 fine or a jail sentence of 30 days, or both. Petitioner was sentenced to a fine of \$20 and a jail sentence of 10 days. Execution of the jail sentence was suspended. On appeal, the judgment was affirmed by the Appellate Division of the Circuit Court of Connecticut (24 Conn. L. J. # 42), and a petition for certification to the Supreme Court of Connecticut was denied by that court (24 Conn. L. J. # 34). A petition for certiorari was duly filed with this Court, limited to the right-to-counsel question.

We should grant the petition. Sharply and clearly it presents the following important questions: (1) Whether a prosecution for being "found intoxicated," subjecting the defendant to as much as 30 days imprisonment, is within the category of serious state criminal prosecutions to which the federal constitutional guarantee of assistance of counsel applies, under the decisions of this Court. See *Gideon v. Wainwright*, 372 U. S. 335 (1963); (2) Whether, if the answer to this question is in the negative, we should now hold that the constitutional guarantee of counsel applies to the present case and to other relatively "minor" offenses or misdemeanors carrying significant penalties for their violation; and (3) Whether denial of a request for counsel in the circumstances here presented, after arrest and without reference to police interrogation or to any admission by the accused, violates the Constitution and invalidates a conviction.

In connection with this last point, we should consider whether a person who is arrested and jailed is entitled to telephone his lawyer and to consult with him, even in the absence of a showing that denial of a request to this effect has resulted in specific prejudice. In our society, we reject the theory that the police may seize and hold a citizen *incommunicado*. This is fundamental

to our constitutional system. I would think that a person, plucked from the streets and put in a cell, is entitled—as of right—to let his family know that he is in jail and to call for assistance. Cf. *Haynes v. Washington*, 373 U. S. 503 (1963).

The present case, however, does not depend upon establishing an absolute right to call a lawyer after arrest. Petitioner's lawyer, had petitioner's request to call him been granted, might have performed an important function, which was not capable of performance five or six hours later. He might have insisted upon medical or chemical tests; he might have summoned a private physician. At the very least, he could have informed the arrested person's family and friends that the accused had not disappeared without a trace, but was held, safely if unhappily, in jail.

In contrast with petitioner's need for an attorney is the absence of any legitimate state interest in forbidding petitioner to call one. I believe the issue thus posed is both important and certain to recur. I would grant certiorari to resolve that issue now.

States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **334**. Frank IX & Sons Virginia Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **439**. Butchers Union Local No. 127, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, petitioner, *v.* National Labor Relations Board; and

No. **525**. Campbell Soup Company et al., petitioners, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **444**. Commissioner of Internal Revenue, petitioner, *v.* Frederick Steel Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **591**. I. William Bianchi, Jr., et al., petitioners, *v.* Evans K. Griffing et al., Constituting the Board of Supervisors of Suffolk County, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **109**. John Henry Dokes et ux., petitioners, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **115**. Mark F. Heller, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Connecticut denied. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas joins.

No. **313**. Walter Selinger, petitioner, *v.* Lester Bigler, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **372**. Abraham Maius, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **317**. Antero Perez Rodriguez, petitioner, *v.* Alcoa Steamship Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black is

of the opinion that certiorari should be granted and judgment reversed. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 337. Alex K. Easton, d/b/a George Easton Furniture Co., petitioner, *v.* Edward Earl Weir II, a minor, et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the District Court of Appeal of Florida, Second District, denied.

No. 430. G. I. Distributors, Inc., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and judgment reversed on the basis of *Redrup v. New York*, 386 U.S. 767. Mr. Justice Brennan and Mr. Justice Stewart vote to deny certiorari upon the sole ground that the issues in this case have become moot. See *Jacobs v. New York*, 388 U.S. 431; *Tannenbaum v. New York*, 388 U.S. 439.

No. 93, Misc. Keith Brownell Chamley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 132, Misc. Edward J. Ford, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 143, Misc. Ralph Michael Lepiscopo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 222, Misc. Comello Raymond, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 237, Misc. Paul Oliver Kayton, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 247, Misc. Epifanio Trujillo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 337, Misc. Donald Jalbert, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 426, Misc. Edward Eugene Weis, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 435, Misc. Roger Lee Peterman, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

ERRATA

The following should be included at page 77 at the end of the paragraph dealing with No. 163 Misc.:

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

Petitioner was convicted of murder on the testimony of William Triplett, an accomplice in the crime. The prosecutor promised Triplett leniency if he testified against the petitioner. Triplett, however, testified that he had not been promised anything. The prosecutor knew this testimony was false, and the jury heard Triplett's entire testimony under the erroneous impression that he had not received promises of leniency. Later in the trial, and over the prosecutor's objection, petitioner called Triplett's lawyer and the prosecutor as witnesses. Both admitted that the prosecutor promised Triplett leniency if he would testify.

I think this case is governed by the principle of *Napue v. Illinois*, 360 U. S. 264 (1959).* It is true that in the present case, the prosecutor was called by the defense and compelled to admit that he offered leniency to the

*In response to a question by the prosecutor, a principal state witness in *Napue* testified that he had received no promise of consideration in return for his testimony. In fact, the prosecutor had promised him consideration but did nothing to correct the false testimony. Earlier, the witness had been forced by defense counsel to admit that someone, tentatively described as a public defender, "was going to do what he could" to help the witness. The Court held that the prosecutor's knowing acquiescence in the witness' lie deprived the defendant of a fair trial under the Fourteenth Amendment even though the jury had been apprised that the witness may have been lying about whether he had any interest in testifying.

witness if he testified. So, here, the jury ultimately knew not only that the witness lied, but also that the prosecutor knew he was lying.

It may be that upon hearing the prosecutor's recantation, the jury could properly discount Triplett's testimony. However, the jury heard him under the impression that he was not receiving benefit for his testimony, and the subsequent recantation by the prosecutor, later in the trial, could not adequately overcome the jury's initial impression of the testimony. Accordingly, in these circumstances, we must conclude that petitioner was prejudiced by the prosecutor's acquiescence in the misrepresentation by his witness.

In any event, it is by no means clear that petitioner must show that the prosecutor's knowing acquiescence in a material falsehood prejudiced him. There is no place in our system of criminal justice for prosecutorial misconduct. See *Giles v. Maryland*, 386 U. S. 66 (1967) (opinion of BRENNAN, J.); *Miller v. Pate*, 386 U. S. 1 (1967); *Napue v. Illinois*, *supra*; *Alcorta v. Texas*, 355 U. S. 28 (1957); *White v. Ragen*, 324 U. S. 760 (1945); *Pyle v. Kansas*, 317 U. S. 213 (1942); and *Mooney v. Holohan*, 294 U. S. 103 (1935). See also *Giles v. Maryland*, *supra*, at 96 (opinion of FORTAS, J.); and *Brady v. Maryland*, 373 U. S. 83 (1963). Especially in a capital case, a false denial by the critical State's witness that he was promised leniency in return for his testimony, knowingly acquiesced in by the prosecutor, requires reversal of a state conviction, even though the prosecutor was later compelled to admit that the denial was untrue.

I would grant certiorari and reverse. *Napue v. Illinois*, *supra*.

No. 445, *Misc.* George W. Craig, petitioner, *v.* Patrick N. Bol-singer, Prothonotary, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 449, *Misc.* Pedro Manuel Court Sifre, petitioner, *v.* Gerardo Delgado. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 457, *Misc.* Benjamin E. Meyer, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 466, *Misc.* Susan Butler Shikara, petitioner, *v.* Commissioner of Mental Health of Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 471, *Misc.* Eugene Swiere, petitioner, *v.* Harmes Marine Service, Inc. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 528, *Misc.* Fernando Oquendo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 163, *Misc.* Dana Horton Nash, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Dissenting opinion by Mr. Justice Fortas with whom the Chief Justice and Mr. Justice Douglas join.

No. 194, *Misc.* Craig A. Capson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration on decision of this petition.

No. 404, *Misc.* Israel Schawartzberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 478, *Misc.* Webster Bivens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 318, *Misc.* Robert Grene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 332, *Misc.* Paul Ferrara, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 428, Misc. William Allen, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Black is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 577, Misc. John Hiram Jones, petitioner, *v.* Ronald Reagan, Governor, et al.;

No. 605, Misc. Paul Grear, petitioner, *v.* E. L. Maxwell, Warden; and

No. 644, Misc. Wallace J. Waite, petitioner, *v.* John C. Burke, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 425, Misc. Carolyn Skelly Burford, petitioner, *v.* Fred A. Daugherty, Judge, etc., et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

No. 529, Misc. Carrie Truesdale, etc., petitioner, *v.* Chief Judge, United States District Court for the District of Columbia. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 513, October Term, 1966. Immigration and Naturalization Service, petitioner, *v.* Gerald Joseph Lavoie. Petition for rehearing denied. The *per curiam* opinion heretofore issued in this case on June 5, 1967, is hereby amended to provide that the judgment of the United States Court of Appeals for the Ninth Circuit be vacated rather than reversed, and that the case be remanded to that court in order that it may pass upon the issues in the case not covered by its prior opinion. Mr. Justice Marshall took no part in the consideration or decision of this petition and order.

No. 1335, October Term, 1966. Ezra Parks, petitioner, *v.* Simpson Timber Company et al. Petition for rehearing denied. The *per curiam* opinion issued in this case on June 12, 1967, is hereby amended to provide that the judgment of the United States Court of Appeals for the Ninth Circuit be vacated rather than reversed, and that the case be remanded to that court in order that it may pass upon the issues in the case not covered by its prior opinion. Judgment heretofore entered is hereby amended in the same manner. Mr. Justice Marshall took no part in the consideration or decision of this petition and order.

No. 1385, Misc., October Term, 1966. Henry F. Williams, petitioner *v.* United States. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from Monday, October 23, 1967, until Monday, November 6, 1967.

ORAL ARGUMENT

No. 34. International Longshoremen's Association, Local 1291, petitioner, *v.* Philadelphia Marine Trade Association; and

No. 78. International Longshoremen's Association, Local 1291, its officers and members, petitioners, *v.* Philadelphia Marine Trade Association. Argument concluded by Mr. Francis A. Scanlan for the respondent.

No. 25. Howard Joseph Whitehill, appellant, *v.* Wilson Elkins, President, University of Maryland, et al. Argued by Mr. Sanford Jay Rosen for the appellant and by Mr. Loring E. Hawes for the appellees.

No. 20. Federal Trade Commission, petitioner, *v.* Flotill Products, Inc., et al. Argued by Mr. Howard E. Shapiro for the petitioner and by Mr. William Simon for the respondents.

No. 31. Wyandotte Transportation Company et al., petitioners, *v.* United States. Argument commenced by Mr. Lucian Y. Ray for the petitioners and continued by Mr. Alan R. Rosenthal for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 17, 1967, will be as follows: Nos. 31, 33, 35, 36, and 37.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Oscar N. Hibler, Jr., of Houston, Tex., on motion of Mr. Jack Brooks; George L. Buttafoco, of Norwood, Ohio, on motion of Mr. Robert Taft, Jr.; John J. Stamos, of Chicago, Ill., on motion of Mr. Barratt O'Hara; Louis Dugas, Jr., of Orange, Tex., on motion of Mr. John Dowdy; Howard L. McFadden, of Jefferson City, Mo., and William A. Peterson, of Marshall, Mo., on motion of Mr. William Leonard Hungate; Samuel Klein, of San Francisco, Calif., on motion of Mr. E. Lewis Reid; Alfred J. Fletcher, of Raleigh, N.C., and Edward W. Hummers, Jr., of Washington, D.C., on motion of Mr. Frank Utley Fletcher; Florence Wagman Roisman, of New York, N.Y., on motion of Mr. Alan S. Rosenthal; Joseph B. Reisman, of Miami, Fla., on motion of Mr. Robert E. LeBlanc III; Stuart Charles Katz, of Chicago, Ill., on motion of Mr. Ernest Liebman; M. R. Baker, of Oklahoma City, Okla., on motion of Mr. David Busby; and Eleanor Judith Hirschman Berger, of New York, N.Y., Samuel Berger, of New York, N.Y., Fred C. Scribner III, of Portland, Me., Aileen Louise Hirschman Belford, of Fall River, Mass., Lloyd Earl Belford, of Fall River, Mass., Eugene R. Capuano, of Everett, Mass., Henry S. Healy, of Leominster, Mass., and John M. Rose, of East Boston, Mass., on motion of Mr. Elliot L. Richardson, were admitted to practice.

ORAL ARGUMENT

No. 31. Wyandotte Transportation Company et al., petitioners, *v.* United States. Argument concluded by Mr. Alan S. Rosenthal for the respondent.

No. 33. United Mine Workers of America, District 12, petitioner, *v.* Illinois State Bar Association et al. Argued by Mr. Harrison Combs for the petitioner and by Mr. Bernard H. Bertrand for the respondents.

No. 35. Charles Katz, petitioner, *v.* United States. Argued by Mr. Harvey A. Schneider and Mr. Burton Marks for the petitioner and by Mr. John S. Martin, Jr., for the respondent.

No. 36. Hubert L. Will, Judge, United States District Court for the Northern District of Illinois, petitioner, *v.* United States. Argument commenced by Mr. Harvey M. Silets for the petitioner and continued by Mr. Richard A. Posner for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 18, 1967, will be as follows:
Nos. 36, 37, 53, 54, and 66.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Abbe L. Miller, of New York, N.Y., on motion of Mr. Theodore R. Kupferman; LeRoy W. Rice, of San Francisco, Calif., on motion of Mr. Warren E. Miller; Donald Pat Moran, of Falls Church, Va., on motion of Mr. Floyd Lee Williams, Jr.; Omer Marvin Funk, of Niles, Ill., on motion of Mr. Edward L. Merrigan; Morris Benson, of Washington, D.C., and Lee Ducoff, of Houston, Tex., on motion of Mr. Earl H. Davis; John W. Packer, of Philadelphia, Pa., on motion of Mr. Julius Schlezinger; Frank L. Cowles, Jr., of Fairfax, Va., on motion of Mr. Roy A. Swayze; John H. Gobel, of Chicago, Ill., on motion of Mr. Gerald O'Rourke; Philip R. Ehrenkranz, of Washington, D.C., on motion of Mr. Carroll L. Gilliam; Richard Kanner, of Miami, Fla., on motion of Mr. James T. Carlisle; Rollins M. Koppel, of Harlingen, Tex., on motion of Mr. Jack Clemens Skaggs; John LaFollette, of Los Angeles, Calif., and Russell K. Lambeau, of Los Angeles, Calif., on motion of Mr. Carl Eardley; Richard A. Perkins, of Malibu, Calif., on motion of Mr. William H. Henderson; Neal E. Williams, Jr., of Salem, Conn., on motion of Mr. Henry Cretella; Irving I. Geller, of New York, N.Y., on motion of Mr. Benjamin Earl Hinden; Jaime Escanellas-Nunez, of San Juan, P.R., on motion of Mr. Edward Charles Bou; Robert R. Priddy, of Potomac, Md., and George VandeSande, of Bethesda, Md., on motion of Mr. William D. Hall; Arch W. Riley, of Wheeling, W. Va., and Robert A. Yahn, of Wheeling, W. Va., on motion of Mr. Richard A. Whiting; Steadman S. Stahl, Jr., of Fort Lauderdale, Fla., Morton J. Perlin, of Hollywood, Fla., Joseph A. Varon, of Hollywood, Fla., and John R. Wood, of Sarasota, Fla., on motion of Mr. John M. Scheb; and Ronald Huntington, of Kelso, Wash., on motion of Mr. Stewart French, were admitted to practice.

ORAL ARGUMENT

No. 36. Hubert L. Will, Judge, United States District Court for the Northern District of Illinois, petitioner, *v.* United States. Argument continued by Mr. Richard A. Posner for the respondent and concluded by Mr. Harvey M. Silets for the petitioner.

No. **37**. Massachusetts, petitioner, *v.* Donald M. Painten. Argued by Mr. Elliot L. Richardson for the petitioner and by Mr. Louis M. Nordlinger for the respondent.

No. **53**. James Cleveland Burgett, petitioner, *v.* Texas. Argued by Mr. Gordon Gooch for the petitioner and by Mr. Leon Douglas for the respondent.

No. **54**. United States, petitioner, *v.* R. B. Rands et ux. Argued by Mr. Robert S. Rifkind for the petitioner and by Mr. Alex L. Parks for the respondents.

No. **66**. Case-Swayne Co., Inc., petitioner, *v.* Sunkist Growers, Inc. Argument commenced by Mr. William H. Henderson for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 19, 1967, will be as follows:
Nos. **66**, **68**, and **27**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

James L. Caplinger, of Springfield, Ohio, on motion of Mr. Robert Taft, Jr.; Richard J. Rome, of Hutchinson, Kans., on motion of Mr. Garner E. Shriver; John Franklin Rogers, of Louisville, Ky., on motion of Mr. M. G. Snyder; George Richard Hyde, of Downey, Idaho, on motion of Mr. Rosel H. Hyde; Robert H. Harry, of Denver, Colo., on motion of Mr. Russell B. Pace, Jr.; Clarence M. Condon, of Toledo, Ohio, on motion of Mr. Michael V. DiSalle; Richard Glen Greenwood, of Green Bay, Wis., John A. Joyce, of St. Louis, Mo., and Henry A. Edgar, Jr., of Miami, Fla., on motion of Mr. Brice Wilson Rhyne; John W. T. Medairy, of Houston, Tex., on motion of Mr. Daniel L. O'Connor; James LaVoy Branton, of San Antonio, Tex., on motion of Mr. Charles M. Johnston; Henry Edward Savage, of Colfax, Wash., on motion of Mr. Robert Jack Corber; Morris M. Shuster, of Philadelphia, Pa., on motion of Mr. David Joel Myerson; Hillel Chodos, of Beverly Hills, Calif., on motion of Mr. John Gordon Smith; Malcolm C. McCuaig, of Dundee, Ill., on motion of Mr. John Philip Carlson; Richard Owen Jones, of Arlington, Tex., and Robert Ernest Jones, of Euless, Tex., on motion of Mr. Frederick A. C. Hoefler; Dale Varble Cunningham, of San Pedro, Calif., on motion of Mr. Karl D. Loos; Nelson H. Grubbe, of Chevy Chase, Md., on motion of Mr. Edward R. Duffy; Elliot Andor Lackenbach, of New York, N.Y., on motion of Mr. Samuel L. Davidson; and William Leslie Fury, of Weston, W. Va., and John Randolph Haller, of Weston, W. Va., on motion of Mr. John George Fox, were admitted to practice.

No. 66. Case-Swayne Co., Inc., petitioner, *v.* Sunkist Growers, Inc. Argument continued by Mr. William H. Henderson for the petitioner, by Mr. Seth M. Hufstедler for the respondent and concluded by Mr. William H. Henderson for the petitioner.

No. 68. Dennis Manafort Whitney, petitioner, *v.* Florida. Argued by Mr. Richard A. Kanner for the petitioner and by Mr. James T. Carlisle for the respondent.

Adjourned until Monday, October 23, 1967, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Barnes Humphreys Ellis, of Portland, Oreg., Aubrey Strode Brent, of Washington, D.C., H. Dudley Payne, of Arlington, Va., William D. Browning, of Tucson, Ariz., Nolan B. Harmon, of Atlanta, Ga., Robert W. Morrison, of Mahomet, Ill., Harold Parritz, of Boston, Mass., James Lewis Copeland, of Sacramento, Calif., Thomas Anthony Mendenhall, of Celina, Ohio, Malcolm Harvey Friedman, of Miami, Fla., David Bernard Gold, of San Francisco, Calif., Hart B. Kolb, of Los Angeles, Calif., Mark Samuel Novak, of Los Angeles, Calif., Francis X. Beytagh, Jr., of Savannah, Ga., Robert E. Dolle, of Cincinnati, Ohio, and Charles Lavon Ward, of Fort Lauderdale, Fla., on motion of Mr. Ralph Simon Spritzer; Ward Stephenson, of Orange, Tex., on motion of Mr. Ralph W. Yarborough; William R. Higham, of Martinez, Calif., Kenneth W. Larson, of San Pablo, Calif., and Eugene Merwyn Swann, of Berkeley, Calif., on motion of Mr. Jerome Russell Waldie; Henry Newhall Berry III, of Cape Elizabeth, Maine, on motion of Mr. William D. Hathaway;

Louis L. Zussman, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; David C. Harrison, of Jefferson City, Mo., on motion of Mr. Richard H. Ichord; Lee C. Davies, of Akron, Ohio, and Robert Lewis, Jr., of Akron, Ohio, on motion of Mr. Robert McClory; Michael di Leonardo, of Sunnyvale, Calif., on motion of Dr. Don Edwards; Neil J. O'Brien, of Dallas, Tex., on motion of Judge William M. Fay; Robert F. Miller, of Montgomery, Ala., on motion of Mrs. Carol F. Miller; Robert Allen Seligson, of San Francisco, Calif., on motion of Mr. Charles A. Miller; Kenneth M. Wells, of Sacramento, Calif., and Paul Ligda, of Placerville, Calif., on motion of Mr. Charles E. Pledger, Jr.; Robert G. Brockmann, of Harrison, Ark., on motion of Mr. Floyd Lee Williams; Jack N. Cochran, of Sullivan, Ind., on motion of Mr. Larry A. Conrad; John M. Toomey, of Ann Arbor, Mich., on motion of Miss Sarel M. Kandell; Donald Joseph Wolosenka, of Los Angeles, Calif., Dan Robert Bruggeman, of Morenci, Mich., Ronald D. Brodsky, of Huntington Beach, Calif., and George W. Poulos, of Garden Grove, Calif., on motion of Mr. Richard Kent Stacer; Robert Hill Schultz, of Bradenton, Fla., on motion of Mr. Burkett Van Kirk;

William Klein II, of New York, N.Y., and Julius J. Rosen, of New York, N.Y., on motion of Mr. Seymour Sheriff; Richard C. Curry, of Cincinnati, Ohio, on motion of Mr. Guy Farmer; Albert S. Kemper, Jr., of Bluefield, W. Va., on motion of Mr. Stephen F. Dunn; Warren Harding McNamara, Jr., of Hampton, Va., on motion of Mr. Robert Stocks Hope; Shaker Brackett, of Flint, Mich., on motion of Mr. Charles A. Forrest, Jr.; Richard John Reynolds III, of Atlanta, Ga., on motion of Mr. H. Charles Ephraim; George Frank Kratz, of Oakland, Calif., on motion of Mr. Jack W. Richards; Alexander Erwin Wilson III, of Atlanta, Ga., on Motion of Mr. Alexander E. Wilson, Jr.; John Elwood Finn, of Los Angeles, Calif., and Gerald Marvin Stanfield, of Los Angeles, Calif., on motion of Mr. Gerald Ney Klauber; Allyn O. Kreps, of Los Angeles, Calif., on motion of Mr. Arnold M. Lerman; Harold J. Rhodes, of Berwick, La., on motion of Mr. William M. Lenck; Elizabeth A. Egan, of St. Paul, Minn., on motion of Mr. Lawrence C. Merthan; Robert B. Rosene, of Los Angeles, Calif., on motion of Mr. Jerry Z. Pruzansky; John Christian Andreason, Jr., of Plymouth, Calif., on motion of Mr. S. Neil Hosenball; and Harper B. Atherton, of Arlington, Va., Ray H. Bowman, of Harper Woods, Mich., Theodore Van Dellen, of Albion, Mich., John Marshall Brundage, of Albion, Mich., Jared Edward Collinge, of Muskegon, Mich., Leonard B. Crandall, of Jackson, Mich.; Walter T. Dartland, of Houghton, Mich., Sydney DeYoung, of Dearborn, Mich., Paul N. Doner, of Bay City, Mich., Virginia Edstrom Hetmanski, of Grosse Pointe Woods, Mich., Douglas W. Hillman, of Grand Rapids, Mich., Miles A. Hurwitz, of Ecorse, Mich., Joseph F. Mullaney, of Lansing, Mich., Raymond A. Mysliwiec, of Grosse Ile, Mich., Joseph A. Navarre III, of Jackson, Mich., James Paterson, of Hazel Park, Mich., Clair E. Paulson, of Ann Arbor, Mich., Clifford W. Prince, of Shelby, Mich., Samuel S. Reiter, of Owosso, Mich., Charles A. Robison, of Albion, Mich., Felix F. Rogalle, of Romulus, Mich., Robert G. Schwartz, of Jackson, Mich., Richard N. Servaas, of Grand Rapids, Mich., Charles W. Simon, Jr., of Stanton, Mich., Thomas Douglas Stone, of Midland, Mich., William Reule Thompson, of Mt. Pleasant, Mich., Robert C. Tuck, of Albion, Mich., Donald Dean Unwin, of Westland, Mich., Arthur W. Whelan, Jr., of St. Clair Shores, Mich., James Everett Wilson, of Midland, Mich., Everett L. Wittner, of Grosse Pointe Woods, Mich.; Irving R. Blum, of Detroit, Mich., Jesse H. Butler, of Detroit, Mich., Kenneth Clifford Butler, of Detroit, Mich., Algird Ambrose, of Detroit, Mich., Edmund Paul Arbour, of Detroit, Mich., Mario H. Cisneros, of Detroit, Mich., Donald M. Cutler, of Detroit, Mich., Donald R. Flintermann, of Detroit, Mich., Gordon St. John Gilman, of Detroit, Mich., Don J. Goodrow, of Detroit, Mich., Louis Gordon, of Detroit, Mich., William Alva Joselyn, of Detroit, Mich., Mary Jane Liddy, of De-

troit, Mich., Carroll Dean Little, of Detroit, Mich., Kenneth H. Lynn, of Detroit, Mich., Moe R. Miller, of Detroit, Mich., James C. Morank of Detroit, Mich., John Corbett O'Meara, of Detroit, Mich., Arthur L. Pou, of Detroit, Mich., Robert Joseph Robbins, of Detroit, Mich., Thomas Rosender, of Detroit, Mich., Sanford Roth, of Detroit, Mich., Charles R. Rutherford, of Detroit, Mich., Philip M. Sallen, of Detroit, Mich., Kay David Schloff, of Detroit, Mich., Samuel Sternberg, of Detroit, Mich., John E. S. Scott, of Detroit, Mich., Daniel J. Tindall, Jr., of Detroit, Mich., Samuel Yura, of Detroit, Mich., Philip M. Ambrose, of Flint, Mich.; John P. Bove, of Flint, Mich., Donald R. Freeman, of Flint, Mich.; Guy H. Hill, of Flint, Mich., Lyndon J. Lattie, of Flint, Mich., William Henry Morrissey, of Flint, Mich., Rene J. Ortlieb, of Flint, Mich., Reese Winfield Stipes II, of Flint, Mich., Frank L. Talkow, of Flint, Mich., Thomas C. Yeotis, of Flint, Mich., Richard B. Baxter, of Grand Rapids, Mich.; Sam F. Massie, Jr., of Grand Rapids, Mich., John J. Timmer, of Grand Rapids, Mich., Keith A. Vander Weyden, of Grand Rapids, Mich., Alfred John Gemrich, of Kalamazoo, Mich., Dean S. Lewis, of Kalamazoo, Mich., John L. Schwendener, of Kalamazoo, Mich., Daniel A. Burress, of Livonia, Mich., George A. McCathney, of Livonia, Mich., Marie E. Comsa Miller, of Livonia, Mich., Harry Maurice Smit, of Livonia, Mich., Lewis Brooke, Jr., of Southfield, Mich., Noel A. Gage, of Southfield, Mich., Herbert L. Goldstein, of Southfield, Mich., David R. Kratze, of Southfield, Mich., and Leonard Lemberg of Southfield, Mich., on motion of Mr. J. Horace L. Flurry, were admitted to practice.

The Chief Justice said:

"The orders of the Court has been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 164. Potomac News Company, etc., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the District of Maryland for further proceeding in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan concurs in the judgment of reversal upon the premises stated in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455, 457. Mr. Chief Justice Warren dissents. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 259. Glen Conner, petitioner, *v.* City of Hammond. On petition for writ of certiorari to the Twenty-first Judicial District Court of

Louisiana, Parish of Tangipahoa. Petition for writ of certiorari granted, judgment reversed and case remanded to the Twenty-first Judicial District Court of Louisiana, Parish of Tangipahoa, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would affirm the judgment upon the premises stated in his separate opinion in *Roth v. United States*, 354 U.S. 476, 497, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 271. United States, appellant, *v.* Aluminum Company of America et al. Appeal from the United States District Court for the Northern District of New York. Judgment of January 20, 1967, vacated as moot and case remanded to United States District Court for the Northern District of New York for further proceedings. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 284. Warren Pinto, Superintendent, New Jersey State Prison Farm, petitioner, *v.* Lawrence Pierce. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari granted and judgment reversed and case remanded to the United States District Court for the District of New Jersey with instructions to dismiss the writ of habeas corpus. Opinion *per curiam*. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Fortas.

No. 338. Donald Croom Beatty, Jr., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the Northern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent.

No. 368. Central Magazine Sales, Ltd., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan concurs in the judgment of reversal upon the premises stated in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455, 457. Mr. Chief Justice Warren would affirm the judgment. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 393. LeRoy Garber, appellant, *v.* Kansas. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that probable jurisdiction should be noted.

No. 406. Hugh Miller Mercer et al., appellants, *v.* Arthur I. Hemmings et al. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted and the case assigned for oral argument.

No. 460. Phillip Bennett, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 481. Ellis Carp et al., appellants, *v.* Texas State Board of Examiners in Optometry et al. Appeal from the Supreme Court of Texas. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 491. Geneva H. Sayles, appellant, *v.* Martin T. Wiegand, President, Board of Directors of Metropolis Building Association, et al. Appeal from the United States District Court for the District of Columbia. Motion to dispense with printing jurisdiction statement granted. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 50, Misc. Richard Kirk, petitioner, *v.* Wyoming. On petition for writ of certiorari to the Supreme Court of Wyoming. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Wyoming for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black dissents.

No. 92, Misc. Johnny Daniel Beecher, petitioner, *v.* Alabama. Appeal from the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black concurs in the judgment revers-

ing the conviction but does so exclusively on the ground that the confession of the petitioner was taken from him in violation of the Self-Incriminating Clause of the Fifth Amendment, which Amendment was made applicable to the States by the Fourteenth Amendment. Concurring opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 193, Misc. Louis Roberts, petitioner, *v.* J. Edwin LaVallee, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

ORDERS IN PENDING CASES

No. 31, Original. State of Utah, plaintiff, *v.* United States. The motion of Morton International, Inc., for leave to intervene and file an answer is referred to the Special Master. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 39. Hank Avery, petitioner, *v.* Midland County, Texas, et al. The motion of the Solicitor General for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allocated for oral argument. Counsel for respondents are allotted an additional thirty minutes for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 43. Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. The motion of the respondent to remove this case from the summary calendar is denied.

No. 163. The National Small Shipments Traffic Conference, Inc., et al., appellants, *v.* Ringsby Truck Lines, Inc., et al. The United States and the Interstate Commerce Commission are requested to address themselves further to the issue of mootness in this case, in particular to the statement in their memorandum that the issue with respect to the restraining order entered by the District Court "is not moot because it would affect appellants' claims for restitution of charges paid under the increased rates". Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 703. Jack Allen Barber, petitioner, *v.* Ray H. Page, Warden. The motion of the petitioner for the appointment of counsel is granted and it is ordered that Ira C. Rothgerber, Jr., Esquire, of Denver, Colorado, a member of the Bar of this Court be, and he is hereby appointed to serve as counsel for the petitioner in this case.

APPEAL—JURISDICTION NOTED

No. 482. United States, appellant, *v.* Horace Johnson et al. Appeal from the United States District Court for the Northern District of Georgia. In this case probable jurisdiction is noted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 478. Amalgamated Food Employees Union Local 590 et al., petitioners, *v.* Logan Valley Plaza, Inc., and Weis Markets, Inc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, granted.

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co. et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co. et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit granted and cases placed on the summary calendar. Cases consolidated and two hours allotted for oral argument. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 465. Elisha Edwards, petitioner, *v.* Pacific Fruit Express Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 486. J. David Stern, petitioner, *v.* South Chester Tube Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 344. Charles Oran Mensik et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 434. Aeronautical Radio, Inc., petitioner, *v.* National Mediation Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 458. William B. England, a.k.a. William Benjamin England, petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 459. Dominic Daniel Airdo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

ERRATA

The following should be included at page 92 at the end of the paragraph dealing with No. 91:

MR. JUSTICE STEWART, with whom MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS join, dissenting.

The petitioner created six fiberglass statues which he offered for sale in his backyard. Two police officers approached his home, confiscated the statues, and arrested him for violating a municipal ordinance that prohibits the knowing possession of obscene figures or images for sale.¹

The petitioner was convicted, his conviction was affirmed, and the Florida District Court of Appeal denied certiorari. Unable to obtain review in any higher Florida court,² he brought to this Court the federal

¹ Section 38 of Chapter 43 of the Miami Code provides that it shall be unlawful for any person to commit an act which is recognized by the laws of the State as a misdemeanor. Under c. 61-7, Laws 1961; Fla. Stat. § 847.011 (1) (a), it is a misdemeanor to have in one's "possession, custody, or control with intent to sell . . . any obscene, lewd, lascivious, filthy, indecent, [or] immoral . . . figure [or] image."

² The Florida Supreme Court may review by certiorari a decision of a district court of appeal "in direct conflict with a decision of another district court of appeal or of the supreme court on the same point of law." Fla. Const., Art. V, § 4 (2); Fla. App. R. 4.5c (6). Although the State suggests that the petitioner might have invoked this "conflict jurisdiction" in order to obtain review of his conviction in the Florida Supreme Court, the petitioner states that no Florida decision of which he is aware conflicts with that of the District Court of Appeal, and the State's response to the petition for certiorari refers to no decision that even purports to pass upon the issues here involved. Under these circumstances, I am satis-

constitutional claims he had unsuccessfully advanced at every stage of the state litigation.

It is clear that the ordinance under which he was convicted is unconstitutional on its face. That ordinance adopts the definition of obscenity embodied in a Florida statute:³

“For the purpose of this section, the test of whether or not material is obscene is: Whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.”

Members of this Court have expressed differing views as to the extent of a State's power to suppress “obscene” material through criminal or civil proceedings. But it is at least established that a State is without power to do so upon the sole ground that the material “appeals to prurient interest.”⁴

The petitioner in this case was charged, tried, and convicted under a statutory provision which contains no

fied that the judgment of the District Court of Appeal in this case was “rendered by the highest court of a State in which a decision could be had,” as required by 28 U. S. C. § 1257.

³ Chapter 61-7, Laws 1961; Fla. Stat. § 847.011 (10).

⁴ The “prurient interest” language of the Florida statute may be traced to a sentence in this Court's opinion in *Roth v. United States*, 354 U. S. 476, 489. That language, however, cannot be taken to establish a constitutionally sufficient “test” of obscenity. The prevailing opinion by MR. JUSTICE BRENNAN in *Memoirs v. Massachusetts*, 383 U. S. 413, recognized that a State may not suppress matter as “obscene” unless “(a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value,” stressing that the “three elements must coalesce.” 383 U. S., at 418. MR. JUSTICE WHITE dissented in that case, nonetheless expressing the opinion that a legislature is not free to ban works of art or literature “simply because they deal with sex or because they appeal to the prurient interest.” *Id.*, at 462. See *Redrup v. New York*, 386 U. S. 767.

other criterion of "obscenity." This conviction therefore rests upon a law incompatible with the guarantees of the First and Fourteenth Amendments of the United States Constitution.

I would grant the petition for certiorari and reverse the judgment.

No. 461. Hardy Salt Company, petitioner, *v. Illinois et al.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 462. Mrs. John Fain and C. W. Duncan, Administrator, petitioners, *v. W. Ray Duncan.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 464. Paul Biazevich et al., petitioners, *v. National Labor Relations Board.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 466. Diesel Tanker, A. C. Dodge, Inc., petitioner, *v. A. B. Stewart et al., etc.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 469. Coastal Petroleum Company, petitioner, *v. Claude R. Kirk, Jr., Governor of Florida, et al., etc.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 476. W. Thomas Davis et al., etc., petitioners, *v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 477. James L. Morrill, petitioner, *v. Orville L. Freeman, Secretary of Agriculture, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 484. Michael Carbone and Louis Macchiarelli, petitioners, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 485. Nathan Inman Goff, Jr., petitioner, *v. Sue Ellen Weems Kinney Goff.* Petition for writ of certiorari to the Supreme Court of Tennessee, Western Division, denied.

No. 487. The Americana Corporation, petitioner, *v. Edward A. Haber et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 91. Marcel Fort, petitioner, *v. City of Miami.* Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black and Mr. Justice Douglas join.

No. 436. Leo J. Schlinsky, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas and Mr. Justice Fortas are of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 442. Houston H. Feaster, Individually and as Director, Alabama State Docks Department, et al., petitioners, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **452**. *Martin Marietta Corporation, petitioner, v. Federal Trade Commission.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **456**. *National Labor Relations Board, petitioner, v. Bata Shoe Co., Inc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **479**. *Hilton Hotels (U.K.) Limited, petitioner, v. Jack Frummer.* Petition for writ of certiorari to the Court of Appeals of New York denied. The Chief Justice took no part in the consideration or decision of this petition.

No. **80**, *Misc.* *Edward F. Thomas, petitioner, v. Frank J. Pate, Warden,* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **273**, *Misc.* *Roy Dale Chatterton, petitioner, v. A. L. Dutton, Warden.* Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. **307**, *Misc.* *Gary Glenn Garrison, petitioner, v. California.* Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **397**, *Misc.* *William T. Cosby, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **399**, *Misc.* *John E. Woodard, Jr., petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **406**, *Misc.* *Jack Harris, petitioner, v. Kentucky.* Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **423**, *Misc.* *Paul W. Crepeault, petitioner, v. Vermont.* Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. **431**, *Misc.* *Henry Irons, petitioner, v. Pennsylvania.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **436**, *Misc.* *Wesley Eugene Haney, petitioner, v. California.* Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **452**, *Misc.* *William M. Gilday, Jr., petitioner, v. Massachusetts.* Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. **469**, *Misc.* *George P. McLaughlin, petitioner, v. Massachusetts.* Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

ERRATA

The following should be included at page 94 at the end of the paragraph dealing with No. 30 Misc.:

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

While petitioner was in custody on a murder charge, he sent a note to an inspector in the District Attorney's office requesting a meeting. The inspector met petitioner in a room on the mezzanine of the county jail. Faced with a possible death penalty,¹ petitioner said he would give some information "if he were allowed to plead guilty [before a certain judge] and receive a life sentence." The inspector testified and recounted this offer of compromise to the jury.²

¹ Petitioner was charged with two counts of murder. At his first trial he was sentenced to death on both counts. The California Supreme Court reversed the conviction. *People v. Hamilton*, 55 Cal. 2d 881, 362 P. 2d 473 (1961). At his second trial he was found guilty on both counts again and sentenced to death on one and life imprisonment on the other. The California Supreme Court upheld the convictions and the life sentence but reversed the death penalty. *People v. Hamilton*, 60 Cal. 2d 105, 383 P. 2d 412 (1963). Subsequently, petitioner was sentenced to life imprisonment on both counts. He filed two petitions for habeas corpus in the California Supreme Court. Both were denied without opinion. This petition for certiorari seeks review of the second denial.

² At a subsequent point in the trial, petitioner's counsel read to the jury a transcript of an interrogation of defendant by the police, conducted on the night he was apprehended. In his statement petitioner said he was going to "plead guilty" but that he "never intended to kill neither one of them." The California Supreme Court did not refer to this statement or rely upon it in determining that the admission of petitioner's offer to plead guilty made to the inspector almost three months later was harmless error.

Before the inspector's evidence was introduced, but while the inspector was on the stand, petitioner asked for an offer of proof by the prosecutor out of the jury's presence. The request was denied. Immediately after the inspector told about the offer to plead guilty, petitioner moved to strike the evidence. The motion was denied.

It is not uncommon for defendants or their lawyers to negotiate with prosecutors about pleading guilty. It is entirely possible that, in the hopelessness and loneliness of jail, faced with a charge of murder, a prisoner may discuss a bargain-deal with the prosecutor even if he is not guilty of the offense. In any event, the defendant's attempt to negotiate may well be accepted by the jury as a convincing admission of guilt. There is, in reality, no way in which the jury can be persuaded that the ugly inference of guilt is not to be drawn from his statement, however equivocal may have been his intent in making it. Usually, the accused cannot take the stand to explain the circumstances without peril.

We should consider whether we should not, in any event, prohibit the use of a statement made for bargaining purposes. We should not attach such a penalty to discussion of the possibility of a guilty plea. The general rule is that such evidence would not be admissible in a civil suit even where the stake is as little as a few dollars.³ We should at least consider the bearing of the practice upon the constitutional guarantee of a fair trial where the issue is murder and the possible penalty is death.⁴

³ 4 Wigmore, Evidence §§ 1061-1062 (3d ed. 1940). See also Fed. Rule Civ. Proc. 68 and 7 Moore, Federal Practice §§ 68.01-68.06 (1966).

⁴ The California Supreme Court agreed that petitioner's offer to plead guilty was inadmissible by analogy with a provision of the California Code making inadmissible evidence of guilty pleas which were withdrawn. Nonetheless, the Supreme Court held that this was "harmless error" because it thought a different result would not

There is another important issue here. Although the prosecutor used the offer to plead guilty as he would have used a confession, there was no separate hearing on the question of voluntariness. Nor did the trial judge make a specific finding that the statement was voluntary. I think we should consider whether the proceeding outlined in *Jackson v. Denno*, 378 U. S. 368 (1964), and *Sims v. Georgia*, 385 U. S. 538 (1967), were required in this case.

have been "reasonably probable" without the error. Therefore the conviction was not reversed. *People v. Hickman*, 60 Cal. 2d, at 112-114, 119-121, 383 P. 2d, at 415-416, 420-421. The admission of the evidence here in violation of the Fourteenth Amendment would be critically important to the trial, and the error could not be considered harmless under the standards announced by the Court in *Chapman v. California*, 386 U. S. 18 (1967).

No. 485, *Misc.* Calvin Collidge Anderson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 486, *Misc.* James Harvey Kerry, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 488, *Misc.* Lorenzo Reed, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 499, *Misc.* William Sosa and Roman Lisboa, petitioners, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 507, *Misc.* Calvin Winston Jackson, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 521, *Misc.* Robert Lewis, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Judicial District, denied.

No. 621, *Misc.* Douglas Creighton, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 30, *Misc.* Raymond Marty Hamilton, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas and Mr. Justice Marshall join.

No. 165, *Misc.* Elton Ray Barnes and Bunchie White, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 214, *Misc.* Charles Edward Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 244, *Misc.* Barney Lee Pettett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 341, *Misc.* Henry Daniel, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 448, **Misc.** Bunchie White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 198, **Misc.** Donald Wayne Lawrence, petitioner, *v.* Texas. Petition for writ of certiorari to the Supreme Court of Texas denied. Mr. Justice Douglas, Mr. Justice Brennan, and Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 301, **Misc.** George S. Bailey, petitioner, *v.* Agosto G. De-Quevedo. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 168, **Misc.** John B. Elliott, Administrator, petitioner, *v.* Louis L. Sierzenga et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 424, **Misc.** Raymond Leon Cully, petitioner, *v.* Pennsylvania. Motion for leave to file petition for writ of habeas corpus denied.

Adjourned until Monday, November 6, 1967, at 10 o'clock.

The day call for Monday, November 6, 1967, will be as follows: Nos. 15, 27, 28, and 48.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

Mr. Ramsay Clark, Attorney General, said:

“Mr. Chief Justice:

“May it please the Court. I have the honor to present the new Solicitor General, the thirty-fourth Solicitor General of the United States, an eminent lawyer and scholar and known to this Court as to the Bar of the Nation, Erwin N. Griswold, of Massachusetts.”

The Chief Justice said:

“Mr. Solicitor General, the Court welcomes you to the performance of the important duty with which you are specially charged, the duty of representing the Government at the Bar of this Court in all cases in which it asserts an interest. Your commission will be recorded by the Clerk.”

ADMISSIONS TO THE BAR

Marshall S. Jacobson, of Wilkes-Barre, Pa., William J. Marshall, of Oakland City, Ind., Arnold Edwin Perl, of Chicago, Ill., George S. Wallace, of Worcester, Mass., Donald E. Olson, of Culver City, Calif., Joseph D. Berchtold, of Pompano Beach, Fla., James Brian Thomas, of Pompano Beach, Fla., Charles Blake Welsh, of South Bend, Wash., and Harold T. Hartinger, of Olympia, Wash., on motion of Mr. Solicitor General Erwin N. Griswold; Nicholas A. Rotering, of Butte, Mont., on motion of Mr. Lee Metcalf; Robert Charles Barnett of Birmingham, Ala., on motion of Mr. John Sparkman; Carl Walker, Jr., of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Ivan Williamson, of Mountain View, Ark., Reed Williamson, of Jacksonville, Ark., and Jack Williamson, of Vienna, Ill., on motion of Mr. Wilbur Daigh Mills; James L. Mayson, of Atlanta, Ga., and James Willard Register, of Columbus, Ga., on motion of Mr. Jack Thomas Brinkley; Dale Marshall Underwood, of Santa Rosa, Calif., on motion of Mr. John R. Dellenback; Henry Ramsey, Jr., of Richmond, Calif., on motion of Mr. Jerome Russell Waldie; Jose C. Aponte Garcia, of San Juan, P.R., on motion of Mr. Merrill Armour; Wayne M. Thompson, of Salem, Oreg., on motion of Mr. William Berg, Jr., Lloyd Ellis Griffin, of San Diego, Calif., on motion of Mr. Will Shaforth; Thomas John Harlan, Jr., of Norfolk, Va., on motion of Mr. E. Barrett Pretty-

man, Jr.; Oscar E. Everett, of Kingman, Ariz., on motion of Mr. Brice Wilson Rhyne;

Eva S. Goodwin, of Berkeley, Calif., on motion of Mr. Lawrence Speiser; Jack Supman, of Lancaster, Ohio, on motion of Mr. Daniel Albert Rezneck; J. J. N. Quinlan, of Huntington, W. Va., and Hiram G. Williamson, of Huntington, W. Va., on motion of Mr. I. Martin Leavitt; Walter Mark Anderson III, of Montgomery, Ala., on motion of Mr. Nicholas S. Hare; J. Willard Greer, of Halifax, Va., on motion of Mr. Henry W. McLaughlin, Jr., Edward J. Lawson, of St. Louis, Mo., on motion of Miss Harriet L. Robnett; Bayard Mayhew Graf, of Philadelphia, Pa., on motion of Mr. Avram G. Adler; Henry E. Simpson, of Birmingham, Ala., and Thomas R. Elliott, Jr., of Birmingham, Ala., on motion of Mr. Robert Kenley Webster; A. Lee Bradford, of Miami, Fla., and Charles A. Kimbrell, of Miami, Fla., on motion of Mr. W. Hamilton Whitford; George Sweat Huff, of Marshall, Mo., on motion of Mr. Donald S. Huff; Francis Thomas Eyre, of Leesville, La., on motion of Mr. Will Ernest Leonard, Jr.; Lawrence S. Simon, of Oakland, Calif., on motion of Mr. Charles A. Miller; Judith Coleman Richards, of Defiance, Ohio, on motion of Mr. Thomas R. Dyson; Gerald Leroy Adcock, of Omaha, Nebr., on motion of Mr. Larry T. Reida; Sidney A. Stutz, of La Jolla, Calif., on motion of Mr. E. Lewis Reid; Patrick Thomas Moran III, of Rockville, Md., on motion of Mr. Samuel Borzilleri; Michael J. Cichini of Detroit, Mich., on motion of Mr. John King Hickey;

Peter A. Schwabe, Jr., of Portland, Oreg., on motion of Mr. Peter A. Schwabe; William W. Schwarzer, of San Francisco, Calif., on motion of Mr. John T. Rigby; Fred Bezark, of Chicago, Ill., and Howard O. Wolfe, of Chicago, Ill., on motion of Mr. Russell Boyle; Alva Duncan of Lake City, Fla., on motion of Mr. James P. Parker; Richard H. Mangold, of Chicago, Ill., on motion of Mr. Bernard Waters; Paul Siegel, of Miami, Fla., on motion of Mr. Richard Millman; Kalman Kaplan, of Richmond Hill, N.Y., David G. Moy, of Flushing, N.Y., Murray Seeman, of Great Neck, N.Y., Morton H. Smiley, of Jamaica, N.Y., Morris J. Solomon, of Forest Hills, N.Y., and Martin Weinstein, of Jamaica, N.Y., on motion of Mr. Paul H. Tannenbaum; and Fred D. Huber, Jr., of Milwaukee, Wis., Craig M. Hunt, of Milwaukee, Wis., John A. Keck of Milwaukee, Wis., William J. Kiernan, Jr., of Milwaukee, Wis., Donald Francis Konle, of Milwaukee, Wis., Mark G. Lipscomb, Jr., of Milwaukee, Wis., John David Morrissey, of Milwaukee, Wis., James P. Reardon, of Milwaukee, Wis., and Robert J. Choinski, Sr., of Holes Corners, Wis., on motion of Mr. Henry S. Reuss, were admitted to practice.

OPINIONS

No. 34. International Longshoremen's Association, Local 1291, petitioner, *v.* Philadelphia Marine Trade Association; and

No. 78. International Longshoremen's Association, Local 1291, its officers and members, petitioners, *v.* Philadelphia Marine Trade Association. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgments reversed and cases remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice Brennan concurring in the result. Opinion by Mr. Justice Douglas concurring in part and dissenting in part.

No. 25. Howard Joseph Whitehill, appellant, *v.* Wilson Elkins, President, University of Maryland, et al. Appeal from the United States District Court for the District of Maryland. Judgment reversed and case remanded to the United States District Court for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice White join.

No. 41. Sam Umans, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan would affirm. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 467. Beckley Newspapers Corporation, petitioner, *v.* C. Harold Hanks. On petition for writ of certiorari to the Circuit Court of West Virginia, Wyoming County. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Circuit Court of West Virginia, Wyoming County, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black with whom Mr. Justice Douglas joins concurs in the result. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 539. The Baltimore and Ohio Chicago Terminal Railroad Company et al., appellants, *v.* United States et al. Appeal from the

United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 704. Richard Garner, petitioner, *v.* Howard Yeager, Warden, et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment vacated and case remanded to the United States District Court for the District of New Jersey for further proceeding in conformity with the opinion of this Court. Opinion *per curiam*.

No. 306, Misc. Conrad Chance, petitioner, *v.* California. On petition for writ of certiorari to the Superior Court of California, County of San Mateo. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Superior Court of California, County of San Mateo, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would affirm.

ORDERS IN PENDING CASES

No. 498. Colorado River Water Conservation District et al., petitioners, *v.* Four Counties Water Users Association et al.; and

No. 548. Snohomish County, petitioner, *v.* Seattle Disposal Company et al. The Solicitor General is invited to file briefs in these cases expressing the views of the United States. Mr. Justice Marshall took no part in the consideration or decision of this order in No. 498.

No. 528. Marion J. Berguido et al., petitioners, *v.* Eastern Airlines, Incorporated. The motion for consolidation with *Alitalia-Linee Aeree Italiane, S.p.A. v. Lisi et al.*, No. 70, October Term, 1967, is denied.

No. 882, Misc. In the Matter of the Disbarment of Diana Kearny Powell. It is ordered that Diana Kearny Powell of Washington, District of Columbia, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

APPEALS—JURISDICTION NOTED

No. 508. Thelma Levy, etc., appellant, *v.* Louisiana, etc., et al. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 510. Marvin L. Pickering, appellant, *v.* Board of Education of Township High School District 205, Will County, Illinois. Appeal from the Supreme Court of Illinois. In this case probable jurisdiction noted. Case placed on the summary calendar and set for oral argument immediately following No. 325.

CERTIORARI GRANTED

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. Motions of The International Air Transport Association; Air Transport Association of America; Republic of Italy; and United Kingdom of Great Britain and Northern Ireland for leave to file briefs, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of these motions and petition.

No. 497. Josephine Hanner, petitioner, *v.* Cecil DeMarcus et ux. Petition for writ of certiorari to the Supreme Court of Arizona granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 298. Brian Barker Male, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 472. B. A. Watson, petitioner, *v.* Gulf Stevedore Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 474. Irwin Gordon, petitioner, *v.* United States; and

No. 571. Joseph Scata, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 488. Ellen D. Bay et al., petitioners, *v.* John W. Mecom, Trustee, et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 490. Davis Lee, petitioner, *v.* J. C. Ritsch et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 942. Charles W. Heffelman, petitioner, *v.* Stewart L. Udall, Secretary of Interior. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 493. Victor E. Origoni, petitioner, *v.* Bulletin Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 494. Ralph Carnes, petitioner, *v.* Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 495. Kuniko Haraguchi Wright, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 499. Brotherhood of Railroad Trainmen, petitioner, *v.* St. Louis Southwestern Railway Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 500. Brotherhood of Railroad Trainmen, petitioner, *v.* The Missouri Pacific Railroad Company, et al.; and

No. 501. Brotherhood of Railroad Trainmen, petitioner, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 505. Robert Wolcoff et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 506. Comtel Corporation et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 507. James E. Buckley et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 509. In the Matter of Melvin Stecker, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 512. Pioneer Plastics Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 514. Willie McCarty, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 519. Richard Miller et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 521. James William Hooper, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 524. James W. Corrington, petitioner, *v.* James E. Webb, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 527. Andrew Anthony Aho, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 529. Protection Mutual Insurance Company, petitioner, *v.* Planters Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 530. Francosteel Corporation, petitioner, *v.* N. V. Nederlandsch Amerikaansche, etc. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 531. Margit Sigray Besseney, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 533. Rifkin Textiles Corp., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 535. Michele Marchese et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 536. Preston Corporation et al., petitioners, *v.* Richard Aubrey Raese. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 537. Local 1291, International Longshoremen's Association, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 538. D. C. Carter, a/k/a Johnnie Carter, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Fourth District, denied.

No. 541. Reuben L. Davenport, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 543. The Detroit Edison Company et al., petitioners, *v.* East China Township School District No. 3 et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 545. Grain Elevator, Flour and Feed Mill Workers, International Longshoremen Association, Local 418, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 547. Northwest Engineering Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 549. Herman Siegelson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 550. Harland Jay Simpson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

ERRATA

The following should be included at page 103 at the end of the paragraph dealing with No. 401:

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

The petitioners were drafted into the United States Army in late 1965, and six months later were ordered to a West Coast replacement station for shipment to Vietnam. They brought this suit to prevent the Secretary of Defense and the Secretary of the Army from carrying out those orders, and requested a declaratory judgment that the present United States military activity in Vietnam is "illegal." The District Court dismissed the suit,¹ and the Court of Appeals affirmed.²

There exist in this case questions of great magnitude. Some are akin to those referred to by MR. JUSTICE DOUGLAS in *Mitchell v. United States*, 386 U. S. 972. But there are others:

- I. Is the present United States military activity in Vietnam a "war" within the meaning of Article I, Section 8, Clause 11 of the Constitution?
- II. If so, may the Executive constitutionally order the petitioners to participate in that military activity, when no war has been declared by the Congress?

¹ — F. Supp. — (D. D. C. 1966).

² — U. S. App. D. C. —, — F. 2d —.

- III. Of what relevance to Question II are the present treaty obligations of the United States?
- IV. Of what relevance to Question II is the joint Congressional ("Tonkin Bay") Resolution of August 10, 1964?
- (a) Do present United States military operations fall within the terms of the Joint Resolution?
 - (b) If the Joint Resolution purports to give the Chief Executive authority to commit United States forces to armed conflict limited in scope only by his own absolute discretion, is the Resolution a constitutionally impermissible delegation of all or part of Congress' power to declare war?

These are large and deeply troubling questions. Whether the Court would ultimately reach them depends, of course, upon the resolution of serious preliminary issues of justiciability. We cannot make these problems go away simply by refusing to hear the case of three obscure Army privates. I intimate not even tentative views upon any of these matters, but I think the Court should squarely face them by granting certiorari and setting this case for oral argument.

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

The questions posed by MR. JUSTICE STEWART cover the wide range of problems which the Senate Committee on Foreign Relations recently explored,¹ in connection with the SEATO Treaty of February 19, 1955,² and the Tonkin Gulf Resolution.³

Mr. Katzenbach, representing the Administration, testified that he did not regard the Tonkin Gulf Resolution to be "a declaration of war"⁴ and that while the Resolution was not "constitutionally necessary" it was "politically, from an international viewpoint and from a domestic viewpoint, extremely important."⁵ He added:⁶

"The use of the phrase 'to declare war' as it was used in the Constitution of the United States had a particular meaning in terms of the events and the practices which existed at the time it was adopted

"[I]t was recognized by the Founding Fathers that the President might have to take emergency action to protect the security of the United States,

¹ Hearings on S. Res. No. 151, 90th Cong., 1st Sess. (1967).

² [1955] 6 U. S. T. 81, T. I. A. S. No. 3170.

³ 78 Stat. 384.

⁴ Hearings, on S. Res. No. 151, *supra*, n. 1, at 145.

⁵ *Id.*, at 145.

⁶ *Id.*, at 80-81.

but that if there was going to be another use of the armed forces of the United States, that was a decision which Congress should check the Executive on, which Congress should support. It was for that reason that the phrase was inserted in the Constitution.

“Now, over a long period of time, . . . there have been many uses of the military forces of the United States for a variety of purposes without a congressional declaration of war. But it would be fair to say that most of these were relatively minor uses of force

“A declaration of war would not, I think, correctly reflect the very limited objectives of the United States with respect to Vietnam. It would not correctly reflect our efforts there, what we are trying to do, the reasons why we are there, to use an outmoded phraseology, to declare war.”

The view that Congress was intended to play a more active role in the initiation and conduct of war than the above statements might suggest has been espoused by Senator Fulbright (Cong. Rec. Oct. 11, 1967, p. 14683-14690), quoting Thomas Jefferson who said: ⁷

“We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.”

⁷ 15 Papers of Jefferson 397 (Boyd ed., Princeton 1955). In the Federalist No. 69, at 465 (Cooke ed. 1961), Hamilton stated:

“The President is to be Commander in Chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature.”

These opposed views are reflected in the *Prize Cases*, 2 Black 635, a five-to-four decision rendered in 1863. Mr. Justice Grier, writing for the majority, emphasized the arguments for strong presidential powers. Justice Nelson, writing for the minority of four, read the Constitution more strictly, emphasizing that what is war in actuality may not constitute war in the constitutional sense. During all subsequent periods in our history—through the Spanish-American War, the Boxer Rebellion, two World Wars, Korea, and now Vietnam—the two points of view urged in the *Prize Cases* have continued to be voiced.

A host of problems is raised. Does the President's authority to repel invasions and quiet insurrections, his powers in foreign relations and his duty to execute faithfully the laws of the United States, including its treaties, justify what has been threatened of petitioners? What is the relevancy of the Gulf of Tonkin Resolution and the yearly appropriations in support of the Vietnam effort?

The London Treaty (59 Stat. 1546), the SEATO Treaty (6 U. S. T. 81, 1955), the Kellogg-Briand Pact (46 Stat. 2343), and Article 39 of Chapter VII of the UN Charter deal with various aspects of wars of "aggression."

Do any of them embrace hostilities in Vietnam, or give rights to individuals affected to complain, or in other respects give rise to justiciable controversies?

There are other treaties or declarations that could be cited. Perhaps all of them are wide of the mark. There are sentences in our opinions which, detached from their context, indicate that what is happening is none of our business:

"Certainly it is not the function of the Judiciary to entertain private litigation—even by a citizen—which challenges the legality, the wisdom, or the

propriety of the Commander-in-Chief in sending our armed forces abroad or to any particular region.” *Johnson v. Eisentrager*, 339 U. S. 763, 789.

We do not, of course, sit as a committee of oversight or supervision. What resolutions the President asks and what the Congress provides are not our concern. With respect to the Federal Government, we sit only to decide actual cases or controversies within judicial cognizance that arise as a result of what the Congress or the President or a judge does or attempts to do to a person or his property.

In *Ex parte Milligan*, 4 Wall. 1, the Court relieved a person of the death penalty imposed by a military tribunal, holding that only a civilian court had power to try him for the offense charged. Speaking of the purpose of the Founders in providing constitutional guarantees, the Court said:

“They knew . . . the nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this, and other equally weighty reasons, they secured the inheritance they had fought to maintain, by incorporating in a written constitution the safeguards which *time* had proved were essential to its preservation. Not one of these safeguards can the President, or Congress, or the Judiciary disturb, except the one concerning the writ of *habeas corpus*.” *Id.*, 125.

The fact that the political branches are responsible for the threat to petitioners’ liberty is not decisive. As Mr. Justice Holmes said in *Nixon v. Herndon*, 273 U. S. 536, 540:

“The objection that the subject matter of the suit is political is little more than a play upon words. Of course the petition concerns political action but

it alleges and seeks to recover for private damage. That private damage may be caused by such political action and may be recovered for in a suit at law hardly has been doubted for over two hundred years, since *Ashby v. White*, 2 Ld. Raym. 938, 3 *id.* 320, and has been recognized by this Court."

These petitioners should be told whether their case is beyond judicial cognizance. If it is not, we should then reach the merits of their claims, on which I intimate no views whatsoever.

No. 551. Texas, petitioner, *v.* Central Power & Light Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Thirteenth Supreme Judicial District, denied.

No. 552. William Frederick Zimmer, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 620. Brotherhood of Railroad Trainmen, petitioner, *v.* Chicago, Milwaukee St. Paul and Pacific Railroad Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 401. Dennis Mora et al., petitioners, *v.* Robert S. McNamara, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Stewart concurs. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 496. Wien Alaska Airlines, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. 502. Brotherhood of Railroad Trainmen, petitioner, *v.* Terminal Railroad Association of St. Louis. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 513. Anthony Granza and Vincent Ferrara, petitioners, *v.* United States. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 532. E. B. Welch, petitioner, *v.* American President Lines, Ltd. Motion of American Trial Lawyers Association, Admiralty Section, for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 540. United States, petitioner, *v.* Grace A. Ingham, as Executrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 544. Ashton J. Mouton, Collector of Revenue for the State of Louisiana, et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 542. Henry R. Hayes, petitioner, *v.* City of Columbus. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Fortas dissents for the reasons stated in his dissent from the denial of certiorari in *Heller v. Connecticut*, 389 U.S. —, decided October 16, 1967.

No. 28, *Misc.* Alfred Ray Bradshaw, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 73, *Misc.* C. W. Tarrance, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 294, *Misc.* Nathaniel A. Denman et al., petitioners, *v.* William Wertz et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 305, *Misc.* William Albert Tahl, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 402, *Misc.* Carl Junior Hackathorn, petitioner, *v.* J. E. (Bill) Decker, Sheriff, Dallas County, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 437, *Misc.* Jimmie O. Wooten, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 473, *Misc.* Godfrey Joseph Barone, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 475, *Misc.* Rosalio Hisquierdo, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 477, *Misc.* Jack Martin Farley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 480, *Misc.* Robert R. Ebell, petitioner, *v.* Richard A. McGee, Administrator, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 481, *Misc.* Mylo Brunette, petitioner, *v.* Gus Carr Anderson, Judge, etc. Petition for writ of certiorari to the District Court of Idaho, Sixth Judicial District, denied.

No. 483, *Misc.* Charles Winfred Myles, petitioner, *v.* Louis S. Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 484, *Misc.* Tom Elliott, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 490, **Misc.** George Nawrocki, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 496, **Misc.** Robert Posey, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 497, **Misc.** Harry Dean Tatreau, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 506, **Misc.** Johnny Adams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 509, **Misc.** Alfred E. Martinez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 512, **Misc.** Stanley Kulis, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 519, **Misc.** Fred Lee Lewis, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 525, **Misc.** Andrew Richard Aguilar, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 533, **Misc.** Ben Brown, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 534, **Misc.** Jose G. Mendoza, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 536, **Misc.** David Perry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 538, **Misc.** James Dento, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 545, **Misc.** David Jacob Seiterle, petitioner, *v.* L. S. Nelson, Warden. Petition for writ certiorari to the Supreme Court of California denied.

No. 555, **Misc.** Bobby Wayne Noland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 574, **Misc.** Arnold Bilotti et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 583, *Misc.* Norman R. Pool, Jr., petitioner, *v.* Dominic Leone etc., and Dominic Leone Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 602, *Misc.* Robert Dean Platts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 619, *Misc.* Susan Reid and Barbara Ann Dalton, petitioners, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 635, *Misc.* Maximo Garcia, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

No. 640, *Misc.* Thomas Harold McCharen, petitioner, *v.* L & A Construction Co. et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 671, *Misc.* William Banks, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 295, *Misc.* James Joseph O'Brien, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 556, *Misc.* Alfred Dovico, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 467, *Misc.* Nicholas Ruiz Rubio, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 580, *Misc.* Richard Saunders, petitioner, *v.* George A. Kropp, Warden; and

No. 595, *Misc.* Raymond C. Woollaston, petitioner, *v.* Pennsylvania. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 1067, **October Term, 1966.** Miller Brewing Company, appellant, *v.* Theodore Jones at Director of Revenue of Illinois. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 7, **Misc.** Samuel D. Collins, petitioner, *v.* Harold V. Field, Superintendent, California Men's Colony;

No. 101, **Misc.** James Bonsall Mears, Jr., etc., petitioner, *v.* Nevada;

No. 115, **Misc.** Woodrow Whisman, petitioner, *v.* Georgia;

No. 125, **Misc.** James Morris Fletcher, petitioner, *v.* Pennsylvania;

No. 355, **Misc.** Louis L. Furtak, petitioner, *v.* New York;

No. 361, **Misc.** Louis Ludwik Furtak, petitioner, *v.* New York;

No. 476, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden, et al.; and

No. 513, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Petitions for rehearing denied.

ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (Retired) to perform judicial duties in the United States Court of Claims beginning October 30, 1967, and ending June 30, 1968, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

ORAL ARGUMENT

No. 15. Stella Hughes, petitioner, *v.* Washington. Argued by Mr. Charles B. Welsh for the petitioner, by Mr. Edwin L. Weisl, Jr., for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Harold T. Hartinger for the respondent.

No. 27. Federal Trade Commission, petitioner, *v.* Fred Meyer, Inc., et al. Argued by Mr. Daniel M. Freidman for the petitioner and by Mr. Edward F. Howrey for the respondents.

No. 28. Provident Tradesmens Bank and Trust Company, Administrator of the Estate of John R. Lynch, etc., petitioner, *v.* George M. Patterson, Administrator of the Estate of Donald Cionci, et al. Argument commenced by Mr. Avram G. Adler for the petitioner and continued by Mr. Norman Paul Harvey for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 7, 1967, will be as follows: Nos. 28, 75, 21, and 38.

Tuesday, November 7, 1967

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Thomas F. Railsback, of Moline, Ill., on motion of Mr. Robert McClory; Robert S. Lynch, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Carroll Vern McKinney, of Leesburg, Ohio, on motion of Mr. William H. Harsha; Ralph B. Hoyt, of Oakland, Calif., on motion of Mr. William E. Foley; William Barnett Spivak, Jr., of Los Angeles, Calif., on motion of Mr. Theodore George Gilinsky; Hugh J. Scallon, of Santa Ana, Calif., on motion of Mr. Louis Fenner Claiborne; Duane Donald Carlson, of Springfield, Va., Ernest Larry Richards, of Springfield, Va., Otha Lamar Gray, of Springfield, Va., Sherwood M. Hackett, of Frederick, Md., and Ernest Lyle Elsberry, of Arlington, Va., on motion of Mr. Eugene J. Kaplan; Richard Victor Bandler, of New York, N.Y., on motion of Mr. David Ferber; Irma S. Mason, of Washington, D.C., on motion of Mr. Malcolm S. Mason; Herbert H. Alpert, of New York, N.Y., and James B. Sitrick, of New York, N.Y., on motion of Mr. Thomas Field; Roger Justice Fleischmann, of San Francisco, Calif., on motion of Mr. Daniel Albert Rezneck; Gordon M. Shaw, of Chicago, Ill., and Gary J. Torre, of San Francisco, Calif., on motion of Mr. Robert Nathan Katz; Melvin O. Moehle, of Washington, Ill., on motion of Mr. Daniel L. O'Connor; Paul Meldrim Southwell, of Arlington, Va., on motion of Mr. William Roberts; Milton D. Rosenberg, of San Jose, Calif., on motion of Mr. John R. Liebman; John Denison Ray, of Jackson, Miss., on motion of Mr. Daniel M. Singer; Virgil Homer Marsh, of New York, N.Y., on motion of Mr. Malcolm Sutherland; Harry McCall, Jr., of New Orleans, La., on motion of Mr. Allen Kirkpatrick III; Leonard Roy Steinsapir, of Cleveland, Ohio, on motion of Mr. Alan B. Levenson; and Joan Beard Thompson, of Arlington, Va., and Noel H. Thompson, of Arlington, Va., on motion of Mr. Franklin G. Salisbury, were admitted to practice.

ORAL ARGUMENT

No. 28. Provident Tradesmens Bank and Trust Company, Administrator of the Estate of John R. Lynch, etc., petitioner, *v.* George M. Patterson, Administrator of the Estate of Donald Cionci, et al. Argument continued by Mr. Norman Paul Harvey for the respondents and concluded by Mr. Avram G. Adler for the petitioner.

No. 75. Frank Lee, Commissioner of Corrections of Alabama, et al., appellants, *v.* Caliph Washington et al. Argued by Mr. Nicholas S. Hare for the appellants and by Mr. Charles Morgan, Jr., for the appellees.

No. 21. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. Argued by Mr. Peter A. Schwabe, Sr., for the appellants and by Mr. Wayne M. Thompson for the appellees.

No. 38. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. Two hours and forty minutes allowed for oral argument. Argument commenced by Mr. Irwin L. Langbein for the petitioner and continued by Mr. David Ferber for the United States, as *amicus curiae*, by special leave of Court, and by Mr. William P. Simmons for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 8, 1967, will be as follows:
Nos. 38, 49, 57, 58, and 48.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Bette Goulet, of Chicago, Ill., on motion of Mr. Lew D. Brundage; Jack Hugh Bookey, of Seattle, Wash., Richard Edward Nathan, of Washington, D.C., Harold Earl McKee, Jr., of Chicago, Ill., and R. A. Kempaner, of Huntsville, Ala., on motion of Mr. David Ferber; Frank S. Troidl, of Houston, Tex., on motion of Mr. C. Dinwiddie Stores; Graham Edmondson Hayes, of Wichita, Kans., on motion of Mr. James W. Cobb; Henry M. Swan, of Barrington, R.I., on motion of Mr. James Henry Duffy; Frank O. Walther, of Philadelphia, Pa., on motion of Mr. John Mulford; Paula Sydney Seider, of Bay Shore, N.Y., on motion of Mrs. Julia L. Seider; Lawrence M. Powers, of New York, N.Y., on motion of Mr. Stanley Sporkin; and Arnold C. Castle, of Amarillo, Tex., J. Herrick Schoonmaker, of New York, N.Y., Mack Eugene Schwing, Jr., of New Martinsville, W. Va., Larry Ira Ashlock, of Oxon Hill, Md., Chester A. Collette III, of Martinsburg, W. Va., Charles E. Lowrey, of Akron, Ohio, Jerry L. Malesovas, of Dallas, Tex., Alan Jay Rubin, of Phoenix, Ariz., Donald Cleveland Perry, of Wingate, N.C., Philip J. Teigen, of Bismarck, N. Dak., Joe Reeves Lampion, of Britton, S. Dak., George Louis Sirgo, Jr., of New Orleans, La., and Walter Thaniel Johnson, Jr., of Greensboro, N.C., on motion of Mr. Harold W. Gardner, were admitted to practice.

ORAL ARGUMENT

No. 38. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. Argument continued by Mr. William P. Simmons and Mr. M. James Spitzer for the respondent and concluded by Mr. Irwin L. Langbein for the petitioner.

No. 49. National Labor Relations Board, petitioner, *v.* Fleetwood Trailer Co., Inc. Argued by Mr. Norton J. Come for the petitioner and by Mr. Hugh J. Scallon for the respondent.

No. 57. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local 153, Glass Bottle Blowers Association of the United States and

Canada, AFL-CIO. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. Albert K. Plone for the respondent.

No. 58. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local Union No. 125, Laborers' International Union of North America, AFL-CIO. Argument commenced by Mr. Louis F. Claiborne for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 9, 1967, will be as follows:
Nos. 58, 48, 43, 69, and 23.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Floyd H. Gilbert, of Brockton, Mass., on motion of Mr. Edward W. Brooke; Tom H. Davis, of Austin, Tex., on motion of Mr. Ralph W. Yarborough; Mary Wicks Brucker, of Seattle, Wash., Thomas H. S. Brucker, of Seattle, Wash., and Joseph Wicks, of Okanogan, Wash., on motion of Mr. Brockman Adams; Seichi Hirai, of Honolulu, Hawaii, on motion of Mr. Spark Masayuki Matsunaga; Gerald K. Fugit, of Odessa, Tex., on motion of Mr. Richard C. White; Michael R. Maine, of Indianapolis, Ind., on motion of Mr. Reginald Carl Harmon; Joseph A. Casale, of Minerva, Ohio, Eugene Paul Okey, of Canton, Ohio, Robert R. Clunk, of Alliance, Ohio, Sara J. Harper, of Cleveland, Ohio, and Karl Patteson Warden, of Nashville, Tenn., on motion of Mr. Louis Fenner Claiborne; Jerold D. Cummins, of Denver, Colo., and David Barry Morris, of Silver Spring, Md., on motion of Mr. James McI. Henderson; Jerome T. Anderson, of Minneapolis, Minn., on motion of Mr. Earle D. Goss; Charles A. Francik, of Bethesda, Md., on motion of Mr. Lloyd Symington; Stuart David Perlman, of Chicago, Ill., and Eugene Mittelman, of Alexandria, Va., on motion of Mr. George Kaufmann; Edward F. O'Herin, of New Madrid, Mo., on motion of Mr. Gray L. Dorsey; G. D. Bauman, of St. Louis, Mo., on motion of Mr. Lon Hocker; Alexander Dowling McLennan, of Atlanta, Ga., on motion of Mr. William A. Sutherland; Frederick P. Bamberger, of Evansville, Ind., on motion of Mr. George J. Meiburger; Bernard Mattison, of Los Angeles, Calif., on motion of Mr. Murray Bring; William J. Fannin, of Washington, D.C., on motion of Mr. James S. Hunt; Jack R. Harris, of Statesville, N.C., on motion of Mr. Spencer W. Reeder, and Francis Bernard Conrad, of New York, N.Y., on motion of Mr. Arthur Cohen Katims; were admitted to practice.

ORAL ARGUMENT

No. 58. *W. Willard Wirtz, Secretary of Labor, petitioner, v. Local Union No. 125, Laborers' International Union of North America, AFL-CIO.* Argument continued by Mr. Mortimer Riemer for the respondent and concluded by Mr. Louis F. Claiborne for the petitioner.

No. 48. Minnie E. Nash, petitioner *v.* Florida Industrial Commission et al. Argued by Mr. Michael H. Gottesman for the petitioner and by Mr. Glenn L. Greene, Jr., for the respondents.

No. 43. Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. Argued by Mr. Gray L. Dorsey for the petitioner and by Mr. Lon Hocker for the respondent.

No. 23. Patricia Waldron, etc., petitioner, *v.* Cities Service Co. Argued by Mr. William E. Kelly for the petitioner and by Mr. Simon H. Rifkind for the respondent.

OPINION PER CURIAM

Nos. 778 and 779. Penn-Central Merger and N & W Inclusion Cases. On applications for stay.

Applications for a stay of enforcement of an order of the Interstate Commerce Commission¹ authorizing a merger of the Pennsylvania R. Co. and the New York Central R. Co., pending this Court's determination of appeals from a decision of a three-judge court in the Southern District of New York, — F. Supp. —, sustaining both the Commission's order authorizing the merger and its order² directing the Norfolk & Western R. Co. to include in its system the Erie-Lackawanna R. Co., the Delaware & Hudson R. Corp., and the Boston & Maine Corp., have been submitted to MR. JUSTICE HARLAN as the Associate Justice assigned to the Second Circuit. The applicants for a stay include four railroad companies,³ holders of New York, New Haven & Hartford R. Co. bonds,⁴ a Pennsylvania city,⁵ and a Pennsylvania R. Co. stockholder.⁶

MR. JUSTICE HARLAN, pursuant to our Rule 50(6), has referred these applications to the Court for disposition. Papers supporting the stay applications have been submitted by the Delaware & Hudson R. Corp. and the Erie-Lackawanna R. Co. In addition, the Baltimore & Ohio R. Co. for itself and certain other railroad carriers⁷ has docketed an appeal from the part of the Southern District of New York judgment which upheld the Commission's order authorizing the Penn-Central merger. Similarly, the Norfolk & Western R. Co. has docketed an appeal from that part of the judgment which upheld the order

¹ Order of June 9, 1967, 330 I.C.C. 328.

² Order of June 9, 1967, 330 I.C.C. 780, as modified by Order of September 1, 1967, 331 I.C.C. 22.

³ Baltimore & Ohio R. Co.; Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Western Maryland R. Co.

⁴ Oscar Gruss & Son; New York, New Haven & Hartford R. Co. First Mortgage 4% Bondholders Committee.

⁵ City of Scranton.

⁶ Milton J. Shapp, who also appears as a citizen of Pennsylvania.

⁷ Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Western Maryland R. Co.

directing it to include in its system the three railroads named above.⁸ These appellants have filed a joint motion to accelerate consideration of their appeals. Motions to consolidate and to accelerate consideration of the appeals have been filed by the Delaware & Hudson Corp. and the Erie-Lackawanna R. Co. The United States and the Interstate Commerce Commission and various other parties⁹ have indicated that they do not oppose a stay of the merger if consideration of the appeals is substantially accelerated.

Upon consideration of these applications, motions, and other papers, a stay of enforcement of the order of the Interstate Commerce Commission, and the motions to consolidate and accelerate, are hereby granted subject to and in accordance with the following expedited schedule. See *Hannah v. Larche*, 361 U.S. 910; *Erie-Lackawanna R. Co. v. United States*, 385 U.S. 914. Any parties to the proceedings below who desire to appeal and have not already done so shall file notices of appeal and shall docket their cases on or before November 17, 1967. Appellants who have filed notices of appeal but who have not perfected such appeals shall docket their cases on or before the same date. Appellees shall file their motions in response to the jurisdictional statements on or before November 27, 1967. Appellants shall file their replies to those motions on or before November 30, 1967. All appeals will be consolidated, and all matters involved are set for oral argument on December 4, 1967, without further exchange of briefs beyond that indicated hereafter. A total of four hours are allotted for argument, with two hours allotted to those supporting the judgment below and two hours to those attacking that judgment. Four attorneys will be permitted to participate in the oral argument on each side, the division of time to be settled among counsel. The case is to be submitted upon the oral arguments, the jurisdictional papers before the Court, the briefs filed below (copies to be filed in this Court on or before November 20, 1967), and the typewritten record. Opinion *per curiam*.

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

Adjourned until Monday, November 13, 1967, at 10 o'clock.

The day call for Monday, November 13, 1967, will be as follows:
Nos. 69, 104, and 113.

⁸ The Boston & Maine Corp. has also filed a notice of appeal with respect to this part of the judgment.

⁹ Pennsylvania R. Co.; New York Central R. Co.; Boston & Maine Corp.; Trustees of the New York, New Haven & Hartford R. Co.; States of Connecticut and Rhode Island.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ORDER IN PENDING CASE

No. —. Alan McSurely et al. *v.* Thomas B. Ratliff et al. The application for emergency relief presented to Mr. Justice Stewart, and by him referred to the Court, is granted to the extent that the seized documents shall remain in their present custody pending further proceedings in the United States District Court for the Eastern District of Kentucky.

This order is conditioned upon the applicants' presentation, within five days, to such District Court of any objections they may have to the validity of the subpoena *duces tecum* issued by the Permanent Subcommittee on Investigations of the Committee on Government Operations of the United States Senate and shall remain in effect pending the ruling of such District Court upon any such objections as may be presented.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Zona Fairbanks Hostetler, of Washington, D.C., Marvin Elliot Lewis, of Washington, D.C., George M. Rosen, of Chicago, Ill., Robert L. Bogomolny, of Washington, D.C., Freeman T. Eagleson, Jr., of Columbus, Ohio, Norman L. Schwartz, of Dayton, Ohio, Jean W. Bollinger, of Platte, S. Dak., and James E. Tolan, of Pelham Manor, N. Y., on motion of Mr. Solicitor General Erwin N. Griswold; Robert G. Hanson, of Colorado Springs, Colo., and Benton S. Clark, Jr., of Colorado Springs, Colo., on motion of Mr. Gordon Allott; Ford P. Mitchell, of Chattanooga, Tenn., and William L. Taylor, Jr., of Chattanooga, Tenn., on motion of Mr. Howard B. Baker, Jr.; Justin Dingfelder, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; R. Fred Dumbaugh, of Cedar Rapids, Iowa, on motion of Mr. John C. Culver; Ralph E. Boyer, of Miami, Fla., Eugene Francis Malin, of Fort Lauderdale, Fla., Thomas Pyle Reid, of Miami, Fla., Ellis Stuart Rubin, of Miami Beach, Fla., Merwin E. Taylor, of Miami, Fla., Andrew Psalidas, of Miami, Fla., and James Charles Petersen, of Miami, Fla., on motion of Mr. Robert H. Hare; Etalo G. Gnutti, of Stafford Springs, Conn., Robert J. Pigeon, of Rockville, Conn., and Joel H. Reed 2d, of Stafford Springs, Conn., on motion of Mr. I. Martin Leavitt;

Steven R. Plotkin, of New Orleans, La., on motion of Mr. Will Ernest Leonard, Jr.; John A. Blackmon, of Atlanta, Ga., Joel Martin Feldman, of Atlanta, Ga., Herman Perry Michael, of Atlanta, Ga., Mathew Robins, of Atlanta, Ga., Larry Dean Ruskaup, of Atlanta, Ga., and Marshall Richard Sims, of Griffin, Ga., on motion of Mr. G. Ernest Tidwell; Thomas P. Bell, of Lexington, Ky., and Charles Arthur Sither, of Chevy Chase, Md., on motion of Mr. Frank J. Wideman, Jr.; Stanley Arthur Beiley, of Miami, Fla., Jere N. Chait, of Miami, Fla., Bennett G. Feldman, of Miami, Fla., Harvey Rubin, of Miami Beach, Fla., and Frederick Russell Snyder, Jr., of South Miami, Fla., on motion of Mr. Philip W. Smith; John R. Parker, Jr., of Clinton, N.C., on motion of Mr. Richard Hildreth; Carl K. Hoffman II, of Miami, Fla., on motion of Mr. Alvin Friedman; William R. Mills, of Bismarck, N. Dak., and John C. Homme, of Bismarck, N. Dak., on motion of Mr. Herbert G. Homme, Jr.; Thomas M.

Moore, Jr., of Monterey, Calif., on motion of Mr. Eric Stevenson; John C. Hambrook, of Easton, Pa., on motion of Mr. Michael Waris, Jr.; Ruth K. Bailey, of New York, N.Y., and Joseph W. Bailey, of New York, N.Y., on motion of Mr. Paul Walker; Robert B. Curtis, of St. Louis, Mo., on motion of Mr. Philip J. Hirschkop; James Henry Abstine, of Indianapolis, Ind., on motion of Mr. Andrew Jacobs, Jr.;

Charles William Pittman, of Tampa, Fla., on motion of Mr. A. J. Cristol; Francis W. Anderson, of San Jose, Calif., Allan M. Lowe, of Washintgon, D.C., and Jack M. Wiseman, of San Jose, Calif., on motion of Mr. Donald L. Dennison; Jay Morton Cantor, of Washington, D.C., and Patrick J. Schlesinger, of Oakland, Calif., on motion of Mr. William Fleming; Thomas W. Barham, of Fairfax, Va., George Edward Bitner, of Fairfax, Va., John J. Brandt, of Fairfax, Va., John Francis Carman, of Falls Church, Va., Clifford Alonzo Dougherty, of Arlington, Va., Anthony S. Gallucio, of Arlington, Va., Paul J. Glynn, of Arlington, Va., Thomas J. Harrigan, of Arlington, Va., Angelo John Iandolo, of Arlington, Va., Gerald Lee Kesten, of Arlington, Va., Helen Scrymgeour Lane, of Arlington, Va., Louis J. Marin, of Arlington, Va., James B. Miller, of Arlington, Va., William B. Moore, of Arlington, Va., Thomas J. Morris, of Springfield, Va., Richard C. Shadyac, of Falls Church, Va., Russell E. Sherman, of Fairfax, Va., Norman Frederick Slenker, of Arlington, Va., Ronald Haldeman Smith, of Arlington, Va., Jane C. Sweeney, of Alexandria, Va., Betty A. Thompson, of Arlington, Va., James Clifton Thompson, of Alexandria, Va., and George C. Towner, Jr., of Arlington, Va., on motion of Judge Charles Stevens Russell; and

Louis Baron, of Staten Island, N.Y., Louis Beck, of New York, N.Y., Pasquale Bifulco, of Staten Island, N.Y., James G. Burke, Jr., of Staten Island, N.Y., John F. Burke, Jr., of Staten Island, N.Y., James J. Burns, Jr., of Staten Island, N.Y., Raymond C. Clyne, of Staten Island, N.Y., Harold W. Cohen, of Staten Island, N.Y., John T. Connolly, of Staten Island, N.Y., Eugene F. Craig, of Staten Island, N.Y., Clelia D'Alessandro, of Staten Island, N.Y., Ralph Di Iorio, of Staten Island, N.Y., Ernest A. Dow, of Staten Island, N.Y., Martin M. Filler, of Staten Island, N.Y., Gennaro A. Fischetti, of Staten Island, N.Y., Jacob Friedland, of Staten Island, N.Y., Anthony I. Giacobbe, of Staten Island, N.Y., Jerome V. Giovinazzo, of Staten Island, N.Y., John F. Grimes, of Staten Island, N.Y., Reuben E. Gross, of Staten Island, N.Y., Abraham R. Gusikoff, of Staten Island, N.Y., Francis J. Kosman, of Staten Island, N.Y., Elaine A. Kovessy, of Staten Island, N.Y., Richard Lasher, of Staten Island, N.Y., Paul A. Lemole, of Staten Island, N.Y., Elias R. Marino, of Staten Island, N.Y., Neil McBrien, of Staten Island, N.Y., Rose McBrien, of Staten Island, N.Y., Edward P. McCarthy, of Staten Island, N.Y., William J. Mc-

Namara, of Staten Island, N.Y., George R. Moresco, of Staten Island, N.Y., Edward Nachison, of Staten Island, N.Y., Charles A. Nolan, Jr., of Staten Island, N.Y., Grover T. Odenthal, of Staten Island, N.Y., Lambert J. O'Neill, of Staten Island, N.Y., Morton G. Perry, of Staten Island, N.Y., Anthony M. Petrosini, of Staten Island, N.Y., Joseph Ernest Pinzolo, of Staten Island, N.Y., Lucio F. Russo, of Staten Island, N.Y., Louis Sangiorgio, of Staten Island, N.Y., Calmin S. Sharfstein, of Staten Island, N.Y., and Alexander Weiss, of Staten Island, N.Y., on motion of Mr. Edward D. Re, were admitted to practice.

OPINIONS

No. 16. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 22. William Earl Walkling, petitioner, *v.* Washington State Board of Prison Terms and Paroles. On writs of certiorari to the Supreme Court of Washington. Judgments reversed and cases remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Marshall.

No. 54. United States, petitioner, *v.* R. B. Rands et ux. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to reinstate the judgment of the United States District for the District of Oregon. Opinion by Mr. Justice White. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 53. James Cleveland Burgett, petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black and Mr. Justice White join.

No. 36. Hubert L. Will, Judge, United States District Court for the Northern District of Illinois, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Order of United States Court of Appeals for the Seventh Circuit directing the issuance of a writ of mandamus vacated and case remanded to that court for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Black. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 68. Dennis Manaford Whitney, petitioner, *v.* Florida. On writ of certiorari to the District Court of Appeal of Florida, Third District.

Writ of certiorari dismissed as improvidently granted without prejudice to an application for federal habeas corpus in the appropriate United States District Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black joins. Dissenting opinion by Mr. Justice Douglas.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 523. H. Samuel Hackin, appellant, *v.* Arizona et al. Appeal from the Supreme Court of Arizona. Motion to dispense with printing the jurisdictional statement granted. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas.

No. 574. Modern Life Insurance Company, appellant, *v.* Bernard N. Wolfman. Appeal from the Supreme Judicial Court of Massachusetts. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan would dismiss for want of jurisdiction.

No. 35, Misc. Robert Joseph Gregoire, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 503, Misc. Walter A. Nielsen, appellant, *v.* Nebraska ex rel. The Nebraska State Bar Association. Appeal from the Supreme Court of Nebraska. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 649, Misc. In the Matter of Leon Epstein, et al., petitioners. Motion for leave to file petition for writ of mandamus denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Joseph Stassi, Sr., petitioner, *v.* United States. The motion to fix place of custody of petitioner is denied.

No. 63. Nelson Sibron, appellant, *v.* New York;

No. 67. John W. Terry et al., petitioners, *v.* Ohio; and

No. 74. John Francis Peters, appellant, *v.* New York. The motion of the NAACP Legal Defense and Educational Fund, Inc., for leave to

participate in the oral argument, as *amicus curiate*, is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 90. Continental Oil Company and Midhurst Oil Corporation, petitioners, v. Federal Power Commission;

No. 95. The Superior Oil Company, petitioner, v. Federal Power Commission;

No. 98. New Mexico and Texas, petitioners, v. Federal Power Commission;

No. 99. Sun Oil Company, petitioner, v. Federal Power Commission et al.;

No. 100. California and Public Utilities Commission of California, petitioners, v. Skelly Oil Company et al.;

No. 101. Hunt Oil Company et al., petitioners, v. Federal Power Commission;

No. 102. Pacific Gas and Electric Company et al., petitioners, v. Skelly Oil Company et al.;

No. 105. Perry R. Bass et al., petitioners, v. Federal Power Commission;

No. 117. Federal Power Commission, petitioner, v. Skelly Oil Company et al.; and

No. 181. City of Los Angeles, petitioner, v. Skelly Oil Company et al. The motion of Philadelphia Electric Company for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 528. Marion J. Berguido et al., petitioners, v. Eastern Airlines, Incorporated. The Solicitor General is invited to file a brief expressing the views of the United States. Mr. Justice Marshall took no part in the consideration or decision of this matter.

CERTIORARI DENIED

No. 546. Irving Silver, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 553. Midwest-Raleigh, Inc., et al., petitioners, v. Eastern Gas & Fuel Associates. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 554. United Brotherhood of Carpenters & Joiners of America, etc., petitioner, v. Hensel Phelps Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 556. Louise McIntyre, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 557. VEB Carl Zeiss Jena et al., petitioners, *v.* Ramsey Clark, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No 558. Walter O. Lanfranchi, petitioner, *v.* Tidewater Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 560. Winn-Dixie Greenville, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 561. Marine Insurance Company, Ltd., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 563. Simon W. Henderson, Jr., etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 565. Harold Friedman et al., petitioners, *v.* Louis Wallach et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 566. Royal American Industries, Inc., et al., petitioners, *v.* Dolores K. Murphy et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Fourth District, denied.

No. 569. China Union Lines, Ltd., petitioner, *v.* States Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 573. Catherine J. Michunovich, Treasurer of Yellowstone County, Montana, et al., petitioners, *v.* Western Air Lines, Inc. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 577. Lauril M. Allis, petitioner, *v.* Louis Allis, Jr., et al., Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 578. Raymond T. Boswell Trustee, petitioner, *v.* A. L. Sosebee et al. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 579. Milton M. Ferrell, petitioner, *v.* Charles B. Fulton, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 580. Tennessee Packers, Inc., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 582. Triple "AAA" Company, Inc., et al., petitioners, *v.* W. Willard Wirtz, Secretary of Labor, etc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

ERRATA

The following should be included at page 122 at the end of the paragraph dealing with No. 197:

MR. CHIEF JUSTICE WARREN, dissenting.

This is no ordinary case. It is of utmost importance to millions of investors, and concerns practices which have an impact on the entire economy of the Nation. It presents for consideration basic principles of antitrust law not previously decided by this Court, and, consequently, is not controlled by precedent. It comes here without representation of the public interest by an agency charged with enforcement of the antitrust laws.

This case draws into question the legality under the Sherman Act of the practice of the New York Stock Exchange in adopting rules fixing minimum rates for the commissions charged by Exchange members for the purchase and sale of securities on the Exchange. Petitioners brought this action pursuant to § 4 of the Clayton Act, 15 U. S. C. § 15, derivatively on behalf of five mutual fund investment companies of which they are shareholders and representatively on behalf of other shareholders against the New York Stock Exchange and five of its member firms. Their complaint charges that the practice of the Exchange in fixing minimum commission rates for transactions in securities listed on the Exchange constitutes a price-fixing conspiracy under § 1 of the Sherman Act, 15 U. S. C. § 1. They sought treble damages, a declaratory judgment, and an injunction, the effect of which would be to restrain the Exchange from interfering with the rights of individual Exchange members to set their own competitive rates of commission.

The District Court granted summary judgment for the Exchange and member firms. The Court of Appeals for the Seventh Circuit affirmed.

Members of the New York Stock Exchange transact over 90% of all brokerage business in stocks in the United States. Based on the current trading volume, the investing public is now paying over \$1,200,000,000 annually, at the uniform minimum rate, for the privilege of trading on the Exchange. More than 12,000,000 persons own shares listed on the Exchange. Mutual investment funds pay about \$100,000,000 annually in commissions to trade on the Exchange, and over 3,000,000 persons own shares in mutual funds.

Only members can trade on the New York Stock Exchange, and its constitution severely limits membership. Exchange rules set uniform minimum commission rates to be charged by members for transactions on the Exchange. The same commission rate is charged, based on the value of the round lot (100 shares), for each transaction regardless of size; the commission on an order for 10,000 shares is 100 times that on an order for 100 shares. Commission rules prohibit any "member, allied member, member firm or member corporation" from making "a proposition for the transaction of business at less than the minimum rates of commission." Before a member is allowed trading privileges he must sign a pledge to abide by the constitution and rules of the Exchange, and any member or allied member adjudged guilty of violating the constitution or a rule may be suspended or expelled by the Board of Governors.

This Court has long held that rates fixed by agreement are unreasonable *per se*. *United States v. National Assn. of Real Estate Boards*, 339 U. S. 485, 489 (1950); *United States v. Socony-Vacuum Oil Co.*, 310 U. S. 150, 218 (1940); *United States v. Trenton Potteries Co.*, 273 U. S. 392, 396-398 (1927). Therefore, the Exchange practice here attacked, just as that in *Silver v. New York Stock*

Exchange, 373 U. S. 341 (1963), would, "had it occurred in a context free from other federal regulation, constitute a *per se* violation of § 1 of the Sherman Act." *Id.*, at 347. Here, as in *Silver*, the other federal regulatory scheme is the Securities Exchange Act of 1934, and the clear question presented is whether there is anything "built into the regulatory scheme which performs the antitrust function . . ." *Id.*, at 358.

Section 19 (b)(9) of the Securities Exchange Act, 15 U. S. C. § 78s (b)(9), authorizes the SEC by certain procedures "to alter or supplement the rules" of the Exchange "in respect of such matters as . . . the fixing of reasonable rates of commission . . ." Respondents contend that this provision sufficiently demonstrates the SEC performs a supervisory function in respect of the Exchange's rate-fixing to exempt the practice from review under the antitrust laws. Petitioners claim that for many reasons the possibility of SEC review is an insufficient substitute for application of the antitrust laws. For example, the SEC's review of rates is discretionary. Further, the regulatory scheme not only fails specifically to enjoin the SEC, in determining what rates are reasonable, to "enforce the competitive standard," *United States v. Philadelphia National Bank*, 374 U. S. 321, 351 (1963), but also neither the SEC nor the Exchange has ever articulated any standard of reasonableness. Petitioners also claim that the underlying data used by the SEC in reviewing each of the five rate increases since 1934 have been essentially those supplied by the Exchange, and have been very limited in scope and content. Finally, they claim that if and when the SEC exercises its discretion to review rates, it is not required to hold a hearing, and because the matter is committed to the SEC's discretion, there is no effective judicial remedy to require it to initiate a rate proceeding.

If, as petitioners claim, the regulatory scheme provides no assurance that antitrust policy will be imple-

mented, perhaps a repeal of the antitrust law may be implied "if necessary to make the Securities Exchange Act work, and even then only to the minimum extent necessary." *Silver v. New York Stock Exchange, supra*, at 357. However, "repeals of the antitrust laws by implication from a regulatory statute are strongly disfavored." *United States v. Philadelphia National Bank, supra*, at 350. Moreover, petitioners claim that nothing about the Securities Exchange Act or the workings of the Exchange requires that the Exchange set minimum rates.

The court below, in a two-page opinion, held that a repeal of the antitrust laws was required to make the Securities Exchange Act work, and that "the self-regulatory function of the exchange has been exercised by virtue of § 19 (b)." In my view, this blunderbuss approach falls far short of the close analysis and delicate weighing-process mandated by this Court's opinion in *Silver*.

The importance of the New York Stock Exchange in the functioning and livelihood of this Nation cannot be gainsaid. Ever-increasing millions of persons and billions of dollars are effected by the Exchange's practices. Without expressing any final view on the merits of the controversy, I am concerned that the law on this subject is to be permitted to lie where it has aimlessly fallen by virtue of the scanty opinion below. In my judgment, the claims advanced by petitioners raise important questions not only as to the compatibility of the Exchange's rate-fixing practice with this Nation's commitment, embodied in the antitrust laws, to competitive pricing, but also as to the fulfillment of the goal of investor protection embodied in the securities laws.

I would grant certiorari and invite the Solicitor General to participate in argument so that the public interest may be fully explored.

MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 641. William D. Hall, petitioner *v.* National Farmers Organization, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 197. Harold Z. Kaplan, etc., et al., petitioners, *v.* Lehman Brothers et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Dissenting opinion by the Chief Justice. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 511. Brotherhood of Railroad Signalmen of America, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. The Chief Justice, Mr. Justice Fortas, and Mr. Justice Marshall would grant for reasons stated in the dissent in *Transportation-Communication Employees Union v. Union Pacific Railroad Co.*, 385 U.S. 157 (1966).

No. 564. David Arthur Gearey, petitioner, *v.* United States Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 572. Charles E. Moorman et ux., petitioners, *v.* William T. Thomas et al. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 575. National Labor Relations Board, petitioner, *v.* Purity Food Stores, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 576. Howard Brett Levy, petitioner, *v.* Howard F. Corcoran, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 609. Emma R. Moist, etc., et al., petitioners, *v.* Bernard Belk, etc., et al. Motion for security for costs and for supersedeas bond denied. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 16, Misc. Mack Charles Watson, Jr., et al., petitioners, *v.* Florida Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 199, Misc. Donald DeSimone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **268, Misc.** Stanley Chero, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. **316, Misc.** Herman Brown, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **319, Misc.** Gerald L. Stone, petitioner, *v.* Pierson M. Hall, U.S. District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **394, Misc.** Junior Haskell Cordle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **395, Misc.** George R. Woody, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **454, Misc.** Leon G. Schack, petitioner, *v.* William A. Meadows, Jr., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **472, Misc.** Harry R. Neely, petitioner, *v.* A. C. Cavell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **504, Misc.** Isaac Gaines, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Contra Costa, denied.

No. **505, Misc.** George A. Thompson, petitioner, *v.* California et al. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **508, Misc.** Charles L. Bey, petitioner, *v.* Frank J. Pate Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **510, Misc.** Mylo Brunette petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **531, Misc.** Frank Realmuto petitioner, *v.* Walter M. Wallack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **537, Misc.** Frank Louis Falgout, petitioner, *v.* Colorado. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **539, Misc.** John Richard Gallegoes and Alfred David Coca, petitioners, *v.* Wayne K. Patterson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 544, *Misc.* John H. Kenner, petitioner, *v.* Wayne County Prosecutor et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 549, *Misc.* Urban Banas, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 560, *Misc.* John M. Ladutko, petitioner, *v.* LaMoyné Green, Superintendent, Marion Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 561, *Misc.* William L'Italien, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Superior Court of Massachusetts, Essex County, denied.

No. 562, *Misc.* Charles Weaver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 567, *Misc.* Charles J. Fitzgerald, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 568, *Misc.* Maurice C. Stevenson petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 570, *Misc.* Edward J. Gobie, petitioner, *v.* L. L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 571, *Misc.* Edward Peter Turner, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 579, *Misc.* Phillip G. Tillman, petitioner, *v.* Arthur L. Oliver, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 581, *Misc.* Alonzo F. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 582, *Misc.* Edward Leon Boles, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 586, *Misc.* Raymond Huarneck, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. **587, Misc.** William Diamond, petitioner, *v.* A. T. Rundle, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **590, Misc.** Milton Adolphus Farrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **598, Misc.** Phillip J. Dorsey, petitioner, *v.* Louis S. Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **599, Misc.** Thomas Knighten, Jr., petitioner, *v.* H. V. Field, Superintendent, California Mens Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **601, Misc.** Samuel B. Lewis, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **604, Misc.** Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **606, Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **608, Misc.** Frederick Saterfield, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **609, Misc.** Stanley Chero, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **266, Misc.** Sidney Edward Nelson, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **379, Misc.** Collie Leroy Wilkins, Jr., and Eugene Thomas, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **694, Misc.** Thomas Muir, petitioner, *v.* Florida; and

Io. **907, Misc.** Nathan Elmont Eli, petitioner, *v.* Louis S. Nelson, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. **456, Misc.** Janet Phillips and William Ross Phillips, petitioners, *v.* Robert Kingsley et al.; and

No. **460, Misc.** Dennis C. Shea, petitioner, *v.* United States Court of Appeals for the Fifth Circuit. Motions for leave to file petitions for writs of mandamus denied.

REHEARING DENIED

No. **169.** Benjamin F. Kitchen, Jr., petitioner, *v.* Elizabeth Franzheim Reese et al.;

No. **287.** Ronald J. Abboud, petitioner, *v.* Nebraska;

No. **362.** Joseph E. Niedziejko et al., petitioners, *v.* Board of Fire and Police Commissioners of the City of Milwaukee;

No. **185, Misc.** Carlos H. Peck, petitioner, *v.* Carl D. Toronto, et al.;

No. **331, Misc.** Isadore Olshen, petitioner, *v.* Daniel McMann, Warden;

No. **372, Misc.** Walter Maurice Lee, petitioner, *v.* California;

No. **378, Misc.** P. Carey, petitioner, *v.* George Washington University;

No. **427, Misc.** Robert Eugene Salgado, petitioner, *v.* California; and

No. **522, Misc.** Chester L. Oughton, petitioner, *v.* R. W. Meier, Warden. Petition for rehearing denied.

No. **282.** East Baton Rouge Parish School Board et al., petitioners, *v.* Clifford Engene Davis, Jr., et al. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Customs and Patent Appeals beginning December 5, 1967, and ending December 6, 1967, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

RECESS ORDER

The Court will take a recess upon the conclusion of arguments on Tuesday, November 14, 1967, until Monday, December 4, 1967, unless otherwise ordered.

ORAL ARGUMENT

No. **69.** Volkswagenwerk Aktiengesellschaft, petitioner, *v.* Federal Maritime Commission et al. One and one half hours allowed for oral

argument. Argued by Mr. Walter Herzfeld and Mr. Richard A. Posner for the petitioner and by Mr. Robert N. Katz and Mr. Gary J. Torre for the respondents.

No. 104. Alexander Tcherepnin et al., petitioners, *v.* Joseph E. Knight et al. Argued by Mr. Arnold I. Shure for the petitioners, by Mr. Philip A. Loomis, Jr., for the United States, as *amicus curiae*, and by Mr. Charles J. O'Laughlin and Mr. Stuart D. Perlman for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 14, 1967, will be as follows: Nos. 113, 39, and 85.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

John Kenneth Ballinger, of Tallahassee, Fla., on motion of Mr. Solicitor General Erwin N. Griswold; Charles A. Prudell, of Elm Grove, Wisc., on motion of Mr. Gaylord Nelson; F. Hastings Pannill, of Midland, Tex., on motion of Mr. George H. Mahon; Charles Eugene Hunter, of Everett, Wash., on motion of Mr. Edwin Lloyd Meeds; Donald Clarke Casey, of Johnson, Neb., and Balfe Richard Wagner, of Lafayette, Ind., on motion of Mr. Henry Russell Thomas; Richard Frederick Schacht, of Mount Vernon, Wash., and Theodore Delano Zilstra, of Oak Harbor, Wash., on motion of Mr. Stewart French; Charles Ruford Holcomb, of Orange, Tex., and David Eric Schan-cupp, of New Haven, Conn., on motion of Mr. Louis Dugas; Sam Sexton, Jr., of Fort Smith, Ark., on motion of Mr. Floyd Lee Williams; G. Richard Plenty, Jr., of Washington, D.C., on motion of Mr. Frank D. Reeves; Robert B. Neblett, Jr., of Alexandria, La., on motion of Mr. Will Ernest Leonard; Douglas Clifford Phillips, of Los Angeles, Calif., on motion of Mr. Daniel L. O'Connor; Donald Monte Pascoe, of Denver, Colo., on motion of Mr. Richard M. Schmidt; John R. McDonough, of Stanford, Calif., on motion of Mr. Warren Christopher; Frank J. Jordan, of New York, N.Y., on motion of Mr. Warren Low; and Marlin Ralph Shaffer, Jr., of Salt Lake City, Utah, on motion of Mr. Nelson Hirsh Shapiro, were admitted to practice.

ORAL ARGUMENT

No. 113. United States, petitioner, *v.* Homer O. Correll et ux. Argued by Mr. Solicitor General Griswold for the petitioner and by Mr. William L. Taylor, Jr., for the respondents.

No. 39. Hank Avery, petitioner, *v.* Midland County, Texas, et al. Three hours allowed for oral argument. Argued by Mr. Lyndon L. Olson for the petitioner, by Mr. Francis X. Beytagh for the United States, as *amicus curiae*, by special leave of Court, and by Mr. W. B. Browder, Jr., and Mr. F. H. Pannill for the respondents.

Adjourned until Monday, December 4, 1967, at 10 o'clock.

The day call for Monday, December 4, 1967, will be as follows:
Nos. **778** and **779**.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Kenneth E. Scott, of Portola Valley, Calif., Edwin Yee, of Waltham, Mass., Walt Harold Sirene, of Minneapolis, Minn., Richard Hughes Hahn, of Roanoke, Va., Robert Stanley Jacobson, of Marlinton, W. Va., and L. William Connolly, of Milwaukee, Wis., on motion of Mr. Solicitor General Erwin N. Griswold; Victor C. Hefferin, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; James E. Cobb, of Jacksonville, Fla., and Robert C. Gobelman, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Samuel J. Landau, of New York, N.Y., on motion of Mr. Benjamin S. Rosenthal; Peter T. Gianas, of Tucson, Ariz., on motion of Mr. Frank J. Barry, Jr.; Walter M. Meginniss, of Tallahassee, Fla., on motion of Mr. Edward J. Liebman; Donald Edward Townsend, of Redondo Beach, Calif., on motion of Mr. Daniel L. O'Connor; Ray S. Gibson, of Little Rock, Ark., on motion of Mr. John Patrick Baker; Jack L. Lahr, of Washington, D.C., on motion of Mr. Earl W. Kintner; John R. Turbyfill, of Roanoke, Va., on motion of Mr. Howard J. Trienens;

Howard M. Miller, of Needham, Mass., on motion of Mr. William I. Cowin; Albert L. Bases, of Valley Cottage, N.Y., on motion of Mr. Richard W. Galliher; William J. Butler, Jr., of Chevy Chase, Md., and John Dapray Muir, of Washington, D.C., on motion of Mr. Arthur B. Hanson; Charles Hayden Ames, of San Francisco, Calif., and Malcolm H. Furbush, of San Francisco, Calif., on motion of Mr. John A. Sproul; John Michael Linsenmeyer, of Alexandria, Va., and Eldon Olson, of New York, N.Y., on motion of Mr. Thomas D. Barr; Franklin J. Lunding, Jr., of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Andrew J. Valentine, of Alexandria, Va., on motion of Mr. Marshall C. Gardner; Brian Patrick Murphy, of Wilmington, Del., on motion of Mr. Stanley T. Czajkowski; Charles A. Marx, of Jackson, Miss., on motion of Mr. Peter M. Stockett; Melvyn Glickman, of Worcester, Mass., on motion of Mr. Lawrence A. Klinger; Lester C. Migdal, of New York, N.Y., on motion of Mr. Lawrence W. Pollack; and Gerhard Nagorny, of New York, N.Y., on motion of Mr. Donald J. Mulvihill, were admitted to practice.

OPINIONS

No. 31. Wyandotte Transportation Company et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Fortas. Concurring opinion by Mr. Justice Harlan. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 20. Federal Trade Commission, petitioner, *v.* Flotill Products, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 9, **Original.** United States of America, plaintiff, *v.* State of Louisiana, et al. Congressional grant to Texas of nine marine leagues of submerged land is measured by the historical state boundaries "as they existed" in 1845 when Texas was admitted into the Union. The United States is entitled to a decree to this effect and the parties are granted sixty days in which to submit proposed decrees for the Court's consideration. Opinion by Mr. Justice Black. Opinion by Mr. Justice Stewart concurring in the result. Dissenting opinion by Mr. Justice Harlan. The Chief Justice and Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 489. Lurleen Burns Wallace, Governor of Alabama, et al., appellants, *v.* United States et al.; and

No. 671. The Bibb County Board of Education et al., appellants, *v.* United States et al. Appeals from the United States District Court for the Middle District of Alabama. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 555. Greyhound Lines, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 568. Charles P. Lucas et al., appellants, *v.* James A. Rhodes, Individually and as Governor of Ohio, et al. Appeal from the United States District Court for the Northern District of Ohio. Judgment reversed and case remanded to the United States District Court for the Northern District of Ohio for further proceedings in conformity with

the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 619. Dolomite Products Company, Inc., appellant, *v.* Frank F. Kipers et al., Constituting the Town Board of the Town of Gates, New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 4, Misc. Bradley Lave Bresolin, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. On petition for writ of certiorari to the Supreme Court of Washington. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 47. Sam Ginsberg, appellant, *v.* New York; and

No. 64. United Artists Corporation, appellant, *v.* City of Dallas. The motion of American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, is granted. The motion of The Authors League of America, Inc., for leave to file a brief, as *amicus curiae*, in No. 64 is granted.

No. 75. Frank Lee, Commissioner of Corrections of Alabama, et al., appellants, *v.* Caliph Washington et al. The motion of appellant for leave to file a supplemental brief after argument is granted.

No. 133. Ruby Kolod et al., petitioners, *v.* United States. The Solicitor General is requested to file a response to the petition for rehearing within thirty days. Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 378. P. S. O'Reilly, petitioner, *v.* Board of Medical Examiners of the State of California;

No. 661. Richard Allen et al., appellants, *v.* State Board of Elections et al.; and

No. 665. Paul H. Aschkar & Company, petitioner, *v.* Kamen & Co. et al. The Solicitor General is invited to file a brief in each of these cases expressing the views of the United States.

No. 726. Robert T. Mathis, Sr., petitioner, *v.* United States. The motion of the petitioner for the appointment of counsel is granted and it is ordered that Nicholas J. Capuano, Esquire, of Miami, Florida, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 995, *Misc.* In the Matter of the Disbarment of John Flather Ellis. It is ordered that John Flather Ellis of Washington, District of Columbia, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

APPEAL—JURISDICTION NOTED

No. 597. United States, appellant, *v.* United Shoe Machinery Corporation. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction is noted. Mr. Justice Marshall took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 600. Red Lion Broadcasting Co., Inc., etc., et al., petitioners, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 154. Lucille Miller, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, granted limited to questions 1 and 2 presented by the petition which read as follows:

“1. Whether the introduction of admissions made to an undercover agent planted in petitioner’s jail cell constituted a violation of petitioner’s constitutional rights to counsel and against self-incrimination.

“2. Whether inculpatory admissions, obtained under circumstances like those here involved, can ever constitute harmless error.”

The case is placed on the summary calendar.

No. 616. Joint Industry Board of the Electrical Industry et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 645. Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted.

No. 618. Fortnightly Corporation, petitioner, *v.* United Artists Television, Inc. Motion of National Community Television Association, Inc., for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case set for oral argument immediately following Nos. 363 and 428. The Solicitor General is invited to file a brief expressing the views of the United States. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 630. United States et al., petitioners, *v.* Alfred E. Coleman et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 639. Minnie Brade Glona, petitioner, *v.* American Guarantee & Liability Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 508.

No. 563, Misc. Eddie M. Harrison, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 348. Beneficial Finance Company, Inc., petitioner, *v.* Leo Vine. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 353. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Bangor & Aroostook Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 534. Carmen Bencomo, petitioner, *v.* Will C. Bencomo. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 581. Japanese War Notes Claimants Association of the Philippines, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 583. Harry R. Graham et ux., petitioners, *v.* W. Randolph Hodges et al; and

No. 584. Perry Lee Felton, petitioner, *v.* W. Randolph Hodges et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 585. Paul H. Schweitzer et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 586. Wood, Wire and Metal Lathers International Union, AFL-CIO, et al., petitioners, *v.* John T. Dunlop, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 587. Henry Carter Litton, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 589. Joseph Salardino et al., petitioners, *v.* City and County of Denver, Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 590. Robert Graham Gray, petitioner, *v.* Marie Gray Porter. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 592. Carl G. Swanson, petitioner, *v.* The Florida Bar et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 595. Charles Garvin et al., petitioners, *v.* William Harry Childers. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 598. Lincoln Manufacturing Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 599. County of Wayne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 603. Joseph Santos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 605. Martin G. Hoban, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 606. Kathleen K. Wilkin, petitioner, *v.* Sunbeam Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 607. Precise Imports Corporation et al., petitioners, *v.* Joseph P. Kelly, Collector of Customs of the Port of New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 608. Larry Knohl, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 610. The Lincoln National Life Insurance Company, petitioner *v.* Elinor M. Ratay. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 612. Shelia James Del Guercio, petitioner, *v.* Edmund H. James. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 613. George Epcar Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 615. Aro Corporation, petitioner, *v.* Carl D. Citron. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 617. General Precision, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 621. Carl F. Barbato, as Trustee in Bankruptcy of Ferro Contracting Co., Inc., Bankrupt, petitioner, *v.* Livingston National Bank. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 622. Brandywine-Main Line Radio, Inc., etc., et al., petitioners, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 624. Boston & Providence Railroad Stockholders Development Group, petitioner, *v.* Charles W. Bartlett, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 625. Dan W. Drew, petitioner, *v.* Rufus B. Lawrimore, T. B. Cunningham, and J. B. Cook, as the Marketing Quota Review Committee, Area of Venue #5, South Carolina, of the United States Department of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 626. Deane Hill Country Club, Inc., petitioner, *v.* City of Knoxville et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 631. Louisiana Power & Light Company, petitioner, *v.* City of Thibodaux. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 633. Crosby Valve & Gage Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 634. C. W. Brennan, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 640. Portland Cement Company of Utah, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 642. Samuel J. Zusmann, Sr., Trustee in Bankruptcy for Walter R. Thomas, Athens, Inc., et al., Bankrupt, petitioner, *v.* National Acceptance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 643. Alma Helm Agajan et al., petitioners, *v.* Ramsey Clark, Attorney General of the United States, etc. Petition for writ of cer-

tiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **644.** Jacob J. Frohmann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **646.** Harry B. Helmsley, petitioner, *v.* City of Detroit et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **647.** Goon Mee Heung, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **650.** Albert F. Manion, petitioner, *v.* Sidney T. Holzman et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **651.** Irving A. Gladstone et al., petitioners, *v.* The Board of Education of the City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **652.** George M. Bard et al., petitioners, *v.* William Dasho et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **654.** Adam Farkas, petitioner, *v.* Texas Instruments, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **655.** Lone Star Steel Company, petitioner, *v.* Lois McGee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **657.** Kansas City Southern Railway Co., petitioner, *v.* Paul Johnston. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. **662.** Ets-Hokin & Galvan, Inc., petitioner, *v.* Maas Transport, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **664.** George Lester Ball et al., petitioners, *v.* Eastern Coal Corporation et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **88.** Darwin Charles Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **471.** T. B. Peeler et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

ERRATA

The following should be included at page 137 at the end of the paragraph dealing with No. 145:

MR. CHIEF JUSTICE WARREN, dissenting.

This is an important case affecting the rights of millions of workers to vindicate their reputations and to make a living in the military-private industrial complex. See *Greene v. McElroy*, 360 U. S. 474, 507, n. 31 (1959).

According to petitioners, this case presents the following question:

“Is a government contractor endowed with the attributes of a Federal Agency and is it and are its employees clothed with unqualified or absolute privilege to falsely and maliciously defame other employees in reporting a loss, compromise, or suspected compromise of classified information, solely by reason of (1) having contracted with the United States Government to furnish it with supplies or services which are required and necessary to the National Defense, and (2) in connection therewith having entered into a security agreement with the United States Government under the terms of which it has agreed to report the loss, compromise, or suspected compromise of classified information.” Petition for Cert., p. 2.

Petitioners brought this action against respondent Philco Corporation, their employer, for an alleged defamation made in a report to the Department of Defense under the terms of a contract for the manufacture of defense items. The complaint alleged that the report contained both false and malicious statements concerning

petitioners and resulted in the withdrawal of their security clearances and thus the loss of their jobs. On respondent's motion for summary judgment, the District Court dismissed the complaint, holding the communication absolutely privileged. 234 F. Supp. 10 (D. C. E. D. Va. 1964). Placing unjustified reliance on the authority of the principal opinion in *Barr v. Matteo*, 360 U. S. 564 (1959), the Court of Appeals for the Fourth Circuit affirmed. 372 F. 2d 771 (C. A. 4th Cir. 1967). In granting an absolute privilege to government employees at the expense of the individual's right to be free from defamation, *Barr v. Matteo* extended the earlier decisions of this Court to what I and others considered to be the breaking point. That opinion did not command a majority of this Court then, and only one of those who joined it is on this Court today. The conclusion there was reached by balancing

“ . . . on the one hand, the protection of the individual citizen against pecuniary damage caused by oppressive or malicious action on the part of officials of the Federal Government; and on the other, the protection of the public interest by shielding responsible governmental officers against the harassment and inevitable hazards of vindictive or ill-founded damages suits brought on account of action taken in the exercise of their official responsibilities.” *Barr v. Matteo, supra*, at 565.

The deprivation of the employee's rights in the present case is justified in the following manner: By Executive Order, the Secretary of Defense is empowered through regulations to safeguard classified information.¹ Pursuant to that power, the Secretary has issued an Industrial Security Manual which requires contractors to protect all classified information by maintaining a system of

¹ Exec. Order No. 10,865, 3 CFR 1959-1963 Comp., p. 398, as amended by Exec. Order No. 10,909, 3 CFR 1959-1963 Comp., p. 437.

security controls and to report any loss, compromise, or suspected compromise of that information to the Department of Defense.² The Secretary enters into a Security agreement with his contractors to implement the provisions of the Manual. The Secretary does not attempt to clothe the contractor with any immunity from a civil action for damages caused by defamatory reports.

From this scheme to protect classified information, the court below took the additional and unwarranted step of conferring an absolute privilege on the corporation.

“So it was that the company and such of its employees as were confidants were answerable for keeping the nation’s secrets, as fully as if they were governed by the oath of a Federal official. Closely performing his duties and charged with equal

² The Department of Defense Industrial Manual for Safeguarding Classified Information provides in part:

“6. Reports

“The contractor shall submit immediately to the cognizant security officer—

“(b) A report, classified if appropriate, of any loss, compromise or suspected compromise of classified information.

“14. Loss, Compromise or Suspected Compromise of Classified Information

(d) In the event of loss, compromise, or suspected compromise of classified information outside of a facility the contractor shall establish procedures requiring that the person discovering the loss, compromise or suspected compromise shall immediately—

“(1) Notify the local office of the Federal Bureau of Investigation and furnish sufficient information to assist in identification of the information (if the loss, compromise or suspected compromise occurs outside of the United States, the nearest United States authorities shall be notified in lieu of the Federal Bureau of Investigation); and

“(2) Report the loss to the contractor by the fastest means of communication.

“(e) The military department assigned security cognizance shall conduct such further inquiry as may be required.”

responsibility and loyalty, we think the company and its trusted personnel were imbued with the official's character, and partake of his immunity to liability, whenever and wherever he would enjoy the absolute privilege." 372 F. 2d 771, 774.

No authority is quoted for this statement for the obvious reason that there is none.

I do not cast any doubt on the general powers of the Secretary of Defense in safeguarding classified information, nor on the Executive Order, nor on the Industrial Manual, nor on the Security Agreement entered into in this case. None of these are pertinent to our decision. Nor is the truth or falsity of the allegation that Philco maliciously or falsely defamed the petitioners of any relevance.³ All the case involves is whether a private corporation under a security agreement with the Government is entitled to an absolute privilege to report with "actual malice" information to the Government that results in the deprivation of the worker's employment and reputation.

We have not granted to private citizens a blanket immunity from legal liability for defaming public officials. Instead, we have held that a public official may recover for defamatory falsehoods relating to his official conduct if he can prove the statement was made with "actual malice." *New York Times Co. v. Sullivan*, 376 U. S. 254 (1964). I can see absolutely no justification for granting to a corporation contracting with the Government a greater privilege to defame than we have accorded to private citizens in commenting upon the conduct of public officials. This seems to me to be a complete inversion of First Amendment rights. A qualified privilege is clearly sufficient in both situations to protect the paramount public interest in the free flow of information.

³ However, since this is a summary judgment, we are required to take the allegations of the complaint as true.

I disagreed with *Barr v. Matteo*, but even in that case it was said there were "other sanctions than civil tort suits available to deter the executive official" from making defamatory statements in press releases. 360 U. S. 564, 576. None of those "other sanctions" are present in the instant case. While a defamatory press release might subject the government official to both public censure and internal discipline from his superiors, the secrecy surrounding Philco's communication insulates the defamer from such sanctions. Since the Department of Defense has no disciplinary power over the employees of a private corporation for defamatory statements, internal sanctions are unlikely. It will also be much more difficult for the Department of Defense to recognize a malicious and false libel prepared by a private concern doing business with the Government. It follows then that even assuming, *arguendo*, that internal reports made by a governmental employee to his superior should have an absolute privilege since the superior will be able to evaluate the accuracy of a statement concerning conditions within his own department, this does not justify extending the privilege to communications from private corporations. Thus, the privilege has been conferred in this case without the normal concomitants of such protection, leaving the employee's reputation highly vulnerable to injury by a corporate executive who has no direct responsibility to the public.

It is difficult for me to understand why the importance of this case is not apparent to the Court. Personally, I cannot countenance this indiscriminate extension of *Barr v. Matteo*. I would grant certiorari and invite the Government to make known its opinion of what the national interest might be.

MR. JUSTICE DOUGLAS, dissenting.

I agree with THE CHIEF JUSTICE that this is an important case which warrants the attention of the Court. It puts into focus several important issues, among them an aspect of the modern corporation which has become vital in the Federal Government's procurement program. Professor Galbraith has referred to it in his recent book *The New Industrial State*:

"Increasingly it will be recognized that the mature corporation, as it develops, becomes part of the larger administrative complex associated with the state. In time the line between the two will disappear. Men will look back in amusement at the pretense that once caused people to refer to General Dynamics and North American Aviation and A. T. & T. as *private* business.

"Though this recognition will not be universally welcomed, it will be healthy. There is always a presumption in social matters in favor of reality as opposed to myth. The autonomy of the techno-structure is, to repeat yet again, a functional necessity of the industrial system. But the goals this autonomy serves allow some range of choice. If the mature corporation is recognized to be part of the penumbra of the state, it will be more strongly in the service of social goals. It cannot plead its inherently private character or its subordination to the market as cover for the pursuit of different goals

of particular interest to itself. The public agency has an unquestioned tendency to pursue goals that reflect its own interest and convenience and to adapt social objective thereto. But it cannot plead this as a superior right. There may well be danger in this association of public and economic power. But it is less if it is recognized." *Id.*, at 393-394.

I think the time has come for us to explore this problem; and the setting of the present case shows how pressing the problem is.

No. **475.** Nathaniel C. Wood et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **604.** Royalton Stone Corporation et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. **750.** Commissioner of Internal Revenue, petitioner, *v.* Royalton Stone Corporation et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **683.** Beulah Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **145.** Leo George Becker et al., petitioners, *v.* Philco Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas.

No. **323.** Ramona Bennett and Moira C. Morse, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **394.** Roy Seth Hale, petitioner, *v.* Town of Vinton. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **588.** Landon A. Jackson et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **596.** Henry Brulay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **601.** Wyoming et al., petitioners, *v.* Sewart L. Udall, Individually and as Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **629.** Otto C. Boles, Warden, petitioner, *v.* Stanley Sheftic et al. Petition for writ of certiorari to the United States Court of Appeals

ERRATA

The following should be included at page 138 at the end of the paragraph dealing with No. 483:

MR. JUSTICE BLACK, dissenting.

I would grant certiorari here and reverse the action of the District Court and the Court of Appeals for rendering a summary judgment against petitioners in flagrant disregard of the right to trial by jury guaranteed by the Seventh Amendment to the Constitution. The case arose in this way. Two children riding in a car were killed in a collision with a bus. The car was driven by one Clark, who was protected by a policy of liability insurance issued by the respondent, American Universal Insurance Company. The insurance company undertook the defense of Clark in a suit for damages brought by petitioners on behalf of the deceased children. Clark claimed that the lawyer for the insurance company conducted his defense in bad faith and assigned to petitioners his claim for damages against the company.

During the settlement negotiations prior to the suit against Clark and the bus company, the insurance company lawyer urged lack of actionable negligence by Clark, and Clark later testified (in depositions taken in relation to the present action) that he went to trial with the understanding that his defense would be lack of negligence. On the day of trial of the action for damages against Clark a lawyer appeared for the insurance company and filed an amended answer in which the lawyer—on behalf of his client Clark—asserted the defense of assumption

of risk, charging that the deceased children had known Clark was drunk and should not have ridden with him. The insurance company lawyer never discussed with his client Clark the alternative defenses available to him or the significance of the filing of the amended complaint. Indeed Clark was never even advised of the fact that an amended complaint had been filed, in which he was pleading his own drunkenness in an effort to escape liability for damages. As the Court of Appeals noted in the present case, no satisfactory explanation has ever been offered for these omissions. At trial, the lawyer not only abandoned the position that the accident had been caused solely by the negligence of the bus driver but made every effort to put Clark in the worst possible light. He offered evidence that Clark had been speeding and had gone through a stop sign at the intersection, and in his summation he urged the jury to disbelieve his own client's testimony to the contrary. In addition, he permitted Clark's guilty plea in a related criminal action to be introduced without objection, and he gave Clark no opportunity to explain it. This was contrary to a specific agreement between insurance company counsel and Clark's personal lawyer (who did not take part in the trial of the civil case). The general tenor of this so-called "defense" is indicated by the insurance company lawyer's closing argument to the jury:

"I have attempted to prove that this young man was drunk when he was driving that car on Saturday night, the 15th of April. I have attempted to prove that he was operating it recklessly, and that doesn't sound like a lawyer on a man's side to try to prove his own client is drunk, does it?

• • • • •
"[N]o one has come to this boy's aid and told you that he stopped at that stop sign. . . . David Oursler gave a statement and he said, 'I am sure Michael didn't stop.' These things I knew and they

convinced me, as they must you, that this young man was at fault in the accident.

“The thing is bothering me worse than anything else in trying to defend him was a judgment of the Jefferson Circuit Court. Right here across the street Judge Knight entered a judgment, for this young man in person, being charged with wilful, felonious, negligent, reckless, careless and wanton operation of an automobile, . . . and there in person [Clark] pleaded guilty to that offense. . . . [T]his young man was found guilty of negligent homicide. Now presented with that situation, believing as I do believe, I felt then and I feel now that a jury of twelve honest people is going to reach the conclusion that this young man, by witnesses and by his own admissions, caused this accident.”

This defense was theoretically in Clark's interest since it purported to offer him hope of avoiding liability entirely. But it was a dangerous defense for Clark since if the jury refused to charge the plaintiffs with assumption of the risk, the damages would certainly be higher—and the amount apportioned against Clark rather than against the bus company would certainly be greater—than if the no-negligence defense had been attempted. The company's interest, however, was obviously different since from its point of view the assumption of risk approach had no disadvantages. Its liability was limited to \$10,000 under the policy and if the strategy inflated the damages above this figure, Clark would be responsible to pay the additional amount out of his own pocket.

I agree with the courts below that this a cause of action created by the law of Kentucky, and I accept the finding that under the law of Kentucky bad faith “is not simply bad judgment. It is not merely negligence. . . . It implies conscious doing of wrong. . . . It partakes of the nature of fraud.” *Harrod v. Meridian Mutual Insur-*

ance Co., 389 S. W. 2d 74, 76 (Ky. 1964). The basis for my disagreement is that I cannot see how this evidence of bad faith on the part of the insurance company lawyer can be considered insufficient to make a case for the jury.

This record establishes for me a rather convincing case of bad faith; at the very least I think a jury of 12 ordinary men, with a common-sense understanding of such matters, could reasonably conclude that the insurance company's conduct in this case amounted to conscious wrongdoing. By ordering summary judgment for the defendant, the courts below simply imposed their own notions as to the most plausible inference to be drawn from this record, thereby denying the plaintiffs their constitutionally protected right to have their case decided by 12 ordinary citizens.

for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 636. Jack Warner, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 483. Pearl Detenber, Administratrix, etc., et al., petitioners, *v.* American Universal Insurance Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Dissenting opinion by Mr. Justice Black.

No. 593. Willie P. Arceneaux et al., petitioners, *v.* James F. Pfister. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 602. Fleta A. Jones, as Natural Tutrix of the minor, Brenda Ware, petitioner, *v.* Aetna Casualty & Surety Company. Motion of Louisiana Trial Lawyers Association for leave to file a brief, as *amicus curiae*, granted. Motion of American Trial Lawyers Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 614. R. A. Holman & Co., Inc., et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 656. Murlene Gates a/k/a Murline L. Gates, petitioner, *v.* Florida. Motion for leave to dispense with printing petition granted. Petition for writ of certiorari to the District Court of Appeals of Florida, Fourth District, denied.

No. 18, Misc. Alfred Grant, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 53, Misc. Ralph Everett Rogers, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 146, Misc. William G. Holland, petitioner, *v.* K. A. Weakley, Superintendent, Lorton Reformatory, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 160, Misc. Bobby D. Eldridge, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 260, Misc. Willard Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 281, *Misc.* Jack India, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 382, *Misc.* Arcadio Maldonado Garcia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 398, *Misc.* Willie Salt Coyote, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 439, *Misc.* Raymond I. Peterson, petitioner, *v.* J. Edgar Hoover. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 446, *Misc.* James D. Kennedy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 450, *Misc.* Myrtle Keathley Day, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 470, *Misc.* Clyde Robinson, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 474, *Misc.* Joseph C. Adams, petitioner, *v.* Dale C. Cameron. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 493, *Misc.* Nathaniel Black, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 498, *Misc.* Thomas Patrick Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 500, *Misc.* Milton Oliver Wright, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 515, *Misc.* James William Saunders, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 516, *Misc.* Carl V. Henry, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 532, *Misc.* Willie McIntyre, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 535, *Misc.* Arnold Ruben Ruiz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 541, **Misc.** Louis Darrell Powers, petitioner, *v. Kentucky*. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 542, **Misc.** Lawrence R. Braun, petitioner, *v. L. S. Nelson, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 543, **Misc.** Earl T. Penrice, petitioner, *v. Arthur L. Oliver, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 550, **Misc.** Charles Edward Lewis, petitioner, *v. Secretary of Health, Education and Welfare*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 551, **Misc.** Luhemitt White, petitioner, *v. Lanson Chemical Corporation et al.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 552, **Misc.** Jim Fair, petitioner, *v. John Dekle, Supervisor of Elections, Hillsborough County, Florida*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 564, **Misc.** Donald Joseph Hennessy, petitioner, *v. Florida*. Petition for writ of certiorari to the District Court of Appeal of Florida Third District, denied.

No. 575, **Misc.** William Edward Dickerson, petitioner, *v. Alabama*. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 591, **Misc.** Fletcher Peebles, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 592, **Misc.** Leonard Ewing Scott, petitioner, *v. California Supreme Court et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 610, **Misc.** Lennie D. Benner, petitioner, *v. H. Lester Benner*. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 613, **Misc.** James A. Holland, petitioner, *v. Pennsylvania*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 614, **Misc.** Samuel Henry Jordan, petitioner, *v. Lawrence E. Wilson Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 615, **Misc.** Samuel Henry Jordan, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 616, *Misc.* Armando Ybarra Ortega, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 623, *Misc.* Joseph B. Johnson, petitioner, *v.* Norfolk and Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 626, *Misc.* Sidney Cassese, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 631, *Misc.* Richard McNeal, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 632, *Misc.* Leroy King, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 633, *Misc.* Albert F. Sams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 636, *Misc.* E'Thelbert Rucker, petitioner, *v.* Donn D. Parker et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 639, *Misc.* Frank Finley, petitioner, *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 643, *Misc.* Eddie Taylor, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 645, *Misc.* Robert Eugene Weed, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 654, *Misc.* Winford Anthony Weeks, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 662, *Misc.* Roy W. DeWelles, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 43, *Misc.* Matthew Thomas Kent, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 70, *Misc.* Leonard P. Blackwell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals

for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration of decision of this petition.

No. 540, Misc. Leonard R. O'Bery, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 603, Misc. Leon G. Schack, petitioner, *v.* Edward F. Boardman, U.S. Attorney, Middle District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 123, Misc. Dorothy Mae Reese, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas, Mr. Justice Fortas and Mr. Justice Marshall are of the opinion that certiorari should be granted.

No. 124, Misc. Albert White, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Fortas is of the opinion that certiorari should be granted.

No. 197, Misc. Booker T. Hillery, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 314, Misc. James Franklin Dunn, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 408, Misc. Bernard Steppe, Jr., petitioner, *v.* Florida;

No. 690, Misc. Eddie Blair, petitioner, *v.* George A. Kropp, Warden;

No. 711, Misc. James Smith, petitioner, *v.* Frank J. Pate, Warden;

No. 713, Misc. Benson Ray Bowman, petitioner, *v.* B. J. Rhay, Superintendent, Washington Penitentiary, et al.;

No. 741, Misc. Donald Harold Bartz, petitioner, *v.* Florida; and

No. 756, Misc. John Bailey, petitioner, *v.* George A. Kropp, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 661, Misc. Boston & Providence Railroad Stockholders Development Group, petitioner, *v.* United States Court of Appeals for the

First Circuit et al. Motion to dispense with printing extra copies of Appendix C to petition granted. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 91. Marcel Fort, petitioner, *v.* City of Miami;

No. 115. Mark F. Heller, petitioner, *v.* Connecticut;

No. 139. South Shore Packing Corporation, petitioner, *v.* City of Vermilion et al.;

No. 176. Howard Price d/b/a Howard Price and Company, appellant, *v.* The State Road Commission of West Virginia et al.;

No. 177. R. C. Wetherall, Jr., et al., appellants, *v.* The State Road Commission of West Virginia et al.;

No. 207. Owen E. Jackson et al., petitioners, *v.* Western Geothermal, Inc., et al.;

No. 275. Donald G. Willis, petitioner, *v.* Thomas P. O'Brien, Judge of the Intermediate Court of Ohio County, West Virginia;

No. 284. Warren Pinto, Superintendent, New Jersey State Prison Farm, petitioner, *v.* Lawrence Pierce;

No. 306. The Associated Press, petitioner, *v.* Edwin A. Walker;

No. 395. Motorola, Inc., petitioner, *v.* Esther Marion Armstrong, Executrix;

No. 455. Clayton H. Stief, petitioner, *v.* J. A. Sexauer Manufacturing Co., Inc., et al.;

No. 83, Misc. Rodger Wiley, petitioner, *v.* Warden, Maryland Penitentiary;

No. 100, Misc. Robert Walker, petitioner, *v.* National Maritime Union et al.;

No. 167, Misc. Millard Vernon Dedmon, petitioner, *v.* Arthur L. Oliver, Warden, et al.;

No. 338, Misc. Donald E. Starner, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution;

No. 485, Misc. Calvin Coolidge Anderson, petitioner, *v.* California;

No. 507, Misc. Calvin Winston Jackson, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 509, Misc. Alfred E. Martinez, petitioner, *v.* California; and

No. 538, Misc. James Dento, petitioner, *v.* United States. Petitions for rehearing denied.

No. 106. Etel Ober et al., petitioners, *v.* James C. Nagy et al.;

No. 122. Custer Channel Wing Corporation et al., petitioners, *v.* United States;

No. 124. Estate of Betty Berry, etc., et al., petitioners, *v.* Commissioner of Internal Revenue;

- No. **138**. Morris R. Blane, petitioner, *v.* United States;
- No. **313**. Walter Selinger, petitioner, *v.* Lester Bigler, etc., et al.;
- No. **320**. Vincent Serman and Lenine Strollo, petitioners, *v.* United States;
- No. **376**. George K. Fisher, petitioner, *v.* United States;
- No. **257, Misc.** John Burich, petitioner, *v.* United States;
- No. **277, Misc.** Olga Gunzburger, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare;
- No. **301, Misc.** George S. Bailey, petitioner, *v.* Augusto G. De-Quevedo;
- No. **318, Misc.** Robert Grene, petitioner, *v.* United States; and
- No. **325, Misc.** James T. Pope, petitioner, *v.* Jacob J. Parker, Warden. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.
- No. **141**. Kenneth Leo Fowler et al., petitioners, *v.* C. P. Benton;
- No. **148**. Louis Louis Eugene Sudduth, petitioner, *v.* California; and
- No. **491**. Geneva H. Sayles, appellant, *v.* Martin T. Wiegand, President, Board of Directors of Metropolis Building Association, et al. Motions to dispense with printing petitions for rehearing granted. Petitions for rehearing denied.
- No. **381**. Local Union No. 721, United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Needham Packing Company, etc. Motion of United Steelworkers of America, AFL-CIO, et al., for leave to file a brief, as *amici curiae*, in support of rehearing granted. Petition for rehearing denied.
- No. **406**. Hugh Miller Mercer et al., appellants, *v.* Arthur I. Hemmings et al. Motion of the American Institute of Certified Public Accountants, Inc., for leave to file a brief, as *amicus curiae*, granted. Motion of Howard Johnson Company for leave to file a brief, as *amicus curiae*, granted. Motion of Equitable Securities Corporation for leave to file a brief, as *amicus curiae*, granted. Motion of W. R. Grace & Co. for leave to file a brief, as *amicus curiae*, granted. Motion of General Foods Corporation for leave to file a brief, as *amicus curiae*, granted. Petition for rehearing denied.
- No. **21, Misc.** Daryl Evans and Bernard Butler, petitioners, *v.* Louisiana; and
- No. **52, Misc.** Martin Steven Littleton, petitioner, *v.* Texas. Motions for leave to file petitions for rehearing denied.

ORDER

ORDERED: 1. That the following rules, to be known as the Federal Rules of Appellate Procedure, be, and they hereby are, prescribed, pursuant to sections 3771 and 3772 of Title 18, United States Code, and

sections 2072 and 2075 of Title 28, United States Code, to govern the procedure in appeals to United States courts of appeals from the United States district courts, in the review by United States courts of appeals of decisions of the Tax Court of the United States, in proceedings in the United States courts of appeals for the review or enforcement of orders of administrative agencies, boards, commissions and officers, and in applications for writs or other relief which a United States court of appeals or judge thereof is competent to give:

FEDERAL RULES OF APPELLATE PROCEDURE

TITLE I. APPLICABILITY OF RULES

Rule 1. Scope of rules

(a) *Scope of rules.* These rules govern procedure in appeals to United States courts of appeals from the United States district courts and the Tax Court of the United States; in proceedings in the courts of appeals for review or enforcement of orders of administrative agencies, boards, commissions and officers of the United States; and in applications for writs or other relief which a court of appeals or a judge thereof is competent to give.

(b) *Rules not to affect jurisdiction.* These rules shall not be construed to extend or limit the jurisdiction of the courts of appeals as established by law.

Rule 2. Suspension of rules

In the interest of expediting decision, or for other good cause shown, a court of appeals may, except as otherwise provided in Rule 26(b), suspend the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction.

TITLE II. APPEALS FROM JUDGMENTS AND ORDERS OF DISTRICT COURTS

Rule 3. Appeal as of right—How taken

(a) *Filing the notice of appeal.* An appeal permitted by law as of right from a district court to a court of appeals shall be taken by filing a notice of appeal with the clerk of the district court within the time allowed by Rule 4. Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the court of appeals deems appropriate, which may include dismissal of the appeal. Appeals by permission under 28 U.S.C. § 1292(b) and appeals by allowance in bankruptcy shall be taken in the manner prescribed by Rule 5 and Rule 6, respectively.

(b) *Joint or consolidated appeals.* If two or more persons are entitled to appeal from a judgment or order of a district court and their interests are such as to make joinder practicable, they may file a joint notice of appeal, or may join in appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the court of appeals upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.

(c) *Content of the notice of appeal.* The notice of appeal shall specify the party or parties taking the appeal; shall designate the judgment, order, or part thereof appealed from; and shall name the court to which the appeal is taken. Form 1 in the Appendix of Forms is a suggested form of a notice of appeal.

(d) *Service of the notice of appeal.* The clerk of the district court shall serve notice of the filing of a notice of appeal by mailing a copy thereof to counsel of record of each party other than the appellant, or, if a party is not represented by counsel, to the party at his last known address; and in criminal cases, habeas corpus proceedings, or proceedings under 28 U.S.C. § 2255, the clerk shall mail a copy of the notice of appeal and of the docket entries to the clerk of the court of appeals named in the notice. When an appeal is taken by a defendant in a criminal case, the clerk shall also serve a copy of the notice of appeal upon him, either by personal service or by mail addressed to him. The clerk shall note on each copy served the date on which the notice of appeal was filed. Failure of the clerk to serve notice shall not affect the validity of the appeal. Service shall be sufficient notwithstanding the death of a party or his counsel. The clerk shall note in the docket the names of the parties to whom he mails copies, with the date of mailing.

Rule 4. Appeal as of right—When taken

(a) *Appeals in civil cases.* In a civil case (including a civil action which involves an admiralty or maritime claim and a proceeding in bankruptcy or a controversy arising therein) in which an appeal is permitted by law as of right from a district court to a court of appeals the notice of appeal required by Rule 3 shall be filed with the clerk of the district court within 30 days of the date of the entry of the judgment or order appealed from; but if the United States or an officer or agency thereof is a party, the notice of appeal may be filed by any party within 60 days of such entry. If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was filed, or within the time otherwise prescribed by this subdivision, whichever period last expires.

The running of the time for filing a notice of appeal is terminated as to all parties by a timely motion filed in the district court by any

party pursuant to the Federal Rules of Civil Procedure hereafter enumerated in this sentence, and the full time for appeal fixed by this subdivision commences to run and is to be computed from the entry of any of the following orders made upon a timely motion under such rules: (1) granting or denying a motion for judgment under Rule 50(b); (2) granting or denying a motion under Rule 52(b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted; (3) granting or denying a motion under Rule 59 to alter or amend the judgment; (4) denying a motion for a new trial under Rule 59. A judgment or order is entered within the meaning of this subdivision when it is entered in the civil docket.

Upon a showing of excusable neglect, the district court may extend the time for filing the notice of appeal by any party for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this subdivision. Such an extension may be granted before or after the time otherwise prescribed by this subdivision has expired; but if a request for an extension is made after such time has expired, it shall be made by motion with such notice as the court shall deem appropriate.

(b) *Appeals in criminal cases.* In a criminal case the notice of appeal by a defendant shall be filed in the district court within 10 days after the entry of the judgment or order appealed from. A notice of appeal filed after the announcement of a decision, sentence or order but before entry of the judgment or order shall be treated as filed after such entry and on the day thereof. If a timely motion in arrest of judgment or for a new trial on any ground other than newly discovered evidence has been made, an appeal from a judgment of conviction may be taken within 10 days after the entry of an order denying the motion. A motion for a new trial based on the ground of newly discovered evidence will similarly extend the time for appeal from a judgment of conviction if the motion is made before or within 10 days after entry of the judgment. When an appeal by the government is authorized by statute, the notice of appeal shall be filed in the district court within 30 days after the entry of the judgment or order appealed from. A judgment or order is entered within the meaning of this subdivision when it is entered in the criminal docket. Upon a showing of excusable neglect the district court may, before or after the time has expired, with or without motion and notice, extend the time for filing a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this subdivision.

Rule 5. Appeals by permission under 28 U.S.C. § 1292(b)

(a) *Petition for permission to appeal.* An appeal from an interlocutory order containing the statement prescribed by 28 U.S.C. § 1292(b) may be sought by filing a petition for permission to appeal with the

clerk of the court of appeals within 10 days after the entry of such order in the district court with proof of service on all other parties to the action in the district court. An order may be amended to include the prescribed statement at any time, and permission to appeal may be sought within 10 days after entry of the order as amended.

(b) *Content of petition; answer.* The petition shall contain a statement of the facts necessary to an understanding of the controlling question of law determined by the order of the district court; a statement of the question itself; and a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an immediate appeal may materially advance the termination of the litigation. The petition shall include or have annexed thereto a copy of the order from which appeal is sought and of any findings of fact, conclusions of law and opinion relating thereto. Within 7 days after service of the petition an adverse party may file an answer in opposition. The application and answer shall be submitted without oral argument unless otherwise ordered.

(c) *Form of papers; number of copies.* All papers may be typewritten. Three copies shall be filed with the original, but the court may require that additional copies be furnished.

(d) *Grant of permission; cost bond; filing of record.* If permission to appeal is granted the appellant shall file a bond for costs as required by Rule 7, within 10 days after entry of the order granting permission to appeal, and the record shall be transmitted and filed and the appeal docketed in accordance with Rules 11 and 12. The time fixed by those rules for transmitting the record and docketing the appeal shall run from the date of the entry of the order granting permission to appeal. A notice of appeal need not be filed.

Rule 6. Appeals by allowance in bankruptcy proceedings

(a) *Petition for allowance.* Allowance of an appeal under section 24 of the Bankruptcy Act (11 U.S.C. § 47) from orders, decrees, or judgments of a district court involving less than \$500, or from an order making or refusing to make allowances of compensation or reimbursement under sections 250 or 498 thereof (11 U.S.C. § 650, § 898) shall be sought by filing a petition for allowance with the clerk of the court of appeals within the time provided by Rule 4(a) for filing a notice of appeal, with proof of service on all parties to the action in the district court. A notice of appeal need not be filed.

(b) *Content of petition; answer.* The petition shall contain a statement of the facts necessary to an understanding of the questions to be presented by the appeal; a statement of those questions and of the relief sought; a statement of the reasons why in the opinion of the petitioner the appeal should be allowed; and a copy of the order, decree or judgment complained of and of any opinion or memorandum relating thereto. Within 7 days after service of the petition an adverse

party may file an answer in opposition. The petition and answer shall be submitted without oral argument unless otherwise ordered.

(c) *Form of papers; number of copies.* All papers may be typewritten. Three copies shall be filed with the original, but the court may require that additional copies be furnished.

(d) *Allowance of the appeal; cost bond; filing of record.* If the appeal is allowed the appellant shall file a bond for costs as required by Rule 7, within 10 days of the entry of the order granting permission to appeal, and the record shall be transmitted and filed and the appeal docketed in accordance with Rules 11 and 12. The time fixed by those rules for transmitting the record and docketing the appeal shall run from the date of the entry of the order allowing the appeal. A notice of appeal need not be filed.

Rule 7. Bond for costs on appeal in civil cases

Unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking which includes security for the payment of costs on appeal, in civil cases a bond for costs on appeal or equivalent security shall be filed by the appellant in the district court with the notice of appeal; but security shall not be required of an appellant who is not subject to costs. The bond or equivalent security shall be in the sum or value of \$250 unless the district court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed, or of such costs as the court of appeals may direct if the judgment is modified. If a bond or equivalent security in the sum or value of \$250 is given, no approval thereof is necessary. After a bond for costs on appeal is filed, an appellee may raise for determination by the clerk of the district court objections to the form of the bond or to the sufficiency of the surety. The provisions of Rule 8(b) apply to a surety upon a bond given pursuant to this rule.

Rule 8. Stay or injunction pending appeal

(a) *Stay must ordinarily be sought in the first instance in district court; motion for stay in court of appeals.* Application for a stay of the judgment or order of a district court pending appeal, or for approval of a supersedeas bond, or for an order suspending, modifying, restoring or granting an injunction during the pendency of an appeal must ordinarily be made in the first instance in the district court. A motion for such relief may be made to the court of appeals or to a judge thereof, but the motion shall show that application to the district court for the relief sought is not practicable, or that the district court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the district court for its action. The motion shall also show the reasons for the relief requested

and the facts relied upon, and if the facts are subject to dispute the motion shall be supported by affidavits or other sworn statements or copies thereof. With the motion shall be filed such parts of the record as are relevant. Reasonable notice of the motion shall be given to all points. The motion shall be filed with the clerk and normally will be considered by a panel or division of the court, but in exceptional cases where such procedure would be impracticable due to the requirements of time, the application may be made to and considered by a single judge of the court.

(b) *Stay may be conditioned upon giving of bond; proceedings against sureties.* Relief available in the court of appeals under this rule may be conditioned upon the filing of a bond or other appropriate security in the district court. If security is given in the form of a bond or stipulation or other undertaking with one or more sureties, each surety submits himself to the jurisdiction of the district court and irrevocably appoints the clerk of the district court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion in the district court without the necessity of an independent action. The motion and such notice of the motion as the district court prescribes may be served on the clerk of the district court, who shall forthwith mail copies to the sureties if their addresses are known.

(c) *Stays in criminal cases.* Stays in criminal cases shall be had in accordance with the provisions of Rule 38(a) of the Federal Rules of Criminal Procedure.

Rule 9. Release in criminal cases

(a) *Appeals from orders respecting release entered prior to a judgment of conviction.* An appeal authorized by law from an order refusing or imposing conditions of release shall be determined promptly. Upon entry of an order refusing or imposing conditions of release, the district court shall state in writing the reasons for the action taken. The appeal shall be heard without the necessity of briefs after reasonable notice to the appellee upon such papers, affidavits, and portions of the record as the parties shall present. The court of appeals or a judge thereof may order the release of the appellant pending the appeal.

(b) *Release pending appeal from a judgment of conviction.* Application for release after a judgment of conviction shall be made in the first instance in the district court. If the district court refuses release pending appeal, or imposes conditions of release, the court shall state in writing the reasons for the action taken. Thereafter, if an appeal is pending, a motion for release, or for modification of the conditions of release, pending review may be made to the court of appeals or to a judge thereof. The motion shall be determined promptly upon such papers, affidavits, and portions of the record as the parties shall pre-

sent and after reasonable notice to the appellee. The court of appeals or a judge thereof may order the release of the appellant pending disposition of the motion.

Rule 10. The record on appeal

(a) *Composition of the record on appeal.* The original papers and exhibits filed in the district court, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the district court shall constitute the record on appeal in all cases.

(b) *The transcript of proceedings; duty of appellant to order; notice to appellee if partial transcript is ordered.* Within 10 days after filing the notice of appeal the appellant shall order from the reporter a transcript of such parts of the proceedings not already on file as he deems necessary for inclusion in the record. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless the entire transcript is to be included, the appellant shall, within the time above provided, file and serve on the appellee a description of the parts of the transcript which he intends to include in the record and a statement of the issues he intends to present on the appeal. If the appellee deems a transcript of other parts of the proceedings to be necessary he shall, within 10 days after the service of the statement of the appellant, file and serve on the appellant a designation of additional parts to be included. If the appellant shall refuse to order such parts, the appellee shall either order the parts or apply to the district court for an order requiring the appellant to do so. At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript.

(c) *Statement of the evidence or proceedings when no report was made or when the transcript is unavailable.* If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be served on the appellee, who may serve objections or propose amendment thereto within 10 days after service. Thereupon the statement and any objections or proposed amendments shall be submitted to the district court for settlement and approval and as settled and approved shall be included by the clerk of the district court in the record on appeal.

(d) *Agreed statement as the record on appeal.* In lieu of the record on appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the district court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issues presented. If the

statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the issues raised by the appeal, shall be approved by the district court and shall then be certified to the court of appeals as the record on appeal and transmitted thereto by the clerk of the district court within the time provided by Rule 11. Copies of the agreed statement may be filed as the appendix required by Rule 30.

(e) *Correction or modification of the record.* If any difference arises as to whether the record truly discloses what occurred in the district court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the district court, either before or after the record is transmitted to the court of appeals, or the court of appeals, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the court of appeals.

Rule 11. Transmission of the record

(a) *Time for transmission; duty of appellant.* The record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the court of appeals within 40 days after the filing of the notice of appeal unless the time is shortened or extended by an order entered under subdivision (d) of this rule. After filing the notice of appeal the appellant shall comply with the provisions of Rule 10(b) and shall take any other action necessary to enable the clerk to assemble and transmit the record. If more than one appeal is taken, each appellant shall comply with the provisions of Rule 10(b) and this subdivision, and a single record shall be transmitted within 40 days after the filing of the final notice of appeal.

(b) *Duty of clerk to transmit the record.* When the record is complete for purposes of the appeal, the clerk of the district court shall transmit it to the clerk of the court of appeals. The clerk of the district court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and identified with reasonable definiteness. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he is directed to do so by a party or by the clerk of the court of appeals. A party must make advance arrangements with the clerks for the transportation and receipt of exhibits of unusual bulk or weight.

Transmission of the record is effected when the clerk of the district court mails or otherwise forwards the record to the clerk of the court

of appeals. The clerk of the district court shall indicate, by endorsement on the face of the record or otherwise, the date upon which it is transmitted to the court of appeals.

(c) *Temporary retention of record in district court for use in preparing appellate papers.* Notwithstanding the provisions of subdivisions (a) and (b) of this rule, the parties may stipulate, or the district court on motion of any party may order, that the clerk of the district court shall temporarily retain the record for use by the parties in preparing appellate papers. In that event, the appellant shall nevertheless cause the appeal to be docketed and the record to be filed within the time fixed or allowed for transmission of the record by complying with the provisions of Rule 12(a) and by presenting to the clerk of the court of appeals a partial record in the form of a copy of the docket entries, accompanied by a certificate of counsel for the appellant, or of the appellant if he is without counsel, reciting that the record, including the transcript or parts thereof designated for inclusion and all necessary exhibits, is complete for purposes of the appeal. Upon receipt of the brief of the appellee, or at such earlier time as the parties may agree or the court may order, the appellant shall request the clerk of the district court to transmit the record.

(d) *Extension of time for transmission of the record; reduction of time.* The district court for cause shown may extend the time for transmitting the record. A request for extension must be made within the time originally prescribed or within an extension previously granted, and the district court shall not extend the time to a day more than 90 days from the date of filing of the first notice of appeal. If the district court is without authority to grant the relief sought or has denied a request therefor, the court of appeals may on motion for cause shown extend the time for transmitting the record or may permit the record to be transmitted and filed after the expiration of the time allowed or fixed. If a request for an extension of time for transmitting the record has been previously denied, the motion shall set forth the denial and shall state the reasons therefor, if any were given. The district court or the court of appeals may require the record to be transmitted and the appeal to be docketed at any time within the time otherwise fixed or allowed therefor.

(e) *Retention of the record in the district court by order of court.* The court of appeals may provide by rule or order that a certified copy of the docket entries shall be transmitted in lieu of the entire record, subject to the right of any party to request at any time during the pendency of the appeal that designated parts of the record be transmitted.

If the record or any part thereof is required in the district court for use there pending the appeal, the district court may make an order

to that effect, and the clerk of the district court shall retain the record or parts thereof subject to the request of the court of appeals, and shall transmit a copy of the order and of the docket entries together with such parts of the original record as the district court shall allow and copies of such parts as the parties may designate.

(f) *Stipulation of parties that parts of the record be retained in the district court.* The parties may agree by written stipulation filed in the district court that designated parts of the record shall be retained in the district court unless thereafter the court of appeals shall order or any party shall request their transmittal. The parts thus designated shall nevertheless be a part of the record on appeal for all purposes.

(g) *Record for preliminary hearing in the court of appeals.* If prior to the time the record is transmitted a party desires to make in the court of appeals a motion for dismissal, for release, for a stay pending appeal, for additional security on the bond on appeal or on a supersedeas bond, or for any intermediate order, the clerk of the district court at the request of any party shall transmit to the court of appeals such parts of the original record as any party shall designate.

Rule 12. Docketing the appeal; filing of the record

(a) *Docketing the appeal.* Within the time allowed or fixed for transmission of the record, the appellant shall pay to the clerk of the court of appeals the docket fee fixed by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1913, and the clerk shall thereupon enter the appeal upon the docket. If an appellant is authorized to prosecute the appeal without prepayment of fees, the clerk shall enter the appeal upon the docket at the request of a party or at the time of filing the record. The court of appeals may upon motion for cause shown enlarge the time for docketing the appeal or permit the appeal to be docketed out of time. An appeal shall be docketed under the title given to the action in the district court, with the appellant identified as such, but if such title does not contain the name of the appellant, his name, identified as appellant, shall be added to the title.

(b) *Filing of the record.* Upon receipt of the record or of papers authorized to be filed in lieu of the record under the provisions of Rule 11 (c) and (e) by the clerk of the court of appeals following timely transmittal, and after the appeal has been timely docketed, the clerk shall file the record. The clerk shall immediately give notice to all parties of the date on which the record was filed.

(c) *Dismissal for failure of appellant to cause timely transmission or to docket appeal.* If the appellant shall fail to cause timely transmission of the record or to pay the docket fee if a docket fee is required, any appellee may file a motion in the court of appeals to dismiss the appeal. The motion shall be supported by a certificate of the clerk of the district court showing the date and substance of the judgment or

order from which the appeal was taken, the date on which the notice of appeal was filed, the expiration date of any order extending the time for transmitting the record, and by proof of service. The appellant may respond within 14 days of such service. The clerk shall docket the appeal for the purpose of permitting the court to entertain the motion without requiring payment of the docket fee, but the appellant shall not be permitted to respond without payment of the fee unless he is otherwise exempt therefrom.

TITLE III. REVIEW OF DECISIONS OF THE TAX COURT OF THE UNITED STATES

Rule 13. Review of decisions of the Tax Court

(a) *How obtained; time for filing notice of appeal.* Review of a decision of the Tax Court of the United States shall be obtained by filing a notice of appeal with the clerk of the Tax Court within 90 days after the decision of the Tax Court is entered. If a timely notice of appeal is filed by one party, any other party may take an appeal by filing a notice of appeal within 120 days after the decision of the Tax Court is entered.

The running of the time for appeal is terminated as to all parties by a timely motion to vacate or revise a decision made pursuant to the Rules of Practice of the Tax Court. The full time for appeal commences to run and is to be computed from the entry of an order disposing of such motion, or from the entry of decision, whichever is later.

(b) *Notice of appeal—How filed.* The notice of appeal may be filed by deposit in the office of the clerk of the Tax Court in the District of Columbia or by mail addressed to the clerk. If a notice is delivered to the clerk by mail and is received after expiration of the last day allowed for filing, the postmark date shall be deemed to be the date of delivery, subject to the provisions of § 7502 of the Internal Revenue Code of 1954, as amended, and the regulations promulgated pursuant thereto.

(c) *Content of the notice of appeal; service of the notice; effect of filing and service of the notice.* The content of the notice of appeal, the manner of its service, and the effect of the filing of the notice and of its service shall be as prescribed by Rule 3. Form 2 in the Appendix of Forms is a suggested form of the notice of appeal.

(d) *The record on appeal; transmission of the record; filing of the record.* The provisions of Rules 10, 11 and 12 respecting the record and the time and manner of its transmission and filing and the docketing of the appeal in the court of appeals in cases on appeal from the district courts shall govern in cases on appeal from the Tax Court. Each reference in those rules and in Rule 3 to the district court and to the clerk of the district court shall be read as a reference to the Tax Court and

to the clerk of the Tax Court respectively. If appeals are taken from a decision of the Tax Court to more than one court of appeals, the original record shall be transmitted to the court of appeals named in the first notice of appeal filed. Provision for the record in any other appeal shall be made upon appropriate application by the appellant to the court of appeals to which such other appeal is taken.

Rule 14. Applicability of other rules to review of decisions of the Tax Court

All provisions of these rules are applicable to review of a decision of the Tax Court, except that Rules 4-9, Rules 15-20, and Rules 22 and 23 are not applicable.

TITLE IV. REVIEW AND ENFORCEMENT OF ORDERS OF ADMINISTRATIVE AGENCIES, BOARDS, COMMISSIONS AND OFFICERS

Rule 15. Review or enforcement of agency orders—How obtained; intervention

(a) *Petition for review of order; joint petition.* Review of an order of an administrative agency, board, commission or officer (hereinafter, the term "agency" shall include agency, board, commission or officer) shall be obtained by filing with the clerk of a court of appeals which is authorized to review such order, within the time prescribed by law, a petition to enjoin, set aside, suspend, modify or otherwise review, or a notice of appeal, whichever form is indicated by the applicable statute (hereinafter, the term "petition for review" shall include a petition to enjoin, set aside, suspend, modify or otherwise review, or a notice of appeal). The petition shall specify the parties seeking review and shall designate the respondent and the order or part thereof to be reviewed. Form 3 in the Appendix of Forms is a suggested form of a petition for review. In each case the agency shall be named respondent. The United States shall also be deemed a respondent if so required by statute, even though not so designated in the petition. If two or more persons are entitled to petition the same court for review of the same order and their interests are such as to make joinder practicable, they may file a joint petition for review and may thereafter proceed as a single petitioner.

(b) *Application for enforcement of order; answer; default; cross-application for enforcement.* An application for enforcement of an order of an agency shall be filed with the clerk of a court of appeals which is authorized to enforce the order. The application shall contain a concise statement of the proceedings in which the order was entered, the facts upon which venue is based, and the relief prayed. Within 20 days after the application is filed, the respondent shall serve on the petitioner and file with the clerk an answer to the application. If the

respondent fails to file an answer within such time, judgment will be awarded for the relief prayed. If a petition is filed for review of an order which the court has jurisdiction to enforce, the respondent may file a cross-application for enforcement.

(c) *Service of petition or application.* A copy of a petition for review or of an application or cross-application for enforcement of an order shall be served by the clerk of the court of appeals on each respondent in the manner prescribed by Rule 3(d), unless a different manner of service is prescribed by an applicable statute. At the time of filing, the petitioner shall furnish the clerk with a copy of the petition or application for each respondent. At or before the time of filing a petition for review, the petitioner shall serve a copy thereof on all parties who shall have been admitted to participate in the proceedings before the agency other than respondents to be served by the clerk, and shall file with the clerk a list of those so served.

(d) *Intervention.* Unless an applicable statute provides a different method of intervention, a person who desires to intervene in a proceeding under this rule shall serve upon all parties to the proceeding and file with the clerk of the court of appeals a motion for leave to intervene. The motion shall contain a concise statement of the interest of the moving party and the grounds upon which intervention is sought. A motion for leave to intervene or other notice of intervention authorized by an applicable statute shall be filed within 30 days of the date on which the petition for review is filed.

Rule 16. The record on review or enforcement

(a) *Composition of the record.* The order sought to be reviewed or enforced, the findings or report on which it is based, and the pleadings, evidence and proceedings before the agency shall constitute the record on review in proceedings to review or enforce the order of an agency.

(b) *Omissions from or misstatements in the record.* If anything material to any party is omitted from the record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the court may at any time direct that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed.

Rule 17. Filing of the record

(a) *Agency to file; time for filing; notice for filing.* The agency shall file the record with the clerk of the court of appeals within 40 days after service upon it of the petition for review unless a different time is provided by the statute authorizing review. In enforcement proceedings the agency shall file the record within 40 days after filing an application for enforcement, but the record need not be filed unless the respondent has filed an answer contesting enforcement of the order,

or unless the court otherwise orders. The court may shorten or extend the time above prescribed. The clerk shall give notice to all parties of the date on which the record is filed.

(b) *Filing—What constitutes.* The agency may file the entire record or such parts thereof as the parties may designate by stipulation filed with the agency. The original papers in the agency proceeding or certified copies thereof may be filed. Instead of filing the record or designated parts thereof, the agency may file a certified list of all documents, transcripts of testimony, exhibits and other material comprising the record, or a list of such parts thereof as the parties may designate, adequately describing each, and the filing of the certified list shall constitute filing of the record. The parties may stipulate that neither the record nor a certified list be filed with the court. The stipulation shall be filed with the clerk of the court of appeals and the date of its filing shall be deemed the date on which the record is filed. If a certified list is filed, or if the parties designate only parts of the record for filing or stipulate that neither the record nor a certified list be filed, the agency shall retain the record or parts thereof. Upon request of the court or the request of a party, the record or any part thereof thus retained shall be transmitted to the court notwithstanding any prior stipulation. All parts of the record retained by the agency shall be a part of the record on review for all purposes.

Rule 18. Stay pending review

Application for a stay of a decision or order of an agency pending direct review in the court of appeals shall ordinarily be made in the first instance to the agency. A motion for such relief may be made to the court of appeals or to a judge thereof, but the motion shall show that application to the agency for the relief sought is not practicable, or that application has been made to the agency and denied, with the reasons given by it for denial, or that the action of the agency did not afford the relief which the applicant had requested. The motion shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the motion shall be supported by affidavits or other sworn statements or copies thereof. With the motion shall be filed such parts of the record as are relevant to the relief sought. Reasonable notice of the motion shall be given to all parties to the proceeding in the court of appeals. The court may condition relief under this rule upon the filing of a bond or other appropriate security. The motion shall be filed with the clerk and normally will be considered by a panel or division of the court, but in exceptional cases where such procedure would be impracticable due to the requirements of time, the application may be made to and considered by a single judge of the court.

Rule 19. Settlement of judgments enforcing orders

When an opinion of the court is filed directing the entry of a judgment enforcing in whole or in part the order of an agency, the agency shall within 14 days thereafter serve upon the respondent and file with the clerk a proposed judgment in conformity with the opinion. If the respondent objects to the proposed judgment as not in conformity with the opinion, he shall within 7 days thereafter serve upon the agency and file with the clerk a proposed judgment which he deems to be in conformity with the opinion. The court will thereupon settle the judgment and direct its entry without further hearing or argument.

Rule 20. Applicability of other rules to review or enforcement of agency orders

All provisions of these rules are applicable to review or enforcement of orders of agencies, except that Rules 3-14 and Rules 22 and 23 are not applicable. As used in any applicable rule, the term "appellant" includes a petitioner and the term "appellee" includes a respondent in proceedings to review or enforce agency orders.

TITLE V. EXTRAORDINARY WRITS

Rule 21. Writs of mandamus and prohibition directed to a judge or judges and other extraordinary writs

(a) *Mandamus or prohibition to a judge or judges; petition for writ; service and filing.* Application for a writ of mandamus or of prohibition directed to a judge or judges shall be made by filing a petition therefor with the clerk of the court of appeals with proof of service on the respondent judge or judges and on all parties to the action in the trial court. The petition shall contain a statement of the facts necessary to an understanding of the issues presented by the application; a statement of the issues presented and of the relief sought; a statement of the reasons why the writ should issue; and copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition. Upon receipt of the prescribed docket fee, the clerk shall docket the petition and submit it to the court.

(b) *Denial; order directing answer.* If the court is of the opinion that the writ should not be granted, it shall deny the petition. Otherwise, it shall order that an answer to the petition be filed by the respondents within the time fixed by the order. The order shall be served by the clerk on the judge or judges named respondents and on all other parties to the action in the trial court. All parties below other than the petitioner shall also be deemed respondents for all purposes. Two or more respondents may answer jointly. If the judge or judges named respondents do not desire to appear in the proceeding, they may so advise the clerk and all parties by letter, but the petition shall not

thereby be taken as admitted. The clerk shall advise the parties of the dates on which briefs are to be filed, if briefs are required, and of the date of oral argument. The proceeding shall be given preference over ordinary civil cases.

(c) *Other extraordinary writs.* Application for extraordinary writs other than those provided for in subdivisions (a) and (b) of this rule shall be made by petition filed with the clerk of the court of appeals with proof of service on the parties named as respondents. Proceedings on such application shall conform, so far as is practicable, to the procedure prescribed in subdivisions (a) and (b) of this rule.

(d) *Form of papers; number of copies.* All papers may be typewritten. Three copies shall be filed with the original, but the court may direct that additional copies be furnished.

TITLE VI. HABEAS CORPUS; PROCEEDINGS IN FORMA PAUPERIS

Rule 22. Habeas corpus proceedings

(a) *Application for the original writ.* An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

(b) *Necessity of certificate of probable cause for appeal.* In a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of probable cause. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of probable cause or state the reasons why such a certificate shall not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a state or its representative, a certificate of probable cause is not required.

Rule 23. Custody of prisoners in habeas corpus proceedings

(a) *Transfer of custody pending review.* Pending review of a decision in a habeas corpus proceedings commenced before a court, justice or judge of the United States for the release of a prisoner, a person having custody of the prisoner shall not transfer custody to another unless such transfer is directed in accordance with the provisions of this rule. Upon application of a custodian showing a need therefor, the court, justice or judge rendering the decision may make an order authorizing transfer and providing for the substitution of the successor custodian as a party.

(b) *Detention or release of prisoner pending review of decision failing to release.* Pending review of a decision failing or refusing to release a prisoner in such a proceeding, the prisoner may be detained in the custody from which release is sought, or in other appropriate custody, or may be enlarged upon his recognizance, with or without surety, as may appear fitting to the court or justice or judge rendering the decision, or to the court of appeals or to the Supreme Court, or to a judge or justice of either court.

(c) *Release of prisoner pending review of decision ordering release.* Pending review of a decision ordering the release of a prisoner in such a proceeding, the prisoner shall be enlarged upon his recognizance, with or without surety, unless the court or justice or judge rendering the decision, or the court of appeals or the Supreme Court, or a judge or justice of either court shall otherwise order.

(d) *Modification of initial order respecting custody.* An initial order respecting the custody or enlargement of the prisoner and any recognizance of surety taken, shall govern review in the court of appeals and in the Supreme Court unless for special reasons shown to the court of appeals or to the Supreme Court, or to a judge or justice of either court, the order shall be modified, or an independent order respecting custody, enlargement or surety shall be made.

Rule 24. Proceedings in forma pauperis

(a) *Leave to proceed on appeal in forma pauperis from district court to court of appeals.* A party to an action in a district court who desires to proceed on appeal in forma pauperis shall file in the district court a motion for leave so to proceed, together with an affidavit showing, in the detail prescribed by Form 4 of the Appendix of Forms, his inability to pay fees and costs or to give security therefor, his belief that he is entitled to redress, and a statement of the issues which he intends to present on appeal. If the motion is granted, the party may proceed without further application to the court of appeals and without prepayment of fees or costs in either court or the giving of security therefor. If the motion is denied, the district court shall state in writing the reasons for the denial.

Notwithstanding the provisions of the preceding paragraph, a party who has been permitted to proceed in an action in the district court in forma pauperis, or who has been permitted to proceed there as one who is financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization unless, before or after the notice of appeal is filed, the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed, in which event the district court shall state in writing the reasons for such certification or finding.

If a motion for leave to proceed on appeal in forma pauperis is denied by the district court, or if the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled to proceed in forma pauperis, the clerk shall forthwith serve notice of such action. A motion for leave so to proceed may be filed in the court of appeals within 30 days after service of notice of the action of the district court. The motion shall be accompanied by a copy of the affidavit filed in the district court, or by the affidavit prescribed by the first paragraph of this subdivision if no affidavit has been filed in the district court, and by a copy of the statement of reasons given by the district court for its action.

(b) *Leave to proceed on appeal or review in forma pauperis in administrative agency proceedings.* A party to a proceeding before an administrative agency, board, commission or officer (including, for the purpose of this rule, the Tax Court of the United States) who desires to proceed on appeal or review in a court of appeals in forma pauperis, when such appeal or review may be had directly in a court of appeals, shall file in the court of appeals a motion for leave so to proceed, together with the affidavit prescribed by the first paragraph of subdivision (a) of this rule.

(c) *Form of briefs, appendices and other papers.* Parties allowed to proceed in forma pauperis may file briefs, appendices and other papers in typewritten form, and may request that the appeal be heard on the original record without the necessity of reproducing parts thereof in any form.

TITLE VII. GENERAL PROVISIONS

Rule 25. Filing and service

(a) *Filing.* Papers required or permitted to be filed in a court of appeals shall be filed with the clerk. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except that briefs and appendices shall be deemed filed on the day of mailing if the most expeditious form of delivery by mail, excepting special

delivery, is utilized. If a motion requests relief which may be granted by a single judge, the judge may permit the motion to be filed with him, in which event he shall note thereon the date of filing and shall thereafter transmit it to the clerk.

(b) *Service of all papers required.* Copies of all papers filed by any party and not required by these rules to be served by the clerk shall, at or before the time of filing, be served by a party or person acting for him on all other parties to the appeal or review. Service on a party represented by counsel shall be made on counsel.

(c) *Manner of service.* Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing.

(d) *Proof of service.* Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the person served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed. The clerk may permit papers to be filed without acknowledgment or proof of service but shall require such to be filed promptly thereafter.

Rule 26. Computation and extension of time

(a) *Computation of time.* In computing any period of time prescribed by these rules, by an order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period extends until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this rule "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States. It shall also include a day appointed as a holiday by the state wherein the district court which rendered the judgment or order which is or may be appealed from is situated, or by the state wherein the principal office of the clerk of the court of appeals in which the appeal is pending is located.

(b) *Enlargement 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; but the court may not enlarge the time for filing a notice of appeal, a petition for allowance, or a petition for permission to

appeal. Nor may the court enlarge the time prescribed by law for filing a petition to enjoin, set aside, suspend, modify, enforce or otherwise review, or a notice of appeal from, an order of an administrative agency, board, commission or officer of the United States, except as specifically authorized by law.

(c) *Additional time after service by mail.* Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon him and the paper is served by mail, 3 days shall be added to the prescribed period.

Rule 27. Motions

(a) *Content of motions; response; reply.* Unless another form is elsewhere prescribed by these rules, an application for an order or other relief shall be made by filing a motion for such order or relief with proof of service on all other parties. The motion shall contain or be accompanied by any matter required by a specific provision of these rules governing such a motion, shall state with particularity the grounds on which it is based, and shall set forth the order or relief sought. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. Any party may file a response in opposition to a motion other than one for a procedural order [for which see subdivision (b)] within 7 days after service of the motion, but motions authorized by Rules 8, 9, 18 and 41 may be acted upon after reasonable notice, and the court may shorten or extend the time for responding to any motion.

(b) *Determination of motions for procedural orders.* Notwithstanding the provisions of the preceding paragraph as to motions generally, motions for procedural orders, including any motion under Rule 26(b) may be acted upon at any time, without awaiting a response thereto. Any party adversely affected by such action may request reconsideration, vacation or modification of such action.

(c) *Power of a single judge to entertain motions.* In addition to the authority expressly conferred by these rules or by law, a single judge of a court of appeals may entertain and may grant or deny any request for relief which under these rules may properly be sought by motion, except that a single judge may not dismiss or otherwise determine an appeal or other proceeding, and except that a court of appeals may provide by order or rule that any motion or class of motions must be acted upon by the court. The action of a single judge may be reviewed by the court.

(d) *Form of papers; number of copies.* All papers relating to motions may be typewritten. Three copies shall be filed with the original, but the court may require that additional copies be furnished.

Rule 28. Briefs

(a) *Brief of the appellant.* The brief of the appellant shall contain under appropriate headings and in the order here indicated:

(1) A table of contents, with page references, and a table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited.

(2) A statement of the issues presented for review.

(3) A statement of the case. The statement shall first indicate briefly the nature of the case, the course of proceedings, and its disposition in the court below. There shall follow a statement of the facts relevant to the issues presented for review, with appropriate references to the record (see subdivision (e)).

(4) An argument. The argument may be preceded by a summary. The argument shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on.

(5) A short conclusion stating the precise relief sought.

(b) *Brief of the appellee.* The brief of the appellee shall conform to the requirements of subdivision (a) (1)-(4), except that a statement of the issues or of the case need not be made unless the appellee is dissatisfied with the statement of the appellant.

(c) *Reply brief.* The appellant may file a brief in reply to the brief of the appellee, and if the appellee has cross-appealed, the appellee may file a brief in reply to the response of the appellant to the issues presented by the cross appeal. No further briefs may be filed except with leave of court.

(d) *References in briefs to parties.* Counsel will be expected in their briefs and oral arguments to keep to a minimum references to parties by such designations as "appellant" and "appellee". It promotes clarity to use the designations used in the lower court or in the agency proceedings, or the actual names of parties, or descriptive terms such as "the employee," "the injured person," "the taxpayer," "the ship," "the stevedore," etc.

(e) *References in briefs to the record.* References in the briefs to parts of the record reproduced in the appendix filed with the brief of the appellant (see Rule 30(a)) shall be to the pages of the appendix at which those parts appear. If the appendix is prepared after the briefs are filed, references in the briefs to the record shall be made by one of the methods allowed by Rule 30(c). If the record is reproduced in accordance with the provisions of Rule 30(f), or if references are made in the briefs to parts of the record not reproduced, the references shall be to the pages of the parts of the record involved; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations

viations may be used. If reference is made to evidence the admissibility of which is in controversy, reference shall be made to the pages of the appendix or of the transcript at which the evidence was identified, offered, and received or rejected.

(f) *Reproduction of statutes, rules, regulations, etc.* If determination of the issues presented requires the study of statutes, rules, regulations, etc. or relevant parts thereof, they shall be reproduced in the brief or in an addendum at the end, or they may be supplied to the court in pamphlet form.

(g) *Length of briefs.* Except by permission of the court, principal briefs shall not exceed 50 pages of standard typographic printing or 70 pages of printing by any other process of duplicating or copying, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, etc. And except by permission of the court, reply briefs shall not exceed 25 pages of standard typographic printing or 35 pages of printing by any other process of duplicating or copying.

(h) *Briefs in cases involving cross appeals.* If a cross appeal is filed, the plaintiff in the court below shall be deemed the appellant for the purposes of this rule and Rules 30 and 31, unless the parties otherwise agree or the court otherwise orders. The brief of the appellee shall contain the issues and argument involved in his appeal as well as the answer to the brief of the appellant.

(i) *Briefs in cases involving multiple appellants or appellees.* In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, any number of either may join in a single brief, and any appellant or appellee may adopt by reference any part of the brief of another. Parties may similarly join in reply briefs.

Rule 29. Brief of an amicus curiae

A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, or by leave of court granted on motion or at the request of the court, except that consent or leave shall not be required when the brief is presented by the United States or an officer or agency thereof, or by a State, Territory or Commonwealth. The brief may be conditionally filed with the motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. Save as all parties otherwise consent, any amicus curiae shall file its brief within the time allowed the party whose position as to affirmance or reversal the amicus brief will support unless the court for cause shown shall grant leave for later filing, in which event it shall specify within what period an opposing party may answer. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

Rule 30. Appendix to the briefs

(a) *Duty of appellant to prepare and file; content of appendix; time for filing; number of copies.* The appellant shall prepare and file an appendix to the briefs which shall contain: (1) the relevant docket entries in the proceeding below; (2) any relevant portions of the pleadings, charge, findings or opinion; (3) the judgment, order or decision in question; and (4) any other parts of the record to which the parties wish to direct the particular attention of the court. The fact that parts of the record are not included in the appendix shall not prevent the parties or the court from relying on such parts.

Unless filing is to be deferred pursuant to the provisions of subdivision (c) of this rule, the appellant shall serve and file the appendix within 40 days of the date on which the record is filed. Ten copies of the appendix shall be filed with the clerk, and one copy shall be served on counsel for each party separately represented, unless the court shall by rule or order direct the filing or service of a lesser number.

(b) *Determination of contents of appendix; cost of producing.* The parties are encouraged to agree as to the contents of the appendix. In the absence of agreement, the appellant shall, not later than 10 days after the date on which the record is filed, serve on the appellee a designation of the parts of the record which he intends to include in the appendix and a statement of the issues which he intends to present for review. If the appellee deems it necessary to direct the particular attention of the court to parts of the record not designated by the appellant, he shall, within ten days after receipt of the designation, serve upon the appellant a designation of those parts. The appellant shall include in the appendix the parts thus designated. In designating parts of the record for inclusion in the appendix, the parties shall have regard for the fact that the entire record is always available to the court for reference and examination and shall not engage in unnecessary designation.

Unless the parties otherwise agree, the cost of producing the appendix shall initially be paid by the appellant, but if the appellant considers that parts of the record designated by the appellee for inclusion are unnecessary for the determination of the issues presented he may so advise the appellee and the appellee shall advance the cost of including such parts. The cost of producing the appendix shall be taxed as costs in the case, but if either party shall cause matters to be included in the appendix unnecessarily the court may impose the cost of producing such parts on the party.

(c) *Alternative method of designating contents of the appendix; how references to the record may be made in the briefs when alternative method is used.* If the appellant shall so elect, or if the court shall so provide by rule for classes of cases or by order in specific cases,

preparation of the appendix may be deferred until after the briefs have been filed, and the appendix may be filed 21 days after service of the brief of the appellee. Notice of the election by the appellant to defer preparation of the appendix shall be filed and served by him within 10 days after the date on which the record is filed. If the preparation and filing of the appendix is thus deferred, the provisions of subdivision (b) of this Rule 30 shall apply, except that the designations referred to therein shall be made by each party at the time his brief is served, and a statement of the issues presented shall be unnecessary.

If the deferred appendix authorized by this subdivision is employed, references in the briefs to the record may be to the pages of the parts of the record involved, in which event the original paging of each part of the record shall be indicated in the appendix by placing in brackets the number of each page at the place in the appendix where that page begins. Or if a party desires to refer in his brief directly to pages of the appendix, he may serve and file typewritten or page proof copies of his brief within the time required by Rule 31(a), with appropriate references to the pages of the parts of the record involved. In that event, within 14 days after the appendix is filed he shall serve and file copies of the brief in the form prescribed by Rule 32(a) containing references to the pages of the appendix in place of or in addition to the initial references to the pages of the parts of the record involved. No other changes may be made in the brief as initially served and filed, except that typographical errors may be corrected.

(d) *Arrangement of the appendix.* At the beginning of the appendix there shall be inserted a list of the parts of the record which it contains, in the order in which the parts are set out therein, with references to the pages of the appendix at which each part begins. The relevant docket entries shall be set out following the list of contents. Thereafter, other parts of the record shall be set out in chronological order. When matter contained in the reporter's transcript of proceedings is set out in the appendix, the page of the transcript at which such matter may be found shall be indicated in brackets immediately before the matter which is set out. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) shall be omitted. A question and its answer may be contained in a single paragraph.

(e) *Reproduction of exhibits.* Exhibits designated for inclusion in the appendix may be contained in a separate volume, or volumes, suitably indexed. Four copies thereof shall be filed with the appendix and one copy shall be served on counsel for each party separately represented. The transcript of a proceeding before an administrative agency, board, commission or officer used in an action in the district court shall be regarded as an exhibit for the purpose of this subdivision.

(f) *Hearing of appeals on the original record without the necessity of an appendix.* A court of appeals may by rule applicable to all cases, or to classes of cases, or by order in specific cases, dispense with the requirement of an appendix and permit appeals to be heard on the original record, with such copies of the record, or relevant parts thereof, as the court may require.

Rule 31. Filing and service of briefs

(a) *Time for serving and filing briefs.* The appellant shall serve and file his brief within 40 days after the date on which the record is filed. The appellee shall serve and file his brief within 30 days after service of the brief of the appellant. The appellant may serve and file a reply brief within 14 days after service of the brief of the appellee, but, except for good cause shown, a reply brief must be filed at least 3 days before argument.

(b) *Number of copies to be filed and served.* Twenty-five copies of each brief shall be filed with the clerk, unless the court by order in a particular case shall direct a lesser number, and two copies shall be served on counsel for each party separately represented. If a party is allowed to file typewritten ribbon and carbon copies of the brief, the original and three legible copies shall be filed with the clerk, and one copy shall be served on counsel for each party separately represented.

(c) *Consequence of failure to file briefs.* If an appellant fails to file his brief within the time provided by this rule, or within the time as extended, an appellee may move for dismissal of the appeal. If an appellee fails to file his brief, he will not be heard at oral argument except by permission of the court.

Rule 32. Form of briefs, the appendix and other papers

(a) *Form of briefs and the appendix.* Briefs and appendices may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. Carbon copies of briefs and appendices may not be submitted without permission of the court, except in behalf of parties allowed to proceed in forma pauperis. All printed matter must appear in at least 11 point type on opaque, unglazed paper. Briefs and appendices produced by the standard typographic process shall be bound in volumes having pages $6\frac{1}{8}$ by $9\frac{1}{4}$ inches and type matter $4\frac{1}{6}$ by $7\frac{1}{6}$ inches. Those produced by any other process shall be bound in volumes having pages not exceeding $8\frac{1}{2}$ by 11 inches and type matter not exceeding $6\frac{1}{2}$ by $9\frac{1}{2}$ inches, with double spacing between each line of text. In patent cases the pages of briefs and appendices may be of such size as is necessary to utilize copies of patent documents. Copies of the reporter's transcript and other papers reproduced in a manner authorized by

this rule may be inserted in the appendix; such pages may be informally renumbered if necessary.

If briefs are produced by commercial printing or duplicating firms, or, if produced otherwise and the covers to be described are available, the cover of the brief of the appellant should be blue; that of the appellee, red; that of an intervenor or amicus curiae, green; that of any reply brief, gray. The cover of the appendix, if separately printed, should be white. The front covers of the briefs and of appendices, if separately printed, shall contain: (1) the name of the court and the number of the case; (2) the title of the case (see Rule 12(a)); (3) the nature of the proceedings in the court (*e.g.*, Appeal; Petition for Review) and the name of the court, agency, or board below; (4) the title of the document (*e.g.*, Brief for Appellant, Appendix); and (5) the names and addresses of counsel representing the party on whose behalf the document is filed.

(b) *Form of other papers.* Petitions for rehearing shall be produced in a manner prescribed by subdivision (a). Motions and other papers may be produced in like manner, or they may be typewritten upon opaque, unglazed paper 8½ by 11 inches in size. Lines of typewritten text shall be double spaced. Consecutive sheets shall be attached at the left margin. Carbon copies may be used for filing and service if they are legible.

A motion or other paper addressed to the court shall contain a caption setting forth the name of the court, the title of the case, the file number, and a brief descriptive title indicating the purpose of the paper.

Rule 33. Prehearing conference

The court may direct the attorneys for the parties to appear before the court or a judge thereof for a prehearing conference to consider the simplification of the issues and such other matters as may aid in the disposition of the proceeding by the court. The court or judge shall make an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of counsel, and such order when entered controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

Rule 34. Oral argument

(a) *Notice of argument; postponement.* The clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed reasonably in advance of the date fixed for hearing.

(b) *Time allowed for argument.* Unless otherwise provided by rule for all cases or for classes of cases, each side will be allowed 30 minutes

for argument. If counsel is of the opinion that additional time is necessary for the adequate presentation of his argument, he may request such additional time as he deems necessary. Requests may be made by letter addressed to the clerk reasonably in advance of the date fixed for the argument and shall be liberally granted if cause therefor is shown. A party is not obliged to use all of the time allowed, and the court may terminate the argument whenever in its judgment further argument is unnecessary.

(c) *Order and content of argument.* The appellant is entitled to open and conclude the argument. The opening argument shall include a fair statement of the case. Counsel will not be permitted to read at length from briefs, records or authorities.

(d) *Cross and separate appeals.* A cross or separate appeal shall be argued with the initial appeal at a single argument, unless the court otherwise directs. If a case involves a cross-appeal, the plaintiff in the action below shall be deemed the appellant for the purpose of this rule unless the parties otherwise agree or the court otherwise directs. If separate appellants support the same argument, care shall be taken to avoid duplication of argument.

(e) *Non-appearance of parties.* If the appellee fails to appear to present argument, the court will hear argument on behalf of the appellant, if present. If the appellant fails to appear, the court may hear argument on behalf of the appellee, if his counsel is present. If neither party appears, the case will be decided on the briefs unless the court shall otherwise order.

(f) *Submission on briefs.* By agreement of the parties, a case may be submitted for decision on the briefs, but the court may direct that the case be argued.

(g) *Use of physical exhibits at argument; removal.* If physical exhibits other than documents are to be used at the argument, counsel shall arrange to have them placed in the court room before the court convenes on the date of the argument. After the argument counsel shall cause the exhibits to be removed from the court room unless the court otherwise directs. If exhibits are not reclaimed by counsel within a reasonable time after notice is given by the clerk, they shall be destroyed or otherwise disposed of as the clerk shall think best.

Rule 35. Determination of causes by the court in banc

(a) *When hearing or rehearing in banc will be ordered.* A majority of the circuit judges who are in regular active service may order that an appeal or other proceeding be heard or reheard by the court of appeals in banc. Such a hearing or rehearing is not favored and ordinarily will not be ordered except (1) when consideration by the full court is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance.

(b) *Suggestion of a party for hearing or rehearing in banc.* A party may suggest the appropriateness of a hearing or rehearing in banc. The clerk shall transmit any such suggestion to the judges of the court who are in regular active service but a vote will not be taken to determine whether the cause shall be heard or reheard in banc unless a judge in regular active service or a judge who was a member of the panel that rendered a decision sought to be heard requests a vote on such a suggestion made by a party.

(c) *Time for suggestion of a party for rehearing in banc; suggestion does not stay mandate.* If a party desires to suggest a rehearing in banc, the suggestion must be made within the time prescribed by Rule 40 for filing a petition for rehearing, whether the suggestion is made in such petition or otherwise. The pendency of such a suggestion whether or not included in a petition for rehearing shall not affect the finality of the judgment of the court of appeals or stay the issuance of the mandate.

Rule 36. Entry of judgment

The notation of a judgment in the docket constitutes entry of the judgment. The clerk shall prepare, sign and enter the judgment following receipt of the opinion of the court unless the opinion directs settlement of the form of the judgment, in which event the clerk shall prepare, sign and enter the judgment following final settlement by the court. If a judgment is rendered without an opinion, the clerk shall prepare, sign and enter the judgment following instruction from the court. The clerk shall, on the date judgment is entered, mail to all parties a copy of the opinion, if any, or of the judgment if no opinion was written, and notice of the date of entry of the judgment.

Rule 37. Interest on judgments

Unless otherwise provided by law, if a judgment for money in a civil case is affirmed, whatever interest is allowed by law shall be payable from the date the judgment was entered in the district court. If a judgment is modified or reversed with a direction that a judgment for money be entered in the district court, the mandate shall contain instructions with respect to allowance of interest.

Rule 38. Damages for delay

If a court of appeals shall determine that an appeal is frivolous, it may award just damages and single or double costs to the appellee.

Rule 39. Costs

(a) *To whom allowed.* Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant unless otherwise agreed by the parties or ordered by the court; if a judgment is affirmed, costs shall be taxed against the appellant unless otherwise

ordered; if a judgment is reversed, costs shall be taxed against the appellee unless otherwise ordered; if a judgment is affirmed or reversed in part, or is vacated, costs shall be allowed only as ordered by the court.

(b) *Costs for and against the United States.* In cases involving the United States or an agency or officer thereof, if an award of costs against the United States is authorized by law, costs shall be awarded in accordance with the provisions of subdivision (a); otherwise, costs shall not be awarded for or against the United States.

(c) *Costs of briefs, appendices, and copies of records.* The cost of printing or otherwise producing necessary copies of briefs, appendices, or copies of records authorized by Rule 30(f) shall be taxable in the court of appeals at rates not higher than those generally charged for such work in the area where the clerk's office is located. A party who desires such costs to be taxed shall state them in an itemized and verified bill of costs which he shall file with the clerk, with proof of service, within 14 days after the entry of judgment.

(d) *Clerk to insert costs in mandate.* The clerk shall prepare and certify an itemized statement of costs taxed in the court of appeals for insertion in the mandate. If the mandate has been issued before final determination of costs, the statement, or any amendment thereof, may be added to the mandate at any time upon request of the clerk of the court of appeals.

(e) *Costs on appeal taxable in the district courts.* Costs incurred in the preparation and transmission of the record, the cost of the reporter's transcript, if necessary for the determination of the appeal, the premiums paid for cost of supersedeas bonds or other bonds to preserve rights pending appeal, and the fee for filing the notice of appeal shall be taxed in the district court as costs of the appeal in favor of the party entitled to costs under this rule.

Rule 40. Petition for rehearing

(a) *Time for filing; content; answer; action by court if granted.* A petition for rehearing may be filed within 14 days after entry of judgment unless the time is shortened or enlarged by order. The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. Oral argument in support of the petition will not be permitted. No answer to a petition for rehearing will be received unless requested by the court, but a petition for rehearing will ordinarily not be granted in the absence of such a request. If a petition for rehearing is granted the court may make a final disposition of the cause without reargument or may restore it to the calendar for reargument or resubmission or may make such

other orders as are deemed appropriate under the circumstances of the particular case.

(b) *Form of petition; length.* The petition shall be in a form prescribed by Rule 32(a), and copies shall be served and filed as prescribed by Rule 31(c) for the service and filing of briefs. Except by permission of the court, a petition for rehearing shall not exceed 10 pages of standard typographic printing or 15 pages of printing by any other process of duplicating or copying.

Rule 41. Issuance of mandate; stay of mandate

(a) *Date of issuance.* The mandate of the court shall issue 21 days after the entry of judgment unless the time is shortened or enlarged by order. A certified copy of the judgment and a copy of the opinion of the court, if any, and any direction as to costs shall constitute the mandate, unless the court directs that a formal mandate issue. The timely filing of a petition for rehearing will stay the mandate until disposition of the petition unless otherwise ordered by the court. If the petition is denied, the mandate shall issue 7 days after entry of the order denying the petition unless the time is shortened or enlarged by order.

(b) *Stay of mandate pending application for certiorari.* A stay of the mandate pending application to the Supreme Court for a writ of certiorari may be granted upon motion, reasonable notice of which shall be given to all parties. The stay shall not exceed 30 days unless the period is extended for cause shown. If during the period of the stay there is filed with the clerk of the court of appeals a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari the mandate shall issue immediately. A bond or other security may be required as a condition to the grant or continuance of a stay of the mandate.

Rule 42. Voluntary dismissal

(a) *Dismissal in the district court.* If an appeal has not been docketed, the appeal may be dismissed by the district court upon the filing in that court of a stipulation for dismissal signed by all the parties, or upon motion and notice by the appellant.

(b) *Dismissal in the court of appeals.* If the parties to an appeal or other proceeding shall sign and file with the clerk of the court of appeals an agreement that the proceeding be dismissed, specifying the terms as to payment of costs, and shall pay whatever fees are due, the clerk shall enter the case dismissed, but no mandate or other process shall issue without an order of the court. An appeal may be dismissed on motion of the appellant upon such terms as may be agreed upon by the parties or fixed by the court.

Rule 43. Substitution of parties

(a) *Death of a party.* If a party dies after a notice of appeal is filed or while a proceeding is otherwise pending in the court of appeals, the personal representative of the deceased party may be substituted as a party on motion filed by the representative or by any party with the clerk of the court of appeals. The motion of a party shall be served upon the representative in accordance with the provisions of Rule 25. If the deceased party has no representative, any party may suggest the death on the record and proceedings shall then be had as the court of appeals may direct. If a party against whom an appeal may be taken dies after entry of a judgment or order in the district court but before a notice of appeal is filed, an appellant may proceed as if death had not occurred. After the notice of appeal is filed substitution shall be effected in the court of appeals in accordance with this subdivision. If a party entitled to appeal shall die before filing a notice of appeal, the notice of appeal may be filed by his personal representative, or, if he has no personal representative, by his attorney of record within the time prescribed by these rules. After the notice of appeal is filed substitution shall be effected in the court of appeals in accordance with this subdivision.

(b) *Substitution for other causes.* If substitution of a party in the court of appeals is necessary for any reason other than death, substitution shall be effected in accordance with the procedure prescribed in subdivision (a).

(c) *Public Officers; death or separation from office.*

(1) When a public officer is a party to an appeal or other proceeding in the court of appeals in his official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(2) When a public officer is a party to an appeal or other proceeding in his official capacity he may be described as a party by his official title rather than by name; but the court may require his name to be added.

Rule 44. Cases involving constitutional questions where United States is not a party

It shall be the duty of a party who draws in question the constitutionality of any Act of Congress in any proceeding in a court of appeals to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is not a party upon the filing of the record, or as soon thereafter as the question is raised in

the court of appeals, to give immediate notice in writing to the court of the existence of said question. The clerk shall thereupon certify such fact to the Attorney General.

Rule 45. Duties of clerks

(a) *General provisions.* The clerk of a court of appeals shall take the oath and give the bond required by law. Neither the clerk nor any deputy clerk shall practice as an attorney or as counselor in any court while he continues in office. The court of appeals shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. The office of the clerk with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays and legal holidays, but a court may provide by local rule or order that the office of its clerk shall be open for specified hours on Saturdays or on particular legal holidays other than New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) *The docket; calendar; other records required.* The clerk shall keep a book known as the docket, in such form and style as may be prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, and shall enter therein each case. Cases shall be assigned consecutive file numbers. The file number of each case shall be noted on the folio of the docket whereon the first entry is made. All papers filed with the clerk and all process, orders and judgments shall be entered chronologically in the docket on the folio assigned to the case. Entries shall be brief but shall show the nature of each paper filed or judgment or order entered. The entry of an order or judgment shall show the date the entry is made. The clerk shall keep a suitable index of cases contained in the docket.

The clerk shall prepare, under the direction of the court, a calendar of cases awaiting argument. In placing cases on the calendar for argument, he shall give preference to appeals in criminal cases and to appeals and other proceedings entitled to preference by law.

The clerk shall keep such other books and records as may be required from time to time by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, or as may be required by the court.

(c) *Notice of orders or judgments.* Immediately upon the entry of an order or judgment the clerk shall serve a notice of entry by mail upon each party to the proceeding together with a copy of any opinion respecting the order or judgment, and shall make a note in the docket of the mailing. Service on a party represented by counsel shall be made on counsel.

(d) *Custody of records and papers.* The clerk shall have custody of the records and papers of the court. He shall not permit any original record or paper to be taken from his custody except as authorized by the orders or instructions of the court. Original papers transmitted as the record on appeal or review shall upon disposition of the case be returned to the court or agency from which they were received. The clerk shall preserve copies of briefs and appendices and other printed papers filed.

Rule 46. Attorneys

(a) *Admission to the bar of a court of appeals; eligibility; procedure for admission.* An attorney who has been admitted to practice before the Supreme Court of the United States, or the highest court of a state, or another United States court of appeals, or a United States district court (including the district courts for the Canal Zone, Guam, and the Virgin Islands), and who is of good moral and professional character, is eligible for admission to the bar of a court of appeals.

An applicant shall file with the clerk of the court of appeals, on a form approved by the court and furnished by the clerk, an application for admission containing his personal statement showing his eligibility for membership. At the foot of the application the applicant shall take and subscribe to the following oath or affirmation:

I, _____, do solemnly swear (or affirm) that I will demean myself as an attorney and counselor of this court, uprightly and according to law; and that I will support the Constitution of the United States.

Thereafter, upon written or oral motion of a member of the bar of the court, the court will act upon the application. An applicant may be admitted by oral motion in open court, but it is not necessary that he appear before the court for the purpose of being admitted, unless the court shall otherwise order. An applicant shall upon admission pay the clerk the fee prescribed by rule or order of the court.

(b) *Suspension or disbarment.* When it is shown to the court that any member of its bar has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct unbecoming a member of the bar of the court, he will be subject to suspension or disbarment by the court. The member shall be afforded an opportunity to show good cause, within such time as the court shall prescribe, why he should not be suspended or disbarred. Upon his response to the rule to show cause, and after hearing, if requested, or upon expiration of the time prescribed for a response if no response is made, the court shall enter an appropriate order.

(c) *Disciplinary power of the court over attorneys.* A court of appeals may, after reasonable notice and an opportunity to show cause

to the contrary, and after hearing, if requested, take any appropriate disciplinary action against any attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with these rules or any rule of the court.

Rule 47. Rules by courts of appeals

Each court of appeals by action of a majority of the circuit judges in regular active service may from time to time make and amend rules governing its practice not inconsistent with these rules. In all cases not provided for by rule, the courts of appeals may regulate their practice in any manner not inconsistent with these rules. Copies of all rules made by a court of appeals shall upon their promulgation be furnished to the Administrative Office of the United States Courts.

Rule 48. Title

These rules may be known and cited as the Federal Rules of Appellate Procedure.

APPENDIX OF FORMS

Form 1. Notice of appeal to a court of appeals from a judgment on order of a district court

United States District Court for the _____ District
of _____

File Number _____

A. B., PLAINTIFF

v.

Notice of Appeal

C. D., DEFENDANT

Notice is hereby given that C. D., defendant above named, hereby appeals to the United States Court of Appeals for the _____
_____ Circuit (from the final judgment) (from the order (describing it)) entered in this action on the ___ day of _____
_____, 19____.

(S) _____

(Address)
Attorney for C. D.

Form 2. Notice of appeal to a court of appeals from a decision of the tax court

TAX COURT OF THE UNITED STATES

Washington, D.C.

A. B., PETITIONER

v.

Docket No. _____

COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

Notice of Appeal

Notice is hereby given that A. B. hereby appeals to the United States Court of Appeals for the _____ Circuit from [that part of] the decision of this court entered in the above captioned proceeding on the ___ day of _____, 19____. [relating to _____].

(S) _____

(Address)
Counsel for A. B.

Form 3. Petition for review of order of an agency, board, commission or officer

United States Court of Appeals for the _____ Circuit

A. B., PETITIONER

v.

Petition for Review

XYZ, COMMISSION, RESPONDENT

A. B. hereby petitions the court for review of the Order of the XYZ Commission (describe the order) entered on _____, 19____.

Attorney for Petitioner.
Address:

Form 4. Affidavit to accompany motion for leave to appeal in forma pauperis

United States District Court for the _____
District of _____

UNITED STATES OF AMERICA

v.

No. _____

A.B.

Affidavit in Support of Motion to Proceed on Appeal in Forma Pauperis

I, _____, being first duly sworn, depose and say that I am the _____, in the above-entitled case; that

in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed?

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

3. Do you own any cash or checking or savings account?

a. If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

 Subscribed and sworn to before me this ____ day of _____,
 19____.

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

District Judge.

2. That the foregoing rules shall take effect on July 1, 1968, and shall govern all proceedings in appeals and petitions for review or enforcement of orders thereafter brought and in all such proceedings then pending, except to the extent that in the opinion of the court of appeals their application in a particular proceeding then pending

would not be feasible or would work injustice, in which case the former procedure may be followed.

3. That Rules 6, 9, 41, 77 and 81 of the Rules of Civil Procedure for the United States District Courts be, and they hereby are, amended, effective July 1, 1968, as hereinafter set forth:

Rule 6. Time

(b) *Enlargement.* When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 50(b), 52(b), 59(b), (d) and (e), and 60(b), except to the extent and under the conditions stated in them.

Rule 9. Pleading special matters

(h) *ADMIRALTY AND MARITIME CLAIMS.* A pleading or count setting forth a claim for relief within the admiralty and maritime jurisdiction that is also within the jurisdiction of the district court on some other ground may contain a statement identifying the claim as an admiralty or maritime claim for the purposes of Rule 14(c), 26(a), 38(e), 82 and the Supplemental Rules for Certain Admiralty and Maritime Claims. If the claim is cognizable only in admiralty it is an admiralty or maritime claim for those purposes whether so identified or not. The amendment of a pleading to add or withdraw an identifying statement is governed by the principles of Rule 15. The reference in Title 28, U.S.C. § 1292(a) (3), to admiralty cases shall be construed to mean admiralty and maritime claims within the meaning of this subdivision (h).

Rule 41. Dismissal of actions

(a) *Voluntary dismissal: effect thereof.*

(1) *By plaintiff; by stipulation.* Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of the United States, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the

United States or of any state an action based on or including the same claim.

Rule 77. District courts and clerks

(d) *Notice of orders or judgments.* Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear, and shall make a note in the docket of the mailing. Such mailing is sufficient notice for all purposes for which notice of the entry of an order is required by these rules; but any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure.

Rule 81. Applicability in general

(a) *To what proceedings applicable.*

(1) These rules do not apply to prize proceedings in admiralty governed by Title 10, U.S.C. §§ 7651-81. They do not apply to proceedings in bankruptcy or proceedings in copyright under Title 17, U.S.C., except in so far as they may be made applicable thereto by rules promulgated by the Supreme Court of the United States. They do not apply to mental health proceedings in the United States District Court for the District of Columbia.

(2) These rules are applicable to proceedings for admission to citizenship, habeas corpus, and quo warranto, to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in civil actions.

(3) In proceedings under Title 9, U.S.C., relating to arbitration, or under the Act of May 20, 1926, ch. 347, § 9 (44 Stat. 585), U.S.C., Title 45, § 159, relating to boards of arbitration of railway labor disputes, these rules apply only to the extent that matters of procedure are not provided for in those statutes. These rules apply to proceedings to compel the giving of testimony or production of documents in accordance with a subpoena issued by an officer or agency of the United States under any statute of the United States except as otherwise provided by statute or by rules of the district court or by order of the court in the proceedings.

4. That the chapter heading "IX. APPEALS", all of Rules 72, 73, 74, 75 and 76 of the Rules of Civil Procedure for the United States District Courts, and Form 27 annexed to the said rules, be, and they are, abrogated, effective July 1, 1968.

5. That Rules 45, 49, 56 and 57 of the Rules of Criminal Procedure for the United States District Courts be, and they hereby are, amended, effective July 1, 1968, as hereinafter set forth:

Rule 45. Time

(b) *Enlargement.* When an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done if the failure to act was the result of excusable neglect; but the court may not extend the time for taking any action under Rules 29, 33, 34 and 35, except to the extent and under the conditions stated in them.

Rule 49. Service and filing of papers

(c) *Notice of orders.* Immediately upon the entry of an order made on a written motion subsequent to arraignment the clerk shall mail to each party a notice thereof and shall make a note in the docket of the mailing. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted by Rule 4(b) of the Federal Rules of Appellate Procedure.

Rule 56. Courts and clerks

The district court shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays, but a court may provide by local rule or order that its clerk's office shall be open for specified hours on Saturdays or particular legal holidays other than New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Rule 57. Rules of court

(a) *Rules by district courts.* Rules made by district courts for the conduct of criminal proceedings shall not be inconsistent with these rules. Copies of all rules made by a district court shall upon their promulgation be furnished to the Administrative Office of the United States Courts. The clerk shall make appropriate arrangements, subject to the approval of the Director of the Administrative Office of the United States Courts, to the end that all rules made as provided herein be published promptly and that copies of them be available to the public.

6. That the chapter heading "VIII. APPEAL", all of Rules 37 and 39, and subdivisions (b) and (c) of Rule 38, of the Rules of Criminal Procedure for the United States District Courts, and Forms 26 and 27 annexed to the said rules, be and they hereby are, abrogated, effective July 1, 1968.

7. That the Chief Justice be, and he hereby is, authorized to transmit to the Congress the foregoing new rules and amendments to and abrogation of existing rules, in accordance with the provisions of Title 18, U.S.C., § 3771, and Title 28, U.S.C. §§ 2072 and 2075.

ORAL ARGUMENT

Nos. **778, 779, 830-836**. Penn-Central Merger and N & W Inclusion Cases. Four hours allowed for oral argument. Argued by Mr. Howard J. Trienens, Mr. Myron S. Isaacs, Mr. Edward A. McDermott, Mr. Ernest R. von Starck, Mr. Gordon P. MacDougall, Mr. Malcolm Fooshee, and Mr. Lester C. Migdal for the appellants and by Mr. Solicitor General Griswold, Mr. Thomas D. Barr, Mr. Harry G. Silleck, Jr., Mr. Joseph Auerbach, and Mr. Hugh B. Cox for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 5, 1967, will be as follows: Nos. **90 et al.**, Permian Basin Area Rate Cases.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Alan S. Novins, of Rochester, N.H., on motion of Mr. Thomas J. McIntyre; Paul G. Rosenblatt, of Prescott, Ariz., on motion of Mr. John J. Rhodes; R. Ted Bottiger, of Tacoma, Wash., on motion of Mr. Floyd V. Hicks; James Francis Kirkham, of San Francisco, Calif., on motion of Mr. Francis R. Kirkham; John M. Rosenberg, of Gastonia, N.C., on motion of Mr. John Doar; Sheldon I. Cohen, of Arlington, Va., on motion of Mr. Michael V. DiSalle; Max H. Gewirtz, of Los Angeles, Calif., on motion of Mr. Eugene Gressman; Keith Ather-ton, of San Diego, Calif., on motion of Mr. Wilbur D. Sparks; Thomas A. Ryan, of Tucson, Ariz., John H. King, of Des Moines, Iowa, and Sidney Weinberg, of Boston, Mass., on motion of Mr. Henry Russell Thomas; William T. Kilbourne II, of Washington, D.C., and William Neal Powers, Jr., of Houston, Tex., on motion of Mr. Herbert W. Varner; George John Pantos, of Bethesda, Md., on motion of Mr. Milton A. Smith; George E. Boss, of Salt Lake City, Utah, on motion of Mr. Robert D. Larson; Robert E. Wade, of Dallas, Tex., on motion of Mr. Sherman S. Poland; S. David Harrison, of New York, N.Y., on motion of Mr. David J. Melamed; Richard Duane Multer, of Laurel, Md., on motion of Mr. Philip E. King; Carl W. Laumann, Jr., of Endicott, N.Y., on motion of Mr. Julius Jancin, Jr.; Ralph Gordon Crews, of Anchorage, Alaska, on motion of Mr. Howard J. Schellenberg, Jr.; Michael P. Kelly, of Los Angeles, Calif., on motion of Mr. James McKinney, Jr.; and Jack D. Henderson, of Denver, Colo., on motion of Mr. John Langford Currin, were admitted to practice.

OPINIONS

No. 29. Sanford Zwickler, appellant, *v.* Aaron E. Koota, as District Attorney of the County of Kings. Appeal from the United States District Court for the Eastern District of New York. Judgment reversed and case remanded to the United States District Court for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Harlan concurring in the result.

No. 33. United Mine Workers of America, District 12, petitioner, *v.* Illinois State Bar Association et al. On writ of certiorari to the Supreme Court of Illinois. Judgment and decree vacated and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Stewart concurs in the result. Dissenting opinion by Mr. Justice Harlan.

No. 48. Minnie E. Nash, petitioner, *v.* Florida Industrial Commission et al. On writ of certiorari to the District Court of Appeal of Florida, Third District. Judgment reversed and case remanded to the District Court of Appeal of Florida, Third District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Marshall took no part in the consideration or decision of this case.

ORAL ARGUMENT

Nos. 90 et al. Permian Basin Area Rate Cases. Eight hours allowed for oral argument. Argument commenced by Mr. Richard A. Solomon for the Federal Power Commission and continued by Mr. J. Calvin Simpson for the Public Utilities Commission of California, by Mr. Malcolm H. Furbush for the Pacific Gas and Electric Company, by Mr. John Ormasa for the Pacific Lighting Gas Supply Company, et al., and by Mr. C. Hayden Ames for the San Diego Gas and Electric Company, all in support of the order of the Federal Power Commission.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 6, 1967, will be as follows: Nos. 90 et al., Permian Basin Area Rate Cases.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Richard F. Wrenn, of Olympia, Wash., on motion of Mr. Thomas Stephen Foley; Peter V. Pappas, of Chicago, Ill., and Frank E. Shaw, of Springfield, Ill., on motion of Mr. Robert McClory; William Bryan Christensen, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; John E. Robson, of Chicago, Ill., on motion of Mr. Frank M. Wozencraft; Fritz-Alan Korth, of Fort Worth, Tex., on motion of Mr. Frederick Herman Korth; William Jack Cooley, of Farmington, N. Mex., on motion of Mr. Boston E. Witt; Claude Lamar Mullis, Sr., of Jacksonville, Fla., and William Lee Allen, of Jacksonville, Fla., on motion of Mr. Charles Sylvanus Rhyne; George Sage Lyons, of Mobile, Ala., on motion of Mr. Donald Cronin; Bradley T. Jones, of Seattle, Wash., on motion of Mr. Stewart French; James Addison Mounts, Jr., of Altoona, Pa., on motion of Mr. Waldemar A. Soft; Denis R. Shiel, of New York, N. Y., on motion of Mr. Donald J. Mulvihill; Virginia Lou Brooks, of Washington, D. C., and Helen F. Hoyt, of Washington, D. C., on motion of Miss Marjorie F. Gillam;

Charles A. Werner, of St. Louis, Mo., on motion of Mr. Louis Sherman; Edward Patrick Barrett, of Washington, D. C., Louis Leonard Ruben, of Washington, D. C., and Arthur Simon Meisnere, of Washington, D. C., on motion of Mr. John William Karr; Lionel Norman White, of Nashua, N. H., on motion of Mr. Milford Juten; Roger A. Van Kirk, of Hartford, Conn., on motion of Mr. Nicholas P. Cardwell; Don A. Banta, of Chicago, Ill., on motion of Mr. Clarence G. Pechacek; Robert Bernard Bowytz, of Potomac, Md., on motion of Mr. E. K. Gubin; Harry Edward Pickering, of Bay Village, Ohio, on motion of Mr. Merle M. McCurdy; Herbert E. Milstein, of Boston, Mass., on motion of Mr. Alexander J. Brown, Jr.; John H. Lewis, Jr., of Philadelphia, Pa., on motion of Mr. Ernest J. White; Charles Layson Owen, of Lexington, Ky., on motion of Mr. John Alfred Terry; and Pascol J. Townsend, Jr., of Drew, Miss., on motion of Mr. Martin Ray McLendon, were admitted to practice.

ORAL ARGUMENT

Nos. **90 et al.** Permian Basin Area Rate Cases. Argument continued by Mr. Bruce R. Merrill for the Continental Oil Company, by Mr. Crawford C. Martin for the State of Texas, by Mr. Boston E. Witt for the State of New Mexico, by Mr. Herbert W. Varner for the Superior Oil Company, by Mr. Robert W. Henderson for the Hunt Oil Company, by Mr. J. Evans Attwell for Perry R. Bass et al., by Mr. Justin R. Wolf for the Standard Oil Company of Texas, by Mr. James L. Armour for the Mobil Oil Company, by Mr. Louis Flax for the Sun Oil Company and by Mr. Carroll L. Gilliam and Mr. Oliver L. Stone for the Amerada Petroleum Corporation et al., all in opposition to the order of the Federal Power Commission.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 7, 1967, will be as follows:
Nos. **90 et al.** Permian Basin Area Rate Cases, **158, 85,** and **26.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Mark A. Braun, of Chicago, Ill., on motion of Mr. Robert McClory; Lawrence Franklin Corson, of Philadelphia, Pa., and Lewis Jay Gordon, of Philadelphia, Pa., on motion of Mr. Joshua Eilberg; Albert Teich, Jr., of Norfolk, Va., Louis A. Harris, of St. Paul, Minn., Robert B. Batchelder, of Omaha, Nebr., and Harold I. Meyerson, of New York, N.Y., on motion of Mr. Richard N. Little; Charles Willard Hoffmann, of Indianapolis, Ind., on motion of Mr. Larry A. Conrad; Philip Joseph Rock, of Chicago, Ill., on motion of Mr. John Joseph O'Toole; Ardon B. Judd, Jr., of Arlington, Va., on motion of Mr. Eugene J. McDonald; and Henry Kolowrat, of Philadelphia, Pa., on motion of Mr. H. Francis DeLone, were admitted to practice.

ORAL ARGUMENT

Nos. **90 et al.** Permian Basin Area Rate Cases. Argument continued by Mr. Carroll L. Gilliam for the Amerada Petroleum Corporation et al., in opposition to the order of the Federal Power Commission and concluded by Mr. Richard A. Solomon for the Federal Power Commission in support of the order of the Federal Power Commission.

No. **158.** Fleming Smith, petitioner, *v.* Illinois. Argued by Mr. Gerald W. Getty for the petitioner and by Mr. John J. O'Toole for the respondent.

No. **26.** United States, appellant, *v.* Penn-Olin Chemical Company et al. Argued by Mr. Edwin M. Zimmerman for the appellant and by Mr. Albert R. Connelly and Mr. H. Francis DeLone for the appellees.

No. **85.** United States, appellant, *v.* Charles Jackson et al. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. Steven B. Duke for the appellees.

Adjourned until Monday, December 11, 1967.

The day call for Monday, December 11, 1967, will be as follows:
Nos. **86, 63, 74, and 67.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

B. Barry Grossman, of Washington, D.C., David S. Kenin, of Coral Gables, Fla., Edgar W. McCurry, Jr., of Jacksonville, Fla., Donald J. Gavin, of Chicago, Ill., Walter Robert Stewart, of Champaign Ill., Lou Lamar Williams, of Portland, Oreg., Donald I. Baker, of Alexandria, Va., Patrick J. Connor, of New York, N.Y., Ronald Podolsky, of New York, N.Y., Robert J. Campbell, of Oakton, Va., Rodino R. Mastandrea, of Cleveland, Ohio, Andrew Pickens Miller, of Abingdon, Va., and Franklin Marshall Slayton, of South Boston, Va., on motion of Mr. Solicitor General Erwin N. Griswold; George Holbrook Hawes III, of Carson City, Nev., on motion of Mr. Alan Bible; Robert David Tisinger, of Carrollton, Ga., on motion of Mr. John James Flynt, Jr.; Frank Frederick Bonaiuto, of Brecksville, Ohio, Nick V. Durbakoff, of Bedford, Ohio, and Edward Leonard Kornowski, of Solon, Ohio, on motion of Mr. William E. Minshall; James D. Davis, of Alexandria, La., and Edwin O. Ware, of Alexandria, La., on motion of Mr. Edwin W. Edwards; John V. Black, of Pratt, Kans., on motion of Mr. Garner E. Shriver; Frank L. Jennings, of Graham, Tex., on motion of Mr. Graham Purcell;

Frank D. Padgett, of Honolulu, Hawaii, on motion of Mr. Spark Masayuki Matsunaga; Chris George Rallis, of Littleton, Colo., Dean G. Rallis, of St. Louis, Mo., and Lee George Rallis, of Denver, Colo., on motion of Mr. Donald G. Brotzman; Henri F. Rush, Jr., of New York, N.Y., on motion of Mr. Robert W. Ginnane; Leonard W. Schroeter, of Seattle, Wash., on motion of Mr. Lawrence Speiser; Helaine Meresman Barnett, of New York, N.Y., and Kalman Finkel, of Brooklyn, N.Y., on motion of Mr. Leon B. Polsky; Stanley L. Roberts, of Arlington, Va., Thomas Louis Siegel, of Teaneck, N.J., Myron Ohlstein, of Bronx, N.Y., and Charles W. Fowler, of Lusby, Md., on motion of Mr. Lew D. Brundage; Thomas W. McIlheran, of Fort Worth, Tex., David Gaines Short, of Houston, Tex., and Ernest Steve Watson, of Fort Worth, Tex., on motion of Mr. Walter P. North; William R. Stanifer, of Tazewell, Tenn., on motion of Mr. Thomas Pedersen; Carl J. Character, of Cleveland, Ohio, Neil Kenneth Evans, of Cleveland, Ohio, Reuben M. Payne, of Cleveland, Ohio, Louis Stokes, of

Cleveland, Ohio, and James E. Terry, of Cleveland, Ohio, on motion of Mr. Jack D. Day;

Melvin H. Kurtz, of Ossining, N.Y., and William D. Lucas, of New York, N.Y., on motion of Mr. James W. Dent; Leonard Rubinfeld, of Peekskill, N.Y., on motion of Mr. James J. Duggan; Walter Calvin DeVaughn, of Silver Spring, Md., on motion of Mr. Charles O. Magnetti; Michael A. Telesca, of Rochester, N.Y., on motion of Mr. William R. Durland; Laurence Leff, of New York, N.Y., on motion of Mr. Michael Robin Juviler; Theodore Edward Breault, of Falls Church, Va., on motion of Mr. Orié Seltzer; Charles Michael Rieders, of Cocoa Beach, Fla., on motion of Mr. Lewis Evans Grotke; Gordon Keith Darling, of Winterset, Iowa, on motion of Mr. James Reist Stoner; Ernest Gene Crain, of Newport Beach, Calif., on motion of Mr. Robert Jordan Wager; James Stirling Welch, of Louisville, Ky., on motion of Mr. Malcolm Y. Marshall; Frederick Augustus Thayer, III, of Oakland, Md., on motion of Mr. Franklin D. Wolfe; Morris Rozar, of Phoenix, Ariz., and Alfred Fairhurst Baughn, of Phoenix, Ariz., on motion of Mr. Paul Rosenblatt; and Julian Bernard Allen, of Gary, Ind., Walter Kerrigan Black, of Chicago, Ill., and Jackie Lamond Shropshire, of Gary, Ind., on motion of Mr. James W. Cobb, were admitted to practice.

OPINIONS

No. 113. United States, petitioner, *v.* Homer O. Correll et ux. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Fortas join. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 15. Stella Hughes, petitioner, *v.* Washington. On writ of certiorari to the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 8. United States, appellant, *v.* Eugene Frank Robel. Appeal from the United States District Court for the Western District of Washington. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Brennan concurring in the result. Dissenting opinion by Mr. Justice White with whom Mr. Justice

Harlan joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 26. United States, appellant, *v.* Penn-Olin Chemical Company et al. Appeal from the United States District Court for the District of Delaware. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 384. Walter Germann, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 515. W. E. B. DuBois Clubs of America et al., appellants, *v.* Ramsey Clark, Attorney General of the United States, et al. Appeal from the United States District Court for the District of Columbia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 632. Kenneth A. Burke, dba Ranch Acres Liquors, et al., petitioners, *v.* Clarence Ford and Frank J. Kunc, dba All Brands Sales Company, et al. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan concurs in the result.

No. 659. Stephen R. Eagar et al., petitioners, *v.* Magma Copper Company. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the District of Arizona for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Harlan and Mr. Justice Stewart concur. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 669. United National Life Insurance Company et al., appellants, *v.* California. Appeal from the Supreme Court of California.

The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted and the case assigned for oral argument. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 675. Township of Springfield, Delaware County, Pennsylvania, appellant, *v.* Ida May Green et al. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 686. Harry C. Devore, appellant, *v.* West Virginia Board of Dental Examiners et al. Appeal from the Supreme Court of Appeals of West Virginia. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 650, Misc. Stanwood A. Demers, etc., appellant, *v.* Fred M. Langton, Tax Administrator. Appeal from the Supreme Court of Rhode Island. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 353. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners, *v.* Bangor & Aroostook Railroad Company et al. The order of December 4, 1967, denying the petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is vacated and the following order is entered:

“PER CURIAM.

“This case is a consequence of a dispute with respect to the scope of an arbitration award governing the manning of trains and engines in freight service. The union took the position that the award had no effect after 12:01 a.m., March 31, 1966. On March 28, the District Court for the District of Columbia issued a temporary restraining order forbidding a strike. On March 31 the union struck against a number of railroads. The District Court entered contempt orders, imposing substantial fines for alleged violation of its restraining order. The Court of Appeals ruled on various legal issues presented to it but remanded to the District Court to consider whether there had in fact been a contempt, and also, if there was a contempt, whether it was ‘of such magnitude as to warrant retention, in part or to any extent, of the coercive fine originally provided for in contemplation of an outright refusal to obey.’

“Petitioners seek certiorari to review the adverse rulings made by the Court of Appeals. However, because the Court of Appeals remanded the case, it is not yet ripe for review by this Court. The petition for a writ of certiorari is denied. See *Hamilton Shoe Co. v. Wolf Brothers*, 240 U.S. 251, 257-258 (1916).”

MR. JUSTICE BLACK would grant the petition and set the case for argument.

No. 29, Original. State of Texas et al., plaintiffs, *v.* State of Colorado. The motion for leave to file the bill of complaint is granted and the State of Colorado is allowed sixty days to answer. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 32, Original. State of Missouri, plaintiff, *v.* State of Nebraska. The motion for leave to file the bill of complaint is granted and the State of Nebraska is allowed sixty days to answer.

IT IS ORDERED that Honorable Gilbert H. Jertberg, Senior Judge for the United States Court of Appeals for the Ninth Circuit be, and he is hereby, 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 master is directed to submit such reports as he may deem appropriate.

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

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of 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.

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. The motion of Arnold Holtzman for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 227. Federal Power Commission, petitioner, *v.* Pan American Petroleum Corporation et al. The motion for consecutive oral arguments is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 876. Eddie M. Harrison, petitioner, *v.* United States. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Alfred V. J. Prather, Esquire, of Washington, District of Columbia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. **359, Misc.** Amrando Sanchez, petitioner, *v.* California. The motion to defer consideration of the petition for a writ of certiorari is granted.

No. **386, Misc.** Pearlie Sims, etc., petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. The motion to consolidate this case with *Hopkins v. Gardner*, No. **276**, is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

CERTIORARI GRANTED

No. **637.** Chan Kwan Chung, petitioner, *v.* Immigration and Naturalization Service. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar. William H. Dempsey, Jr., Esquire, a member of the Bar of this Court, is invited to appear and present oral argument, as *amicus curiae*, in support of the judgment below.

No. **695.** Charles C. Green et al., petitioners, *v.* County School Board of New Kent County, Virginia, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case placed on the summary calendar.

No. **566, Misc.** Johnny Sabbath, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. **205.** Charles Edward Ross, petitioner, *v.* Virginia. Petitioner for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **663.** National Surety Corporation, petitioner, *v.* United States for the use of Way Panama, S. A. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **666.** Triway Investment Company et al., petitioners, *v.* Oregon, by and through its State Highway Commission, et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **667.** International Longshoremen's & Warehousemen's Union et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **672.** Vincent Chiodo et al., petitioners, *v.* General Waterworks Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **674.** John Thomas et al., petitioners, *v.* Consolidation Coal Company (Pocahontas Fuel Company Division), et al. Petition for

writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **676.** The Detroit and Toledo Shore Line Railroad Company et al., petitioners, *v.* Court of Common Pleas of Lucas County, Ohio, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **677.** Hallie Stirling Tighe, petitioner, *v.* Bettie Hallie Stirling Roecker et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **681.** Fiduciary Counsel, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **684.** J. P. Stevens & Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **687.** Genevieve D. Schreffler, petitioner, *v.* The Prudential Insurance Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **692.** Paul V. Byrne, Jr., petitioner, *v.* Chicago Title and Trust Company, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **696.** Alpha Enterprises, Inc., petitioner, *v.* City of Houston et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. **697.** Othal L. Turner and On-The-Town, Inc., d/b/a Atlanta's Playboy Club, petitioner, *v.* HMM Publishing Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **123.** Emma D. Lynn, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **649.** M. Raymond Adler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. **682.** Waller C. Boedeker, petitioner, *v.* Harold C. Abramson, Trustee for Casco Chemical Corporation, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **690.** Ronald Carabbia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **685**. Sidney J. Ungar, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. **693**. Victor DeCosta, petitioner, *v.* Columbia Broadcasting System, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. The Chief Justice and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. **181, Misc.** Joseph Leonti, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **366, Misc.** Kenneth Orr, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. **387, Misc.** Ivy Dell Cockrell et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **414, Misc.** Benito Juvera, petitioner, *v.* United States; and

No. **422, Misc.** Jacob Juvera, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **511, Misc.** Gilda Manigo, petitioner, *v.* New York City Housing Authority. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. **559, Misc.** Norbert D. Terlikowaki, petitioner, *v.* United States; and

No. **716, Misc.** James Slawek, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **594, Misc.** Ben Brown, petitioner, *v.* The Circuit Court of St. Louis County, Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **600, Misc.** A. Wuland, petitioner, *v.* Donald S. Frey. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **607, Misc.** Archie A. White, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **630, Misc.** Russell L. Simpson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 634, **Misc.** Roy Thomas O'Malley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 647, **Misc.** Sargent Cauefield et al., petitioners, *v.* Fidelity and Casualty Company of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 648, **Misc.** Frank Thompson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 651, **Misc.** Bruce Matlack, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 656, **Misc.** Samuel Lee Henry, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 658, **Misc.** Harold Arthur Hill, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 660, **Misc.** Gus Feist, Jr., petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 665, **Misc.** Leon C. Sawyer, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 667, **Misc.** Cyril Donald Andrews, petitioner, *v.* Harold V. Field. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 674, **Misc.** Lawrence Glenn Modesto, petitioner, *v.* Louis E. Nelson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 675, **Misc.** Eddie Hugh Hill, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 676, **Misc.** Paul Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 679, **Misc.** William Henry Dumas, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 687, **Misc.** Frank Louis Falgout, petitioner, *v.* Mose Trujillo, Sheriff, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 251, **Misc.** Robert J. Banks, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 637, **Misc.** Hinda Baskin, petitioner, *v.* Seymour Baskin et al. Petition for writ of certiorari to the United States Court of Appeals

for the Seventh Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 689, *Misc.* Albert B. Jackovick, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Motion for leave to file petition for writ of certiorari and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 773, *Misc.* Hubert J. Walton, petitioner, *v.* Louis S. Nelson, Warden;

No. 779, *Misc.* William P. Deuel, petitioner, *v.* Thomas E. Girard, Superintendent, Naselle Youth Camp; and

No. 835, *Misc.* George S. Steele, petitioner, *v.* Louis S. Nelson, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 829, *Misc.* Robert Ryan, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 659, *Misc.* Harold Arthur Hill, petitioner, *v.* Robert W. Wert, Records Officer, etc. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 564. David Arthur Gearey, petitioner, *v.* United States;

No. 168, *Misc.* John B. Elliott, Administrator, petitioner, *v.* Louis L. Sierzenga et al.;

No. 452, *Misc.* William M. Gilday, Jr., petitioner, *v.* Massachusetts; and

No. 577, *Misc.* John Hiram Jones, petitioner, *v.* Ronald Reagan, Governor, et al. Petitions for rehearing denied.

No. 271, *Misc.* James William Smith, petitioner, *v.* Kansas. Motion for leave to file petition for rehearing denied.

The Court appoints Ernest C. Friesen, of Kansas, to be Director of the Administrative Office of the United States Courts, pursuant to the provisions of § 601 of Title 28 of the United States Code.

RECESS ORDER

The Court will take a recess from Monday, December 18, 1967, until Monday, January 15, 1968.

ORAL ARGUMENT

No. **86**. United States, appellant, *v.* Third National Bank in Nashville et al. Argued by Mr. Daniel M. Friedman for the appellant and by Mr. E. William Henry and Mr. Joseph J. O'Malley for the appellees.

No. **63**. Nelson Sibron, appellant, *v.* New York. Argument commenced by Mr. Kalman Finkel for the appellant and continued by Mrs. Gretchen White Oberman for the appellant and by Mr. William I. Siegel for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 12, 1967, will be as follows:
Nos. **63, 74, 67, and 196**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

William Thomas Bulinger, of Washington, D.C., and Ronald P. Kananen, of Cleveland, Ohio, on motion of Judge Arthur M. Smith; Wirt Courtney, of Nashville, Tenn., on motion of Mr. Charles N. Hulvey; James E. Carr, of Roanoke, Va., Melvin John Strouse, of Roanoke, Va., and James Creighton McKay, of Washington, D.C., on motion of Mr. John Woolman Douglas; Robert John Hickey, of Washington, D.C., and Thomas M. P. Christensen, of Alexandria, Va., on motion of Mr. Forbes W. Blair; and Joel Martin Flaum, of Chicago, Ill., on motion of Mr. James R. Thompson, were admitted to practice.

ORAL ARGUMENT

No. 63. Nelson Sibron, appellant, *v.* New York. Argument continued by Mr. Michael Juviler for the District Attorney of New York County, New York, as *amicus curiae*, and concluded by Mrs. Gretchen White Oberman for the appellant. Briefs to come.

No. 74. John Francis Peters, appellant, *v.* New York. Argued by Mr. Robert Stuart Friedman for the appellant, by Mr. James J. Duggan for the appellee and by Mr. William I. Siegel for the District Attorney of Kings County, New York, as *amicus curiae*.

No. 67. John W. Terry et al., petitioners, *v.* Ohio. Argued by Mr. Louis Stokes for the petitioners and by Mr. Reuben M. Payne for the respondent.

No. 196. Herbert Schneider, appellant, *v.* Willard J. Smith, Commandant, United States Coast Guard. Argument commenced by Mr. Leonard W. Schroeter for the appellant.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 13, 1967, will be as follows: Nos. 196, and 40 (50 and 51).

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Joe W. Gerstein, of Atlanta, Ga., on motion of Mr. Benj. B. Blackburn; Harry D. Krause, of Urbana, Ill., on motion of Mr. Bruce E. Clubb; Frank Spiegel, of Cleveland, Ohio, on motion of Mr. John S. Martin; Larry Scott Melville, of Bridgeport, Conn., on motion of Mr. Frank D. Reeves; Peter Dorsey, of Minneapolis, Minn., and William Abel Whitlock, of Minneapolis, Minn., on motion of Mr. Edwin Shafer Rockefeller III; Harold H. Young, Jr., of Tulsa, Okla., on motion of Mr. William J. Grove; George Edward Bullwinkel, of Chicago, Ill., on motion of Mr. William A. Smith, Jr.; and Raymond Joseph Smith, on motion of Mr. John Powers Crowley, were admitted to practice.

ORAL ARGUMENT

No. 196. Herbert Schneider, appellant, *v.* Willard J. Smith, Commandant, United States Coast Guard. Argument continued by Mr. John Caughlan for the appellant, by Mr. John S. Martin, Jr., for the appellee and concluded by Mr. Leonard W. Schroeter for the appellant.

No. 40. Edward J. Hardin, as Mayor of Tazewell, Tennessee, et al., petitioners, *v.* Kentucky Utilities Company;

No. 50. Powell Valley Electric Cooperative, petitioner, *v.* Kentucky Utilities Company; and

No. 51. Tennessee Valley Authority, petitioner, *v.* Kentucky Utilities Company. Argued by Mr. Robert H. Marquis and Mr. William R. Stanifer for the petitioners and by Mr. Malcolm Y. Marshall for the respondent.

Adjourned until Monday, December 18, 1967, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Walter O. Bazemore, of Fort Myers, Fla., Richard W. Lyons, of Miami, Fla., Lewis Stanton Dotson, of Charleston, Ill., Thomas J. Downey, of Jefferson City, Mo., Otto G. Obermaier, of New York, N.Y., George M. Beasley III, of Monroe, N.C., Joe Oliver Brewer, of Wilkesboro, N.C., Kurt R. Conner, of North Wilkesboro N.C., Max F. Ferree, of Wilkesboro, N.C., W. H. McElwee, of North Wilkesboro, N.C., William G. Mitchell, of North Wilkesboro, N.C., Larry S. Moore, of North Wilkesboro, N.C., Cecil Lee Porter, of North Wilkesboro, N.C., Julius Addison Rousseau, Jr., of North Wilkesboro, N.C., John Gary Vannoy, of North Wilkesboro, N.C., Wade Eugene Vannoy, Jr., of West Jefferson, N.C., and Jonathan Rose, of St. Paul, Minn., on motion of Mr. Solicitor General Erwin N. Griswold; Lawrence Brandon Robinson, of Boulder, Colo., on motion of Mr. Donald G. Brotzman;

William Avery Stiles, of Sedro-Woolley, Wash., on motion of Mr. Edwin Lloyd Meeds; Robert D. Hornbaker, of Los Angeles, Calif., on motion of Mr. Theodore George Gilinsky; Virginia Mae Brown, of Charleston W. Va., and James Vernon Brown, of Charleston, W. Va., on motion of Mr. Perry Wilson Woofter; Tenny Hoon Tom, of Honolulu, Hawaii, on motion of Mr. Clyde S. DuPont; David Byrl Rosenthal, of Detroit, Mich., on motion of Mr. Thomas Silk, Jr.; Martin Sterenbuch, of Washington, D.C., on motion of Mr. William P. Sullivan; John Joseph Corrigan, of San Francisco, Calif., on motion of Mr. Jeremiah C. Waterman; Michael Finkelstein, of Washington, D.C., on motion of Mr. Daniel R. Ohlbaum; Wayne C. Marsh, of Memphis, Tenn., on motion of Mr. Francis A. Keegan; Walter Albert Renz, of New York, N.Y., on motion of Mr. Deane E. McCormick, Jr.; and Lawrence Hillel Mirel, of Hamden, Conn., on motion of Mr. James S. Hostetler, were admitted to practice.

OPINIONS

No. 66. Case-Swayne Co., Inc., petitioner, *v.* Sunkist Growers, Inc. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United

States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Marshall. Opinion by Mr. Justice White with whom Mr. Justice Stewart joins concurring in the result. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Opinion by Mr. Justice Douglas, *dubitante*.

No. 49. National Labor Relations Board, petitioner, *v.* Fleetwood Trailer Co., Inc. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in the result. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 35. Charles Katz, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Brennan joins. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 104. Alexander Tcherepnin et al., petitioners, *v.* Joseph E. Knight et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren announced by Mr. Justice Brennan. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 72. Carl Simon et al., petitioners, *v.* Irving L. Wharton, etc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments of the Court of Appeals and the United States District Court for the Southern District of New York vacated and case remanded to the United States District Court for the

Southern District of New York with instructions to dismiss the case as moot. *Opinion per curiam.*

No. 216. Wallace Franklin Satterfield, petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. *Opinion per curiam.*

No. 246. Herman Moses et al., appellants, *v.* Washington et al. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam.* Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 623. Douglas Lantz d/b/a Alaska Truck Transport, Inc., appellant *v.* Lynden Transfer, Inc., et al. Appeal from the United States District Court for the Western District of Washington. The motion of Douglas Lantz for leave to intervene and for other relief is denied. The motion to affirm is granted and the judgment is affirmed. *Opinion per curiam.*

No. 670. Illinois ex rel. John Maeras, Treasurer and Ex-Officio Collector of Taxes of Madison County, Illinois, appellant, *v.* Chicago, Burlington and Quincy Railroad Co., et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam.*

No. 678. Isaac Sims, Jr., petitioner, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. *Opinion per curiam.*

No. 691. Nelson A. Rockefeller, as Governor of New York, et al., appellants, *v.* David I. Wells and Donald S. Harrington, etc. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. *Opinion per curiam.* Dissenting opinion by Mr. Justice Harlan.

No. 694. United States et al., appellants, *v.* Dixie Highway Express, Inc., et al.; and

No. 707. Braswell Motor Freight Lines, Inc., appellant, *v.* Dixie Highway Express, Inc., et al. Appeals from the United States District Court for the Southern District of Mississippi. Judgment reversed

and case remanded to the United States District Court for the Southern District of Mississippi for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 711. The Burke-Parsons-Bowlby Corporation et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of West Virginia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 14, Misc. Bennie W. Brooks, petitioner, *v.* Florida. On petition for writ of certiorari to the District Court of Appeal of Florida, First District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the District Court of Appeal of Florida, First District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black concurs in the result.

No. 629, Misc. Betty Damico et al., appellants, *v.* California et al. Appeal from the United States District Court for the Northern District of California. Motion for leave to proceed *in forma pauperis* granted. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

No. 708, Misc. Marcia Cheryl Hulshart, appellant, *v.* Maryland. Appeal from the Court of Special Appeals of Maryland. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 21. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. The motion for leave to file a supplemental memorandum after argument is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 237. Archie Nathaniel Biggers, petitioner, *v.* Tennessee. The motion of respondent for leave to file a supplemental brief is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 305. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. The motion of the Municipal Electric Association of Massachusetts for leave to file a brief, as *amicus curiae*, is granted. Its motion to present oral argument, as *amicus curiae*, is denied. Mr. Justice Marshall took no part in the consideration or decision of this matter.

No. 405. Leroy Powell, appellant, *v.* Texas. The motion of American Civil Liberties Union et al., for leave to file a brief, as *amici curiae*, is granted. The motion of Philadelphia Diagnostic and Relocation Service Corporation for leave to file a brief, as *amicus curiae*, is granted.

No. 478. Amalgamated Food Employees Union Local 590 et al., petitioners, *v.* Logan Valley Plaza, Inc., and Weis Markets, Inc. The motion of Retail Clerks International Association, AFL-CIO, for leave to file a brief, as *amicus curiae*, is granted.

No. 618. Fortnightly Corporation, petitioner, *v.* United Artists Television, Inc. The motion of the United States, as *amicus curiae*, to postpone oral argument is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 155, Misc. In the Matter of the Disbarment of Charles H. Quimby, III. It is hereby ordered, in light of the order of the United States District Court for the District of Columbia dated November 13, 1967, that Charles H. Quimby, III, file by January 17, 1968, a further response to the order to show cause heretofore entered by this Court on May 29, 1967.

No. 1038, Misc. In the Matter of Disbarment of William R. O'Malley. It is ordered that William R. O'Malley of Wickliffe, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

CERTIORARI GRANTED

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington, et al.; and

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al. Motion to dispense with printing petition in No. 319 granted. Petitions for writs of certiorari to the Supreme Court of Washington granted. Cases consolidated and a total of two hours allowed for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this motion and petitions.

CERTIORARI DENIED

No. 658. Lawrence Wayne Tyree, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 698. Farmers Co-Operative Elevator Association Non-Stock of Big Springs, Nebraska, petitioner, *v.* Arthur C. Strand. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 706. C. Frank Smith, petitioner, *v. Tennessee*. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 708. Cloudies Shinall, petitioner, *v. Mississippi*. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 709. John J. Plisco, petitioner, *v. Union Railroad Company*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 712. Martin Malinou, Public Administrator, petitioner, *v. Gordon Cairns, Rhode Island Hospital Trust Company, et al.* Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 713. William Joseph Breault, et al., petitioner, *v. Harold L. Feingenholtz, Executor of the Will of Oscar J. Breault, deceased, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 714. Jones Lumber Company, petitioner, *v. Del Norte County*. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 715. S. Lawrence Kahn, petitioner, *v. United States*; and

No. 718. Arthur B. Sachs et al., petitioners, *v. United States*. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 716. William R. Jackson et al., petitioners *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 723. Clarence E. Mansfield, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 725. Vance Julian, Trustee in Bankruptcy of Roby C. Woody, d/b/a Woody Motor Company, Bankrupt, petitioner, *v. The Farmers Bank of Clinton, Missouri*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 727. Frank E. Ealey, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 730. Albert Bacsco, petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 548. Snohomish County, petitioner, *v. Seattle Disposal Company et al.* Petition for writ of certiorari to the Supreme Court of Washington denied. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice White concurs:

The Supreme Court of Washington held in a 6-3 decision that the State lacks power to apply a local zoning ordinance for control of

garbage dumps and sewage landfills to respondent, Disposal Company, a non-Indian lessee of two parcels of lands within the Tulalip Tribes Reservation.

One section of the Act relevant to our problem—now codified as 28 U.S.C. § 1360—gave civil jurisdiction over Indians and Indian lands to California, Minnesota, Nebraska, Oregon, and Wisconsin¹ with the following proviso:

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property . . . belonging to any Indian or any Indian tribe . . . that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute . . .”

The federal question arises in the following manner. By Public Law 280, c. 505, § 7, 67 Stat. 590, Congress gave consent “to any other State not having jurisdiction with respect to criminal and civil offenses or civil causes of action [involving Indians and Indian lands], or with respect to both, *as provided for in this Act*,² to assume jurisdiction . . . by affirmative legislative action . . .” (Italics added.)

Pursuant to Public Law 280, the State of Washington undertook to assume jurisdiction over Indians and their lands upon their consent. In the state enactment, jurisdiction was limited by Wash. Rev. Code § 37.12.060, which incorporated verbatim the restrictions quoted above that are found in 28 U.S.C. § 1360.

In the case before us the Washington Supreme Court held that the Tulalip Tribes’ lands in issue were either held in trust or subject to a restraint against alienation imposed by 25 U.S.C. §§ 403a and 403a-2, which limit the length of leases made by the Tulalip Tribes and require approval of the Secretary of the Interior of leasing practices.³ The majority then held that under both 28 U.S.C. § 1360 and the state statute incorporating language from § 1360, zoning regulations were “encumbrances” on Indian lands because they limit the use thereof. One Washington state court decision, our decision in *Squire v. Capoe-man*, 351 U.S. 1, and opinions of the Department of Interior were relied on by the majority in formulating this definition of “encumbrance.”

¹ These five States—and Alaska by later amendment—are the only States specifically given jurisdiction without the need for state legislation. Washington obtained jurisdiction by way of the “any other State” clause in § 7 of the Act, quoted in part in text below, which was not codified.

² The italicized language is a reference to the proviso in § 1360, quoted in this memorandum.

³ One of the arguments petitioner makes is that that parcel of Indian land not held in trust by the Government was not, as held below, subject to restraint against alienation. I have found little merit in this contention, since the Tulalip Tribes purchased the parcel in question after 1956, with the effect that 25 U.S.C. § 403a-2 is controlling and restricts the power to make leases.

The majority also held that since 25 U.S.C. §§ 403a, 403b, and 415 authorized the Tulalip Tribes to make leases, their non-Indian lessees were entitled to the benefit of the restriction on state jurisdiction. Otherwise, reasoned the majority, the State would be interfering with the Indians' right to make leases, and the State could not accomplish indirectly—by subjecting respondent Disposal Company to zoning regulations—what it was prohibited to do by acting directly on the Indians. For this proposition one South Dakota decision and our decision in *United States v. Allegheny County*, 322 U.S. 174, were relied on.

The dissent was of the view that a zoning regulation directed at protecting public health and welfare was not an "encumbrance" as that term is used in § 1360 and the state equivalent. In that view, Indian activities which directly injure the citizenry of the State at large, or reasonably appear to do so, should be subjected to state control. Otherwise, state programs to check stagnation of water supply and pollution of the air would be frustrated. The dissent thought that the term "encumbrance" in § 1360 should be construed in conjunction with 25 U.S.C. § 231, which provides, *inter alia*, that the Secretary of Interior permit state agents to enter on Indian lands to enforce sanitation and quarantine regulations. Finally, said the dissent, the non-Indian lessee could not rely on any immunity from state regulations which the Indians themselves might enjoy. *Oklahoma Tax Comm'n v. Texas Co.*, 336 U. S. 342, where a non-Indian lessee of mineral rights on Indian lands was held not immune from state taxation of gross production, was cited.

A substantial federal question is presented. It is apparent from a reading of the opinion of the Washington Supreme Court that the State has assumed jurisdiction over Indians as extensive as permitted by Public Law 280. There is nothing to suggest that when the State copied the limitation on state jurisdiction found in § 1360 into the state statute, the State intended to impose greater restrictions than § 1360 imposes. The questions presented, then, are whether zoning controls over burning or dumping of garbage constitute an "encumbrance" on Indian lands under § 1360 and whether a non-Indian lessee can enjoy any immunity from state zoning that the Indians enjoy.

Subjecting respondent lessee to state regulations on garbage and sewage disposal seems no more a burden or encumbrance on the Indians' right to lease their lands than the state tax on oil production of the non-Indian lessee in *Oklahoma Tax Comm'n* was a burden or encumbrance on the rights of the Indians there involved to make oil leases. In *Oklahoma Tax Comm'n* we said: "These cases present no question concerning the immunity of the Indian lands themselves from state taxation. There is no possibility that ultimate liability for the taxes may fall upon the owner of the land." 336 U.S., at 353. The

same proposition, in a different context, may be true here, since all petitioner demands is that respondent obtain a refuse disposal use permit before commencing operations.

There may also be merit to the dissent's view that the immunity of Indian lands to a state "encumbrance" cannot frustrate state programs to check air and water pollution. The States should, perhaps, be able to prevent sewage dumped on Indians' lands from draining into streams which flow into water supplies outside Indian lands. The same is true of smoke from garbage burned on Indian lands that contributes to smog over nearby cities. State controls in this area may be permissible by virtue of 25 U.S.C. § 231, whether or not they are achieved under the label "zoning" rather than "sanitation regulations."

The Solicitor General, in a memorandum expressing the views of the United States, asserts that the decision below was correct because it accorded with an administrative regulation of the Department of Interior. This regulation⁴ provides that no local zoning ordinance shall be applicable to land leased from an Indian tribe where, as here, the land is held in trust by or is subjected to a restriction against alienation by the United States. The Supreme Court of Washington did not rely on this regulation,⁵ and whether it is valid or unduly restricts the state authority conferred by Public Law 280 and 25 U.S.C. § 231 is an important federal question this Court should decide. I would grant certiorari.

No. 719. Anthony J. Scherer, Jr., petitioner, *v.* Thomas Brennan et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 720. Will Ray Henry, petitioner, *v.* Delhi-Taylor Oil Corporation. Petitioner for writ of certiorari to the Supreme Court of Texas denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 721. Ronald J. Dugas, petitioner, *v.* Nippon Yusen Kaisha. Motion of American Trial Lawyers Association for leave to file a

⁴ 25 CFR § 1.4 provides:

(a) Except as provided in paragraph (b) of this section, none of the laws, ordinances, codes, resolutions, rules or other regulations of any State or political subdivision thereof limiting, zoning, or otherwise governing, regulating, or controlling the use of development of any real or personal property, including water rights, shall be applicable to any such property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(b) The Secretary of the Interior or his authorized representative may in specific cases or in specific geographic areas adopt or make applicable to Indian lands all or any part of such laws, ordinances, codes, resolutions, rules or other regulations referred to in paragraph (a) of this section as he shall determine to be in the best interest of the Indian owner or owners in achieving the highest and best use of such property. . . ."

⁵ The court below did rely on a 1942 decision of the Department of the Interior, 58 I. D. 52, holding that a Minnesota county could not apply a nonresidential zoning ordinance to certain Indian lands. But this decision was rendered before Public Law 280 was enacted.

brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 722. Dale E. Noyd, petitioner, *v.* Robert S. McNamara, Secretary of Defense, et al. The application for a stay presented to Mr. Justice White, and by him referred to the Court, denied. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 724. Anthony Mirra, petitioner, *v.* United States. Motion to dispense with printing opinion of District Court in the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 728. Patrick C. Graney et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 202, *Misc.* John Currie, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 330, *Misc.* Larry G. Harris, petitioner, *v.* Peter J. Pitchess. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 373, *Misc.* Thomas Lee Allen, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 461, *Misc.* Victor Milone, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 523, *Misc.* William A. Young, petitioner, *v.* M. D. Crocker, Chief Judge, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 530, *Misc.* William W. Blakey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 558, *Misc.* Willard Arthur Winhoven and Ernest Barragan Lopez, petitioners, *v.* Peter J. Pitchess, Sheriff. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 612, *Misc.* Richard Green a/k/a James Youngblood, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 673, Misc. Jack Walton Taylor, petitioner, *v.* Ray H. Page, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 680, Misc. Joseph Alvidrez, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 684, Misc. Harry Hoffman Nadolski, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 685, Misc. Marian B. Patskanick et vir, petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 688, Misc. Sam Morales Garza, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 693, Misc. Donald L. Rose, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Los Angeles, denied.

No. 706, Misc. Helena H. Butterfield, petitioner, *v.* William Gazelle. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 707, Misc. William H. Haggard, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 710, Misc. Clyde Carl Wilkerson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 712, Misc. Frank Rowland, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 738, Misc. Joseph Kauffman, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 751, Misc. George Singleton, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 58, Misc. Ruben Cruz Vela, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Dissenting opinion by the Chief Justice with whom Mr. Justice Douglas joins:

"This case is another further extension of *Spence v. Texas*, 385 U.S. 554, in which the error is more egregious. For the reasons stated in my

concurring opinion in *Burgett v. Texas*, 389 U.S. at 116, I would grant the petition for writ of certiorari.”

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. **261, Misc.** Jack Homer, petitioner, *v.* George J. Beto et al. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **728, Misc.** James W. Oyler, petitioner, *v.* Pennsylvania. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **152.** Marie LaHitte, et vir, petitioners, *v.* Acme Refrigeration Supplies, Inc., et al.;

No. **535.** Michele Marchese et al., petitioners, *v.* United States;

No. **402, Misc.** Carl Junior Hackathorn, petitioner, *v.* J. E. (Bill) Decker, Sheriff, Dallas County, Texas;

No. **418, Misc.** L. Gilbert Cohen, petitioner, *v.* Newsweek, Inc.;

No. **572, Misc.** Harry William Raymond, appellant, *v.* Vincent L. Toffany, Commissioner of Motor Vehicles of New York; and

No. **606, Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petitions for rehearing denied.

No. **41.** Sam Umans, petitioner, *v.* United States; and

No. **401.** Dennis Mora et al., petitioners, *v.* Robert S. McNamara, Secretary of Defense, et al. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

Adjourned until Monday, January 15, 1968, at 10 o'clock.

The day call for Monday, January 15, 1968, will be as follows: **55, 237, 219** and **56** (and **64**).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

John P. Jehu, of Slingerland, N.Y., and Bruce Tittel, of Cincinnati, Ohio, on motion of Mr. Solicitor General Erwin N. Griswold; Dorothy Dowling Wolbrette, of New Orleans, La., and Lawrence Lee McNamara, of Metairie, La., on motion of Mr. Hale Boggs; Ronald Lee Cooke, of Denver, Colo., on motion of Mr. Byron G. Rogers, Hallet C. Parrish, of Shawnee, Kans., on motion of Mr. Garner E. Shriver; Charles Maxwell Berg, of Beverly Hills, Calif., on motion of Mr. Stewart French; Hugh R. Tankersley, of Dayton, Ohio, on motion of Mr. Jerome Powell; David Robinson, Jr., of Aurora, Oreg., on motion of Mr. Roger Stroock Kuhn; Anthony Savage, Jr., of Seattle, Wash., on motion of Mr. Alan S. Ward; Harry W. Laughlin, Jr., of Memphis, Tenn., on motion of Mr. James A. Bistline; Jules Dashow, of Chicago, Ill., on motion of Mr. Jack Joseph; and John R. Alexander, of Kensington, Md., William B. Furnier, of Washington, D.C., and Harrison Lewis, of Raleigh, N.C., on motion of Mr. Herman J. Morton, were admitted to practice.

OPINIONS

Nos. **778, 779, 830-836**. Penn-Central Merger and N & W Inclusion Cases. Appeals from the United States District Court for the Southern District of New York;

No. **433**. City of Pottsville, appellant, *v.* United States et al. Appeal from the United States District Court for the Middle District of Pennsylvania;

No. **663, Misc.** Borough of Moosic, petitioner, *v.* United States District Court for the Middle District of Pennsylvania et al.; and

No. **664, Misc.** City of Scranton et al., petitioners, *v.* United States District Court for the Middle District of Pennsylvania et al. On motions for leave to file petitions for writs of mandamus and/or certiorari. Judgment in Nos. **778, 779, 830-836** affirmed, subject to the modifications and conditions stated in the opinion of this Court, and cases remanded to the United States District Court for the Southern District of New York for the entry of such orders and for such further action as may be consistent with the opinion and judgment of

this Court and as may be appropriate with respect to the exercise of that court's jurisdiction in the premises. No. **433**, jurisdiction noted and judgment vacated and case remanded to the United States District Court for the Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Motions for leave to file petitions for writs of mandamus or certiorari in Nos. **663, Misc.** and **664, Misc.** are denied without prejudice to further proceedings in the United States District Court for the Middle District of Pennsylvania consistent with the opinion of this Court. Opinion by Mr. Justice Fortas. Opinion by Mr. Justice Douglas dissenting in part in Nos. **433, 663, Misc.**, and **664, Misc.** Opinion by Mr. Justice Douglas dissenting in part in Nos. **778, 779, 830-836**. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. **57**. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local 153, Glass Bottle Blowers Association of the United States and Canada, AFL-CIO. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to decide the merits of the appeal of The Secretary of Labor. Opinion by Mr. Justice Brennan. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. **58**. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local Union No. 125, Laborers' International Union of North America, AFL-CIO. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to enter a judgment reversing the judgment of the dismissal of the United States District Court for the Northern District of Ohio and directing further proceedings by that court consistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. **21**. Oswald Zschemig et al., appellants, *v.* William J. Miller, Administrator, et al. Appeal from the Supreme Court of Oregon. Judgment reversed and case remanded to the Supreme Court of Oregon for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Brennan joins. Opinion by Mr. Justice Harlan concurring in the result. Dissenting opinion by Mr. Justice White. *Mr. Justice Marshall took no part in the consideration or decision of this case.*

No. **37**. Massachusetts, petitioner, *v.* Donald M. Painten. On writ of certiorari to the United States Court of Appeals for the First Circuit. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr.

Justice Fortas. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 130. United States, petitioner, *v.* Bethlehem Steel Company et al. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 163. The National Small Shipments Traffic Conference, Inc., et al., appellants, *v.* Ringsby Truck Lines, Inc., et al. Appeal from the United States District Court for the District of Colorado. The motion to dismiss is granted and the appeal is dismissed as moot. Opinion *per curiam*. Mr. Justice Douglas dissents. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 260. I. M. Amusement Corp., appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice concurs on the ground that evidence of contemporary community standards was excluded at trial. Mr. Justice Harlan would affirm for the reasons set forth in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496 500-503, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455.

No. 400. International Ladies' Garment Workers' Union, Local 415, et al., petitioners, *v.* Scherer & Sons, Inc. On petition for writ of certiorari to the Supreme Court of Florida. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan would set this case for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 480. Stephen S. Chandler, U.S. District Judge for the Western District of Oklahoma, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to dismiss

the mandamus proceedings as moot. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 679. Robert-Arthur Management Corporation, appellant, *v.* Tennessee ex rel. Phil M. Canale, District Attorney General. Appeal from the Supreme Court of Tennessee, Western Division. Judgment reversed and case remanded to the Supreme Court of Tennessee, Western Division, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice would affirm. Mr. Justice Harlan would affirm for the reasons set forth in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496, 500-503, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455.

No. 754. Seaside Properties, Inc., appellant, *v.* State Road Department of Florida. Appeal from the District Court of Appeal of Florida, Third District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 759. School Committee of the City of Boston, appellant, *v.* Board of Education et al. Appeal from the Supreme Judicial Court of Massachusetts. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 768. Edmund D. Osbourne et al., appellants, *v.* Mississippi Valley Barge Line Company et al. Appeal from the United States District Court for the Eastern District of Missouri. The motions to affirm are granted and the judgment is affirmed without prejudice to the presentation of an appropriate motion in the United States District Court for the Eastern District of Missouri for a modification of the injunction. Opinion *per curiam*.

No. 790. Braswell Motor Freight Lines, Inc., et al., appellants, *v.* United States et al. Appeals from the United States District Court for the Western District of Texas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 793. Louisiana Financial Assistance Commission, etc., et al., appellants, *v.* Bryan Poindexter, etc., et al. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 817. Thomas F. Buck et ux., appellants, *v.* New Jersey by the State Highway Commissioner. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 820. Thrifty Shoppers Scrip Co., appellant, *v.* United States et al.; and

No. 849. William Twyman, dba Bill's Union Station, et al., appellants, *v.* United States. Appeals from the United States District Court

for the Central District of California. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **825**. Anghel Goldstein, aka Andrei Pietraru, et al., petitioners, *v.* Joseph A. Cox and S. Samuel DiFalco, Surrogates of the County of New York, et al. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Zschemnig v. Miller*, No. **21, October Term, 1967**, decided this date. Opinion *per curiam*.

No. **839**. Strickland Transportation Co., Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Texas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **840**. Ward M. Miller, appellant, *v.* Robert A. Haines, Director, Department of Mental Hygiene and Correction of Ohio, et al. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. **846**. Public Utilities Commission of California et al., appellants. *v.* Baltimore Shippers and Receivers Association, Inc., et al. Appeal from the United States District Court for the Northern District of California. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **850**. Jesse James, State Treasurer of Texas, et al., appellants, *v.* Everett M. Gilmore, Jr., et al. Appeal from the United States District Court for the Northern District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. **858**. Albert W. Baxter et al., appellants, *v.* City of Philadelphia et al. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. **872**. Claude R. Kirk, Jr., as Governor of Florida, et al., appellants, *v.* Edmond J. Gong et al. Appeal from the United States District Court for the Southern District of Florida. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. **879**. Clyde C. Randolph, Jr., appellant, *v.* United States. Appeal from the United States District Court for the Middle District of North Carolina. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. **882**. Edmund Dinis et al., appellants, *v.* John A. Volpe et al. Appeal from the United States District Court for the District of Massachusetts. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 730, Misc. Gerald Glen Boyden, appellant, *v.* California. Appeal from the Court of Appeal of California, Second Appellant District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 33, Original. State of Arkansas, plaintiff, *v.* State of Tennessee. The motion for leave to file the bill of complaint is granted and the State of Tennessee is allowed sixty days to answer.

IT IS ORDERED that the Honorable Gunnar H. Nordbye, Senior Judge of the United States District Court for the District of Minnesota be, and he is hereby, 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 master is directed to submit such reports as he may deem appropriate.

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

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

No. 60. Federal Power Commission, petitioner, *v.* Sunray DX Oil Company et al.;

No. 61. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company et al.;

No. 62. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al.;

No. 80. Federal Power Commission, petitioner, *v.* Standard Oil Company of Texas, etc., et al.; and

No. 97. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company. The motion of the Pan American Petroleum Corporation for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, et al. The motions of The United Kingdom of Great Britain and Northern Ireland; The Republic of Italy; and Canada for leave to file briefs, as *amicus curiae*, are granted. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 73. In the Matter of John Ruffalo, Jr., petitioner. The motion of the Ohio State Bar Association and Mahoning County Bar Association for leave to argue orally is granted. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 127. Reading Company, petitioner, *v.* Francis Shunk Brown, 3rd, etc., et al. The motion of the United States to remove this case from the summary calendar is granted and a total of one and one-half hours is allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 149. Wayne Dyke et al., petitioners, *v.* Taylor Implement Manufacturing Company, Inc. The motion of the petitioners to remove this case from the summary calendar is denied.

No. 154. Lucille Miller, petitioner, *v.* California. The motions of the petitioner for leave to proceed further herein *in forma pauperis* and to dispense with printing the appendix are granted.

No. 178. National Labor Relations Board, petitioner, *v.* United Insurance Company of America et al.; and

No. 179. Insurance Workers International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. The motion of the American Retail Federation for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 232. United States, petitioner, *v.* David Paul O'Brien; and

No. 233. David Paul O'Brien, petitioner, *v.* United States. The motion to remove these cases from the summary calendar is granted and a total of one and one-half hours is allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co. et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co. et al. The motion of The All-Channel Television Society for leave to file a brief, as *amicus curiae*, is granted. The motion of San Diego Telecasters, Inc., to substitute Western Telecasters, Inc. as a party petitioner in No. 428 is granted. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 405. Leroy Powell, appellant, *v.* Texas. The motion of the National Council on Alcoholism for leave to file a brief, as *amicus curiae*, is granted.

No. 465. Elisha Edwards, petitioner, *v.* Pacific Fruit Express Company. The motion of the Brotherhood of Railway Carmen of America et al. for leave to file a brief, as *amici curiae*, is granted.

No. 478. Amalgamated Food Employees Union Local 590 et al., petitioners, v. Logan Valley Plaza, Inc., and Weis Markets, Inc. The motions of The American Federation of Labor and Congress of Industrial Organizations; and the American Civil Liberties Union for leave to file briefs, as *amicus curiae*, are granted.

No. 508. Thelma Levy, etc., appellant, v. Louisiana, etc., et al. The motion of the NAACP Legal Defense and Educational Fund, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 718. Arthur B. Sachs et al., petitioners, v. United States. The respondent is requested to file, within thirty days, a response to the petition for rehearing. Mr. Justice Marshall took no part in the consideration or decision of this order.

APPEALS—JURISDICTION NOTED

No. 660. Board of Education of Central School District No. 1, etc., et al., appellants, v. James E. Allen, Jr., as Commissioner of Education of New York, et al. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted.

No. 742. Maryland et al., appellants, v. W. Willard Wirtz, Secretary of Labor, et al. Appeal from the United States District Court for the District of Maryland. In this case probable jurisdiction is noted and the case is placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 755. First Agricultural National Bank of Berkshire County, appellant, v. State Tax Commission. Appeal from the Supreme Judicial Court of Massachusetts. Motion of the Colorado Bankers Association for leave to file a brief, as *amicus curiae*, is granted. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 797. American Commercial Lines, Inc., et al., appellants, v. Louisville and Nashville Railroad Company et al.;

No. 804. American Trucking Associations, Inc., et al., appellants, v. Louisville and Nashville Railroad Company et al.;

No. 808. The American Waterways Operators, Inc., appellant, v. Louisville and Nashville Railroad Company et al.; and

No. 809. Interstate Commerce Commission, appellant, v. Louisville and Nashville Railroad Company et al. Appeals from the United States District Court for the Western District of Kentucky. In these cases probable jurisdiction is noted. The cases are consolidated and two hours allotted for oral argument.

No. 813. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, v. Vivian Thompson. Appeal from the United States District Court for the District of Connecticut. Motion

of appellee for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 174. Clyde Franklin Lee et al., petitioners, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Fourth District, granted and case placed on the summary calendar.

No. 517. Phil A. St. Amant, petitioner, *v.* Herman A. Thompson. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 733. Perma Life Mufflers, Inc., et al., petitioners, *v.* International Parts Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 796. National Labor Relations Board, petitioner, *v.* Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO, and its Local 22. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 740. Brenda K. Monroe et al., petitioners, *v.* Board of Commissioners of the City of Jackson, Tennessee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 695.

No. 760. Commissioner of Internal Revenue, petitioner, *v.* Irving Gordon et ux. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 781. Oscar E. Baan et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 760. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 802. C. C. Peyton, Superintendent of the Virginia State Penitentiary, petitioner, *v.* Robert Elmer Rowe et al. Motion of respondents for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 71.

No. **805**. Arthur Lee Raney et al., petitioners, *v.* Board of Education of the Gould School District et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. **740**.

No. **344, Misc.** William C. Witherspoon, petitioner, *v.* Illinois et al. Motion of The Illinois Division, American Civil Liberties Union, for leave to file a brief, as *amicus curiae*, granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted limited to the following question:

Whether the operation of the Illinois statute providing that the state could challenge for cause all prospective jurors who were opposed to, or had conscientious scruples against, capital punishment deprived the petitioner of a jury which fairly represented a cross section of the community, and assured the state of a jury whose members were partial to the prosecution on the issue of guilt or innocence, in violation of the petitioner's rights under the Sixth and Fourteenth Amendments to the United States Constitution.

Case transferred to the appellate docket.

No. **678, Misc.** Wayne Darnell Bumper petitioner, *v.* North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of North Carolina granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. **518**. Robert Stepps, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. **668**. Amplex of Maryland, Inc., petitioner, *v.* Outboard Marine Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **680**. Bregman, Vocco and Conn, Inc., petitioner, *v.* Donaldson Publishing Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **731**. Clay S. Crouse, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **734**. Edward L. Gladney, petitioner, *v.* Review Committee, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **735**. Jake Klein et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **739**. Metlox Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 741. Frank Peter Doyle et al., petitioners, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 743. Bay Counties District Council of Carpenters, AFL-CIO, and its agent, C. R. Bartalini et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 744. George A. Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 745. Armand F. Roberge, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 746. Joseph P. Glimco, petitioner, *v.* James B. Parsons, United States District Court Judge. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 747. W. Lee McLane et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 751. John P. Kohler et al., petitioners, *v.* Washington. Petition for writ of certiorari to the Superior Court of Washington, County of King, and/or Supreme Court of Washington denied.

No. 753. Alexander Birns, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 758. Ronald E. Gates, petitioner, *v.* P. F. Collier, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 761. International Atlas Services, Inc., etc., petitioner, *v.* Twentieth Century Aircraft Company et al. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 762. Wyman C. Lowe, petitioner, *v.* H. Thaxton Monk, Jr., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 763. Housing Authority of the City of Los Angeles, petitioner, *v.* Howard L. Holtzendorff. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 767. Louis Sanders et al., petitioners, *v.* John Erreca et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 769. Skyline Homes, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 770. Amerada Petroleum Corporation, petitioner, *v.* Bettye M. Marshall. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 771. Montgomery Fly Cameron, petitioner, *v.* W. B. Hauck. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 772. International Telephone and Telegraph Corporation, petitioner, *v.* National Labor Relations Board et al.; and

No. 773. Professional Employees of I.T.T. Federal Laboratories et al., petitioners, *v.* Frank W. McCulloch et al. Petitioners for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 775. Chemical Cleaning, Inc., et al., petitioners, *v.* The Dow Chemical Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 777. Henry C. Billingsley, petitioner, *v.* Richard L. Mackay. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 780. Loffland Brothers Company, petitioner, *v.* Everett B. Roberts et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 782. International Cable T.V. Corporation, petitioner, *v.* Public Utilities Commission of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 783. City of Hammond, Indiana, petitioner, *v.* Walter A. McLean, Trustee, et al.; and

No. 784. Woodmar Realty Company, petitioner, *v.* Walter A. McLean, Trustee, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 785. Sonja Stumo, petitioner, *v.* United Air Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 786. J. F. Barnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 789. Krieger-Ragsdale & Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 792. Joseph B. Crawford et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 794. O. A. Cargill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 799. Board of Pardons and Paroles of Texas, etc., petitioner, *v.* Francis Marion Black. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 803. United States Gypsum Company, petitioner, *v.* United Steelworkers of America, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 806. J. H. Page et al., petitioners, *v.* Pan American Petroleum Corporation et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 810. Dewitt Eddie Rogers, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 811. Donald J. Lannom, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 814. Phillips Petroleum Company, petitioner, *v.* Edward J. Brenner, United States Commissioner of Patents, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 819. David R. Weinberg, petitioner, *v.* Board of Commissioners of the Alabama State Bar et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 821. Pat Bell et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 822. Aldrich Jemison, petitioner, *v.* Earline B. Brown et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 827. The Floridice Company, Inc., et al., petitioners, *v.* W. Wilard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 828. Anita S. Brothman et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Court of Appeals of Michigan denied.

No. 829. Aetna Casualty and Surety Company et al., petitioners, *v.* Osborne-McMillan Elevator Company, Inc. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 837. Leonard Royall Aiken, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **838.** Joseph S. Smolen, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Connecticut denied.

No. **843.** F. Allen Rutherford et al., petitioners, *v.* American Medical Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **847.** Carlos Marcello et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **848.** Ernest Gaillard, Jr., et al., petitioners, *v.* Freddie Morgan Field, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **852.** Irene Cox, Administratrix, etc., petitioner, *v.* Northwest Airlines, Inc.; and

No. **853.** Northwest Airlines, Inc., petitioner, *v.* Irene Cox, Administratrix, etc. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **854.** Marvin Feinberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **865.** E. W. Buschman Co., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **870.** State Farm Mutual Automobile Insurance Company, petitioner, *v.* Richard Walker and Dorothy Walker. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **873.** Archie Costa, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Connecticut denied.

No. **881.** Ralph Shue, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **7.** Purolator Products, Inc., petitioner, *v.* Federal Trade Commission. Motion to amend petition for certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. **147.** K-91, Inc., petitioner, *v.* Gershwin Publishing Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. **155.** William A. Bagley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the

First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **387**. Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, petitioners, *v.* R. E. Nordwick, Executor, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **732**. Paul W. Bramlett et al., petitioners, *v.* Walter P. Leber, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **737**. Citizen Band of Potawatomi Indians of Oklahoma et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **752**. Alabama, etc., et al., petitioners, *v.* John W. Gardner, Secretary of the United States Department of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **812**. Transocean Air Lines, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **833**. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **498**. Colorado River Water Conservation District et al., petitioners, *v.* Four Counties Water Users Association et al. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Black and Mr. Justice Fortas are of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **594**. Arthur Levin, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice ^{Black} Douglas ^{is} of the opinion that certiorari should be granted.

No. **756**. Chester W. Weger, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **710**. Gilbert Green, petitioner, *v.* Board of Elections of the City of New York et al. Petition for writ of certiorari to the United

States Court of Appeals for the Second Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 717. Richard A. Inman, petitioner, *v.* City of Miami et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 795. Robert R. Kaufman, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 736. Noah Zeringue et al., petitioners, *v.* Texas and Pacific Railway Company et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Supreme Court of ~~Texas~~ denied. *J. S. P. 11/15/68*

No. 807. Thomas Johnson Seay, petitioner, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 766. Duncan Miller, petitioner, *v.* Shell Oil Co. Motion to strike respondent's brief in opposition denied. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 776. The National Committee of Gibran, etc., petitioner, *v.* George G. Shiya. Motion of the Republic of Lebanon for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 788. James D. McCollough, petitioner, *v.* The Travelers Insurance Company et al. Motion of the American Trial Lawyers Association, Admiralty Section, for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 791. Morton Sobell, petitioner, *v.* United States. Motion for leave to file copies of petitioner's appendix in the Court of Appeals granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice White and Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 851. Pacific Scientific Company, petitioner, *v.* Aerotec Industries of California et al. Motion of the Strategic Industries Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **860**. Howard Brett Levy, petitioner, *v.* Stanley R. Resor, Secretary of the Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **877**. Andrew Nicholson, petitioner, *v.* C. D. Calbeck, Deputy Commissioner, et al. Motion of the American Trial Lawyers Association, Admiralty Section, for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **102, Misc.** Ralph Maldonado Ochoa, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **215, Misc.** Billy Preston Phillips, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. **220, Misc.** William W. Killmon, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **267, Misc.** Jesse James Cantrell, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **309, Misc.** Joseph Maldonado Vasquez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **415, Misc.** Peter N. Constat, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **421, Misc.** Abelino Perales et al., petitioners, *v.* Housing Authority of Tulare County, California. Petition for writ of certiorari to the Superior Court of California, County of Tulare, denied.

No. **432, Misc.** James C. Barnes, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **453, Misc.** James Phillips, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. **462, Misc.** Julio Gonzales, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **487, Misc.** Guy Thomas Crow, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **491, Misc.** Harry Robert White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 514, *Misc.* Tommy N. Greer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 589, *Misc.* Carlos C. Cuevas, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 597, *Misc.* Lawrence Leonard Malry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 611, *Misc.* David Gerald Holmes, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 617, *Misc.* Wayne A. Fitzsimmons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 620, *Misc.* Theodore Epps, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 622, *Misc.* Harry Edison Hackworth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 625, *Misc.* William Lusk, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 666, *Misc.* Herbert Perry, petitioner, *v.* United States;

No. 669, *Misc.* John A. McGuire, petitioner, *v.* United States; and

No. 670, *Misc.* Edmond G. Blumner, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 681, *Misc.* Orville Waldron, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 682, *Misc.* James P. Stuart and Yvonne H. Stuart, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 686, *Misc.* Dino Iacaponi, petitioner, *v.* New Amsterdam Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 691, *Misc.* Merrill Mack Moser and Jackson Fee, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 696, *Misc.* Edward J. Pillis, etc., petitioner, *v.* Mary Brooks Jones Pillis. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 699, *Misc.* Santiago Torres Melendez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 701, *Misc.* Melvin Douglas Ayers, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 702, *Misc.* Glenn E. Rogers, petitioner, *v.* Alfred M. Stanley, Director, Rockland State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 703, *Misc.* Nathan Malbrue, petitioner, *v.* California, Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 704, *Misc.* Samuel H. Jordan, petitioner, *v.* Dr. Kamp, Board Member, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 715, *Misc.* Howard Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 718, *Misc.* Ralph Davis, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 719, *Misc.* James Michael Giuliano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 720, *Misc.* John B. Dispenza, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 721, *Misc.* James Lana, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 724, *Misc.* Donald Wayne Sumrall et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 725, *Misc.* James Weldon Swilling, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 726, *Misc.* Raymond W. Kotka, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 729, *Misc.* June Bogart, petitioner, *v.* California et al. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 732, *Misc.* Salvador Anthony Mesa, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 733, **Misc.** Gino Albini, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 734, **Misc.** Raymond Lee Prather, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 735, **Misc.** Theodore Paul Switzer, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 736, **Misc.** Vernon E. Turner, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 739, **Misc.** Otis Little, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 743, **Misc.** Thomas Theodore Smith, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 748, **Misc.** Dennis Steven Ashby, petitioner, *v.* C. H. Haugh, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 750, **Misc.** Noel Maxwell et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 752, **Misc.** R. B. Michael, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 755, **Misc.** Albert Lucas, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 760, **Misc.** Charles W. Crook, petitioner, *v.* Walter E. Cravin, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 761, **Misc.** David C. Williams, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 763, **Misc.** George J. Hurley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 774, **Misc.** Glenn McDaniel, petitioner, *v.* Thyer Manufacturing Corp. et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. **789, Misc.** Richard E. Warner et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. **802, Misc.** Robert J. Steinpreis et ux., petitioners, *v.* Kathryn J. Lawler Shook et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **248, Misc.** Moses K. Murray, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied. Dissenting opinion by Mr. Justice Douglas:

For the reasons stated in my dissenting opinion in *Whitney v. Florida*, 389 U.S. 138, and particularly in light of the increasing burden on federal courts caused by habeas petitions of state prisoners who are unable to obtain hearings in state courts, I would grant certiorari and remand the case to Florida with directions to give petitioner an evidentiary hearing.

No. **434, Misc.** Isaac Jacobs, petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. **468, Misc.** Leroy Vanderhorst, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. **705, Misc.** Jerry Lee Williams, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **840, Misc.** Charles Harris, petitioner, *v.* Frank J. Pate, Warden;

No. **845, Misc.** Walter Frank Knowles, petitioner, *v.* A. Frank Lee, Commissioner, State Board of Corrections, et al.;

No. **862, Misc.** Jimmy Lee Davis, petitioner, *v.* Florida; and

No. **898, Misc.** Charles Van Newkirk, petitioner, *v.* District Attorney, Richmond County, New York. Motions for leave to file petitions for writ of habeas corpus denied.

No. **479, Misc.** William E. Pack, petitioner, *v.* H. Bunnell, Superintendent, Eastern State Hospital. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

- No. **698, Misc.** Harvey Marcelin, petitioner, *v.* New York;
 No. **737, Misc.** Cleophas Austin, petitioner, *v.* Louis S. Nelson, Warden, et al.; and
 No. **745, Misc.** Edward McCray, petitioner, *v.* Alfred A. Arraj, Chief Judge, United States District Court for the District of Colorado. Motion for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. **1217, October Term, 1966.** International Railways of Central America, petitioner, *v.* United Fruit Company. Motion for leave to file petition for rehearing denied. Mr. Justice Stewart and Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **1324, Misc., October Term, 1966.** Frances Oppenheim et al., petitioners, *v.* Samuel H. Sterling et al. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **9, Original.** United States of America, plaintiff, *v.* State of Louisiana et al. Petition for rehearing denied. The Chief Justice and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **344.** Charles Oran Mensik et ux., petitioners, *v.* Commissioner of Internal Revenue;

No. **441.** Raymond C. Wallace, petitioner, *v.* Edward J. Brenner, Commissioner of Patents;

No. **590.** Robert Graham Gray, petitioner, *v.* Marie Gray Porter;

No. **674.** John Thomas et al., petitioners, *v.* Consolidation Coal Company (Pocahontas Fuel Company Division) et al.;

No. **58, Misc.** Ruben Cruz Vela, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. **124, Misc.** Albert White, petitioner, *v.* Florida;

No. **199, Misc.** Donald DeSimone, petitioner, *v.* United States;

No. **408, Misc.** Bernard Steppe, Jr., petitioner, *v.* Florida;

No. **474, Misc.** Joseph C. Adams, petitioner, *v.* Dale C. Cameron;

No. **503, Misc.** Walter A. Nielsen, appellant, *v.* Nebraska ex rel. The Nebraska State Bar Association;

No. **516, Misc.** Carl V. Henry, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare;

No. **552, Misc.** Jim Fair, petitioner, *v.* John Dekle, Supervisor of Elections, Hillsborough County, Florida;

No. **555, Misc.** Bobby Wayne Noland, petitioner, *v.* United States;

No. **613, Misc.** James A. Holland, petitioner, *v.* Pennsylvania;

No. **630, Misc.** Russell L. Simpson, petitioner, *v.* United States; No. **660, Misc.** Gus Feist, Jr., petitioner, *v.* California et al.; and No. **688, Misc.** Sam Morales Garza, petitioner, *v.* California. Petitions for rehearing denied.

No. **194.** Local Union No. 12, United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO, petitioner, *v.* National Labor Relations Board; and

No. **659.** Stephen R. Eagar et al., petitioners, *v.* Magma Copper Company. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **523.** H. Samuel Hackin, appellant, *v.* Arizona et al. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. **614.** R. A. Holman & Co., Inc., et al., petitioners, *v.* Securities and Exchange Commission. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. **244, Misc.** Barney Lee Pettett, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied. Mr. Justice Mashall took no part in the consideration or decision of this motion.

No. **266, Misc.** Sidney Edward Nelson, petitioner, *v.* Oregon; and

No. **303, Misc.** Arthur G. Abel, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Motions for leave to file petitions for rehearing denied.

ORAL ARGUMENT

No. **55.** Thomas Earl Simmons et al., petitioners, *v.* United States. Argued by Mr. Raymond J. Smith for the petitioners and by Mr. Solicitor General Griswold for the respondent.

No. **237.** Archie Nathaniel Biggers, petitioner, *v.* Tennessee. Argued by Mr. Michael Meltsner for the petitioner and by Mr. Thomas E. Fox for the respondent.

No. **219.** The Peoria Tribe of Indians of Oklahoma et al., petitioners, *v.* United States. Argued by Mr. Jack Joseph for the petitioners and by Mr. Robert S. Rifkind for the respondent.

No. **56.** Interstate Circuit, Inc., appellant, *v.* City of Dallas; and

No. **64.** United Artists Corporation, appellant, *v.* City of Dallas. Argument commenced by Mr. Louis Nizer for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 16, 1968, will be as follows: Nos. **56** (and **64**), **47**, **52**, and **410**.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Gordon Murdo MacLaren, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; S. Randolph Ayres, of Athens, Tenn., Allen Humphreys Carter, of Athens, Tenn., and Charles E. Griffith III, of Nashville, Tenn., on motion of Mr. Howard H. Baker, Jr.; Diane Ida Lunquist, of Chicago, Ill., on motion of Mr. George L. Saunders, Jr.; Ronald Butler, of Chicago, Ill., on motion of Mr. Edward J. Hladis; Robert L. Malech, of Silver Spring, Md., on motion of Mr. Eli E. Nobleman; Beverly G. Stone, of Greenbelt, Md., on motion of Mr. Harold Aryai Siegel; Herbert Frederick Friedman, of Chicago, Ill., on motion of Mr. A. Bradley Eben; Arthur Schwartz, of Washington, D.C., on motion of Mr. Alan Raywid; Kingsley T. Hoegstedt, of Sacramento, Calif., on motion of Mr. Leonard I. Lindas; and John Leferovich, Jr., of New York, N.Y., on motion of Mr. Albert K. Hill, were admitted to practice.

OPINIONS

No. 196. Herbert Schneider, appellant, *v.* Willard J. Smith, Commandant, United States Coast Guard. Appeal from the United States District Court for the Western District of Washington. Judgment reversed and case remanded to the United States District Court for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Black, while concurring in the Court's judgment and opinion, also agrees with the statement in Mr. Justice Fortas' concurring opinion that the statute under consideration, if construed to authorize the interrogatories involved, is offensive to the First Amendment. Concurring opinion by Mr. Justice Fortas. Mr. Justice Stewart, agreeing with the separate views of Mr. Justice Fortas, concurs in the judgment. Opinion by Mr. Justice White, with whom Mr. Justice Harlan joins, concurring in the result. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 40. Edward J. Hardin, as Mayor of Tazewell, Tennessee, et al., petitioners, *v.* Kentucky Utilities Company;

No. 50. Powell Valley Electric Cooperative, petitioner, *v.* Kentucky Utilities Company; and

No. 51. Tennessee Valley Authority, petitioner, *v.* Kentucky Utilities Company. On writs of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment of Court of Appeals reversed and judgment of United States District Court for the Eastern District of Tennessee affirmed and cases remanded to the United States District Court for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of these cases.

ORAL ARGUMENT

No. 56. Interstate Circuit, Inc., appellant, *v.* City of Dallas; and

No. 64. United Artists Corporation, appellant, *v.* City of Dallas. Argument continued by Mr. Louis Nizer and Mr. Grover Hartt, Jr., for the appellants, by Mr. N. Alex Bickley for the appellee and concluded by Mr. Louis Nizer for the appellants.

No. 47. Sam Ginsberg, appellant, *v.* New York. Argued by Mr. Emanuel Redfield for the appellant and by Mr. William Cahn for the appellee. Memoranda to come.

No. 52. S. Edward Bloom, petitioner, *v.* Illinois. Argument commenced by Mr. Anthony Bradley Eben for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 17, 1968, will be as follows:
Nos. 52, 410, 107, 59, and 267.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Patrick F. McCartan, Jr., of Cleveland, Ohio, and Jerome B. Libin, of Washington, D.C., on motion of Mr. Francis X. Beytagh, Jr.; Elbert F. Elmore, of Floosmoor, Ill., on motion of Mr. Bernard Joseph Waters; Patrick F. Hooks, of Townsend, Mont., on motion of Mr. Stephen Koplan; John T. Bell, of Rockville, Md., on motion of Mr. Charles W. Bell; Leander H. Perez, Jr., of New Orleans, La., on motion of Mr. William P. Schuler; Craig D. Warner, of Des Moines, Iowa, on motion of Mr. William Allen Whitfield; John L. Horgan, Jr., of Hyattsville, Md., and Bernard Feuer, of New York, N.Y., on motion of Mr. William Newlon Culbertson; Anton Dimitroff, of Indianapolis, Ind., and Dave Caton, of Pensacola, Fla., on motion of Mr. Frederick P. Bamberger; Philip Cyrus Klohr, of Chicago, Ill., on motion of Mr. Mark A. Braun; Gerald W. Shea, of Riverside, Ill., on motion of Mr. Benjamin S. Mackoff; Harvey Lee Anderson, of Minneapolis, Minn., on motion of Mr. David Joel Passamaneck; and Ralph B. Matthews, of Atlanta, Ga., on motion of Mr. Donald E. Cross, were admitted to practice.

ORAL ARGUMENT

No. 52. S. Edward Bloom, petitioner, *v.* Illinois. Argument continued by Mr. Edward J. Hladis for the respondent and concluded by Mr. Anthony Bradley Eben for the petitioner.

No. 410. Gary Duncan, appellant, *v.* Louisiana. Argued by Mr. Richard B. Sobol for the appellant and by Mrs. Dorothy D. Wolbrette for the appellee.

No. 107. United States, appellant, *v.* Arnold Habig et al. Argued by Mr. Harris Weinstein for the appellant and by Mr. Lester M. Ponder for the appellees.

No. 59. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. Argued by Mr. Harold A. Liebenson for the petitioner and by Mr. Mark A. Braun for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 18, 1968, will be as follows: Nos. 267, 92, 149, and 305.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Harold Gene Adams, of Dallas, Tex., and Walter W. Steele, Jr., of Dallas, Tex., on motion of Mr. Joe Richard Pool; Frank Richard Rosiny, of New York, N.Y., on motion of Mr. Maurice C. Goodpasture; George C. Longshore, of Birmingham, Ala., on motion of Mr. Michael H. Gottesman; John R. Quarles, Jr., of Boston, Mass., and Robert M. Glennon, of Reston, Va., on motion of Mr. John R. Quarles; Harold F. Baker, of Washington, D.C., and Fred L. Kuhlmann, of St. Louis, Mo., on motion of Mr. Edward F. Howrey; Jerry C. Straus, of Washington, D.C., on motion of Mr. Charles A. Hobbs; Louis Ginberg, of Washington, D.C., and C. David Whipple, of Kansas City, Mo., on motion of Mr. Sam Levine; Donald Drew MacLean, of Seattle, Wash., on motion of Mr. Vincent A. Pepper; Charles Kenneth Cranston, of Portsmouth, Ohio, on motion of Mr. Isaac D. Benkin; James R. Willard, of Kansas City, Mo., on motion of Mr. Andrew Hudson LaForce II; Jerome Bernard Elkind, of New York, N.Y., on motion of Mr. Richard Whittington Whitlock; John Christopher Powers, of Sudbury, Mass., on motion of Mr. Thomas B. Lawrence; James Frederick Senechal, of Seattle, Wash., on motion of Mr. Bruce C. Babbitt; and J. Ralph King, of Annandale, Va., on motion of Mr. Allan M. Lowe, were admitted to practice.

ORAL ARGUMENT

No. 267. United States, petitioner, *v.* Neifert-White Company. Argued by Mr. John S. Martin, Jr., for the petitioner and by Mr. Patrick F. Hooks for the respondent.

No. 92. James H. Harris, petitioner, *v.* United States. Argued by Mr. Paul H. Weinstein for the petitioner and by Mr. Francis X. Beytagh, Jr., for the respondent.

No. 149. Wayne Dyke et al., petitioners, *v.* Taylor Implement Manufacturing Company, Inc. Argued by Mr. Michael H. Gottesman for the petitioners and by Mr. Allen H. Carter for the respondent.

No. 305. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. John R. Quarles for the respondents.

Adjourned until Monday, January 22, 1968, at 10 o'clock.

The day call for Monday, January 22, 1968, will be as follows: Nos. 187 and 60 (61, 62, 80, 97, 111, 143, 144 and 231).

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Saul J. Cooper, of Miami, Fla., Benjamin G. Helsel, Jr., of Chevy Chase, Md., Harvey I. Lapin, of Chicago, Ill., Alvin L. Goldman, of Lexington, Ky., Richard N. LaSalle, of Somerset, Mass., Jacques B. Gelin, of Larchmont, N.Y., Harold Braverman, of New York, N.Y., Wesley B. Smith, of Akron, Ohio, Gustav Goldberger, of Akron, Ohio, and Robert O. Swimmer, of Oklahoma City, Okla., on motion of Mr. Solicitor General Erwin N. Griswold; Mark I. Harrison, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Joseph E. Sheehy, of Washington, D.C., on motion of Mr. A. Everette MacIntyre; Kenneth R. Rengert, of Cardington, Ohio, Jerome R. Isenberg, of Miami Beach, Fla., and Lawrence E. Hoecker, of Oklahoma City, Okla., on motion of Mr. Walter I. Horlick; George P. Morrill, of Beeville, Tex., on motion of Mr. Sherman S. Poland;

Dan A. Bruce, of Houston, Tex., on motion of Mr. Thomas G. Johnson; Brian K. Landsberg, of Sacramento, Calif., on motion of Mr. David L. Norman; Bernard W. Boyer, of Providence, R.I., on motion of Mr. Albert E. Brault; Carl H. Langschmidt, Jr., of Memphis, Tenn., and Donald W. Pemberton, of Memphis, Tenn., on motion of Mr. E. William Henry; James V. Dolan, of Fort Lauderdale, Fla., on motion of Mr. William R. Consedine; Leonard A. Kiernan, Jr., of Providence, R.I., on motion of Mr. John Harrison Boyle; Paul R. Briody, of New York, N.Y., and Stanley Benjamin Dessen, of Brooklyn, N.Y., on motion of Mr. Leonard Raum; Keith E. Mullenger, of Mamaroneck, N.Y., Jerry Oppenheim, of Merrick, N.Y., Richard Sexton, of Brooklyn, N.Y., and David J. Toomey, of Upper Montclair, N.J., on motion of Mr. Frank F. Scheck; and James R. Modrall III, of Milwaukee, Wis., on motion of Mr. Charles A. Hobbs, were admitted to practice.

The Chief Justice said:

“The orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 815. Edward Paulaitis, appellant, *v.* Norine Paulaitis. Appeal from the Supreme Court of Illinois. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 826. Thomas Knight et al., appellants, *v.* Board of Regents of the University of the State of New York et al. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted.

No. 895. Paul C. Wetter et al., appellants, *v.* City of Indianapolis et al. Appeal from the Supreme Court of Indiana. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 502, Misc. William Epton, petitioner, *v.* New York. On petition for writ of certiorari to the Court of Appeals of New York; and

No. 771, Misc. William Epton, appellant, *v.* New York. Appeal from the Court of Appeals of New York. Petition for writ of certiorari in No. 502, Misc., denied. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question in No. 771, Misc. Opinion *per curiam*. Opinion by Mr. Justice Stewart concurring in the denial of certiorari and the dismissal of the appeal. Dissenting opinion by Mr. Justice Douglas.

No. 778, Misc. Paul W. Crepeault, appellant, *v.* Vermont. Appeal from the Supreme Court of Vermont. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 806, Misc. Peter D. Bogart, appellant, *v.* State Bar of California et al. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 842, Misc. Alfred Cross, appellant, *v.* United States Board of Parole et al. Appeal from the United States District Court for the District of Connecticut. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co. et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co. et al. The motion to vacate the stay of the mandate of the United States Court of Appeals for the Ninth Circuit is denied. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 180, Misc. In the Matter of the Disbarment of James M. McCullough. It having been reported to the Court that James M. McCullough of Chevy Chase, State of Maryland, has been disbarred from the practice of law by the United States Court of Appeals for the District of Columbia Circuit, duly entered on the 11th day of May, 1967, and this Court by order of June 5, 1967, having suspended the said James M. McCullough from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

IT IS ORDERED that the said James M. McCullough 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. 1078, Misc. Antonio Gonzalez, petitioner, *v.* Warden, Brooklyn House of Detention. The motion for bail is denied. Mr. Justice Douglas is of the opinion that bail should be granted.

APPEAL—JURISDICTION NOTED

No. 949. Ruben K. King, Commissioner of the State Department of Pensions and Security, Alabama, et al., appellants, *v.* Sylvester Smith, individually and on behalf of her minor children, etc., et al. Appeal from the United States District Court for the Middle District of Alabama. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 844. Vincent R. Mancusi, Warden, petitioner, *v.* Frank DeForte. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 889. Henry Harold Hogue, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the Court of Appeals of Georgia granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 816. Nathan Suess, petitioner, *v.* United States; and

No. **845.** Vincent Schwenoha, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **841.** Monsanto Company et al., petitioners, *v.* Cherokee Laboratories, Inc.; and

No. **842.** Rotary Drilling Services, Inc., et al., petitioners, *v.* Cherokee Laboratories, Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **856.** William P. Kenney, petitioner, *v.* California Tanker Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **869.** Margaret H. Erling, petitioner, *v.* Park District of the City of Bismarck. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. **875.** Robert M. Walker, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. **878.** Scott's, Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **884.** North Carolina, petitioner, *v.* Eddie W. Patton. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **887.** Royal Tops Manufacturing Company, Inc., and Randy Brown, petitioners, *v.* Donald F. Duncan, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **888.** Local 107 et al., each affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioners, *v.* A. Duie Pyle, Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **892.** Malvern M. Hasha et al., petitioners, *v.* Foster Cathead Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **894.** James H. Friend et al., petitioners, *v.* Tropis Company, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **896.** Frank Mashak, petitioner, *v.* Dorothy Delores Pasternak. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **902.** Michael V. Sciortino, petitioner, *v.* Robert C. Zampano, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **904**. United States, petitioner, *v.* Trinity Universal Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **915**. Glens Falls Insurance Company et al., petitioners, *v.* United States for the use of Newton Lumber and Mfg. Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **917**. John C. O'Connor, petitioner, *v.* Elinor O'Connor. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. **757**. DeKalb County Community School District 428 et al., petitioners, *v.* Lyle A. DeSpain, et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. **867**. Charles Joseph Battaglia, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **234, Misc.** Anderson Parker, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **349, Misc.** James Lee Argo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **463, Misc.** Johnny Price, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. **464, Misc.** Donald Dixon, petitioner, *v.* Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. **517, Misc.** Lee Woods, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **520, Misc.** William Perry and Pierre Rioux, petitioners, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Judicial District, denied.

No. **576, Misc.** Daniel Raymond Berriel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **593, Misc.** Frank Lisciandrello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **642, Misc.** Richard Kenneth Schmidt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **646, Misc.** Segundina Dia Vda de Domdom, petitioner, *v.* Administrator, of Veterans Administration. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **697, Misc.** Albert Alexander Pinkney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **749, Misc.** Harold Tucker Matlock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **757, Misc.** Edwin Marious Bertsch, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **765, Misc.** John Wesley Cunningham, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. **766, Misc.** Clyde S. Tannahill, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. **770, Misc.** Robert Norman Finney, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **776, Misc.** David Goldberg, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **780, Misc.** Henry Travis, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **781, Misc.** Vincent Principe, petitioner, *v.* Louis S. Nelson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **782, Misc.** Ray Del Sims, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeals of California, First Appellate District, denied.

No. **783, Misc.** Santiago Rivera, petitioner, *v.* Thomas R. Sard et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **784, Misc.** Eugene D. Walls, petitioner, *v.* J. F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **785, Misc.** John Caulfield, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 790, *Misc.* Alvin Louis Crawford, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 797, *Misc.* John Edward Baker, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 799, *Misc.* Alonzo Stokes Anderson, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 800, *Misc.* Emmett J. Stebbins, petitioner, *v.* Nationwide Mutual Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 801, *Misc.* Herbert Hoover Clark, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 803, *Misc.* Robert Sherman Oswald, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 804, *Misc.* Willard Lee Allen, petitioner, *v.* Warden, Baltimore County Jail. Petition for writ of certiorari to the Circuit Court of Baltimore County, Maryland, denied.

No. 805, *Misc.* Miguel Lamenca, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 810, *Misc.* Victor R. Funicello, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 812, *Misc.* Marvin J. Piche, etc., petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 814, *Misc.* Israel Dabney, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 815, *Misc.* Calvin Winston Jackson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 856, *Misc.* Jack Rainsberger, petitioner, *v.* Carl Hoeker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 960, *Misc.* John William Hawkins, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 64, **Misc.** David Coleman, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 723, **Misc.** Roger S. Bandy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 754, **Misc.** Buell Sherman Shaw, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Los Angeles, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 758, **Misc.** Jesse Gallmon, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 816, **Misc.** Joshua Nicholas Hill, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 826, **Misc.** Stanley Howard, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 850, **Misc.** Johnny C. Wilson, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 866, **Misc.** Herbert McClary, petitioner, *v.* Charles M. Rodgers, Superintendent of D.C. Jail; and

No. 897, **Misc.** L. V. Bowens, petitioner, *v.* Ronald Reagan et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 906, **Misc.** Willie Travis Turner, petitioner, *v.* Louis S. Nelson, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the appers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 744, **Misc.** Ivy Joseph Jupiter, petitioner, *v.* United States District Court for the Northern District of California. Motion for leave to file petition for writ of mandamus denied.

No. 546, **Misc.** Wayne K. Patterson, Warden, et al., petitioners, *v.* Alfred A. Arraj, Chief Judge, United States District Court for the District of Colorado. Motion for leave to proceed on mimeographed

papers granted. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **515**. W. E. B. DuBois Clubs of America et al., appellants, *v.* Ramsey Clark, Attorney General of the United States, et al.;

No. **675**. Township of Springfield, Delaware County, Pennsylvania, appellant, *v.* Ida May Green et al.;

No. **696**. Alpha Enterprises, Inc., petitioner, *v.* City of Houston et al.;

No. **698**. Farmers Co-Operative Elevator Association Non-Stock of Big Springs, Nebraska, petitioner, *v.* Arthur C. Strand; and

No. **197, Misc.** Booker T. Hillery, Jr., petitioner, *v.* California. Petitions for rehearing denied.

No. **197**. Harold Z. Kaplan, etc., et al., petitioners, *v.* Lehman Brothers et al. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **337**. Alex K. Easton, d/b/a George Easton Furniture Co., petitioner, *v.* Edward Earl Weir, II, a minor, et al. Motion to dispense with printing petition granted. Petition for rehearing denied.

No. **572**. Charles E. Moorman et ux., petitioners, *v.* William T. Thomas et al.; and

No. **370, Misc.** Frank Nelson, Jr., petitioner, *v.* Darling Shop of Birmingham, Inc., et al. Motions for leave to file petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, January 29, 1968, until Monday, March 4, 1968.

ORAL ARGUMENT

No. **187**. Menominee Tribe of Indians, petitioner, *v.* United States. Argued by Mr. Charles A. Hobbs for the petitioner and by Mr. Louis F. Claiborne for the respondent.

No. **60**. Federal Power Commission, petitioner, *v.* Sunray DX Oil Company et al.;

No. **61**. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company et al.;

No. **62**. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al.;

No. **80**. Federal Power Commissioner, petitioner, *v.* Standard Oil Company of Texas, etc., et al.;

No. 97. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company;

No. 111. Shell Oil Company, petitioner, *v.* Public Service Commission of New York;

No. 143. Skelly Oil Company et al., petitioners, *v.* Public Service Commission of New York et al.;

No. 144. Federal Power Commission, petitioner, *v.* Public Service Commission of New York et al.; and

No. 231. The Superior Oil Company, petitioner, *v.* Federal Power Commission et al. Five hours and fifteen minutes allowed for oral argument. Argument commenced by Mr. Peter H. Schiff for the Federal Power Commission and continued by Mr. William T. Coleman, Jr., for the Public Service Commission of New York and Distributors.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 23, 1968, will be as follows: Nos. 60 (61, 62, 80, 97, 111, 143, 144, and 231), and 178 (and 179).

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

James O. Freedman, of Philadelphia, Pa., on motion of Mr. Ralph Simon Spritzer; Robert Michael Schack, of New York, N.Y., on motion of Mr. Richard Kent Stacer; Roberta Lamb Swartzendruber, of Oskaloosa, Iowa, on motion of Mr. Emmet V. Mittlebeeler; Alan J. Roth, of Bethesda, Md., on motion of Mr. Richard A. Solomon; Stanley Albert Brandimore, of St. Petersburg, Fla., on motion of Mr. Richard M. Merriman; Sidney Harris, of Chevy Chase, Md., on motion of Mr. Earl W. Kintner; Herbert G. Keene, Jr., of Philadelphia, Pa., on motion of Mr. Bernard G. Segal; Janice A. Fournier, of Woonsocket, R.I., and George Dimitroff Matzureff, of Bethesda, Md., on motion of Mr. Frederick William Glassberg; and Arnold G. Gulko, of Silver Spring, Md., and R. Craig Kauffman, of Arlington, Va., on motion of Mr. Franklin David Wolfe, were admitted to practice.

ORAL ARGUMENT

No. 60. Federal Power Commission, petitioner, *v.* Sunray DX Oil Company et al.;

No. 61. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company et al.;

No. 62. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al.;

No. 80. Federal Power Commission, petitioner, *v.* Standard Oil Company of Texas, etc., et al.;

No. 97. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company;

No. 111. Shell Oil Company, petitioner, *v.* Public Service Commission of New York;

No. 143. Skelly Oil Company et al., petitioners, *v.* Public Service Commission of New York et al.;

No. 144. Federal Power Commission, petitioner, *v.* Public Service Commission of New York et al.; and

No. 231. The Superior Oil Company, petitioner, *v.* Federal Power Commission et al. Argument continued by Mr. Morton L. Simons

for the Public Service Commission of New York and the Distributors, by Mr. William K. Tell, Jr., Mr. Thomas G. Johnson, Mr. William T. Kilbourne III, Mr. Francis H. Caskin and Mr. Justin R. Wolf for the Producers, by Mr. Peter H. Schiff for the Federal Power Commission and concluded by Mr. Morton L. Simons for the Public Service Commission of New York and the Distributors.

No. **178**. National Labor Relations Board, petitioner, *v.* United Insurance Company of America et al.; and

No. **179**. Insurance Workers International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Argument commenced by Mr. Dominick L. Manoli for the National Labor Relations Board.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 24, 1968, will be as follows: Nos. **178** (and **179**), **65, 232** (and **233**), and **257** (and **258**).

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Alison Morey Barden, of New York, N.Y., James J. Delaney, Jr., of Anchorage, Alaska, and Michael Harold Bloxberg, of Altadena, Calif., on motion of Mr. Dominick Manoli; James F. Howell, of Midwest City, Okla., on motion of Mr. Charles Hill Johns; S. W. Wells, of Tulsa, Okla., on motion of Mr. John H. Cantrell; Sidney Barney, of Petersburg, Va., on motion of Mr. Robert C. Heeney; Gertrude Susan Rosenthal, of New York, N.Y., on motion of Mr. Edward R. Neaheer; John Henry Andrew, of Chicago, Ill., on motion of Mr. Beverly W. Pattishall; Charles G. Pillon, of New York, N.Y., on motion of Mr. Thomas A. Ziebarth; Robert G. Sewell, of Madison, Wis., on motion of Mr. Ralph Winkler; Charles B. Swanner, of Houston, Tex., on motion of Mr. Philip R. Ehrenkranz; and Lawrence V. Robertson, Jr., of Las Vegas, Nev., on motion of Mr. Paul G. Rosenblatt, were admitted to practice.

No. 178. National Labor Relations Board, petitioner, *v.* United Insurance Company of America et al.; and

No. 179. Insurance Workers International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Argument continued by Mr. Dominick L. Manoli for the National Labor Relations Board, by Mr. Isaac N. Groner for the Insurance Workers International Union, AFL-CIO, by Mr. Bernard G. Segal for the United Insurance Company of America, et al., and concluded by Mr. Dominick L. Manoli for the National Labor Relations Board.

No. 65. Frank P. Poafpybitty et al., petitioners, *v.* Skelly Oil Company. Argued by Mr. Charles Hill Johns for the petitioners and by Mr. John H. Cantrell for the respondent.

No. 232. United States, petitioner, *v.* David Paul O'Brien; and

No. 233. David Paul O'Brien, petitioner, *v.* United States. One and one-half hours allowed for oral argument. Argued by Mr. Solicitor General Griswold for the United States and by Mr. Marvin M. Karpatkin for David Paul O'Brien.

ORDER IN PENDING CASES

Nos. 778, 779, 830-836. Penn-Central and N & W Inclusion Cases. Motion of the United States and Interstate Commerce Commission for immediate issuance of judgment granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 25, 1968, will be as follows:
Nos. 257 (and 258), 309 (and 310), and 324.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Keith McLean Callow, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; William A. Franch, of Annapolis, Md., on motion of Mrs. June Lazenby Green; Robert Carroll Baxley, of San Diego, Calif., and Classen Gramm, of San Diego, Calif., on motion of Mr. Irwin A. Seibel; Albert Gore, of Chicago, Ill., on motion of Mr. Mozart G. Ratner; Robert Mitchell Landau, of New York, N.Y., on motion of Mr. Paul H. Cullinan; Michael Boudin, of Washington, D.C., on motion of Mr. Leonard B. Boudin; J. William Gallup, of Omaha, Nebr., on motion of Mr. Burkett Van Kirk; Albert J. Deneke, Jr., of Dayton, Ohio, on motion of Mr. Harvey Lee Anderson; F. Neil Aschemeyer, of St. Louis, Mo., on motion of Mr. Richard R. Sigmon; E. Frederick Beihl, of Kansas City, Mo., on motion of Mr. Charles L. Bacon; Edward F. Zoltanski, of Toledo, Ohio, on motion of Mr. Robert J. Wojtal; Donald Edward Gillespie, of Raleigh, N.C., on motion of Mr. Rudolph S. Bley; and Warren A. Goff, of Dallas, Tex., on motion of Mr. Warren Woods, were admitted to practice.

ORAL ARGUMENT

No. 257. Federal Maritime Commission et al., petitioners, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line), et al.; and

No. 258. American Society of Travel Agents, Inc., petitioner, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line), et al. Argued by Mr. Irwin A. Seibel for the Federal Maritime Commission, et al., by Mr. Robert J. Sisk for the American Society of Travel Agents, Inc., and by Mr. Edward R. Neaher for the Aktiebolaget Svenska Amerika Linien (Swedish American Line), et al.

No. 324. Norfolk and Western Railway Company et al., appellants, *v.* Missouri State Tax Commission et al. Argued by Mr. William H. Allen for the appellants and by Mr. William A. Peterson for the appellees.

Adjourned until Monday, January 29, 1968, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice White, Mr. Justice Fortas, and Mrs. Justice Marshall.

ADMISSIONS TO THE BAR

Lawrence Gerald Wallace, of Washington, D.C., Neil R. Peterson, of Washington, D.C., Maclin F. Morrison, of Cullman, Ala., Robert Knowles Johnson, of Washington, D.C., Raphael Steinhardt, of Miami Beach, Fla., William Morris Lieber, of Chicago, Ill., Stephen R. Sirkin, of Newark, N.Y., Donald A. Statland, of New York, N.Y., Norman G. Knopf, of Washington, D.C., Leonard Schaitman of Washington, D.C., Larry R. Langdon, of Columbus, Ohio, Bernard R. Roetzel, of Akron, Ohio, John O. Dean, of Tulsa, Okla., William Henry Bell, of Tulsa, Okla., Jack Genair Duncan, Marion, S.C., James Douglas Pickett, of Winnsboro, Tex., John M. Watson, of Seattle, Wash., Andrew P. O'Rourke, of New York, N.Y., and Louis V. Mangrum, of Mayfield, Ky., on motion of Mr. Solicitor General Erwin N. Griswold; Richard Eugene Fray, of Reno, Nev., on motion of Mr. Alan Bible; William S. Allen, of Olathe, Kans., and Gary L. Rohrer, of Lincoln, Kans., on motion of Mr. James Caleb Boggs; John Leslie Evitts, Jr., of Benton, Ark., Donald Ray Langston, of Little Rock, Ark., and Rodney Parham, of Little Rock, Ark., on motion of Mr. John L. McClellan; Roy Stewart Dale, of Fort Wayne, Ind., and Kenneth Miles Waterman, of Fort Wayne, Ind., on motion of Mr. Larry A. Conrad; Gladys Kessler, of New York, N.Y., on motion of Mr. Jonathan B. Bingham; Don H. Sherwood, of Denver, Colo., on motion of Mr. Donald G. Brotzman; Thomas Howard Henderson, of Washington, D.C., on motion of Mr. Floyd V. Hicks;

George J. Argeris, of Worland, Wyo., on motion of Mr. William Henry Harrison; William Joseph Hanks, of Pomona, Calif., on motion of Mr. John J. Rhodes; Ralph Earl Hunsaker, of Phoenix, Ariz., John Byrne Leahy, of Eugene, Oreg., and Leon A. Thikoll, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Abraham H. Spilky, of New York, N.Y., on motion of Mr. John F. Pickering; Robert J. Connerton, of Washington, D.C., on motion of Mr. George Kaufmann; David John Boyd, of Washington, D.C., on motion of Mr. Richard J. Flynn; Vernon E. Jordan, Jr., of Atlanta, Ga., on motion of Mr. Wiley A. Branton; William Wheeler Bryan, of Atlanta, Ga., on motion of Mr. William Leonard; Samuel Adel, of Great Neck, N.Y., on motion of Mr. Arthur E. Blyn; William M. Johnson, of Port

Jefferson, N. Y., on motion of Mr. Paul F. McArdle; Stanley Kligfeld, of New York, N. Y., on motion of Mr. Werner J. Kronstein; Lawrence Wilson Gaenzle, of Rochester, N. Y., and Peter G. Nash, of Rochester, N. Y., on motion of Mr. Kenneth C. McGinnis; Martin Breitel Danziger, of New York, N. Y., on motion of Mr. James P. Hendrick; Robert J. Doran, of Olympia, Wash., on motion of Mr. Stanton B. Sender; John David Cole, of Bowling Green, Ky., on motion of Mr. Milton A. Jones; Robert H. Eder, of Providence, R. I., and John Emmett O'Brien, of New York, N. Y., on motion of Mr. Harold I. Meyerson; Thomas Richard Spradlin, of Arlington, Va., on motion of Mr. Samuel D. McIlwain; Garrett H. Byrne, Jr., of Boston, Mass., on motion of Mr. Arthur Curtis; Le Roy Hersh, of San Francisco, Calif., on motion of Mrs. Jean Kamper Cahn; Ronald J. Wylie, of Kensington, Md., on motion of Mrs. Marguerite R. Cederberg; Perry W. Copeland Jr., of Minneapolis, Minn., and Stephen Lloyd Maxwell, of St. Paul, Minn., on motion of Mr. Loren McIver; and Albert T. Berich, of Little Silver, N. J., Norman A. Cohen, of Perth Amboy, N. J., Ned Jaycox Doyle, of Bay Head, N. J., Gerald T. Foley, Jr., of Groveville, N. J., William J. Gearty, of Spring Lake, N. J., C. Judson Hamlin, of New Brunswick, N. J., Harold Allan Karasic, of Asbury Park, N. J., Herman A. Lingerman, of Madison, N. J., William P. Ries, of Newark, N. J., Thomas Joseph Spinello, of Avon-by-the-Sea, N. J., Charles E. Starkey, of Brick Town, N. J., Richard A. Walsh, of Newark, N. J., and Harold Corley White, of Brick Town, N. J., on motion of Mr. Peter Murray, were admitted to practice.

OPINIONS

No. 158. Fleming Smith, petitioner, *v.* Illinois. On writ of certiorari to the Appellate Court of Illinois, First District. Judgment reversed and case remanded to the Appellate Court of Illinois, First District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart announced by Mr. Justice Fortas. Concurring opinion by Mr. Justice White with whom Mr. Justice Marshall joins. Dissenting opinion by Mr. Justice Harlan.

No. 2. James Marchetti, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the District of Connecticut for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Brennan in this case and in No. 12, *post*. Concurring opinion by Mr. Justice Stewart in this case and in No. 12, *post*. Dissenting opinion by Mr. Chief Justice Warren in this case and in No. 12, *post*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 12. Anthony M. Grosso, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Brennan in this case and in No. 2, *ante*. Concurring opinion by Mr. Justice Stewart in this case and in No. 2, *ante*. Dissenting opinion by Mr. Chief Justice Warren in this case and in No. 2, *ante*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 28. Provident Tradesmens Bank and Trust Company, Administrator of the Estate of John R. Lynch, etc., petitioner, *v.* George M. Patterson, Administrator of the Estate of Donald Cionci, et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment vacated and case remanded to the Court of Appeals for consideration of those issues raised on appeal that have not been considered, and, should the Court of Appeals affirm the United States District Court for the Eastern District of Pennsylvania as to those issues, for appropriate disposition preserving the judgment of the District Court and protecting the interests of nonjoined persons. Opinion by Mr. Justice Harlan.

No. 236. Miles Edward Haynes, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said :

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 133. Ruby Kolod et al., petitioners, *v.* United States. On petition for rehearing. Petition for rehearing granted and order denying petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit set aside. Petition for certiorari as to Kolod dismissed. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted as to Alderman and Alderisio, judgments vacated and case remanded to the United States District Court for the District of Colorado for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Jus-

tice Black dissents. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. **648**. Newell H. Smith, Jr., petitioner, *v.* Noble Drilling Corporation. On petition for writ of certiorari to the Supreme Court of Louisiana. Petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of Louisiana for further consideration in light of *Billiot v. Sewart Seacraft, Inc.*, 382 F. 2d 662 (C. A. 5th Cir. 1967), and *Loffland Brothers Co. v. Huckabee*, 373 F. 2d 528 (C. A. 5th Cir. 1967). Opinion *per curiam*.

No. **787**. Teitel Film Corporation et al., appellants, *v.* John F. Cusack et al. Appeal from the Supreme Court of Illinois. Judgments reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas, agreeing that *Freedman v. Maryland*, 380 U.S. 51, 58-59, requires reversal of this case, base their reversal also on *Redrup v. New York*, 386 U.S. 767. Mr. Justice Harlan concurs in the result. Mr. Justice Stewart bases his concurrence in this judgment upon *Redrup v. New York*, 386 U.S. 767.

No. **866**. Sam Garafolo, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Smith v. Illinois*. No. 158, October Term, 1967, decided this date. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan are of the opinion that certiorari should be denied.

ORDERS IN PENDING CASES

No. **574, October Term, 1963**. Robert M. Williamson, Jr., et al., etc., petitioners, *v.* The Honorable Paul Peurifoy, Judge of the 95th District Court in Dallas County, Texas. The second motion to recall and amend the order of this Court of January 6, 1964, is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **1105, October Term, 1966**. Joseph Clinton McBride, petitioner, *v.* Willard Smith, Commandant, United States Coast Guard. The Solicitor General is requested to file a response to the petition for rehearing within thirty days. Mr. Justice Marshall took no part in the consideration or decision of this order.

No. ——. Alan McSurely et al., appellants, *v.* Thomas B. Ratliff et al. The motion for relief presented to Mr. Justice Stewart, and by him referred to the Court, is granted and the order of the United States District Court for the Eastern District of Kentucky of December 13, 1967, is stayed to the extent that the seized documents shall remain

in the custody of the Commonwealth's Attorney of Pike County, Kentucky, pending the perfection and disposition of the appeal by this Court.

This stay is conditioned upon the filing of the record, the jurisdictional statement and the docketing of the case within fourteen days from this date and should such appeal be docketed within that time, the Solicitor General is requested to respond to such jurisdictional statement within fourteen days thereafter. In the event the appeal is so docketed, this stay is to remain in effect pending this Court's ruling on the jurisdictional aspect of the case. Should the Court summarily affirm the judgment or dismiss the appeal, this stay shall automatically expire. In the event the Court notes probable jurisdiction or postpones consideration of the jurisdiction until the hearing on the merits, this stay is to remain in effect pending the issuance of the judgment of this Court.

Issuance of this stay in no way represents an adjudication that this Court has jurisdiction of an appeal from the order of the United States District Court hereby stayed.

No. ——. *Iaquinta, appellant, v. New York City Employees Retirement System et al.* Further consideration of the motions to docket and dismiss this appeal is postponed pending consideration of any jurisdictional statement that may be filed.

No. ——. *American Radiator & Standard Sanitary Corporation et al., petitioners, v. The Philadelphia Housing Authority, etc., et al.* The application for a writ of injunction presented to Mr. Justice Brennan, and by him referred to the Court, is denied.

No. 64. *United Artists Corporation, appellant, v. City of Dallas.* The motion of the *Karen Horney Clinic, Inc.*, for leave to file a brief, as *amicus curiae*, is denied.

No. 70. *Alitalia-Linee Aeree Italiane, S.p.A., petitioner, v. John Lisi, etc., et al.* The motion of *Bates Block* for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 187. *Menominee Tribe of Indians, petitioner, v. United States.* This case is restored to the calendar for rebriefing and reargument during the session of the Court beginning April 22, 1968. The State of Wisconsin is invited to submit a brief and to participate in oral argument. Forty-five minutes each will be allotted to the petitioner, the United States and the State of Wisconsin for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 482. *United States, appellant, v. Horace Johnson et al.* The motion of appellee, *Willie Hester*, for the appointment of counsel is granted, and it is ordered that *Robert B. Thompson, Esquire*, of

Gainesville, Georgia, be, and he is hereby, appointed to serve as counsel for appellee, Willie Hester, in this case. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **483.** Pearl Detenber, Administratrix, etc., et al., petitioners, *v.* American Universal Insurance Co. The respondent is requested to file a response to the petition for rehearing within thirty days.

No. **600.** Red Lion Broadcasting Co., Inc., etc., et al., petitioners, *v.* Federal Communications Commission et al. Oral argument in this case is postponed pending the decision of the United States Court of Appeals for the Seventh Circuit in the case of *Radio Television News Directors Association et al. v. United States et al.*, and pending this Court's action on any petition for certiorari which may be filed to review that decision. Action on the motion of Radio Television News Directors Association et al., for leave to present oral argument, as *amici curiae*, is meanwhile deferred.

No. **742.** Maryland et al., appellants, *v.* W. Willard Wirtz, Secretary of Labor, et al. The motion of Alabama et al. to remove this case from the summary calendar is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **760.** Commissioner of Internal Revenue, petitioner, *v.* Irving Gordon et ux.; and

No. **781.** Oscar E. Baan et ux., petitioners, *v.* Commissioner of Internal Revenue. The motion to consolidate these cases is granted and the schedule of briefing is approved. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **155, Misc.** In the Matter of the Disbarment of Charles H. Quimby III. Charles H. Quimby, III, Esquire, of Washington, D.C., having resigned 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.

APPEALS—JURISDICTION NOTED

No. **635.** Robert Vincent Gardner, appellant, *v.* Vincent L. Broderick, as Police Commissioner of the City of New York, et al. Appeal from the Court of Appeals of New York. In this case probable jurisdiction noted and case placed on the summary calendar.

No. **673.** George Campbell Painting Corp., appellant, *v.* William Reid et al. Appeal from the Court of Appeals of New York. In this case probable jurisdiction noted. Case placed on the summary calendar and set for oral argument immediately following No. **635.**

CERTIORARI GRANTED

No. **638.** Cheng Fan Kwok, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States

Court of Appeals for the Third Circuit granted and case placed on the summary calendar. William H. Dempsey, Jr., Esquire, a member of the Bar of this Court, is invited to appear and present oral argument, as *amicus curiae*, in support of the judgment below.

No. **800**. World Airways, Inc., et al., petitioners, *v.* Pan American World Airways, Inc., et al.;

No. **946**. Civil Aeronautics Board, petitioner, *v.* Pan American World Airways, Inc., et al.; and

No. **969**. American Society of Travel Agents, Inc., petitioner, *v.* Pan American World Airways, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and two hours allotted for oral argument. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **823**. Uniformed Sanitation Men Association, Inc., et al., petitioners, *v.* Commissioner of Sanitation of the City of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case placed on summary calendar and set for oral argument immediately following No. **673**.

No. **891**. W. Willard Wirtz, Secretary of Labor, United States Department of Labor, petitioner, *v.* Hotel, Motel and Club Employees Union, Local 6. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

CERTIORARI DENIED

No. **818**. Transcontinental Bus System, Inc., et al., petitioners, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **855**. Warren G. Williams, Jr., petitioner, *v.* Seaboard Airline Railroad Company et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **899**. International Hod Carriers, Building and Common Laborers Union of America, Local No. 1082, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **901**. Joseph T. Strong, d/b/a Strong Roofing & Insulating Co., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **903**. Uniweld Products, Inc., et al., petitioners, *v.* Union Carbide Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 907. Young-Peterson Construction, Inc., petitioner, *v.* The Potomac Insurance Company of the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 908. Dauphin Deposit Trust Company et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 918. W. Aborn Spinney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 919. Nathan Fogle et al., petitioners, *v.* Jacob Fogle et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 920. Theodore C. Gerner, petitioner, *v.* Moog Industries, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 922. Rose L. Barker, petitioner, *v.* California-Western States Life Insurance Company et al. Petition for writ of certiorari to the Court of Appeal of California, Fifth Appellate District, denied.

No. 923. Alfred Avins, petitioner, *v.* Rutgers, the State University of New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 993. Radio Television News Directors Association et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 995. Nashville I-40 Steering Committee, etc., et al., petitioners, *v.* Buford Ellington, Governor, State of Tennessee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1028. Joseph Decker et al., petitioners, *v.* United States et al.; and

No. 1029. American Radiator & Standard Sanitary Corporation et al., petitioners, *v.* United States et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 729. Samuel Ratner, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Los Angeles, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted. *Redrup v. New York*, 386 U.S. 767.

No. 738. Joseph W. Hart et al., petitioners, *v.* Federal Reserve Bank of Atlanta. Motion to supplement record granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 859. Brotherhood of Locomotive Firemen and Enginemen, petitioner, *v.* Bangor and Aroostook Railroad Company et al.;

No. 861. Brotherhood of Railroad Trainmen et al., petitioners, *v.* The Akron & Barberton Belt Railroad Company et al.;

No. 862. Order of Railway Conductors and Brakemen, petitioner, *v.* The Akron & Barberton Belt Railroad Company et al.;

No. 863. The Akron & Barberton Belt Railroad Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al.; and

No. 933. Bangor and Aroostook Railroad Company et al., petitioners, *v.* Brotherhood of Locomotive Firemen and Engineman. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 912. James R. Hoffa et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice White and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 890. Samuel Gilbert et al., etc., petitioners, *v.* Francis O. Case et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 900. John C. Rebenstorf, petitioner, *v.* Illinois. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 931. Carl W. Vrooman, Trustee in Bankruptcy, petitioner, *v.* Robert Leonard. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 927. Landon Zuckerman and Sam Haber, petitioners, *v.* Samuel Greason. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 928. Lewis Allinson, petitioner, *v.* Samuel Greason. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 959. Samuel Resnicoff, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 15, Misc. John W. Hale, petitioner, *v.* Curtis M. Simpson,

Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 438, **Misc.** James Mitchell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 518, **Misc.** James R. Springer, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 527, **Misc.** Guy Auguste Duval, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 557, **Misc.** Pat Trueblood Longknife, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 565, **Misc.** Amos Black, petitioner, *v.* Arthur Stanley, Jr., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 584, **Misc.** William Ragland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 641, **Misc.** Irving Alex Kurki, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 655, **Misc.** Douglas M. Storlie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 677, **Misc.** Harriette Bannister and Charles J. Crosby, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 700, **Misc.** Jerry S. Diamond, petitioner, *v.* United States Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 742, **Misc.** Robert Wayne Gamble, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 775, **Misc.** Patrick Ramirez Cedillo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 777, **Misc.** Grant E. Naegle et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 787, **Misc.** Ernest Thompson, Jr., petitioner, *v.* Thaddeus M. Machrowicz, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **793, Misc.** Benjamin Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **795, Misc.** Philip Glendon Cook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **808, Misc.** William Gaines, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **817, Misc.** Jerald Dee Sartain, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **819, Misc.** Michael Wall, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. **820, Misc.** Arthur Goodman, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. **822, Misc.** Ben Lewis, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **825, Misc.** Wesley Delan Johnson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **827, Misc.** Charles R. Chase, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **828, Misc.** Bruce Pierce, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **832, Misc.** Lamont B. Carter, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **836, Misc.** Melvin Clark, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **838, Misc.** Henry Sliva, petitioner, *v.* William W. Vogel, Judge. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **847, Misc.** Peter D. Bogart, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **848, Misc.** Louis C. White, petitioner, *v.* Mail Room Sgt. Murphy et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **849, Misc.** Carmine Lombardi, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **851, Misc.** Steve Lisula, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **861, Misc.** Leroy Henderson, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **876, Misc.** Natividad Baca, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **554, Misc.** Cecil William Myers and Joseph Howard Sims, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. **807, Misc.** Samuel Perez, petitioner, *v.* New York. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. **747, Misc.** Thomas G. Daniel, petitioner, *v.* Edmund Port, Judge; and

No. **864, Misc.** Edward Blake Taylor, petitioner, *v.* John C. Burke, Warden, et al. Motions for leave to file petitions for writs of mandamus denied.

No. **867, Misc.** Louis Soviero, petitioner, *v.* J. Edward Lumbard, Chief Judge, etc. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. **66.** Case-Swayne Co., Inc., petitioner, *v.* Sunkist Growers, Inc.;

No. **548.** Snohomish County, petitioner, *v.* Seattle Disposal Company et al.;

No. **670.** Illinois ex rel. John Maeras, Treasurer and Ex-Officio Collector of Taxes of Madison County, Illinois, appellant, *v.* Chicago, Burlington and Quincy Railroad Co., et al.;

No. **712.** Martin Malinou, Public Administrator, petitioner, *v.* Gordon Cairns, Rhode Island Hospital Trust Company, et al.; and

No. **637, Misc.** Hinda Baskin, petitioner, *v.* Seymour Baskin et al. Petitions for rehearing denied.

No. **246**. Herman Moses et al., appellants, *v.* Washington et al. Petition for hearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **636, Misc.** E'Thelbert Rucker, petitioner, *v.* Donn D. Parker et al. Motion for leave to file petition for rehearing denied.

Adjourned until Monday, March 4, 1968, at 10 o'clock.

The day call for Monday, March 4, 1968, will be as follows: Nos. **309** (and **310**), **73**, and **127**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Jonathan P. Marget, of Washington, D.C., Horace L. Lurie, of Phoenix, Ariz., John Milton Anderson, of San Francisco, Calif., William H. Collard, of Sacramento, Calif., Michael Anthony Arcari, of East Hartford, Conn., George Brode, Jr., of Chicago, Ill., John W. Warnes, of Wilmington, Del., George Murray Paddock, of Washington, D.C., Charles Myron Levy, of Washington, D.C., Thomas R. Asher, of New York, N.Y., and Charles B. Lennahan, of Arlington, Va., on motion of Mr. Solicitor General Erwin N. Griswold; William Macdonald, of Winnemucca, Nev., on motion of Mr. Alan Bible; Elizabeth McClure Brooks, of Malvern, Ark., on motion of Mr. John J. McClellan; Owen Stewart Aspinall, of Grand Junction, Colo., on motion of Mr. Wayne N. Aspinall; Alton Dwith Kitchings, of Savannah, Ga., and Owen Hendricks Page, of Savannah, Ga., on motion of Mr. John James Flynt, Jr.;

Charles Robert Ross, of Hinesburg, Vt., on motion by Mr. Ralph Simon Spritzer; Robert James Cummings, of Castro Valley, Calif., and Fred M. Duman, of Haywood, Calif., on motion of Mr. Don Edwards; Lloyd S. Miller of Topeka, Kans., on motion of Mr. Garner E. Shriver; Theodore W. Law III, of Columbia, S.C., on motion of Mr. Albert W. Watson; Robert H. Majerus, of Cannon Falls, Minn., on motion of Mr. Clark MacGregor; John Carl Kerwitz, of Chanute, Kans., on motion of Mr. Robert J. Dole; Robert Bruce Carter, of Miami, Okla., on motion of Mr. Ed Edmondson; James A. Gilbert, of Pasadena, Calif., on motion of Mr. H. Allen Smith; William R. Hass, of Little Rock, Ark., on motion of Mr. James W. Trimble; Lewis A. Dille, of Kensington, Md., on motion of Mr. John Charles Ranney; Walter A. Porter, of Dayton, Ohio, and William Wilson Taft, of Cleveland, Ohio, on motion of Mr. Thomas V. Koykka; Ed. R. Davies, of Nashville, Tenn., and John Bradbury Reed, of Nashville, Tenn., on motion of Mr. Stephen Deaderick Potts;

Thomas A. Heffernan, of Cleveland, Ohio, and John G. Lancione, of Cleveland, Ohio, on motion of Mr. Craig Spangenberg; A. James Hampares, of New York, N.Y., on motion of Mr. Richard A. Whiting; Alan E. J. Branigan, of Arlington, Va., on motion of Mr. James D.

Stokes; Bruce Hayden Segal, of Chestnut Hill, Mass., on motion of Mr. Francis F. McLaughlin; James Lloyd Comer, of Lawrenceburg, Tenn., on motion of Mr. Joseph T. McDonald; Will S. Wells, of Jackson, Miss., on motion of Mr. Peter Stockett; Helen A. Sliwka, of Baltimore, Md., and J. Frederick Smitzel, Jr., of Baltimore, Md., on motion of Mr. Robert E. Coughlan, Jr.; Gene E. Pruitt, of Sioux Falls, S. Dak., on motion of Mr. Jack Grisby; Alan M. Breitman, of Livingston, N.J., on motion of Mr. Leonard Raum; John W. T. Webb, of Salisbury, Md., on motion of Mr. Robert E. May; John Charles Richards, of Chicago, Ill., on motion of Mr. Lester Asher; Samuel Marx, of Philadelphia, Pa., and Arthur E. Newbold III, of Philadelphia, Pa., on motion of Mr. Owen Brooke Rhoads; Robert Michael Haber, of New York, N.Y., and Philip Pierce, of New York, N.Y., on motion of Miss Gussie Kleinman; and Anthony V. Ehmann, of Phoenix, Ariz., on motion of Mr. Paul G. Rosenblatt, were admitted to practice.

OPINIONS

No. 43. Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

No. 86. United States, appellant, *v.* Third National Bank in Nashville et al. Appeal from the United States District Court for the Middle District of Tennessee. Judgment reversed and case remanded to the United States District Court for the Middle District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joints concurring in part and dissenting in part. Mr. Justice Fortas and Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 861, October Term, 1965. Valmore J. Forgett, Jr., petitioner, *v.* United States. On petition for rehearing. Petition for rehearing granted. Order of February 28, 1966, denying petition for certiorari to the United States Court of Appeals for the Sixth Circuit vacated.

Petition for certiorari granted, judgment vacated and case remanded to the United States District Court for the Northern District of Ohio for further consideration in light of *Haynes v. United States*, 390 U.S. 85. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 3. Frank Costello, petitioner, *v. United States*. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the United States District Court for the District of Connecticut for such disposition as law and justice required. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 4. Carl Piccioli, petitioner, *v. United States*;

No. 5. Pellegrino Millo, petitioner, *v. United States*;

No. 6. Alfred Grassia, petitioner, *v. United States*;

No. 32. Joseph Serao et al., petitioners, *v. United States*; and

No. 2, Misc. Arthur Gjaneci, petitioner, *v. United States*. Motion for leave to proceed *in forma pauperis* in No. 2, Misc. granted. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit;

No. 10. James J. Driscoll et al., petitioners, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit; and

No. 374. Samuel Wriole, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petitions for writs of certiorari granted, judgments vacated, and cases remanded to the Court of Appeals for further consideration in light of *Marchetti v. United States*, 390 U.S. 39. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 9. John El Stone, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit;

No. 14. Ralph Conti and David Newman, petitioners, *v. United States*; and

No. 1024. Emilio Pizzarello, petitioner, *v. United States*. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit;

No. 77. Bertram S. Ross, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit;

No. 121. Joseph H. Donlan, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit; and

No. 798. Donald J. Angelini, petitioner, *v.* United States. On petition for writ of certiorari to the United States Courts of Appeals for the Seventh Circuit. Petitions for writs of certiorari granted, judgments vacated, and cases remanded to the Courts of Appeals for further consideration in light of *Marchetti v. United States*, 390 U.S. 39, and *Grosso v. United States*, 390 U.S. 62. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of Nos. 9, 14, 77, and 121.

No. 11. Joseph DeCesare et al., petitioners, *v.* United States;

No. 17. Robert J. Butler, petitioner, *v.* United States;

No. 19. James Milford Brazzell et al., petitioners, *v.* United States; and

No. 567. Inez Tyler Bellinger Mutcherson, petitioner, *v.* United States. On petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit;

No. 24. Sam Rosenzweig, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit;

No. 30. Cassimirr Augello, also known as Casey Augello, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit; and

No. 45. Ben Gennaro, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petitions for writs of certiorari granted, judgments vacated, and cases remanded to the Courts of Appeals for further consideration in light of *Marchetti v. United States*, 390 U.S. 39. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of Nos. 11, 17, 19, 24, 30 and 45.

No. 18. Jack T. Rainwater et al., petitioners, *v.* Florida. On petition for writ of certiorari to the District Court of Appeal of Florida, Third District. Petition for writ of certiorari granted, judgment vacated and case remanded to the District Court of Appeal of Florida, Third District, for further consideration in light of *Marchetti v. United States*, 390 U.S. 39. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 383. Albert C. Lee, appellant, *v.* Kansas City, Missouri. Appeal from the Supreme Court of Missouri. Judgment vacated and case remanded to the Supreme Court of Missouri for further consideration in light of *Marchetti v. United States*, 390 U.S. 39. Opinion *per curiam*.

See also 282 U.S. 32106 and Grosso v. United States, 390 U.S. 62.

No. 570. Taylor Justice and Stella Justice, appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Kentucky. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 977. Barry Wynn et al., appellants, *v.* Brendan T. Byrne, etc. Appeal from the United States District Court for the District of New Jersey. Judgment vacated and case remanded to the United States District Court for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black would affirm the judgment.

No. 121, Misc. Jessie G. Argo, petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Alabama for further consideration in light of *Long v. District of Iowa*, 385 U.S. 192. Opinion *per curiam*.

No. 329, Misc. Edward Anderson and Rufus Hinton, petitioners, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would set the case for plenary consideration.

No. 407, Misc. Louis Jones, petitioner, *v.* Lake F. Russell, Warden. On petition for writ of certiorari to the Supreme Court of Tennessee. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Tennessee, Eastern Division, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 451, Misc. Dwight DeWitt Robison, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Northern District of California for further consideration in conformity with the opinion of this Court. Opinion *per curiam*.

No. 950, Misc. Robert Roberts, appellant, *v.* Warden, Maryland Penitentiary. Appeal from the United States Court of Appeals for the Fourth Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 965, Misc. Louis Ortega, appellant, *v.* Michigan. Appeal from the Supreme Court of Michigan. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Roger D. Branigin et al., as Members of the State Election Board of Indiana, appellants, *v.* Nelson G. Grills et al.; and

No. —. Joseph W. Summers, appellant, *v.* Nelson G. Grills. The applications for stays presented to Mr. Justice Marshall, and by him referred to the Court, are denied. Memorandum by Mr. Justice Harlan concurring in the result.

No. —. Julio John Marino and Alfred L. Plessner, petitioners, *v.* Samuel Greason. The application for stay presented to Mr. Justice Douglas, and by him referred to the Court, is denied.

No. 29, Original. State of Texas et al., plaintiffs, *v.* State of Colorado. The request of the States of Texas and New Mexico for leave to reply to the counterclaim and to otherwise plead is granted. Mr. Justice Marshall took no part in the consideration or decision of this request.

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington et al.; and

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al. The request of the Solicitor General to participate in oral argument, as *amicus curiae*, is granted and 30 minutes are allotted for that purpose. The Attorney General of Washington is allotted an additional 30 minutes to argue on behalf of the respondents. Mr. Justice Marshall took no part in the consideration or decision of this request.

No. 416. Florence Flast et al., appellants, *v.* John W. Gardner, Secretary of the Department of Health, Education and Welfare of the United States, et al. The motion of Rose Spira et al., for leave to file a brief, as *amici curiae*, is granted. The motion of National Jewish Commission on Law and Public Affairs for leave to file a brief, as *amicus curiae*, is granted.

No. 618. Fortnightly Corporation, petitioner, *v.* United Artists Television, Inc. The motions of National Cable Television Association, Inc.; Screen Composers Association of the United States; the All-Channel Television Society; Broadcast Music, Inc.; American Society of Composers, Authors and Publishers; the Authors League of America, Inc.; and the National Association of Broadcasters for

leave to file briefs, as *amicus curiae*, are granted. The motion of the Writers Guild of America et al., for leave to file a brief, as *amici curiae*, is granted. The motion of the National Association of Broadcasters for leave to participate in oral argument, as *amicus curiae*, is denied. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. **645.** Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. The request of the Solicitor General to participate in oral argument, as *amicus curiae*, is granted and 30 minutes are allotted for that purpose. Counsel for the respondents are allotted an additional 30 minutes for argument. The motions of the American Civil Liberties Union et al.; and the Maryland Petition Committee, Inc., et al., for leave to file briefs, as *amici curiae*, are granted. The motion of National Committee Against Discrimination in Housing et al., as *amici curiae*, to remove this case from the summary calendar is denied. The motion of Missouri Commission on Human Rights for leave to present oral argument, as *amicus curiae*, is denied.

No. **695.** Charles C. Green et al., petitioners, *v.* County School Board of New Kent County, Virginia, et al.;

No. **740.** Brenda K. Monroe et al., petitioners, *v.* Board of Commissioners of the City of Jackson, Tennessee, et al.; and

No. **805.** Arthur Lee Raney et al., petitioners, *v.* Board of Education of the Gould School District et al. The request of the Solicitor General to participate in oral argument in these cases, as *amicus curiae*, is granted and a total of 30 minutes is allotted for that purpose. Counsel for the respondents are allotted a total of 30 additional minutes to argue on behalf of all respondents. The motion of American Jewish Congress for leave to file a brief, as *amicus curiae*, in No. **695** is granted.

No. **898.** Johnny Sabbath, petitioner, *v.* United States. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Murray H. Bring, Esquire, of Washington, D.C., a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. **1038.** Public Utility District No. 1 of Pend Oreille County, Washington, petitioner, *v.* City of Seattle; and

No. **1039.** City of Seattle, petitioner, *v.* Public Utility District No. 1 of Pend Oreille County, Washington; and

No. **495, Misc.** Richard M. Smith, petitioner, *v.* Fred M. Hooey, Judge, Criminal District Court of Harris County, Texas. The Solicitor General is invited to file a brief in each of these cases expressing the views of the United States.

No. 995, Misc. In the Matter of the Disbarment of John Flather Ellis. It having been reported to the Court that John Flather Ellis, of Washington, District of Columbia, has been disbarred from the practice of law by order of the United States Court of Appeals for the District of Columbia Circuit, duly entered on the first day of November 1967, and this Court by order of December 4, 1967, having suspended the said John Flather Ellis from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

IT IS ORDERED that the said John Flather Ellis 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 the Court.

No. 1038, Misc. In the Matter of the Disbarment of William R. O'Malley. It having been reported to the Court that William R. O'Malley, of Wickliffe, Ohio, has been indefinitely suspended from the practice of law by order of the Supreme Court of Ohio, duly entered on the twenty-second day of November 1967, and this Court by order of December 18, 1967, having suspended the said William R. O'Malley from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that the time within which to file a return to the rule has expired;

IT IS ORDERED that the said William R. O'Malley 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.

APPEALS—JURISDICTION NOTED

No. 749. Susan Epperson et al., appellants, *v.* Arkansas. Appeal from the Supreme Court of Arkansas. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 925. The Baltimore and Ohio Railroad Company et al., appellants, *v.* Aberdeen and Rockfish Railroad Company et al.; and

No. 938. Interstate Commerce Commission, appellant, *v.* Aberdeen and Rockfish Railroad Company et al. Appeals from the United States District Court for the Eastern District of Louisiana. In these cases probable jurisdiction noted. Cases consolidated and a total of two hours allotted for oral argument.

No. **950**. Brotherhood of Locomotive Firemen and Enginemen et al., appellants *v.* Chicago, Rock Island and Pacific Railroad Company et al.; and

No. **973**. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al. Appeals from the United States District Court for the Western District of Arkansas. In these cases probable jurisdiction noted. Cases consolidated and a total of one and one-half hours allotted for oral argument. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. **1116**. James C. Kirkpatrick, Secretary of State of Missouri, et al., appellants, *v.* Paul W. Preisler et al.; and

No. **1117**. F. B. Heinkel et al., appellants, *v.* Paul W. Preisler et al. Appeals from the United States District Court for the Western District of Missouri. In these cases probable jurisdiction noted. Cases consolidated and one hour allotted for oral argument. Judgment of District Court dated December 29, 1967, stayed pending final decisions on these appeals. Motion to advance denied; the State of Missouri is authorized to conduct the 1968 congressional elections under and pursuant to the 1967 Missouri Congressional Reapportionment Act, Mo. Stat. Ann., Tit. 9, §§ 128.202-128.305 (1967). See *Martin v. Bush*, 376 U.S. 222, 223; cf. *Lucas v. Colorado Gen. Assembly*, 377 U.S. 713, 739; *Roman v. Sincoc*, 377 U.S. 695, 711-712; *WMCA, Inc. v. Lomenzo*, 377 U.S. 633, 655; *Burns v. Richardson*, 384 U.S. 73, 97-98.

No. **1134**. Walter E. Washington et al., appellants, *v.* Minnie Harrell et al. Appeal from the United States District Court for the District of Columbia. Motion of appellees for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted and case placed on the summary calendar and set for oral argument immediately following No. **813**. Joint motion to advance granted.

No. **1138**. Roger A. Reynolds et al., appellants, *v.* Juanita Smith et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Motion of appellees for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted, case placed on the summary calendar and set for oral argument immediately following No. **1134**. Joint motion to advance granted.

CERTIORARI GRANTED

No. **665**. Paul H. Aschkar & Company, petitioner, *v.* Kamen & Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 689. Joseph Carroll et al., petitioners, *v.* The President and Commissioners of Princess Anne et al. Petition for writ of certiorari to the Court of Appeals of Maryland granted and case placed on the summary calendar.

No. 1003. Joyce C. Thorpe, petitioner, *v.* Housing Authority of the City of Durham. Petition for writ of certiorari to the Supreme Court of North Carolina granted and case placed on the summary calendar.

No. 1034. John F. Tinker and Mary Beth Tinker, minors, etc., et al., petitioners, *v.* Des Moines Independent Community School District et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on summary calendar.

No. 801. William Spinelli, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 978. Universal Interpretive Shuttle Corporation, petitioner, *v.* Washington Metropolitan Area Transit Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 909. Samuel Desist et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 174. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 65, *Misc.* Enrique Perez, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 902, *Misc.* William Joe Johnson, petitioner, *v.* Harry S. Avery, Commissioner of Correction, et al. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United State Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 378. P. S. O'Reilly, petitioner, *v.* Board of Medical Examiners of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 748. Dominick Angel Bretti, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 868. Rocco Pranno, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 886. Daniel E. Armel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 893. Public Service Commission of Wisconsin et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 897. Trans World Airlines, Inc., petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 905. Spartico Mastro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 906. Rovico, Inc., petitioner, *v.* American Photocopy Equipment Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 911. Nantahala Power and Light Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 914. Phillip Michael Schemel, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 916. Home Town Foods, Inc., et al., petitioners, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 926. Joseph Schmidinger et al., petitioners, *v.* Marie J. Welsh et al.; and

No. 981. Marie J. Welsh et al., petitioners, *v.* Joseph Schmidinger et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 929. Jay Lee Gibson, petitioner, *v.* L. D. Johnson et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Twelfth Supreme Judicial District, denied.

No. 930. William J. Rochelle, Jr., Trustee in Bankruptcy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 936. Steptoe and Johnson et al., petitioners, *v.* Fort Myers Seafood Packers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 939. June Kegley, petitioner, *v.* Aetna Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 940. Jerome Rehman et al., petitioners, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 942. Marketlines, Inc., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 943. Vada Skaggs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 944. Union Electric Company, petitioner, *v.* City of East St. Louis. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 947. Gerald A. Schroeder et ux., petitioners, *v.* J. C. Busenhart, et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 948. Cyrus Higginson, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 951. Seanor Coal Company, petitioner, *v.* John L. Lewis, Henry G. Schmidt and Josephine Roche, as Trustees, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 952. Village of Robbins, petitioner, *v.* Village of Midlothian. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 953. Industrial Workers of the World et al., petitioners, *v.* Ramsey Clark, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 954. James Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 955. Elgin, Joliet and Eastern Railway Company, petitioner, *v.* Joseph Del Raso et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. **956.** Larry D. Hibler et us., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **957.** Jessie M. Yates, petitioner, *v.* Bernard J. Manale et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **958.** Irma C. Cundick, petitioner, *v.* J. R. Broadbent. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **960.** Colberg, Inc. et al., petitioners, *v.* California ex rel. Department of Public Works. Petition for writ of certiorari to the Supreme Court of California denied.

No. **965.** Carl Dean Cothren, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **966.** Pennsylvania, petitioner, *v.* Dell Publications, Inc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District denied.

No. **967.** The Atchison Topeka and Santa Fe Railway Company, petitor, *v.* Everd S. Boyer. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **970.** Ernest Guinn, United States District Judge, et al., petitioners, *v.* ACF Industries, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **972.** Jacques Arley et ux., petitioners, *v.* United Pacific Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **976.** Township of Hamilton Township, etc., et al., petitioners, *v.* Board of Chosen Freeholders of the County of Atlantic et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **979.** Lang Kinsey, petitioner, *v.* Floyd Huggins et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fourth Supreme Judicial District denied.

No. **980.** Electric Furnace Corporation, petitioner, *v.* Deering Miliken Research Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **982.** Hanes Hosiery Division-Hanes Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **984.** Monte Vista Lodge, petitioner, *v.* Guardian Life Insurance Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **985.** Robert F. Bruce, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **987.** Dewey Lawrence Cobb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **988.** Marvin Lustiger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **990.** Marcellus N. Joslyn, petitioner, *v.* Merritt L. Joslyn et al. Petition for writ for certiorari to the Court of Appeal of California, Second Appellate District denied.

No. **991.** Marcellus N. Joslyn, petitioner, *v.* Superior Court of California, County of Los Angeles, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **994.** Shireley Jean Estes et al., petitioners, *v.* Camden Fire Insurance Association of General Accident Fire and Life Assurance Corporation Limited et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **996.** Benjamin Myzel et al., petitioners, *v.* Harry Fields et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **998.** Donald L. Wilkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **999.** Joseph Delman et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1000.** Ben G. Milton, dba Service Check Company, petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1001.** Bryant Piledge Long, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1002.** Fritz B. Wager, John L. Avant, et al., as Trustees of Dade County Construction Industry Advancement Fund, petitioners, *v.* Cal Kovens Construction Corporation. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1005.** Joseph Fulton, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. **1006.** State Farm Fire and Casualty Company, petitioner, *v.* Gene B. McFerrin. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1007.** Coe A. Boardman et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1010.** Knowles Electronics, Inc., et al., petitioners, *v.* Tibbetts Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1011.** Burtz-Durham Construction Company, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1012.** Arthur J. Fisher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1013.** In the Matter of Application of Francis Hutchins et al., petitioners. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1014.** Federal Oil Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1017.** John Houser, petitioner, *v.* J. J. O'Leary, Deputy Commissioner, Fourteenth Compensation District, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1018.** C. Parke Masterson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1019.** Robert Eugene Franklin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1020.** Dwain Lee Little, also known as Dwain Lee Harden, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1021.** Efrain Santos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1022**. Colonial Steel and Iron Company et al., petitioners, *v.* Miller Equipment Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1023**. Southern Construction Company, Inc., et al., petitioners, *v.* General Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1035**. Franklin Anderson et al., petitioners, *v.* Mercedes Cotner, Clerk of Cleveland City Council, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1037**. Graziano J. Mancuso, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1040**. James Givens, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. **1042**. Edward Lamar Gay, petitioner, *v.* City of Orlando. Petition for writ of certiorari to the District Court of Appeal of Florida, Fourth District, denied.

No. **1043**. Safway Steel Scaffolds Company of Georgia, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1047**. The National Insider, Inc., petitioner, *v.* Best Medium Publishing Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1048**. Evershield Products, Inc., petitioner, *v.* J. A. Sapp and D. C. Sapp d/b/a Tice Supermarket. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1077**. Ames Nowell, petitioner, *v.* Iris Calder Nowell. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **874**. Stephen Spiro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. **935**. National Dairy Products Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **968**. Banco Nacional de Cuba, petitioner, *v.* F. Shelton Farr et al., Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 983. Battle Mountain Company, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 992. Leon W. Scales et al., petitioners, *v.* Robert A. Riddell. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1009. Hannahville Indian Community et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1031. Henry H. Bender et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1033. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 964. Las Vegas Local Joint Executive Board of Culinary Workers and Bartenders, et al., petitioners, *v.* Las Vegas Hacienda, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Fortas is of the opinion that certiorari should be granted.

No. 975. James Seago, petitioner, *v.* North Carolina Theatres, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black and Mr. Justice White are of the opinion that certiorari should be granted.

No. 1004. Starling Gene Helm, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1030. Daniel McMann, Warden, petitioner, *v.* William Davis. Motion of respondent for leave to proceed herein *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1032. Randolph Phillips, petitioner, *v.* John D. Murchison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 10, **Misc.** Donald Gene Durham, petitioner, *v.* Edward E. Haynes, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 139, **Misc.** Frank Ramirez Guerrero, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 183, **Misc.** Noffie Quiller Johnson, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 217, **Misc.** James Wilber Brown, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 420, **Misc.** Thomas James Whitty, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 459, **Misc.** Garon C. Biot, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 569, **Misc.** Francisco Rodrigo Pulido, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 578, **Misc.** William E. Freeman, petitioner, *v.* C. M. Simpson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 596, **Misc.** Robert Andrews a/k/a Robert Turqe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 618, **Misc.** Gerald P. Collins, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 628, **Misc.** Bruce John Brandl, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 672, **Misc.** Truman Adonis Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 692, **Misc.** Onecimo B. Tobar, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 727, **Misc.** Albert Mares, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 762, **Misc.** Harold Howard Harris, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 788, *Misc.* Robert E. Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 809, *Misc.* Frank Cooper, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 813, *Misc.* Warren Arthur Sims, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 823, *Misc.* Norman Lee Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 824, *Misc.* Augustus F. Heald, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 833, *Misc.* Theodore Anthony Duisen, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 834, *Misc.* Charles Edward Corliss, etc., petitioner, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 837, *Misc.* Ernest Vida, petitioner, *v.* Ramsey Clark, United States Attorney General, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 843, *Misc.* Robert E. Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 844, *Misc.* Thomas Franklin Clemas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 859, *Misc.* Jasper Aiello and Joseph White, petitioners, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Judicial District, denied.

No. 863, *Misc.* Jack E. Lampson, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 865, *Misc.* James Francis Swartz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 870, *Misc.* Charles Edward Ball, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 871, *Misc.* James E. Dooley, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. **872, Misc.** Britton Preston, petitioner, *v.* Warden, Kentucky State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **873, Misc.** Ray Gill, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, County of Madison, denied.

No. **874, Misc.** Alfonso Cabello, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **877, Misc.** Jacob Newman, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **878, Misc.** Albert Spader, petitioner, *v.* John P. Shovlin, Superintendent. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **879, Misc.** Claude W. Harris, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **880, Misc.** Gerardo S. Castelo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **881, Misc.** Carl T. Hoffer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **884, Misc.** Jerome Jerry Sharp, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **885, Misc.** George Edward Wise, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **886, Misc.** William Garrett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **887, Misc.** Alfred F. Bohms, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **889, Misc.** Edward H. Bunker, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **891, Misc.** James Eubanks, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 892, *Misc.* Raymond Castro Abina, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 895, *Misc.* William Lander Bell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 901, *Misc.* Andrew Huska, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 903, *Misc.* Dorothy G. Restrepo, petitioner, *v.* Richard M. Sauls. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 908, *Misc.* Calvin Thomas Jenkins, petitioner, *v.* Leo Bebeau et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 909, *Misc.* John C. Fulford, petitioner, *v.* Lamont Smith, Warden. Petition for writ of certiorari to the Superior Court of Georgia, Tattnall County, denied.

No. 910, *Misc.* James Murray, Jr., petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 911, *Misc.* Curtis E. Ewing, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 912, *Misc.* Archie W. Hayes, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 913, *Misc.* Matilda Anzai, Guardian ad litem for Wilson Kupihea, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 915, *Misc.* Vernie Monroe Hudgins, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 916, *Misc.* Herbert Blyden, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 918, *Misc.* Frederico Maggio, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 919, *Misc.* Hubert Vernon Bales, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 922, *Misc.* John F. Beltowski, petitioner, *v.* Minnesota. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 923, *Misc.* Lawrence Paula Snowden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 927, *Misc.* Richard Lee Wheaton, petitioner, *v.* Howard M. Comstock et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 931, *Misc.* Harry Bernhardt, petitioner, *v.* A. T. Rundle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 934, *Misc.* Nehemiah Cave, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 935, *Misc.* Judah Shurney, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 940, *Misc.* Louis Ludwik Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the County Court of Steuben County, New York, denied.

No. 941, *Misc.* Northaleen Boney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 945, *Misc.* Gerald S. Ostrowski, petitioner, *v.* Jesse B. Manbeck. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 949, *Misc.* Eddie B. Richardson, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 951, *Misc.* Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 952, *Misc.* Floyd Jackson, petitioner, *v.* C. J. Fitzharris, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 953, *Misc.* John J. Hartmann, petitioner, *v.* J. Benjamin Lund, Medical Director, Minnesota Security Hospital. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 956, *Misc.* Ben Lewis, etc., petitioner, *v.* Illinois et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 957, **Misc.** John Taylor Aldridge, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 958, **Misc.** Albert Roof, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 959, **Misc.** Patrick Ralph Sweet, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 963, **Misc.** Albert J. Marnoch, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 964, **Misc.** Edward P. Mitchell, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 966, **Misc.** Richard Louis Balsz, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 967, **Misc.** Walter Strauss, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 972, **Misc.** Dick Malone, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 974, **Misc.** Vido Vатели, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 975, **Misc.** John Edward Esparza, petitioner, *v.* L. S. Nelson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 976, **Misc.** John Lee Purifoy, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 978, **Misc.** George E. Fox, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 979, **Misc.** Raul R. Castro, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 980, **Misc.** James B. Gillespie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 981, *Misc.* Robert Flores, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 984, *Misc.* Calvin Winston Jackson, petitioner, *v.* Lawrence E. Wilson et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 986, *Misc.* Freddie Lee Dutch, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 987, *Misc.* George H. Douglas, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 989, *Misc.* George W. Carroll, petitioner, *v.* R. L. Turner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 990, *Misc.* Robert Berry Parker, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 992, *Misc.* George C. Riley, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 993, *Misc.* Leroy Wynn, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 994, *Misc.* James W. "Buddy" Cannon, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 996, *Misc.* Matthew James McCabe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 997, *Misc.* Harry L. Callas, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 998, *Misc.* Georgia May Washington, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1003, *Misc.* Michael Joseph McDermott, petitioner, *v.* District Court of Riley County, Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1004, *Misc.* James T. Carr, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 1005, *Misc.* Bruce Wyatt Cassassa, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1010, **Misc.** Robert F. Urbano, petitioner, *v.* Robert Liston. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1011, **Misc.** Elesano John Troiani, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1012, **Misc.** Andrew White, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1018, **Misc.** Harvey Eugene Blanton, petitioner, *v.* Frank Ropke, Judge, etc. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1031, **Misc.** John F. Azzone, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1034, **Misc.** Paul Allen, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Circuit Court of Sevier County, Tennessee, denied.

No. 1037, **Misc.** Jesse Rivera Duarte, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1041, **Misc.** Louis Soviero and Umberto Altruda, petitioners, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1043, **Misc.** Roy Green, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1045, **Misc.** Kenneth Donaldson, petitioner, *v.* J. B. O'Connor, Superintendent, Florida State Hospital, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1062, **Misc.** Cleo Vernon Keaton, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Fourth Judicial District, denied.

No. 1080, **Misc.** Richard Wallach, petitioner, *v.* I. E. Ungerman et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1089, **Misc.** Domingo Gonzalez, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1102, *Misc.* Bert Mitchell Evans, Jr., petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1110, *Misc.* Harry Levine, petitioner, *v.* Colgate-Palmolive Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1115, *Misc.* Wayne Seidler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 31, *Misc.* Franklin Delano Floyd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 42, *Misc.* Conrad Allen, petitioner, *v.* R. W. Meier et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 230, *Misc.* Arthur Loyld Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 343, *Misc.* Elton Ray Barnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 947, *Misc.* James Lester Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 971, *Misc.* Elizabeth P. Comley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 524, *Misc.* Aldens Johnson, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1078, *Misc.* Antonio Gonzalez, petitioner, *v.* Warden, Brooklyn House of Detention. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 839, **Misc.** William Grayson Fischer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas is of the opinion that certiorari should be granted.

No. 855, **Misc.** Louis E. Bennett, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Fortas is of the opinion that certiorari should be granted. *U.S. v. Wade*, 388 U.S. 218 at 261-262.

No. 917, **Misc.** Ralph Solomon Armijo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted and judgment reversed.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 925, **Misc.** Parks Jefferson Fox, Jr., petitioner, *v.* United States;

No. 939, **Misc.** Elam Reamuel Temple, petitioner, *v.* United States;

No. 946, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden;

No. 954, **Misc.** Alexander Alexander, petitioner, *v.* E. P. Perini, Superintendent, Marion Correctional Institution, et al.;

No. 968, **Misc.** Kenneth E. Ryland, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution;

No. 970, **Misc.** James C. Metcalf, petitioner, *v.* Frank J. Pate, Warden;

No. 988, **Misc.** Ronald Arthur Fossum, petitioner, *v.* Jack D. Porter, Sheriff, King County, Washington;

No. 1002, **Misc.** William H. Roberts, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al.;

No. 1006, **Misc.** Hildren Max Johnson, petitioner, *v.* E. L. Maxwell, Warden;

No. 1013, **Misc.** Roy Douglas Hurst and Lloyd Elison Daniels, petitioners, *v.* Richard F. Harris, Judge, et al.;

No. 1024, **Misc.** Gary Lee Tompa, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary;

No. 1109, **Misc.** Clemon Blanchey, Jr., petitioner, *v.* Jack D. Porter, Sheriff, King County, Washington, et al.;

No. 1120, **Misc.** Charles L. Albertson, petitioner, *v.* George L. Kropp;

No. 1125, **Misc.** Willie Travis Turner, petitioner, *v.* Louis S. Nelson, Warden; and

No. **1136, Misc.** Daniel DeWitt, petitioner, *v.* California et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. **991, Misc.** Tom James Blevins, petitioner, *v.* Louis S. Nelson, Warden. Motion to dispense with printing petition granted. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. **841, Misc.** Commodore Tilden, petitioner, *v.* Illinois Parole and Pardon Board, etc.;

No. **904, Misc.** James Monroe Smith, petitioner, *v.* United States District Court for the Southern District of Ohio; and

No. **905, Misc.** David W. Wion, petitioner, *v.* Ramsey Clark, Attorney General, et al. Motions for leave to file petitions for writs of mandamus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF PROHIBITION DENIED

No. **764, Misc.** Louisiana Education Commission for Needy Children et al., petitioners, *v.* U.S. District Court for the Eastern District of Louisiana, New Orleans Division, et al. Motion for leave to file petition for writ of prohibition denied.

No. **1023, Misc.** Carondelet Savings and Loan Association, petitioner, *v.* Harry M. James, Judge, etc. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. **933, October Term, 1966.** China Union Lines, Ltd., petitioner, *v.* A. O. Andersen & Co. et al.; and

No. **934, October Term, 1966.** Lan Jing-Chau et al., petitioners, *v.* A. O. Andersen & Co. et al. Motion of American Trial Lawyers Association, Admiralty Section, for leave to file a brief, as *amicus curiae*, in support of second rehearings denied. Motions for leave to file second petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. **680, Misc., October Term, 1966.** E'Thelbert Rucker, petitioner, *v.* Frederick W. Johnson, Clerk of District Court. Motion for leave to file petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **581.** Japanese War Notes Claimants Association of the Philippines, Inc., petitioner, *v.* United States;

No. 668. Amplex of Maryland, Inc., petitioner, *v.* Outboard Marine Corporation;

No. 720. Will Ray Henry, petitioner, *v.* Delhi-Taylor Oil Corporation;

No. 735. Jake Klein et al., petitioners, *v.* United States;

No. 753. Alexander Birns, petitioner, *v.* Ohio;

No. 758. Ronald E. Gates, petitioner, *v.* P. F. Collier, Inc.;

No. 768. Edmund D. Osbourne et al., appellants, *v.* Mississippi Valley Barge Line Company et al.;

No. 769. Skyline Homes, Inc., petitioner, *v.* National Labor Relations Board;

No. 790. Braswell Motor Freight Lines, Inc., et al., appellants, *v.* United States et al.;

No. 815. Edward Paulaitis, appellant, *v.* Norine Paulaitis;

No. 820. Thrifty Shoppers Scrip Co., appellant, *v.* United States et al.;

No. 821. Pat Bell et ux., petitioners, *v.* United States;

No. 840. Ward M. Miller, appellant, *v.* Robert A. Haines, Director, Department of Mental Hygiene and Correction of Ohio, et al.;

No. 843. F. Allen Rutherford et al., petitioners, *v.* American Medical Association, et al.;

No. 850. Jesse James, State Treasurer of Texas, et al., appellants, *v.* Everett M. Gilmore, Jr., et al.;

No. 865. E. W. Buschman Co., petitioner, *v.* National Labor Relations Board;

No. 927. Landon Zuckerman and Sam Haber, petitioners, *v.* Samuel Greason; and

No. 928. Lewis Allinson, petitioner, *v.* Samuel Greason. Petitions for rehearing denied.

No. 21. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. Petition for rehearing or clarification of opinion denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 366. American Investors Fund, Inc., petitioner, *v.* Rosalind Fogel et al. Motion for leave to file petition for rehearing denied.

No. 498. Colorado River Water Conservation District et al., petitioners, *v.* Four Counties Water Users Association et al. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 692. Paul V. Byrne, Jr., petitioner, *v.* Chicago Title and Trust Company, etc., et al. Motion for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

No. 791. Morton Sobell, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White and Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 900. John C. Rebenstorf, petitioner, *v.* Illinois. Motion to dispense with printing petition granted. Petition for rehearing denied.

No. 502, **Misc.** William Epton, petitioner, *v.* New York; and

No. 771, **Misc.** William Epton, appellant, *v.* New York;

No. 702, **Misc.** Glenn E. Rogers, petitioner, *v.* Alfred M. Stanley, Director, Rockland State Hospital;

No. 706, **Misc.** Helena H. Butterfield, petitioner, *v.* William Gazette;

No. 777, **Misc.** Grant E. Naegle et ux., petitioners, *v.* Commissioner of Internal Revenue;

No. 800, **Misc.** Emmett J. Stebbins, petitioner, *v.* Nationwide Mutual Insurance Company;

No. 803, **Misc.** Robert Sherman Oswald, petitioner, *v.* Sherman H. Crouse, Warden; and

No. 864, **Misc.** Edward Blake Taylor, petitioner, *v.* John C. Burke, Warden, et al. Petitions for rehearing denied.

No. 745, **Misc.** Edward McCray, petitioner, *v.* Alfred A. Arraj, Chief Judge, United States District Court for the District of Colorado. Motion for leave to file petition for rehearing denied.

ORAL ARGUMENT

No. 309. American Federation of Musicians of the United States and Canada et al., petitioners, *v.* Joseph Carroll et al.: and

No. 310. Joseph Carroll et al., petitioners, *v.* American Federation of Musicians of the United States and Canada, etc., et al. Argued by Mr. Ronald Rosenberg for the American Federation of Musicians of the United States and Canada et al. and by Mr. Godfrey P. Schmidt for Joseph Carroll et al.

No. 73. In the Matter of John Ruffalo, Jr., petitioner. Argued by Mr. Craig Spangenberg for the petitioner and by Mr. Thomas V. Koykka for the Ohio State and Mahoning County Bar Associations.

No. 127. Reading Company, petitioner, *v.* Francis Shunk Brown, 3rd, etc., et al. One and one half hours allowed for oral argument. Argument commenced by Mr. Thomas Raeburn White, Jr., for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 5, 1968, will be as follows: Nos. 127, 335 (and 463), and 699.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Peter E. Marchetti, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Altero Joseph Alteri, of Detroit, Mich., on motion of Mr. Robert P. Griffin; James Richard Clark, Jr., of Cincinnati, Ohio, and David James Weinberg, of Dayton, Ohio, on motion of Mr. Robert Taft, Jr.; William J. Kretzmer, Jr., of Richmond, Calif., on motion of Mr. Jerome Russell Waldie; Edward Nager, of Madison, Wis., on motion of Mr. Robert W. Kastenmeier; William D. Kimme, of Washington, Mo., on motion of Mr. William Leonard Hungate; Carl W. Bauer, of Franklin, La., Bernard Edward Boudreaux, Jr., of Franklin, La., and Robert Martin Fleming, of Franklin, La., on motion of Mr. E. E. Willis; Robert R. Crane, of Columbus, Ohio, on motion of Mr. Richard M. Roberts; John E. D. Greenwood, of Tuxedo Park, N.Y., on motion of Mr. Daniel Albert Reznick;

John L. Riley, of St. Petersburg, Fla., on motion of Mr. Gideon Franklin Rothwell IV; Martin A. Weissert, of Fort Wayne, Ind., on motion of Mr. John Curtis Bradley; Herbert L. Awe, of Potomac, Md., William F. Kolbe, of Racine, Wis., and Robert E. Sharp, of Racine, Wis., on motion of Mr. John P. Lipscomb, Jr.; James Patrick Riley, of Washington, D.C., and Marvin Rosenberg, of Washington, D.C., on motion of Mr. Robert L. Heald; John Michael Harrington, Jr., of Boston, Mass., and John A. Pike, of Boston, Mass., on motion of Mr. Marc A. White; Brian E. Concannon, of Marshfield, Mass., on motion of Mr. William I. Cowin; Jack D. Maroney II, of Austin, Tex., on motion of Mr. Peter Barton Hutt; David Allen MacLaughlin, of Dallas, Tex., on motion of Mr. John Franklin O'Neal;

Harold H. Roth, of Washington, D.C., on motion of Mr. Emmet V. Mittlebeeler; Joe Norman Unger, of Miami, Fla., on motion of Mr. Ky P. Ewing, Jr.; John Robert Waller, of Chevy, Chase, Md., on motion of Mr. Milton I. Lewis; Herbert McFarlan Birch, of Washington, D.C., Terrell Calhoun Birch, of Washington, D.C., and James Thomas Martin, of Washington, D.C., on motion of Mr. Albert J. Kramer; Derbin K. Lindgren, Jr., of Minneapolis, Minn., on motion of Mr. Leroy C. Corcoran; and Robert F. Dobbin, of New York, N.Y., Thomas Poole Griesa, of New York, N.Y., Joseph A. O'Connor, Jr.,

of New York, N.Y., Alfred E. Schretter, of New York, N.Y., and J. Kenneth Townsend, Jr., of New York, N.Y., on motion of Mr. Ralph M. Carson, were admitted to practice.

OPINIONS

No. 107. United States, appellant, *v.* Arnold Habig, et al. Appeal from the United States District Court for the Southern District of Indiana. Judgment reversed and case remanded to the United States District Court for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 267. United States, petitioner, *v.* Neifert-White Company. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Montana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 305. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to enter a judgment affirming the order of the Securities and Exchange Commission. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 92. James H. Harris, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas. Mr. Justice Marshall took no part in the consideration or decision of this case.

ORAL ARGUMENT

No. 127. Reading Company, petitioner, *v.* Francis Shunk Brown, 3rd, etc., et al. Argument continued by Mr. Owen B. Rhoads and Mr. Richard M. Roberts for the respondents and concluded by Mr. Thomas Raeburn White, Jr., for the petitioner.

No. 335. The Hanover Shoe, Inc., petitionere, *v.* United Shoe Machinery Corporation; and

No. **463**. United Shoe Machinery Corporation, petitioner, *v.* The Hanover Shoe, Inc. Argued by Mr. James V. Hayes for the Hanover Shoe, Inc., and by Mr. Ralph M. Carson for the United Shoe Machinery Corporation.

No. **699**. John Earl Cameron et al., appellants, *v.* Paul Johnson, etc., et al. Argument commenced by Mr. Benjamin E. Smith for the appellants and continued by Mr. Arthur Kinoy for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 6, 1968, will be as follows: Nos. **699, 700, 702, and 405**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Albert Ivan Moon, Jr., of Los Angeles, Calif., and Robert Putnam Will, of Washington, D.C., on motion of Mr. Thomas H. Kuchel; Edward G. Biester, Jr., of Furlong, Pa., on motion of Mr. Albert W. Johnson; Gerald G. Fuchs, of Evansville, Ind., and John P. Hancock, of Evansville, Ind., on motion of Miss Betty Jean Hancock; Stanley Levin, of Baltimore, Md., on motion of Mr. Lawrence Speiser; Bernard Stanley Wyner, of Cleveland, Ohio, on motion of Mr. John S. Martin, Jr.; Ralph Waldo Emerson, of Nashville, Tenn., on motion of Mr. William G. Allen; Frank J. Iuen, of Jefferson City, Mo., on motion of Mr. John F. Doyle; Carl Mason Franklin, of Los Angeles, Calif., on motion of Mr. F. Barron Grier; J. David Francis, of Bowling Green, Ky., on motion of Mr. William Paul Rodgers, Jr.; and Richard J. MacLaury, of San Francisco, Calif., on motion of Mr. Edward F. Howrey, were admitted to practice.

OPINIONS

No. 69. Volkswagenwerk Aktiengesellschaft, petitioner, *v.* Federal Maritime Commission et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Harlan. Opinion by Mr. Justice Fortas concurring in the judgment. Opinion by Mr. Justice Douglas dissenting in part. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 257. Federal Maritime Commission et al., petitioners, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line), et al.; and

No. 258. American Society of Travel Agents, Inc., petitioner, *v.* Aktiebolaget Svenska Amerika Linien (Swedish American Line), et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and cases re-

manded to the Court of Appeals with directions to affirm the order of the Federal Maritime Commission. Opinion by Mr. Justice Black. Opinion by Mr. Justice Harlan concurring in the result. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 178. National Labor Relations Board, petitioner, *v.* United Insurance Company of America et al.; and

No. 179. Insurance Workers International Union, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. On writs of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Brennan and Mr. Justice Marshall took no part in the consideration or decision of these cases.

ORAL ARGUMENT

No. 699. John Earl Cameron et al., appellant, *v.* Paul Johnson, etc., et al. Argument continued by Mr. Arthur Kinoy for the appellants and concluded by Mr. Will S. Wells for the appellees.

No. 700. Brooks Lee Anderson, petitioner, *v.* Wilburn C. Johnson, Warden. Argued by Mr. J. Brad Reed for the petitioner and by Mr. Ed R. Davies for the respondent.

No. 702. Ronald L. Johnson, petitioner, *v.* Massachusetts. Argument commenced by Mr. John M. Harrington, Jr., for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 7, 1968, will be as follows: Nos. 702, 402, 339, and 445.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Edward Norman Fadeley, of Eugene, Oreg., on motion of Mr. Wayne Lyman Morse; Richard C. Smith, of Scottsboro, Ala., and Thomas Arthur Wagoner, of Wood River, Nebr., on motion of Mr. John J. Sparkman; Benjamin C. Neff, Jr., of Lincoln, Nebr., on motion of Mr. Carl T. Curtis; Brian B. Duff, of Wilmette, Ill., on motion of Mr. Robert McClory; Charles B. Snow, of Fremont, Calif., on motion of Mr. Don Edwards; Howard M. Nazor, of Ashtabula, Ohio, and Gordon L. Nazor, of Ashtabula, Ohio, on motion of Mr. William E. Minshall; George Edwin Long, of El Monte, Calif., on motion of Mr. Charles Edward Wiggins; J. Mack Swigert, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.;

Joseph Hubbard Price, of Montgomery, Ala., on motion of Mr. Marx Leva; Barbara Alice Ringer, of Chevy Chase, Md., Dorothy Marie Schrader, of Washington, D.C., and Arthur Jordan Levine, of Bridgeport, Conn., on motion of Mr. Abraham L. Kaminstein; John F. Dugan, of Richmond, Va., on motion of Mr. E. Riggs McConnell; Arne Werchick, of San Francisco, Calif., on motion of Mr. Allen George Siegel; Burton Samuel Kolko, of Rochester, N.Y., on motion of Mr. Oral D. Ozment;

Hemphill P. Pride II, of Columbia, S.C., on motion of Mr. Matthew J. Perry; John E. Juergensmeyer, of Elgin, Ill., and Leo Wotan, Jr., of Elgin, Ill., on motion of Mr. Douglas B. Henderson; Thomas B. Sweeney, of Leesburg, Va., on motion of Mr. Charles M. Ryan; Warren G. Sullivan, of Chicago, Ill., on motion of Mr. Clarence G. Pechacek; and Philip M. Carden, of Nashville, Tenn., and Carrol D. Kilgore, of Nashville, Tenn., on motion of Mr. Bernard Dunau, were admitted to practice.

No. 702. Ronald L. Johnson, petitioner, *v.* Massachusetts. Argument continued by Mr. John M. Harrington, Jr., for the petitioner and concluded by Mr. Brian E. Concannon for the respondent.

No. 405. Leroy Powell, appellant, *v.* Texas. Leave granted Mr. Don L. Davis to appear and present oral argument for the appellant, *pro hac vice*, on motion of Mr. Tom Davis. Argued by Mr. Don L.

Davis for the appellant, *pro hac vice*, by special leave of Court, by Mr. Peter Barton Hutt for the American Civil Liberties Union et al., as *amicus curiae*, and by Mr. David Robinson, Jr. for the appellee.

No. 339. Anne P. Newman et al., petitioners, *v.* Piggie Park Enterprises, Inc., et al. Argued by Mr. Jack Greenberg for the petitioners. No appearance for the respondents.

Adjourned until Monday, March 11, 1968, at 10 o'clock.

The day call for Monday, March 11, 1968, will be as follows: Nos. 445, 70, 705, and 276.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Mason C. Lewis, of Washington, D.C., Donald Joseph Lunny, of Fort Lauderdale, Fla., John L. Ketcham, of Seattle, Wash., Ronald Armand Ginsburg, of Wheaton, Md., Hampton Stennis Little, Jr., of Arlington, Va., Thomas V. Duffy, of Bergenfield, N.J., Leonard S. Togman, of Washington, D.C., Michael I. Sanders, of Washington, D.C., J. K. Lyles, Jr., of Pittsburgh, Pa., and Thomas J. Rardin, of Everett, Wash., on motion of Mr. Solicitor General Erwin N. Griswold; Paul Thomas Rubery, of Palmyra, N.Y., on motion of Miss Alice L. O'Donnell; Dorothy Elliott Mead, of San Francisco, Calif., on motion of Mr. Henry N. Williams; William Henderson Willcox, of Washington, D.C., on motion of Mr. Robert M. Scott; Gerald F. Phillips, of New York, N.Y., on motion of Mr. Gerald Meyer; Harold B. Roitman, of Belmont, Mass., on motion of Mr. Jacob Sheinkman; Armand Georges Derfner, of Washington, D.C., on motion of Mr. Howard C. Westwood; Robert Garrett McCullough, of Nashville, Tenn., on motion of Mr. Don A. Banta; Daniel P. Reardon, Jr., of St. Louis, Mo., and James William Lawson, of Washington, D.C., on motion of Mr. Francis W. McInerney; Paul Andrews Koontz, of Bedford, Pa., and Ray G. Replogle, of Bedford, Pa., on motion of Mr. Joseph W. Kieran; Edward Bogard, of Newton, Mass., and John R. Browning, of Los Angeles, Calif., on motion of Mr. Paul St. Amour; Robert L. Pfannebecker, of Lancaster, Pa., Henry J. Rutherford, of Marietta, Pa., Michael J. Perezous, of Lancaster, Pa., and Simon Ralph Zimmermann, III, of Lancaster, Pa., on motion of Mr. Jacques H. Geisenberger, and Eugene Francis Costello, of Denver, Colo., on motion of Mr. Byron G. Rogers, were admitted to practice.

OPINIONS

No. 324. Norfolk and Western Railway Company et al., appellants, v. Missouri State Tax Commission et al. Appeal from the Supreme Court of Missouri. Judgment vacated and case remanded to the Supreme Court of Missouri for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Black.

No. 75. Frank Lee, Commissioner of Corrections of Alabama, et al., appellants, *v.* Caliph Washington et al. Appeal from the United States District Court for the Middle District of Alabama. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Black, Mr. Justice Harlan and Mr. Justice Stewart.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 871. Earl R. Wiseman, Director of Internal Revenue for the District of Oklahoma, petitioner, *v.* Ralph E. Barby et ux. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Stewart and Mr. Justice White are of the opinion that certiorari should be granted and case set own for oral argument. Mr. Justice Douglas is of the opinion that certiorari should be denied.

No. 913. John Lookretis, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Chapman v. California*, 386 U.S. 18, and *Marchetti v. United States*, 390 U.S. 39. Opinion *per curiam*. Mr. Justice White is of the opinion that certiorari should be denied.

No. 934. Roy Michael Felton et al., petitioners, *v.* City of Pensacola. On petition for writ of certiorari to the District Court of Appeal of Florida, First District. Petition for writ of certiorari granted, judgment reversed and case remanded to the District Court of Appeal of Florida, First District, for further proceeding not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice would grant the petition and reverse because of the failure of the trial court to adhere to the standard for judging obscenity announced in *Roth v. United States*, 354 U.S. 476. Mr. Justice Harlan would affirm the judgment of the state court upon the premises stated in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496, and his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455.

No. 961. William Hettleman et al., appellants, *v.* Chicago Law Institute et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of

jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 786, Misc. Donald Gene Walker, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed in forma pauperis, and petition for writ of certiorari granted. Judgment reversed and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 31, Original. State of Utah, plaintiff, *v.* United States. The motions of the Great Salt Lake Minerals & Chemicals Corporation for leave to intervene as a plaintiff and to intervene, in the alternative, as a defendant, together with its answer and cross claims, are referred to the Special Master for a report and recommendation. Such report and recommendation shall also include the motion of the Morton International, Inc., for leave to intervene heretofore referred to the Special Master. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 416. Florence Flast et al., appellants, *v.* John W. Gardner, Secretary of the Department of Health, Education and Welfare of the United States, et al. The motion of the United Americans for Public Schools for leave to file a brief, as *amicus curiae*, is granted.

No. 701. In the Matter of Buddy Lynn Whittington, petitioner. The motion of The Defender's Office, Cleveland Legal Aid Society, to dispense with printing its brief, as *amicus curiae*, is denied. Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Brennan and Mr. Justice Stewart are of the opinion that the motion should be granted.

No. 742. Maryland et al., appellants *v.* W. Willard Wirtz, Secretary of Labor, et al. The motion of the State of Maryland et al., for additional time for oral argument and for permission for three attorneys to participate in argument is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 802. C. C. Peyton, Superintendent of the Virginia State Penitentiary, petitioner, *v.* Robert Elmer Rowe et al. The motion of the State of California for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 1058. J. C. Fairley et al., appellants, *v.* Joe T. Patterson et al.; and

No. **1059.** Charles E. Bunton et al., appellant, *v.* Joe T. Patterson et al. The Solicitor General is invited to file a brief expressing the views of the United States including the question of the jurisdiction of the three-judge court.

APPEAL—JURISDICTION NOTED

No. **824.** WHYY, Inc., appellant *v.* Borough of Glassboro et al. Appeal from the Supreme Court of New Jersey. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. **1049.** Federal Trade Commission, petitioner, *v.* Texaco, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. **937.** Commonwealth Coatings Corporation, petitioner, *v.* Continental Casualty Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. **910.** Earl Spigner, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **962.** Thomas A. McManigal, petitioner, *v.* Seymour Simon et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **986.** Wheatland Hills Corp., petitioner, *v.* Margaret F. Morton. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. **1026.** Emily S. Pearson, petitioner, *v.* State Welfare, Morris Hursh, Commissioner, Saint Paul, Minnesota. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1036.** Julius C. Myers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1041.** Western Pacific Railroad Company et al., petitioners, *v.* Howard W. Habermeyer, Thomas M. Healy, and A. E. Lyon, individually and as members of the Railroad Retirement Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1053.** Edward Krechevsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1056**. City of Jacksonville, petitioner, *v.* George Schumann et al. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, denied.

No. **1060**. Arthur V. Jones, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **1073**. Eldon O. Haldane, petitioner, *v.* Wilhelmina Helen King Chagnon et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1086**. Martin Malinou, Public Administrator, petitioner, *v.* Leonard A. Kiernan, Public Administrator, et al. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. **1097**. Evans Reamer & Machine Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1025**. Ira M. Coiner, petitioner, *v.* Lee Shear. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and case set down for oral argument.

No. **447, Misc.** Leroy Walker, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **883, Misc.** Ray Elbert Parker, petitioner, *v.* Maryland et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **938, Misc.** Tomas King Dunn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **942, Misc.** James J. Connor, petitioner, *v.* Massachusetts;

No. **955, Misc.** Donald E. Landry, petitioner, *v.* Massachusetts; and

No. **1068, Misc.** Janice M. Doherty, petitioner, *v.* Massachusetts. Petitions for writs of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. **977, Misc.** Donald E. Wilkes, petitioner, *v.* The Florida Bar. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1017, Misc.** Grace Mancilla, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1036, Misc.** George M. Snyder, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **1052, Misc.** Donald Markell Succop, petitioner *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1055, Misc.** Eugene Vinson Hollis, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1056, Misc.** David Dean Siplinger, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1058, Misc.** Joe Camp, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **1061, Misc.** Nathaniel L. Givens, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. **1063, Misc.** Earl S. Weaver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1066, Misc.** David Lawrence Long and Richard Raymond Nelson, Jr., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. **1067, Misc.** Robert L. Harris, petitioner, *v.* Ronald Reagan, Governor. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1069, Misc.** A. Weiland, petitioner, *v.* Lloyd F. O'Neal. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1071, Misc.** Ozell Daniel Kizer, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1079, Misc.** Sam Hamlett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1086, Misc.** Henry Alexander, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. **1087, Misc.** Leonard Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

92 No. ~~1082~~ **1082, Misc.** Ernest Vivallava Pineda, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal to California, First Appellate District, denied.

No. **1101, Misc.** Earl F. Mink, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **1106, Misc.** Roosevelt Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1113, Misc.** Arthur Chavez Zavala, petitioner, *v.* Walter L. Craven, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1117, *Misc.* Helena H. Butterfield, petitioner, *v.* William Gazelle. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1118, *Misc.* Edward P. O'Toole, petitioner, *v.* Palmer C. Scafati, Superintendent, Massachusetts Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1128, *Misc.* Leon G. Schack, petitioner, *v.* Florida et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1172, *Misc.* William Edward Love, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1164, *Misc.* Arland L. Gerberding, petitioner, *v.* Ralph H. Tahash, Warden; and

No. 1165, *Misc.* LeRoy Henderson, petitioner *v.* M. J. Koloski, Superintendent, Chillicothe Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1159, *Misc.* Nicholas R. Crowder, petitioner, *v.* P. G. Smith, Warden, et al. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 1168, *Misc.* Danny Dean Yost, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1160, *Misc.* Russell Britton et al., petitioners, *v.* Roszel C. Thomsen, Chief Judge, United States District Court for the District of Maryland, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARING DENIED

No. 483. Pearl Detenber, Administratrix, etc., et al., petitioners, *v.* American Universal Insurance Co. Petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, March 18, 1968, until Monday, March 25, 1968.

ORAL ARGUMENT

No. 445. Avco Corporation, petitioner, *v.* Aero Lodge No. 735, International Association of Machinists and Aerospace Workers, et al. Argued by Mr. J. Mack Swigert for the petitioner and Mr. Bernard Dunau for the respondents.

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. Argued by Mr. George N. Tompkins, Jr., for the petitioner and by Mr. Theodore E. Wolcott for the respondents.

No. 705. George William Bruton, petitioner, *v.* United States. Argued by Mr. Daniel P. Reardon, Jr., for the petitioner and by Mr. Solicitor General Griswold for the respondent.

No. 276. Raymond Hopkins, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Argument commenced by Mr. Allen Sharp for the petitioner and continued by Mr. Harris Weinstein for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 12, 1968, will be as follows: Nos. 276, 416, and 363 (and 428).

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

K. Richard Hawley, of Mount Vernon, Ind., and Verne S. McClellan, of Mount Vernon, Ind., on motion of Mr. Birch E. Bayh, Jr.; Lawrence Michael Baskir, of Brooklyn, N.Y., on motion of Mr. Samuel J. Ervin, Jr.; Steven A. Carter, of Sioux City, Iowa, on motion of Mr. Wiley E. Mayne; Robert F. Kennon, of Baton Rouge, La., on motion of Mr. James H. Pipkin; Jack Leland Chestnut, of Shoreview, Minn., and Martin James McNamara, of Washington, D.C., on motion of Mr. Paul Francis McArdle; Philip E. Silberberg, of New York, N.Y., on motion of Mr. Joseph DeFranco; Andrew J. Belansky, of Pasadena, Calif., on motion of Mr. Richard G. Wynne; Joel M. Mangel, of Silver Spring, Md., on motion of Mr. Alanson W. Willcox; Abraham Pinsky, of Wellsburg, W. Va., on motion of Mr. Michael Mitchell Gould; Julius Berman, of New York, N.Y., and William Edward McCurdy, Jr., of New York, N.Y., on motion of Mr. Thomas F. Daly; Donald Roy, of San Francisco, Calif., on motion of Mr. John Joseph Corrigan; and J. Bryan Whitworth, of Fairfax, Va., on motion of Mr. John W. Gray, were admitted to practice.

ORAL ARGUMENT

No. 276. Raymond Hopkins, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Argument continued by Mr. Harris Weinstein for the respondent and concluded by Mr. Harold H. Gearing for the petitioner.

No. 416. Florence Flast et al., appellants, *v.* John W. Gardner, Secretary of the Department of Health, Education, and Welfare of the United States, et al. Argued by Mr. Leo Pfeffer for the appellants, by Mr. Sam J. Ervin, Jr., for the Americans for Public Schools and Baptist General Association of Virginia, as *amici curiae*, and by Mr. Solicitor General Griswold for the appellees.

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co., et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co., et al. Argument commenced by Mr. Henry Geller

for petitioners, United States and the Federal Communications Commission.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 13, 1968, will be Nos. **363** (and **428**), **618**, and **465**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Joe Bill Burnett, of Dallas, Tex., Daniel Thompson Collins, of Dallas, Tex., and Joseph Aloysius Devany, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; Mike Richard Johnston, of Olympia, Wash., on motion of Mr. Thomas S. Foley; Matthew Stauffer Walker, of Martinez, Calif., on motion of Mr. Jerome Russell Waldie; Gertrude E. Belvedere, of Brooklyn, N.Y., and Joseph L. Belvedere, of Brooklyn, N.Y., on motion of Mr. William R. Foley; Leon E. Irish, of San Francisco, Calif., Robert Alan Helman, of Chicago, Ill., and John Luis Antonio de Passalacqua, of Alexandria, Va., on motion of Mr. Francis X. Beytagh; William R. Berkman, of San Francisco, Calif., and G. Mitchell Austin, of Towson, Md., on motion of Mr. Will Shafroth; Nathaniel Raphael Jones, of Youngstown, Ohio, on motion of Mr. Merle M. McCurdy;

Sidney Apfelbaum, of Sunbury, Pa., on motion of Mr. Robert Lewis; James M. Sullivan, of Battle Creek, Mich., on motion of Mr. Walter P. North; James Lewis Parks III, of Kansas City, Mo., on motion of Mr. Joseph M. Creed; Helen L. Bittenwieser, of New York, N.Y., on motion of Mr. Seymour H. Chalif; Richard Holmes Rowe, of Washington, D.C., on motion of Mr. Alan Levinson; Jean C. Campopiano, of Lawrence, Mass., on motion of Mr. William Cowin; Charles Hanks Weiland, of Aurora, Ill., on motion of Mr. Jerrold Scutt, Jr.; Jack H. Werchick, of San Francisco, Calif., on motion of Mr. Arne Werchick; Richard Lawrence Braunstein, of Washington, D.C., and John Duff Matthews, of Washington, D.C., on motion of Mr. William P. Sims; and William E. O'Neill, Jr., of Alexandria, Va., and Joseph H. Koonz, Jr., of Rockville, Md., on motion of Mr. Martin E. Gerel, were admitted to practice.

ORAL ARGUMENT

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co., et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co., et al. Argument continued by Mr. Henry Geller for petitioners United States and Federal Communications Commission,

by Mr. Arthur Scheiner for respondent Southwestern Cable Company, by Mr. Robert L. Heald for respondents Mission Cable TV, Inc., et al., and concluded by Mr. Ernest W. Jennes for petitioners Midwest Television, Inc., et al.

No. 618. Fortnightly Corporation, petitioner, *v.* United Artists Television, Inc. Argued by Mr. Robert C. Barnard for the petitioner and by Mr. Louis Nizer for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 14, 1968, will be as follows: Nos. 465, 478, and 482.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Stuart D. Hubbell, of Traverse City, Mich., on motion of Mr. Robert P. Griffin; Alan Steinberg, of Washington, D.C., on motion of Mr. Homer H. Budge; Harvey Jay Rothberg, of Washington, D.C., on motion of Mr. Alan Y. Cole; Allen S. Lavin, of Chicago, Ill., and Christian E. Markey, Jr., of Los Angeles, Calif., on motion of Mr. Timothy Belcher Dyk; Alvin Capp, of Fort Lauderdale, Fla., on motion of Mr. Philip F. Herrick; Richard A. Merrill, of Logan, Utah, on motion of Mr. Peter B. Hutt; John Robert Strawmire, of Altoona, Pa., on motion of Mr. Bernard Dunau;

Joseph H. Schnabel, of New York, N.Y., on motion of Mr. Morris Amchan; Robert B. Thompson, of Gainesville, Ga., on motion of Mr. Duncan Phillips; Richard Q. Quigley, of Kennewick, Wash., on motion of Mr. C. Emerson Duncan II; William Hochman, of San Francisco, Calif., on motion of Mr. Robert E. Lynch, Jr.; John Andrew Nelson, of St. Petersburg, Fla., on motion of Mr. H. Mason Welch; John B. Schultz, of Sioux Falls, S. Dak., on motion of Mr. Garrett Fuller; Leonard C. Perry, of Cleveland, Ohio, on motion of Mr. Neil Hosenball; Joseph Francis Kelly, Jr., of South Orange, N.J., on motion of Mr. Robert Nathan Katz; and Patricia M. Lines, of Minneapolis, Minn., on motion of Mr. Jerome Hochberg, were admitted to practice.

ORAL ARGUMENT

No. **465**. Elisha Edwards, petitioner, *v.* Pacific Fruit Express Company. Argued by Mr. Arne Werchick for the petitioner and by Mr. John J. Corrigan for the respondent.

No. **478**. Amalgamated Food Employees Union Local 590 et al., petitioners, *v.* Logan Valley Plaza, Inc., and Weis Markets, Inc. Argued by Mr. Bernard Dunau for the petitioners and by Mr. Robert Lewis for the respondents.

No. **482**. United States, appellant, *v.* Horace Johnson et al. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. Robert B. Thompson for the appellees.

Adjourned until Monday, March 18, 1968, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Thompson Berry Webb, of Little Rock, Ark., Warren Wertheimer, of San Francisco, Calif., Maurice J. Beck, of Orange, Calif., Reubin O'D. Askew, of Pensacola, Fla., Elizabeth A. Kovachevich, of St. Petersburg, Fla., Robert F. Nunez, of St. Petersburg, Fla., Alan H. Rosenbloum, of Pensacola, Fla., Barry Evan Fink, of Arlington, Va., and Robert L. Kleinpeter, of Baton Rouge, La., on motion of Mr. Solicitor General Erwin N. Griswold; R. Lewis Brown, Jr., of Butte, Mont., Robert Gordon Dwyer, of Washington, D.C., LeGrande Leonard Young, of Salt Lake City, Utah, and John Joseph Will, of Yonkers, N.Y., on motion of Mr. Lee Metcalf; Walter Kelvin Wyrick, of Dallas, Tex., on motion of Mr. Ralph W. Yarborough;

William J. Daner, of Bismarck, N. Dak., on motion of Mr. Quentin N. Burdick; William Powell Thompson, of Fort Smith, Ark., on motion of Mr. John L. McClellan; Fred William Gabourie, of Burbank, Calif., and Joseph Merdler, of Sherman Oaks, Calif., on motion of Mr. James C. Corman; Walter G. Stumbo, of Topeka, Kans., and John Ellis Stumbo, of Topeka, Kans., on motion of Mr. Robert J. Dole; Arndt E. Dahl, of Rapid City, S. Dak., on motion of Mr. Harold Lovre; Bruce Kendall Carpenter, of Springville, N.Y., on motion of Mr. Barber B. Conable, Jr.; Lester Corwin Johnson, of Newton, Iowa, on motion of Mr. David Kammerman;

Rodney Ned Cochran, of Logan, Ohio, on motion of Mr. Don Charles Patterson; Donald Frederick Paar, of Dubuque, Iowa, John Clifford Ryan, of Washington, D.C., William P. Griggs, of Chesterfield, S.C., and Karl A. Peter, of Charles City, Va., on motion of Miss Jean Elyse Morris; Gustav Coffinas, of Brooklyn, N.Y., Stephen Parnassa, of New York, N.Y., and Thomas James Nerangis, of New York, N.Y., on motion of Mr. Nicholas Tsoucalas; John Gourley Conkey, of Chevy Chase, Md., on motion of Mr. Elijah Brockenbrough White;

Orval Howard Hansen, of Idaho Falls, Idaho, Gordon Jay Quist, of Grand Rapids, Mich., and George F. Wilsey, of St. Petersburg, Fla., on motion of Mr. Glen A. Wilkinson; John K. Antholis, of Washington, D.C., on motion of Mr. G. Duane Vieth; Leonard Phillips, of San Francisco, Calif., on motion of Mr. Franklin David

Wolffe; Victor Michael Straus, of Dallas, Tex., on motion of Mr. Joseph H. Sharlitt; Laurence Mitchell Smail, of Newport News, Va., on motion of Mr. Lawrence F. Henneberger; James R. Harrington, of Clinton, Tenn., and Herbert Lawrence Fenster, of Washington, D.C., on motion of Mr. Gilbert A. Cuneo; William Gibson Dornan, of Youngstown, Ohio, on motion of Mr. Richard P. McLaughlin; and

James A. Biddison, Jr., of Baltimore, Md., John E. Bohlen, Jr., of Baltimore, Md., Roland R. Bounds, of Ellicott City, Md., Frank C. Di Giorgio, of Baltimore, Md., Gordon Allen Dunn, of Baltimore, Md., Daniel Eidman III, of Baltimore, Md., Joseph Bernard Harris, of Baltimore, Md., William David Hooper, Jr., of Baltimore, Md., William R. Hymes, of Ellicott City, Md., Alex Paul Kaye, of Baltimore, Md., Charles S. Keyes, of Baltimore, Md., Richard P. Krauss, of Aberdeen, Md., Joseph F. Lentz, Jr., of Baltimore, Md., Victor Hirsch Savadow of Baltimore, Md., J. William Schneider, Jr., of Baltimore, Md., Werner G. Schoeler, of Baltimore, Md., Kenneth D. Short, of Baltimore, Md., H. Edward Vincent, of Baltimore, Md., and James Judson White III, of Chestertown, Md., on motion of Mr. Norris Shealy, were admitted to practice.

OPINIONS

No. 55. Thomas Earl Simmons et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed as it relates to petitioner Simmons. Judgment reversed as it relates to petitioner Garrett, and as to him case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Opinion by Mr. Justice Black concurring in part and dissenting in part. Opinion by Mr. Justice White concurring in part and dissenting in part. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 27. Federal Trade Commission, petitioner, *v.* Fred Meyer, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed insofar as it held that the promotional allowances granted Meyer by Tri-Valley and Idaho Canning did not violate § 2(d) of the Clayton Act and case remanded to the Court of Appeals with directions to remand to the Federal Trade Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 65. Frank P. Poafpybitty et al., petitioners, *v.* Skelly Oil Company. On writ of certiorari to the Supreme Court of Oklahoma. Judgment reversed and case remanded to the Supreme Court of Oklahoma for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 339. Anne P. Newman et al., petitioners, *v.* Piggie Park Enterprises, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment modified as to fees and so modified is affirmed. *Per curiam* opinion announced by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 237. Archie Nathaniel Biggers, petitioner, *v.* Tennessee. On writ of certiorari to the Supreme Court of Tennessee, Middle Division. Judgment affirmed by an equally divided Court. *Per curiam* opinion announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 1105, **October Term, 1966.** Joseph Clinton McBride, petitioner, *v.* Willard Smith, Commandant, United States Coast Guard. On petition for rehearing. Petition for rehearing granted. Order of May 29, 1967, denying petition for writ of certiorari to the United States Court of Appeals for the Second Circuit vacated. Petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Southern District of New York for further consideration in light of *Schneider v. Smith*, 390 U.S. 17. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1071. William Lloyd Shakin, appellant, *v.* Board of Medical Examiners of California. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1113. Alan McSurely et al., appellants, *v.* Thomas B. Ratliff, etc., et al. Appeal from the United States District Court for the Eastern District of Kentucky. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. The stay heretofore granted is continued for 30 days in order to afford the appellants an opportunity to apply to the United States Court of Appeals for the

Sixth Circuit for a stay. If such timely application is made, the stay entered by this Court shall remain in effect until the Court of Appeals acts on that application. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 858, Misc. Abraham Reed, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The motion to dismiss is granted and the appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that the papers should be treated as a petition for writ of certiorari and certiorari granted.

No. 1131, Misc. Julious Sullivan, petitioner, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. ———. Peter N. Lazaros, petitioner, *v.* Michigan. The application for bail presented to Mr. Justice Fortas, and by him referred to the Court, is denied.

No. 33, Original. State of Arkansas, plaintiff, *v.* State of Tennessee. The answer and counterclaim of the State of Tennessee are referred to the Special Master.

No. 133. Ruby Kolod et al., petitioners, *v.* United States. The motion of the United States to modify order is set for oral argument and is placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 510. Marvin L. Pickering, appellant, *v.* Board of Education of Township High School District 205, Will County, Illinois. The motion of American Civil Liberties Union, Illinois Division, for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 1015. William C. Witherspoon, petitioner, *v.* Illinois et al.; and

No. 1016. Wayne Darnell Bumper, petitioner, *v.* North Carolina. The motion of F. Lee Bailey for leave to file a brief, as *amicus curiae*, is granted.

CERTIORARI DENIED

No. 1027. Robert Waverly Hicks et al., petitioners, *v.* Physical Therapists Examining Board for the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1045.** Louis D. Reed, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1061.** Pacific Maritime Association et al., petitioners, *v.* George R. Williams et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1062** Charles Cobia et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1063.** Ohio Valley Gas Corporation, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1065.** J. B. McBeth, individually and as next friend of Roger McBeth, petitioner, *v.* The Texas & Pacific Railway Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District, denied.

No. **1074.** Veterans of the Abraham Lincoln Brigade et al., petitioners, *v.* Attorney General of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1075.** Harry C. Zubik et al., petitioners, *v.* Charles Zubik, Jr., and Virginia Zubik Drambel, Executors of the Estate of Charles Zubik, Sr. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1078.** Lou John Louis, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1079.** The F. E. Myers & Bro. Co., petitioner *v.* FMC Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1080.** Hewlett-Packard Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1084.** National Gypsum Company et al., petitioners, *v.* United States Gypsum Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1085.** Chyrl Merth (Ovens) Allison, petitioner, *v.* James M. Ovens, Jr. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. **1096.** William Horace Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1121. Leonard A. Peto, petitioner, *v.* Madison Square Garden Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 880. William C. Bray, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Orange, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted and judgment reversed. *Redrup v. New York*, 386 U.S. 767.

No. 1046. William Hailparn, petitioner, *v.* New Jersey. Application for extension of time to file brief in opposition to petition for certiorari after denial by Clerk, denied. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1067. Knapp Brothers Shoe Manufacturing Corporation, petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1095. John J. Gannon, individually and as President of Independent Watchmen's Association, petitioner, *v.* Enrique Navarro, individually and as President of Local 2 of International Union of Police and Protection Employees-Independent Watchmen's Association, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 1171. Atlantic Realty Company, Petitioner, *v.* Billy Allen et al. Motion of respondents to dispense with printing brief granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 494. *Misc.* Madalyn Murray O'Hair, petitioner, *v.* Leonard Abramovitz et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 657, *Misc.* Theodore James Weinreich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 896, *Misc.* Almars Elksnis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1021, *Misc.* Mariano Abasta Aspeitia, petitioner, *v.* G. P. Lloyd, Superintendent, California Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1022, *Misc.* Harry T. Sherlock, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1028, **Misc.** Wallace Everett Truax, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1039, **Misc.** Kenneth Howard McGinnis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1048, **Misc.** Halcott A. Bradley, petitioner, *v.* Paul H. Preston et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1051, **Misc.** Javier Acevedo Hernandez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1064, **Misc.** Clevester Briggs, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1072, **Misc.** Frank Leo Summers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1075, **Misc.** Robert Sanchez Fierro, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1076, **Misc.** Everett Allen Johnson, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 1083, **Misc.** Eddie Glover, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1085, **Misc.** Gerald Lee Matthews, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1098, **Misc.** Capon Washington, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1104, **Misc.** Jack D. McConnell, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington, denied.

No. 1105, **Misc.** Willie Charles Hill, petitioner, *v.* Court of Appeal of California, Second District, Division Two, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1154, **Misc.** Joe Bailey Brecheen, Jr., petitioner *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **1158, Misc.** William G. Reinke, Jr., petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. **1180, Misc.** James Ewing, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1207, Misc.** Rodney Prucha, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1215, Misc.** Frank Jimmy Snider, Jr., petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **695, Misc.** Louis Tirado, petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1046, Misc.** Percy DeToro, petitioner, *v.* Maryland;

No. **1047, Misc.** William Ralph, petitioner, *v.* Warden Maryland Penitentiary; and

No. **1049, Misc.** Johnnie Brown, petitioner, *v.* Franklin K. Brough, Warden. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. **1200, Misc.** Warren T. Smith, Jr., petitioner, *v.* C. J. Fitzharris, Superintendent, Correctional Training Facility, et al. Motion for leave to file petition for writ of habeas corpus denied.

REHEARING DENIED

No. **434, Misc.** Isaac Jacobs, petitioner, *v.* Franklin K. Brough, Warden. Petition for rehearing denied.

Adjourned until Monday, March 25, 1968, at 10 o'clock.

The day call for Monday, March 25, 1968, will be as follows: Nos. **486, 616, and 247 (and 319).**

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ORDER IN PENDING CASE

No. ——. Paul V. Winters, Jr., *v.* United States et al. The application for a stay presented to Mr. Justice Harlan, and by him referred to the Court, is denied. Mr. Justice Douglas would grant the application.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Walter E. Bullock, of Columbia, Miss., on motion of Mr. Solicitor General Erwin N. Griswold; C. Lee Coulter, of Burton, Wash., on motion of Mr. Henry M. Jackson; David H. Pryor, of Camden, Ark., J. Winston Bryant, of Donaldson, Ark., and Joseph Dudley Bell IV, of Little Rock, Ark., on motion of Mr. John L. McClellan; Carl A. Parker, of Port Arthur, Tex., David A. Provost, of Port Arthur, Tex., George Sladczyk, Jr., of Port Arthur, Tex., and Murray Watson, Jr., of Waco, Tex., on motion of Mr. Jack Brooks; Edward David Graves, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Frankland W. L. Miles, Jr., of Boston, Mass., on motion of Mr. William D. Hathaway;

Donald Herbert Thompson, of Tacoma, Wash., Thomas C. Lowry, of Tacoma, Wash., and Nile E. Aubrey, of Tacoma, Wash., on motion of Mr. Floyd V. Hicks; Kate Whyner, of Los Angeles, Calif., and Philip Clayton Griffin, of Los Angeles, Calif., on motion of Mr. William E. James; Douglas B. Bowring, of Cold Spring Harbor, N.Y., on motion of Mr. Noble McCartney; David Howard Battin, of Santa Barbara, Calif., and Thomas E. Halde, of Santa Barbara, Calif., on motion of Mr. George Meader; Robert F. McCrea, of Bloomington, Ind., on motion of Mr. Larry A. Conrad; Allen Klingensmith, of Huntington Beach, Calif., on motion of Mr. Daniel L. O'Connor; Roger Norris Boyd, of Washington, D.C., and Charles Jasper Cooper, of Philadelphia, Pa., on motion of Mr. Gilbert A. Cuneo;

Rose E. Mattera, of Santa Monica, Calif., on motion of Mrs. Blanche Borton Ryder; George Edward Sawyer, of Richmond, Ind., on motion of Mr. Dorsey Evans, Jr.; Elias A. Jacobs, of New York, N.Y., on motion of Mr. Thomas M. P. Christensen; Norman Rothfeld, of New York, N.Y., on motion of Mr. Harold Stern; Edward M. Levin, Jr., of Chicago, Ill., on motion of Mr. Ralph Nader; Terry Alan Furnell, of Clearwater, Fla., on motion of Mr. Jack F. White, Jr.; Ethan Allen Hitchcock, of New York N.Y., on motion of Mr. Ezekiel G. Stoddard; Thomas H. Sayre, of New York, N.Y., and A. Joseph Dowd, of New York, N.Y., on motion of Mr. Thomas M. Debevoise; Robert J. Corcoran, of Phoenix, Ariz., on motion of Mr. Marion A. Hornbeck;

John Telford Matthews, of Aurora, Ill., on motion of Mr. Newton Barr Miller; Charles A. Barth, of Alexandria, Va., on motion of Mr. John J. Sharp; David Patrick McDonald, of St. Louis, Mo., on motion of Mr. Gresham Charles Smith; George S. Woodworth, of Portland, Oreg., on motion of Mr. Thomas J. Jones III; Robert K. Hornby, of Scotch Plains, N.J., on motion of Mr. T. Girard Wharton; Robert Douglas Macklin, of Columbus, Ohio, on motion of Mr. Charles S. Lopeman; Bruce David Beaudin, of Washington, D.C., on motion of Mr. Kenneth D. Wood; and Jackson E. Holt, Jr., of Los Angeles, Calif., on motion of Mr. Daniel Webster Coon, were admitted to practice.

OPINIONS

No. 38. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice Fortas join. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. On writ of certiorari to the United States Court of appeals for the Second Circuit. Judgments affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 700. Brooks Lee Anderson, petitioner, *v.* Wilburn C. Johnson, Warden. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Four members of the Court would reverse. Four members of the Court would dismiss the writ as improvidently granted. Judgment of the Court of Appeals remains in effect. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.”

PER CURIAM OPINIONS

No. 1092. Reed Enterprises et al., appellants, *v.* Ramsey Clark et al. Appeal from the United States District Court for the District of Columbia. The motion to affirm is granted and the judgment is

affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted and case set for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1101. Edward L. Feris and Allen L. Feris, etc., appellants, *v.* Leo A. Balcom and Dorothy Lorraine Balcom, etc., et al. Appeal from the Supreme Court of Oregon. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1103. Mildred R. Lahman, etc., appellant, *v.* W. E. Gould and Company et al. Appeal from the Appellate Court of Illinois, First District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1163, Misc. Louis Ortega, appellant, *v.* Michigan. Appeal from the Supreme Court of Michigan. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 32, Original. State of Missouri, plaintiff, *v.* State of Nebraska. The answer of the State of Nebraska is referred to the Special Master.

No. 813. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, *v.* Vivian Thompson;

No. 1134. Walter E. Washington et al., appellants, *v.* Minnie Harrell et al.; and

No. 1138. Roger A. Reynolds et al., appellants, *v.* Juanita Smith et al. The motion of the Attorney General of California for leave to participate in the oral argument, as *amicus curiae*, is denied.

No. 949. Ruben K. King, Commissioner of the State Department of Pensions and Security, Alabama, et al., appellants, *v.* Sylvester Smith, individually and on behalf of her minor children, etc., et al. The motion to remove this case from the summary calendar is denied.

No. 1089. Bates Block et al., petitioners, *v.* Compagnie Nationale Air France. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 638, Misc. Walter B. Foster, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Court of Appeal of California, Fifth Appellate District, granted limited to the question of whether the conduct of the police lineup resulted in a violation of the petitioner's constitutional

rights. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. **989**. Kenneth Dale Rahrig, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1066**. Second Judicial District Court of Nevada, County of Washoe, etc. (J. MacArthur Wright, real party in interest), petitioner, v. Nevada; and

No. **1091**. Second Judicial District Court of Nevada, County of Washoe, etc. (W. Mark Eddington, real party in interest), petitioner, v. Nevada. Petitions for writs of certiorari to the Supreme Court of Nevada denied.

No. **1087**. New York, petitioner, v. Morton Salt Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1094**. Corral Sportswear Company, petitioner, v. National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1098**. Sam DeStefano, petitioner, v. Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. **1099**. Martin Cohen, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1106**. Arlene Manson, petitioner, v. Indiana; and

No. **1107**. Jefferson Thomas Suber, petitioner, v. Indiana. Petitions for writs of certiorari to the Supreme Court of Indiana denied.

No. **1112**. Tanner Motor Tours, Ltd., et al., petitioners, v. Nettie Gelfand et vir. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1161**. Vallecito Water Company, petitioner, v. Public Utilities Commission of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **528**. Marion J. Berguido et al., petitioners v. Eastern Airlines, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr Justice Marshall took no part in the consideration or decision of this petition.

No. **1126**. Velma S. Palmer, petitioner, v. Arthur E. Nissen. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Courts of Appeals for the First Circuit denied.

No. 1149. James B. Kilsheimer, III, etc., petitioner, *v.* Beol, Inc. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 166, *Misc.* Fred Houston, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 442, *Misc.* Joseph Young, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 767, *Misc.* Alvin Gene Ellenburg, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 818, *Misc.* George H. Outing, Jr., petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 875, *Misc.* Charles J. Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 893, *Misc.* Gary Stewart Buckley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 930, *Misc.* Harry Lee Earl, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 936, *Misc.* Vladamire Samuel Georgev, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1029, *Misc.* Ronald David Hiatt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1032, *Misc.* Archie Poor, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1096, *Misc.* Theodore V. Shyvers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1141, *Misc.* Tony Marion Victoria, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1150, *Misc.* Joseph Jerome Koebrich, petitioner, *v.* Walter E. Craven. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1152, *Misc.* Santos Valentin Ruiz, Petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1157, **Misc.** Phillip J. Mainer, petitioner, *v.* Ramsey Clark, United States Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1161, **Misc.** David Houston Kinnell, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1162, **Misc.** Robert James, petitioner, *v.* Wilbur J. Cohen, Acting Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1167, **Misc.** Alfred M. Wolak, petitioner, *v.* Howard A. Yeager, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1169, **Misc.** Ruben M. Tafoya, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1192, **Misc.** Philip C. MacFadden, petitioner, *v.* Thomas J. MacBride, Federal Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 627, **Misc.** Anthony Saperito, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1225, **Misc.** Robert C. Mallery, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 1238, **Misc.** John B. Sargent, petitioner, *v.* Howard D. Yeager, Warden, et al.;

No. 1246, **Misc.** Frederick Gray, petitioner, *v.* H. V. Field, Superintendent, et al.;

No. 1250, **Misc.** Ex parte Charles L. Mohler, petitioner;

No. 1256, **Misc.** Leonard M. Arnold, petitioner, *v.* Edward J. Hendricks, Superintendent, Philadelphia Prison;

No. 1263, **Misc.** Joseph Di Palermo, petitioner, *v.* Olin G. Blackwell, Warden, et al.;

No. 1269, **Misc.** Roger Dale Smith, petitioner, *v.* Louis S. Nelson, Warden;

No. 1271, **Misc.** Robert Jewell Landman, Sr., petitioner, *v.* W. K. Cunningham, Jr., Director, Virginia Division of Corrections; and

No. 1274, **Misc.** Barney H. Burton, petitioner, *v.* Texas. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS

No. 789, Misc. Richard E. Warner et al., petitioners, *v.* United States. Petition for rehearing denied.

No. 625, Misc. William Lusk, petitioner, *v.* United States; and No. 971, Misc. Elizabeth P. Comley, petitioner, *v.* United States.

Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Claims on April 1, 1968, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

ORAL ARGUMENT

No. 486. J. David Stern, petitioner, *v.* South Chester Tube Company. Argued by Mr. David Freeman for the petitioner and by Mr. Richard P. Brown, Jr., for the respondent.

No. 616. Joint Industry Board of the Electrical Industry et al., petitioners, *v.* United States. Argued by Mr. Harold Stern for the petitioners and by Mr. Lawrence G. Wallace for the respondent.

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington et al.; and

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al. Three hours allowed for oral argument. Argument commenced by Mr. Arthur R. Knodel for the petitioners and continued by Mr. Jack E. Tanner for the petitioners, by Mr. John S. Martin, Jr., for the United States, as *amicus curiae*, and by Mr. Joseph L. Coniff for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 26, 1968, will be as follows: Nos. 247 (and 319), 154, 325, 510, and 71.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Barbara Shaw Benson, of Lubbock, Tex., E. Paul Banner, of Greenville, Tex., and Bill J. Pemberton, of Greenville, Tex., on motion of Mr. Ralph W. Yarborough; Robert C. Macdonald, of Astoria, Oreg., on motion of Mr. Wendell Wyatt; John Wallace Downer, of Santa Ana, Calif., on motion of Mr. Robert L. Leggett; Philip James Hennessey III, of Washington, D.C., on motion of Mr. Roger Robb; William J. Donnelly, Jr., of Rockville, Md., on motion of Mr. Richard W. Galihier; Robert Cummings Findlay, of Washington, D.C., on motion of Mr. Henry Eaton Wixon; Brenda Suzanne Soloff, of New York, N.Y., Michael Henry Rauch, of New York, N.Y., and Philip Weinberg, of New York, N.Y., on motion of Mr. Reno S. Harp III; Anthony Zell Roisman, of Washington, D.C., on motion of Mrs. Florence Wagman Roisman;

James P. Brown, of St. Louis, Mo., on motion of Mr. Monroe Oppenheimer; Andrew J. Leahy, of Chicago, Ill., on motion of Mr. John Ligtenberg; Ronald H. Kessel, of Boston, Mass., and Alex J. McFarland, of Boston, Mass., on motion of Mr. Robert Bloom; Herbert Phillipson, Jr., of Dowagiac, Mich., on motion of Mr. Thomas G. Carney; Robert K. Steinberg, of Los Angeles, Calif., on motion of Mr. F. Lee Bailey; Raymond R. Wein, of Phoenix, Ariz., on motion of Mr. Paul G. Rosenblatt; George R. Cally, of New York, N.Y., and William V. Pesce, of New York, N.Y., on motion of Mr. James J. Cally; Harold Friedman, of Miami, Fla., on motion of Mr. Ronald A. Jacks; Matthew James Travers, Jr., of Washington, D.C., on motion of Mr. John R. Schmertz, Jr.; George L. Weasler, of Santurce, P.R., on motion of Mr. Herbert S. Thatcher; and Harold M. Willcox, of Boston, Mass., on motion of Mr. Hugh B. Cox, were admitted to practice.

ORAL ARGUMENT

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington et al.; and

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al. Argument continued by Mr. Joseph L. Coniff and Mr. Mike Richard Johnston for the respondents, by Mr. George S.

Woodworth for the State of Oregon, as *amicus curiae*, and by Mr. T. J. Jones III, for the Idaho Fish and Game Department, as *amicus curiae*, and concluded by Mr. Arthur R. Knodel for the petitioners.

No. **154**. Lucille Miller, petitioner, *v.* California. Argued by Mr. F. Lee Bailey for the petitioner and by Mr. Philip C. Griffin for the respondent.

No. **325**. James A. Watts et al., petitioners, *v.* Sewart School Board et al. Argued by Mr. George Kaufmann for the petitioners and by Mr. Theodore M. Pease, Jr., for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 27, 1968, will be as follows: Nos. **510, 71, 802, 508, and 639.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Margot Mazeau, of New Orleans, La., William A. Porteous III, of New Orleans, La., and Leon Kenneth Clement, Jr., of New Orleans, La., on motion of Mr. Hale Boggs; N. Pike Johnson, Jr., of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Myron Edward Saltmarsh, of Dayton, Wyo., on motion of Mr. William Henry Harrison; Robert K. Killian, of Hartford, Conn., on motion of Mr. John D. Lane; David R. Normann, of New Orleans, La., on motion of Mr. William T. Hannan; Arthel J. Scheuermann, of New Orleans, La., Leonard J. Fagot, of New Orleans, La., Marvin C. Grodsky, of New Orleans, La., and William F. Wessel, of New Orleans, La., on motion of Mr. John Nolan;

David S. Haynes, of Blountville, Tenn., on motion of Mr. Duncan Phillips; Upton H. Tarbert, of Hamilton, Ohio, on motion of Mr. Francis L. Young, Jr.; Richard Wyndham Barton, of Arlington, Va., on motion of Mr. Hubert B. Pair; Thomas P. Ranney II, of Rapid City, S. Dak., on motion of Mr. Ardon B. Judd, Jr.; Daniel H. Coyle, of Brooklyn, N.Y., on motion of Mr. James J. Cally; Frederick H. Gilen, of Akron, Ohio, and Donald Richard Miller, of Akron, Ohio, on motion of Mr. Joseph H. Koonz; Edwin L. Hartz, of LaCrescenta, Calif., on motion of Mr. Allen E. Throop; David Yelen, of Miami, Fla., on motion of Mr. John W. Ryan; and John A. Mitchell, of Santa Fe, N. Mex., on motion of Mr. Stephen Arnold Mitchell, were admitted to practice.

ORAL ARGUMENT

No. 510. Marvin L. Pickering, appellant, *v.* Board of Education of Township High School District 205, Will County, Illinois. Argued by Mr. John Ligtenberg for the appellant and by Mr. John F. Cirricione for the appellee.

No. 71. James P. Carafas, petitioner, *v.* J. Edwin LaVallee, Warden. Argued by Mr. James J. Cally for the petitioner and by Miss Brenda Soloff for the respondent.

No. 802. C. C. Peyton, Superintendent of the Virginia State Penitentiary, petitioner, *v.* Robert Elmer Rowe et al. Leave granted Mr. John J. Kirby, Jr., to appear and present oral argument for the re-

spondents, *pro hac vice*, on motion of Mr. Thomas S. Currier. Argued by Mr. Reno S. Harp III, for the petitioner and by Mr. John J. Kirby, Jr., for the respondents, *pro hac vice*, by special leave of Court.

No. 508. Thelma Levy, etc., appellant, *v.* Louisiana, etc., et al. Argued by Mr. Norman Dorsen for the appellant and by Mr. William A. Porteous III, for the appellees. Memorandum for appellant to come.

No. 639. Minnie Brade Glona, petitioner, *v.* American Guarantee & Liability Insurance Company et al. Argument commenced by Mr. William F. Wessel for the petitioner and continued by Mr. David R. Normann for the respondents. Memorandum for petitioner to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 28, 1968, will be as follows: Nos. 639, 497, 630, and 703.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Wendell Miller, of Omaha, Nebr., on motion of Mr. Carl T. Curtis; Thomas Wiley Neal, III, of Hobbs, N. Mex., on motion of Mr. Joseph M. Montoya; McHenry T. Tichenor, of Harlengen, Tex., and John E. Appman, of Jamestown, Tenn., on motion of Mr. Eligio de la Garza, II; Charles L. Owens, of Oklahoma City, Okla., on motion of Mr. Page Belcher; Robert L. Tucker, of Chicago, Ill., on motion of Mr. William S. Thompson; John Hassel Larson, of Los Angeles, Calif., Richard W. Mason, Jr., of Kansas City, Mo., and Jerry W. Nall, of Owensboro, Ky., on motion of Mr. Charles Sylvanus Rhyne; Edward B. Emery, of Birmingham, Mich., on motion of Mr. David R. Anderson; Israel Treiman, of St. Louis, Mo., on motion of Mr. Monroe Oppenheimer; Victor H. Palmieri, of Los Angeles, Calif., on motion of Mr. David Ginsburg; Phillip Rothenberg, of Chicago, Ill., on motion of Mr. Roger P. Marquis; Russell L. Swarthout, of Detroit, Mich., on motion of Mr. Herbert G. Homme, Jr.; Samuel Morton Langerman, of Silver Spring, Md., on motion of Mr. Manuel J. Davis; Murray Ian Litmans, of Washington, D.C., on motion of Mr. Benjamin Forman; Robert Lee Hartig, of Anchorage, Alaska, on motion of Mr. Howard J. Schellenberg, Jr.; Monta W. Shirley, of Los Angeles, Calif., and H. Patrick McGarry, of Los Angeles, Calif., on motion of Mr. George W. Nilsson; Kermit L. Sharff, of Arlington, Va., on motion of Mr. Norman H. Bartow; and Anthony Parr Marshall, of New York, N.Y., on motion of Mr. Lawrence P. J. Bonaguidi, were admitted to practice.

ORAL ARGUMENT

No. 639. Minnie Brade Glona, petitioner, *v.* American Guarantee & Liability Insurance Company et al. Argument continued by Mr. David R. Normann for the respondents and concluded by Mr. William F. Wessel for the petitioner.

No. 497. Josephine Hanner, petitioner, *v.* Cecil DeMarcus et ux. Argued by Mr. Philip M. Haggerty for the petitioner and by Mr. N. Pike Johnson, Jr., for the respondents.

No. **630**. United States et al., petitioners, *v.* Alfred E. Coleman et al. Argued by Mr. Frank J. Barry for the petitioners and by Mr. Howard A. Twitty for the respondents.

No. **703**. Jack Allen Barber, petitioner, *v.* Ray H. Page, Warden. Argued by Mr. Ira C. Rothgerber, Jr., for the petitioner and by Mr. Charles L. Owens for the respondent.

Adjourned until Monday, April 1, 1968, at 10 o'clock.

The day call for Monday, April 1, 1968, will be as follows: Nos. **597**, **645**, and **701**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Louis C. DeFeo, Jr., of Jefferson City, Mo., Frank Mitchel Tuerkheimer, of Brooklyn, N.Y., Elkan Abramowitz, of New York, N.Y., and Reese L. Harrison, Jr., of San Antonio, Tex., on motion of Mr. Solicitor General Erwin N. Griswold; Thomas A. Glaze, of North Little Rock, Ark., on motion of Mr. David H. Pryor; Robert E. McDonald, Jr., of Mobile, Ala., and Richard S. Campagna, of Scranton, Pa., on motion of Mr. William Jackson Edwards III; Ernest L. Geslin, of Arlington, Va., Thomas A. Beitelman, Jr., of Arlington, Va., John J. Ryan, of Albany, N.Y., and Lester G. Oehler, of Corvallis, Oreg., on motion of Mr. Royal E. Jackson; Edwin A Carlisle, of Cairo, Ga., and Andrew Jackson Whitehurst III, of Thomasville, Ga., on motion of Mr. John Wilson Ellis;

Morton Brauer, of New York, N.Y., on motion of Mr. Isadore Wachtel; Gary S. Heifetz, of St. Louis, Mo., on motion of Mr. Israel Treiman; John Gordon Kester, of Washington, D.C., on motion of Mr. Francis X. Beytagh; J. Allen Reynolds, of Montgomery, Ala., on motion of Mr. Howard Cecil Kilpatrick; Ilus W. Davis, of Kansas City, Mo., on motion of Mr. Richard W. Mason; John T. Wardrope; of Chicago, Ill., on motion of Mr. Bernard J. Waters; Sewall Farrell Jackson, of Lancaster, Ohio, on motion of Mr. E. Raymond Morehart; and Arthur Allen Leff, of New York, N.Y., and Samuel H. Liberman, of St. Louis, Mo., on motion of Mr. Samuel A. Chaitovitz, were admitted to practice.

OPINIONS

No. 39. Hank Avery, petitioner, *v.* Midland County, Texas, et al. On writ of certiorari to the Supreme Court of Texas. Judgment vacated and case remanded to the Supreme Court of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 59. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 219. The Peoria Tribe of Indians of Oklahoma et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims with instructions to remand to the Indian Claims Commission. Opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 702. Ronald L. Johnson, petitioner, *v.* Massachusetts. On writ of certiorari to the Supreme Judicial Court of Massachusetts. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Marshall with whom Mr. Chief Justice Warren and Mr. Justice Fortas join.

The Chief Justice said :

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 889. Henry Harold Hogue, petitioner, *v.* Southern Railway Company. On writ of certiorari to the Court of Appeals of Georgia. Judgment reversed and case remanded to the Court of Appeals of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would vacate and remand for further appropriate proceedings.

No. 1129. Atlantic Insurance Company et al., appellants, *v.* State Board of Equalization of the State of California. Appeal from the Court of Appeal of California, First Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 417, Misc. John Herbert Greenwald, petitioner, *v.* Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Wisconsin for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Dissenting opin-

ion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice White join.

No. **652, Misc.** William A. Anderson, petitioner, *v.* Louis S. Nelson, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan would affirm.

No. **869, Misc.** Thomas L. Varnum, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. — — —. Michael A. Duke, petitioner, *v.* California. The application for reduction of bail presented to Mr. Justice Marshall, and by him referred to the Court, is denied.

No. **34, Original.** State of New Jersey, plaintiff, *v.* State of New York and Hudson Rapid Tubes Corporation. The motion for leave to file a bill of complaint is denied.

No. **1015.** William C. Witherspoon, petitioner, *v.* Illinois et al.; and

No. **1016.** Wayne Darnell Bumper, petitioner, *v.* North Carolina. The motions of Oscar Turner; and Rebecca B. Madden for leave to file briefs as *amicus curiae*, in No. **1015**, are granted. The motion of American Friends Service Committee et al., for leave to file a brief, as *amici curiae*, in No. **1015**, is granted. The motion of The NAACP Legal Defense and Educational Fund, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

APPEAL—JURISDICTION NOTED

No. **1102.** United States, appellant, *v.* The Concentrated Phosphate Export Association, Inc., et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. **1131.** Gale H. Johnson, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. **890, Misc.** Harold Kaufman, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

CERTIORARI DENIED

No. **1044.** Pauline June Forsythe, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1054** Port of Authority Trans-Hudson Corporation, petitioner *v.* Hudson Rapid Tubes Corporation. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1083.** Charles W. Bartlett, Trustee, et al., petitioners, *v.* Massachusetts et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1088.** James J. Laughlin and Allan U. Forte, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1100.** Rabiner & Jontow, Inc., etc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1108.** Luther Robinson Maddox, petitioner, *v.* Bertha E. Smith, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1110.** Marvin Phillips, petitioner, *v.* The Superior Court in and for the County of Los Angeles, et al. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1122.** Jimmy D. Gandy and Albert J. Berry, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1123.** Cheng Kai Fu, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1125.** Ronald Borchelt et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1127.** Charles Frederick Rocha, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1148**. Walter E. Heller and Company, petitioner, *v.* Charles C. Shaw, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1157**. Rudolph Passero et al., petitioners, *v.* Zoning Commission of the Town of Norwalk. Petition for writ of certiorari to the Supreme Court of Connecticut denied.

No. **1173**. State Farm Mutual Automobile Insurance Company, petitioner, *v.* Harvey Thomas Smoot, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1204**. Rose Warren, petitioner, *v.* Waterville Urban Renewal Authority. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. **1081**. David W. Brown, petitioner, *v.* Clark Clifford, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1145**. William Roger Pascente and Frank J. Furio, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1109**. Eugene J. Marshall et al., petitioners, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **375, Misc.** Elmer Finley Jeffers, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **982, Misc.** Maynard Francis Hayes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1042, Misc.** Vincent Principe, petitioner, *v.* California, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1050, Misc.** Rollis Crosslin, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1060, Misc.** Joseph Daniel Fleet, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. **1090, Misc.** Leon Anthony Jasko, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1094, *Misc.* Herbert C. Hacker, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1129, *Misc.* Delmar Harvey Jebb, petitioner, *v.* George A. Kropp, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1133, *Misc.* Leon G. Schack, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1135, *Misc.* Fentriss Milton Laws, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1142, *Misc.* Gerald Arthur Friend, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1143, *Misc.* Fred M. Bonner, II, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1146, *Misc.* Mac Tanner, petitioner, *v.* Otto Kerner, Governor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1153, *Misc.* Orville G. Vinson, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1155, *Misc.* Frank McGee, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1156, *Misc.* Keith Norman Crawford, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fifth Appellate District, denied.

No. 1170, *Misc.* James Edward Dove, petitioner, *v.* Justices of Criminal Court of City of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1173, *Misc.* Ben Hitchcock, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1175, *Misc.* Ernest B. Sandefur, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1179, *Misc.* Thomas Montoya, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1181, Misc.** Johnny Wright, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1182, Misc.** Walter M. Lee, petitioner, *v.* Nancy McKissack et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1183, Misc.** Alejandro Arenas Aguirre, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1194, Misc.** Alvin Robert Alexander, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1197, Misc.** Frank E. Cota, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **1178, Misc.** Michele Marchese, petitioner, *v.* United States et al.;

No. **1275, Misc.** Bernard Bowick, petitioner, *v.* Ross E. Herold, Director, Dannemora State Hospital; and

No. **1317, Misc.** Ernest J. Thomas, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **1188, Misc.** Jim Fair, petitioner, *v.* Board of Elections, City of Tampa, Florida. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **1047.** The National Insider, Inc., petitioner, *v.* Best Medium Publishing Co., Inc.;

No. **843, Misc.** Robert E. Morgan, petitioner, *v.* United States; and

No. **901, Misc.** Andrew Huska, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare. Petitions for rehearing denied.

No. **704, Misc.** Samuel H. Jordan, petitioner, *v.* Dr. Kamp, Board Member, et al. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, April 8, 1968, until Monday, April 22, 1968.

ORAL ARGUMENT

No. 597. United States, appellant, *v.* United Shoe Machinery Corporation. Argued by Mr. Donald F. Turner for the appellant and by Mr. Ralph M. Carson for the appellee.

No. 645. Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. Two hours allowed for oral argument. Argument commenced by Mr. Samuel H. Liberman for the petitioners and continued by Mr. Attorney General Ramsey Clark for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Israel Treiman for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 2, 1968, will be as follows: Nos. 645, 701, 726, and 695.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Ralph E. Boches, of San Francisco, Calif., and J. David Hennigan, of Riverside, Calif., on motion of Mr. J. Varick Tunney; Paul J. Slifka, Jr., of Memphis, Tenn., on motion of Mr. Joe L. Evins; Charles Robert Halpern, of Washington, D.C., on motion of Mr. Daniel J. Rezneck; Sam S. Crutchfield, Jr., of Washington, D.C., on motion of Mr. Richard L. Hirshberg; Paul Monroe Cameron, of Tulsa, Okla., on motion of Mr. Carleton A. Harkrader; and Robert J. Holt, Jr., of Jackson, Tenn., and Jack F. Manhein, of Jackson, Tenn., on motion of Mr. Russell Rice, were admitted to practice.

OPINION

No. 276. Raymond Hopkins, petitioner, *v.* Wilbur J. Cohen, Acting Secretary of Health, Education, and Welfare. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice White with whom Mr. Chief Justice Warren and Mr. Justice Brennan join. Mr. Justice Marshall took no part in the consideration or decision of this case.

ORAL ARGUMENT

No. 645. Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. Argument continued by Mr. Israel Treiman for the respondents and concluded by Mr. Samuel H. Liberman for the petitioners.

No. 701. In the Matter of Buddy Lynn Whittington, petitioner. Argued by Mr. Jack Supman and Mr. Daniel A. Rezneck for the petitioner and by Mr. E. Raymond Morehart and Mr. Merritt W. Green for the respondent.

No. 726. Robert T. Mathis, Sr., petitioner, *v.* United States. Argument commenced by Mr. Nicholas J. Capuano for the petitioner and continued by Mr. Daniel M. Friedman for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 3, 1968, will be as follows: Nos. 726, 695, 740, and 805.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

John J. Sibisan, of Cleveland, Ohio, and J. William Rutherford, of Nashville, Tenn., on motion of Mr. Daniel M. Friedman; Arthur H. Berndtson, of Washington, D.C., on motion of Mr. Robert H. Hare; Steven R. Rivkin, of Washington, D.C., on motion of Mr. Joseph H. Sharlitt; William Bennett Turner, of New York, N.Y., on motion of Mr. Jack Greenberg; and Melvin E. Levinson, of Chicago, Ill., on motion of Mr. Israel Harvey Levinson, were admitted to practice.

ORAL ARGUMENT

No. 726. Robert T. Mathis, Sr., petitioner, *v.* United States. Argument concluded by Mr. Daniel M. Friedman for the respondent.

No. 695. Charles C. Green et al., petitioners, *v.* County School Board of New Kent County, Virginia, et al. Argument commenced by Mr. Samuel Tucker for the petitioners and continued by Mr. Frederick T. Gray for the respondents.

No. 740. Brenda K. Monroe et al., petitioners, *v.* Board of Commissioners of the City of Jackson, Tennessee, et al. Argument commenced by Mr. James M. Nabrit III for the petitioners and continued by Mr. Russell Rice for the respondents.

No. 805. Arthur Lee Raney et al., petitioners, *v.* Board of Education of the Gould School District et al. Argument commenced by Mr. Jack Greenberg for the petitioners and continued by Mr. Robert V. Light for the respondents.

No. 695. Charles C. Green et al., petitioners, *v.* County School Board of New Kent County, Virginia, et al.;

No. 740. Brenda K. Monroe et al., petitioners, *v.* Board of Commissioners of the City of Jackson, Tennessee, et al.;

No. 805. Arthur Lee Raney et al., petitioners, *v.* Board of Education of the Gould School District et al. Argument continued by Mr. Louis F. Claiborne for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Robert V. Light, Mr. Frederick T. Gray, and Mr. Russell Rice for the respondents and concluded by Mr. Jack Greenberg for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 4, 1968, will be as follows: Nos. 760 (and 781), 876, and 517.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Ralph Ernest Erickson, of Los Angeles, Calif., Marion Scott Rose, of Los Angeles, Calif., Harry L. Durant, of Miami, Fla., Russell J. Schonekas, of New Orleans, La., and Joseph M. Nuessle, of Midland, Tex., on motion of Mr. Solicitor General Erwin N. Griswold; William B. Holland, of Winter Haven, Fla., on motion of Mr. Spessard L. Holland; Phillip J. Scaletta, Jr., of West Lafayette, Ind., on motion of Mr. Birch E. Bayh, Jr.; Payton Smith, of Seattle, Wash., on motion of Mr. Brockman Adams; John Lee Prather, of Tulsa, Okla., and Russell Hunt Smith, of Tulsa, Okla., on motion of Mr. Page Belcher; Paul E. Brown, of Des Moines, Iowa, on motion of Mr. Wiley E. Mayne; Joshua F. Greenberg, of New York, N.Y., Fred A. Freund, of New York, N.Y., Leonard Orland, of New York, N.Y., and Clayton A. Sweeney, of Pittsburgh, Pa., on motion of Mr. Richard J. Medalie;

Michael Malina, of Scarsdale, N.Y., and Stanley D. Robinson, of White Plains, N.Y., on motion of Mr. Nathan Lewin; Ronald M. Gilford, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Herbert Blake Tartt, Jr., of Houston, Tex., on motion of Mr. Royal J. Voegeli; Richard C. Southard, of Lockport, N.Y., on motion of Mr. Austin G. Roe; Eugene Donald Zelensky, of Seattle, Wash., on motion of Mr. Stanton P. Sender; Herbert Morton, of Chicago, Ill., on motion of Mr. Len Cabaniss; John K. Bangs, of Clifton, N.J., on motion of Mr. David Claudius Murchison; Victor D. Carlson, of Anchorage, Alaska, on motion of Mr. Robert B. Flint; Guille Sawin Peter Bergen, of New York, N.Y., on motion of Mr. Joseph Leo McGroary; Joseph Goldberg, of Toledo, Ohio, on motion of Mr. James D. Nestroff; and Stephen James Martin, of San Francisco, Calif., on motion of Mr. Harry R. Horrow, were admitted to practice.

ORAL ARGUMENT

No. **760**. Commissioner of Internal Revenue, petitioner, *v.* Irving Gordon et ux., and

No. **781**. Oscar E. Baan et ux., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Solicitor General Griswold for the

petitioner in No. **760** and the respondent in No. **781** and by Mr. Harry R. Horrow for the respondents in No. **760**, and the petitioners in No. **781**.

No. **876**. Eddie M. Harrison, petitioner, *v.* United States. Argued by Mr. Alfred V. J. Prather for the petitioner and by Mr. Francis X. Beytagh, Jr., for the respondent.

No. **517**. Phil A. St. Amant, petitioner, *v.* Herman A. Thompson. Argued by Mr. Russell J. Schonekas for the petitioner and by Mr. Robert L. Kleinpeter for the respondent.

Adjourned until Monday, April 8, 1968, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Malcolm R. Peattie, of Sacramento, Calif., Anthony F. Mannina, of Downers Grove, Ill., Anthony J. Ventrella, of Oak Lawn, Ill., Allan J. Marco of Downers Grove, Ill., Kenneth Paul Zauber, of Deal, N.J., Stuart Alan Smith, of Washington, D.C., and Donald Lew Cooper, of Oklahoma City, Okla., on motion of Mr. Solicitor General Erwin N. Griswold; Carl Max Janavitz, of Pittsburgh, Pa., Mary J. Pyatt, of Natrona Heights, Pa., James Allen Caldwell, of New Castle, Pa., George Edwin Flinn, of Pittsburgh, Pa., Ronald F. Sandler, of Philadelphia, Pa., Charles Weiss, of Pittsburgh, Pa., David M. Janavitz, of Pittsburgh, Pa., Michael John O'Malley, of Pittsburgh, Pa., and Erik Ferdinand Lawson, Jr., of Pittsburgh, Pa., on motion of Mr. Hugh D. Scott, Jr.; Alan H. Rothstein, of Miami, Fla., on motion of Mr. Dante B. Fascell; Leslie Duvall, of Indianapolis, Ind., and William H. Sparrenberger, of Indianapolis, Ind., on motion of Mr. E. Ross Adair; Joseph Gitis, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; Arthur C. Wangaard, Jr., of Minneapolis, Minn., on motion of Mr. Clark MacGregor;

Henry A. Berliner, Jr., of Washington, D.C., on motion of Mr. Milton W. King; Dean W. Harrison, of Los Angeles, Calif., on motion of Mr. Dennis G. Lyons; Paul M. Dellamano, of Los Angeles, Calif., on motion of Mr. E. Lewis Reid; Gavin W. O'Brien, of Washington, D.C., on motion of Mr. Charles Emmett Lucey; Sheldon Gilbert Bardach, of Beverly Hills, Calif., on motion of Mr. Lawrence Speiser; Margery B. Lowenstein, of Hollywood, Calif., David E. Miller, of Columbus, Ohio, and Warren Kendall Morgens, of St. Louis, Mo., on motion of Mr. Lawrence G. Bohlen; Anthony T. Ressa, of Bellevue, Wash., on motion of Mr. Stanley P. Sender; David Linn, of Tallahassee, Fla., on motion of Mr. James Glennon Mahorner; Jerrold Gilbert, of Washington, D.C., on motion of Mr. Donald K. Graham; Joel R. Bennett, of Los Angeles, Calif., on motion of Mr. Barney Rosenstein; E. Ludlow Keeney, Jr., of San Diego, Calif., on motion of Mr. Michael F. Keogh; Herbert Hollander Landau, of Dallas, Tex., on motion of Harry D. Kempler; Robert G. Johnston, of Cleveland, Miss., Robert Glenn Barnett, of Jackson, Miss., Miles Curtiss

McKee, of Jackson, Miss., Edward Otis Johnson, Jr., of Jackson, Miss., Thomas Gerald Lilly, of Jackson, Miss., Robert F. Juraschek, of Clinton, Miss., Atley A. Kitchings, Jr., of Jackson, Miss., John Joseph Archer, of Nashville, Tenn., and Benedict Paul Ciaravino, of Freeport, N.Y., on motion of Mr. Robert H. Hare; and

Dorothy E. Algea, of Baltimore, Md., Robert R. Broxton, of Washington, D.C., Tim C. Ford, of Mobile, Ala., James T. Stovall III, of Montgomery, Ala., William Thomas England, of Washington, D.C., James Bernard Bradshaw, Sr., of Arlington, Va., Dean Suter Clatterbuck, of Washington, D.C., John Martin Curran, of Washington, D.C., Robert Thomas Hollinger, of Arlington, Va., Roger Alan Hood, of Washington, D.C., Samuel W. Keller, of Silver Spring, Md., John Patrick Callan, Sr., of Bowie, Md., Henry I. Lipsky, of Arlington, Va., Erica L. Mathur, of Washington, D.C., Wm. H. P. McKinley, of Winter Haven, Fla., Parker P. Warner, of Baltimore, Md., Richard B. Lavine of Silver Spring, Md., Frederick W. Mikko, of Detroit, Mich., Stuart F. Feldstein, of Arlington, Va., Samuel Moss, Jr., of New York, N.Y., George Anest Koutras, of Washington, D.C., Edward A. Potts, of Camp Springs, Md., Hugh Grant Francis, of Arlington, Va., William Matthews Hobby, of Orlando, Fla., Alan Hirsh Kaplan, of Bethesda, Md., Paul Harold Mannes, of Chevy Chase, Md., Jon Magnusson, of Arlington, Va., Lawrence A. Miller, of Washington, D.C., Paul Stuart Brady, of Alexandria, Va., Harold James Sarbacher, of Washington, D.C., Edward Ross Mark, of Washington, D.C., Joseph Harrison Tudor, of Washington, D.C., Norman P. Herr, of Clearwater, Fla., Samuel Konefsky, of Bowie, Md., Milton David Blair, of Savannah, Ga., Alexander P. White, of Chicago, Ill., Jerome Rotenberg, of Chicago, Ill., Gerald Thomas Sullivan, of Cedar Rapids, Iowa, Robert Bruce Shearer, of Dayton, Ohio, Elbert L. Ingram, Jr., of New Orleans, La., Clarice M. Schleifer, of Washington, D.C., Harold Hersh Balsler, of Baltimore, Md., Bernard Joseph Ohlendorf, of Baltimore, Md., Robert E. Tressel, of Baltimore, Md., Harriet A. Simon, of Silver Spring, Md., B. Raymond Perkins, of Suitland, Md., Paul Peter Zawicki, of Baltimore, Md., Frederick Watts Forman III, of Coronado, Calif., Brenda P. Murray, of Washington, D.C., Harold T. Garfield, of Northridge, Calif., Walter Bradford Chase, Jr., of Natick, Mass., Russell B. Donovan, of Dallas, Tex., Stephen Parrish, of Detroit, Mich., Earl E. McCleave, of Kansas City, Mo., Michael T. Murphy, of Kansas City, Mo., Anthony J. Nisivoccia, of Bloomfield, N.J., James G. Lombardo, of Jersey City, N.J., George J. Koelzer, of Newark, N.J., Harry G. Gourevitch, of Washington, D.C., Ellin M. O'Shea, of Brooklyn, N.Y., Donald Friedman, of Brooklyn, N.Y., Robert F. Baldwin, Jr., of Syracuse, N.Y., William F. McCormack, of Binghamton, N.Y., Arthur A. Horowitz, of New York, N.Y., Leonard

Frank Binder, of New York, N.Y., Edward Joel Meyer, of New Windsor, N.Y., Arthur Simon, of Silver Spring, Md., Robert Kern Duncan, of Dayton, Ohio, Herbert Harold Brown, of Dayton, Ohio, Theodore J. Pethia, of Cleveland, Ohio, Edward T. O'Hara, of Columbus, Ohio, David E. Clarke, of Novelty, Ohio, Jehu L. Hassell, of Wagoner, Okla., Deanna Burger, of Washington, D.C., Arthur M. Suga, of Cinnamonson, N.J., Thomas D. Wise, of Orangeburg, S.C., Donald Alton Fanning, Sr., of Beaufort, S.C., Dan Lewis Carabin, of San Antonio, Tex., Leonard F. Roberts, of Pasadena, Tex., Donald Charles Newberry, of Oxon Hill, Md., Grace Ann Hardin, of Sweetwater, Tex., David Mason Yearwood, of Nashville, Tenn., Kenneth Edward Stewart, of Salt Lake City, Utah, Thomas Basilio Cantieri, of Lorton, Va., Stanley P. Kovell, of Annandale, Va., Benton A. Hause, of Falls Church, Va., William Coates Nemeth, of Northridge, Calif., Charles B. Oldfield, of Norfolk, Va., Sarah Greason Duerson, of Falls Church, Va., Darrell Vivian McGraw, Jr., of Charleston, W. Va., and Raymond S. E. Pushkar, of Washington, D.C., on motion of Mr. Solicitor General Erwin N. Griswold, were admitted to practice.

OPINIONS

No. 85. United States, appellant, *v.* Charles Jackson et al. Appeal from the United States District Court for the District of Connecticut. Judgment reversed and case remanded to the United States District Court for the District of Connecticut for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Justice Black joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 73. In the Matter of John Ruffalo, Jr., petitioner. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Black, for reasons stated in the Court's opinion and many others, agrees with the Court's judgment and opinion. Opinion by Mr. Justice Harlan concurring in the result. Opinion by Mr. Justice White with whom Mr. Justice Marshall joins concurring in the result. Mr. Justice Stewart took no part in the decision of this case.

No. 445. Avco Corporation, petitioner, *v.* Aero Lodge No. 735, International Association of Machinists and Aerospace Workers, et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice Brennan join.

No. 482. United States, appellant, *v.* Horace Johnson et al. Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded to the United States District Court for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black and Mr. Justice Harlan join. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 465. Elisha Edwards, petitioner, *v.* Pacific Fruit Express Company. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice Black.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 1111. Jehovah's Witnesses in the State of Washington et al., appellants, *v.* King County Hospital Unit No. 1 (Harborview), et al. Appeal from the United States District Court for the Western District of Washington. The judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Harlan would note probable jurisdiction and set case for oral argument.

No. 1132. Bertera's Hopewell Foodland, Inc., appellant, *v.* Robert J. Masters, etc., et al. Appeal from the Supreme Court of Pennsylvania, Western District. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1152. Incorporated Village of Port Jefferson et al., appellants, *v.* The Board of Supervisors of the County of Suffolk et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 854, Misc. Norman Fontaine, petitioner, *v.* California. On petition for writ of certiorari to the Court of Appeal of California, First Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Appeal of California, First Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan would affirm the judgment of the state court.

ORDERS IN PENDING CASES

No. —. Margaret F. Iaquina, appellant, *v.* New York City Employees Retirement System et al. The motions to docket and dismiss the appeal under Rule 14(3) are granted.

No. 191, October Term, 1962. Julia Ioannou, appellant, *v.* New York et al. The appellees are requested, within 30 days, to file a response to the petition for rehearing. Mr. Justice Fortas and Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 635. Robert Vincent Gardner, appellant, *v.* Vincent L. Broderick, as Police Commissioner of the City of New York, et al. The motion of The Patrolmen's Benevolent Association of the City of New York, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 638. Cheng Fan Kwok, petitioner, *v.* Immigration and Naturalization Service. The motion to remove this case from the summary calendar is granted and fifteen additional minutes are allotted to counsel supporting the judgment and a similar amount of time is allotted to counsel opposing the judgment.

No. 813. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, *v.* Vivian Thompson. The motion of The Legal Aid Society of Alameda County for leave to file a brief, as *amicus curiae*, is granted.

No. 1015. William C. Witherspoon, petitioner, *v.* Illinois et al. The motion of The American Civil Liberties Union, Illinois Division, for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 1174. Clifton Whitley et al., appellants, *v.* John Bell Williams, Governor of Mississippi, et al. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI DENIED

No. 945. Philadelphia Transportation Company et al., petitioners, *v.* Southeastern Pennsylvania Transportation Authority et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1008. Bernes B. Stone, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1093. Wallace G. Wilbur, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1118. Sidney Elliott et al., petitioners, *v.* Federal Home Loan Bank Board et al.; and

No. 1119. N. Joseph Ross, petitioner, *v.* Federal Home Loan Bank Board et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1124. California, petitioner, *v.* David Noroff et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1135. William George Mientke, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1136. Edith Colbert Finch et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1137. American Flyers Airline Corporation, petitioner, *v.* John F. X. McGohey, Judge of the United States District Court for the Southern District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1139. Theodore Gladden, petitioner, *v.* P. Henderson & Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1140. Jerry D. Chaney, petitioner, *v.* State Bar of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1143. Carle & Montanari, Inc., petitioner, *v.* John W. McGrath Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1155. State Street Bank and Trust Company, petitioner, *v.* Banco Espanol de Credito. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1158. Louisville Chair Company, Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1167. Lion Dry Goods, Inc., petitioner, *v.* Retail Store Employees Union, Local 954, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1170. George Irving Norman, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1175. R. V. McGinnis Theatres & Pay T. V. Inc., petitioner, *v.* Video Independent Theatres, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1213. John R. Sanders, petitioner *v.* John G. Bonomi (The Association of the Bar of the City of New York). Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1052. Robert E. Boehme, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr.

Justice Douglas took no part in the consideration or decision of this petition.

No. **1057**. Federal Trade Commission, petitioner, *v.* American Motors Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1144**. William J. Donoho, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1165**. Ashton J. Mouton, Collector of Revenue of the State of Louisiana, petitioner, *v.* Mississippi River Fuel Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **1166**. Ashton J. Mouton, Collector of Revenue of the State of Louisiana, petitioner, *v.* Texas Gas Exploration Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **255, Misc.** Henry J. DiPrima, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **492, Misc.** Ralph C. Roeth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **709, Misc.** James Carl Saal, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **740, Misc.** Richard Ryan, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. **792, Misc.** Gottfried William Kreuter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **821, Misc.** Ralph C. Roeth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **846, Misc.** Carlos Garcia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **853, Misc.** Milton Carl Justus, petitioner, *v.* New Mexico. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1015, Misc.** Emerson Lee Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1035, Misc.** Leopoldo Reyes Martinez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1054, Misc.** Aileen Henig et al., petitioners, *v.* Rocco A. Odoriso et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1091, Misc.** Leonard Anthony Porter, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. **1139, Misc.** Fred C. Pellicone, Sr., petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1171, Misc.** Nathaniel Crawford and William E. Sharpe, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1174, Misc.** Bobby Franklin Endicott, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. **1184, Misc.** Alvin Calloway, petitioner, *v.* M. L. Royster et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1204, Misc.** Joe Lee Dyes, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1220, Misc.** John F. Crane, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1229, Misc.** William Thomaston, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1247, Misc.** Riley Wells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1272, Misc.** Beulah Thacker, petitioner, *v.* Wilbur J. Cohen, Acting Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1289, Misc.** Robert Malofsky et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1193, Misc.** Roger S. Bandy, petitioner, *v.* United States Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **1316, Misc.** Rufus Earl Davis, petitioner, *v.* Director, California Department of Correction, et al.; and

No. **1323, Misc.** Rocco Lupino, petitioner, *v.* Ralph H. Tahash, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. **43.** Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. Motion to dismiss writ of certiorari denied. Petition for rehearing denied.

No. **524, Misc.** Aldens Johnson, petitioner, *v.* Frank J. Pate, Warden;

No. **569, Misc.** Francisco Rodrigo Pulido, petitioner, *v.* California;

No. **883, Misc.** Ray Elbert Parker, petitioner, *v.* Maryland et al.;

No. **1012, Misc.** Andrew White, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary;

No. **1118, Misc.** Edward P. O'Toole, petitioner, *v.* Palmer C. Scafati, Superintendent, Massachusetts Correctional Institution; and

No. **1164, Misc.** Arland L. Gerberding, petitioner, *v.* Ralph H. Tahash, Warden. Petitions for rehearing denied.

Adjourned until Monday, April 22, 1968, at 10 o'clock.

The day call for Monday, April 22, 1968, will be as follows: Nos. **660, 755, 733, and 949.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ORDER IN PENDING CASE

No. ——. Hark, Inc., d/b/a Pinellas General Hospital, petitioner, *v.* Wilbur J. Cohen, Acting Secretary of Health, Education and Welfare et al. The application for injunctive relief presented to Mr. Justice Black, and by him referred to the Court, is denied.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Clyde O. Martz, of Denver, Colo., Murray M. Fields, of Los Angeles, Calif., Stanley Paul Sklar, of Chicago, Ill., and David Otis Fuller, Jr., of New York, N.Y., on motion of Mr. Erwin N. Griswold; John E. Waghorne, of Roselle, Ill., and William Robert Quinlan, of Chicago, Ill., on motion of Mr. John N. Erlenborn; Bernard Palissy Evans, of Lubbock, Tex., on motion of Mr. George H. Mahon; Vernon A. Stroberg, of Newton, Kans., on motion of Mr. Garner E. Shriver; Julian Herndon, Jr., of Portland, Oreg., on motion of Mr. Wendall Wyatt; Ruben E. King, of Alexander City, Ala., on motion of Mrs. Mary Lee Stapp; Charles Jackson McMullin, of St. Louis, Mo., on motion of Miss Harriet Robnett; Mortimer Todel, of New York, N.Y., on motion of Miss Carol Garfiel; J. Robert Ramsey, of Dothan, Ala., on motion of Mr. Lewis Odom;

W. Jackson Willoughby III, of Roseville, Calif., on motion of Mr. E. Lewis Reid; Vincent J. Celeste, of Boston, Mass., James Bennett Krasnoo, of Boston, Mass., and Arthur Harris Rosenberg, of Boston, Mass., on motion of Mr. William I. Cowin; Earl M. Wunderli, of Salt Lake City, Utah, on motion of Mr. Stephen A. West; Sherrell James Wiese, of Dallas, Tex., on motion of Mr. John A. Pullins; James Madison Laurent, of San Francisco, Calif., on motion of Mr. William R. Granik; Barry Roy Nager, of Orlando, Fla., on motion of Mr. Harry Weidberg; Charles William Dunn, of Cheverly, Md., on motion of Mr. Harry Gaberman; Glen W. Clark, of Macon, Ga., on motion of Mr. Hugh E. Henson, Jr.; Donald Chisholm Reieux, of St. Paul, Minn., on motion of Mr. Lorne Dale MacIver; Hyman Smith, of Los Angeles, Calif., on motion of Mr. John Wattawa; Edward Randolph Stanko, of Detroit, Mich., on motion of Mr. Wilbur D. Sparks; Robert F. Rolnick, of Washington, D.C., on motion of Mr. Bernard Gordon;

Roger Howard Kessel, of Rochester, N.Y., on motion of Mr. Ronald H. Kessel; James Joseph MacKrell, of East Greenbush, N.Y., on motion of Mr. Thomas Ford; and Tom Will Gregg, Jr., of San Angelo, Tex., Earl Eugene Hodgson, Jr., of Caney, Kans., Richard Howard

Humphreys, Jr., of Spokane, Wash., Howard A. Kashman, of Tulsa, Okla., Peter A. Keller, of Dallas Center, Iowa, Earl Adams Morgan, of Baton Rouge, La., B. Ellis Phillips, of Tuscaloosa, Ala., Alexander Lowndes Rogers, of Amarillo, Tex., Arthur L. Schiff, of New York, N.Y., James L. Schmidt, of St. Louis, Mo., Claude T. Slagle, Jr., of Lebanon, Tenn., Earl Coombs Smith, of Jeffersonville, Ind., Tommie Sue Smith, of Jonesboro, Tenn., Thomas J. Springob, of Milwaukee, Wis., C. Claude Teagarden, of Galesburg, Ill., and Melvin C. Thompson, of San Antonio, Tex., on motion of Mr. Harold W. Gardner, were admitted to practice.

OPINIONS

No. 56. Interstate Circuit, Inc., appellant, *v.* City of Dallas; and No. 64. United Artists Corporation, appellant, *v.* City of Dallas. Appeals from the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Judgment reversed and cases remanded to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Marshall. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Opinion by Mr. Justice Harlan concurring in No. 47, *post*, and dissenting in these cases.

No. 47. Sam Ginsberg, appellant, *v.* New York. Appeal from the Appellate Term of Supreme Court of New York, Second Judicial Department. Judgment affirmed. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Harlan concurring in this case and dissenting in Nos. 56 and 64, *ante*. Opinion by Mr. Justice Stewart concurring in the result. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Dissenting opinion by Mr. Justice Fortas.

No. 699. John Earl Cameron et al., appellants, *v.* Paul Johnson, etc. et al. Appeal from the United States District Court for the Southern District of Mississippi. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas joins.

No. 630. United States et al., petitioners, *v.* Alfred E. Coleman et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 486. J. David Stern, petitioner, *v.* South Chester Tube Company. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 400. International Ladies' Garment Workers' Union, Local 415, et al., petitioners, *v.* Scherer & Sons, Inc. On petition for writ of certiorari to the Supreme Court of Florida. Mandate recalled and judgment and order granting certiorari entered on January 15, 1968, vacated. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, granted and judgment reversed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan would set this case for oral argument. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1055. Anthony Haswell, appellant, *v.* Paul Powell, Secretary of State of Illinois. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1104. Palmer C. Scafati, Superintendent, Massachusetts Correctional Institution, Walpole, appellant, *v.* Ronald Greenfield. Appeal from the United States District Court for the District of Massachusetts. The motion of appellee for leave to proceed *in forma pauperis* is granted. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White would note probable jurisdiction and set the case for oral argument.

No. 1141. City of New York et al., appellants, *v.* United States et al.; and

No. 1146. School District of Philadelphia et al., appellants, *v.* United States et al. Appeals from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black would note probable jurisdiction and set the case for oral argument. Mr. Justice Douglas took no part in the consideration or decision of these cases.

No. 1162. The Times Mirror Company, appellant, *v.* United States. Appeal from the United States District Court for the Central District of California. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan would note probable jurisdiction and set the case for oral argument.

No. 1177. Nationwide Mutual Insurance Company, appellant, *v.* Lars Vaage et al. Appeal from the United States District Court for the Southern District of New York. The motion to dismiss is granted

and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 1208. Safeguard Mutual Insurance Company, appellant, *v.* Housing Authority of the City of Camden et al. Appeal from the Superior Court, New Jersey, Appellate Division. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1217. Alton Elverdo Horlock, appellant, *v.* James Raymond Oglesby et ux. Appeal from the Supreme Court of Indiana. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1218. Philip C. Anderson et al., appellants, *v.* Norbert Tie-mann et al. Appeal from the Supreme Court of Nebraska. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1189, Misc. Tommy Clayton Till, appellant, *v.* New Mexico. Appeal from the Supreme Court of New Mexico. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 645. Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. The parties are requested to advise the Court within ten days what effect, if any, the enactment of the Civil Rights Act of 1968 has upon this litigation.

No. 673. George Campbell Painting Corp., appellant, *v.* William Reid et al. The motion of appellee, State of New York, to remove this case from the summary calendar is granted and twenty additional minutes are allotted each side.

No. 742. Maryland et al., appellants, *v.* W. Willard Wirtz, Secretary of Labor, et al. The motions of American Federation of Labor and Congress of Industrial Organizations; and American Federation of State, County and Municipal Employees, AFL-CIO, for leave to file briefs, as *amicus curiae*, are granted. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 755. First Agricultural National Bank of Berkshire County, appellant, *v.* State Tax Commission. The motion of The National Association of Supervisors of State Banks for leave to file a brief, as *amicus curiae*, is granted.

No. 800. World Airways, Inc., et al., petitioners, *v.* Pan American World Airways, Inc. et al. The motion to substitute Trans International Airways, Inc., a Delaware Corporation, in place of Trans In-

ternational Airways, Inc., a California Corporation, as a party petitioner is granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **909**. Samuel Desist et al., petitioners, *v.* United States. The motion of petitioners to remove this case from the summary calendar is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **949**. Ruben K. King, Commissioner of the State Department of Pensions and Security, Alabama, et al., appellants, *v.* Sylvester Smith, individually and on behalf of her minor children, etc., et al. The motions of The NAACP Legal Defense and Educational Fund, Inc., et al.; and The Child Welfare League of America, Inc., et al., for leave to file briefs, as *amici curiae*, are granted.

No. **974**. In the Matter of Diana Kearny Powell, petitioner;

No. **1033**. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company;

No. **1200**. Diana Kearny Powell, petitioner, *v.* Committee on Admissions and Grievances of the United States District Court for the District of Columbia; and

No. **882, Misc.** In the Matter of the Disbarment of Diana Kearny Powell. The motion of petitioner to consolidate these cases is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **1015**. William C. Witherspoon, petitioner, *v.* Illinois et al.; and

No. **1016**. Wayne Darnell Bumper, petitioner, *v.* North Carolina. The motion of the NAACP Legal Defense and Educational Fund, Inc. et al., for leave to participate in oral argument, as *amici curiae*, is denied. The motion of American Friends Service Committee et al., for leave to participate in oral argument, as *amici curiae*, in No. **1015** is denied. The motion of California for permission for three attorneys to participate in oral argument, as *amicus curiae*, in No. **1015** is granted.

No. **1088**. James J. Laughlin and Allan U. Forte, petitioners, *v.* United States. The motion to suspend the effectiveness of the order denying certiorari is denied.

No. **1134**. Walter E. Washington et al., appellants, *v.* Minnie Harrell et al. Upon the suggestion of the death of appellee, Harrell, the motion to change the caption of this case is granted.

APPEAL—JURISDICTION NOTED

No. **1064**. United States, appellant, *v.* Container Corporation of America et al. Appeal from the United States District Court for the

Middle District of North Carolina. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 963. United States, petitioner, *v.* The Donruss Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 1193. James G. Glover et al., petitioners, *v.* St. Louis-San Francisco Railway Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 1201. Securities and Exchange Commission, petitioner, *v.* National Securities, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 1207. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham, Alabama. Petition for writ of certiorari to the Supreme Court of Alabama granted and case placed on the summary calendar. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1451, Misc. Thomas R. Kaiser, petitioner, *v.* New York Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of New York granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 921. Marvin S. Samuels, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1128. James Hymore, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Wood County, denied.

No. 1150. Sam Tucky, petitioner, *v.* James C. Castle et al. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1151. John Funel, petitioner, *v.* Fidelity and Casualty Company of New York. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1153. John P. O'Connor, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1156. Jose Escobar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1164. Hilltop Realty, Inc., et al., petitioners, *v.* Seattle First National Bank, etc., et al. Petitioner for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1168. Roger F. Cote, petitioner, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire, denied.

No. 1169. Charles E. Kirkland and Eddie Allen Houston, petitioners, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1179. Louis Leighton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1180. Huntington Trust & Savings Bank, petitioner, *v.* H. B. Agsten & Sons, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1181. Chester Wagner et al., petitioners, *v.* Ballantyne Instruments & Electronics, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1182. Donald Uelmen et al., petitioners, *v.* Orville Freeman, Secretary of Agriculture. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1183. Benjamin Messina and Jack Alwadish, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1190. Franklin S. Kincheloe, Jr., petitioner, *v.* Board of Medical Examiners of the State of North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1192. Paul Tackett, District Judge of the First Judicial District, petitioner *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1197. Roy Elder McKoy and Patricia McKoy d/b/a Belvoir Restaurant, petitioners *v.* United States by Ramsey Clark, Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1198. George Oser, petitioner, *v.* Carl S. Smith, Harris County Voter Registrar. Petition for writ of certiorari to the 164th Judicial District Court of Harris County, Texas, denied.

No. 1199. Huey P. Meaux and Charlie Booth, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1202. Moore-McCormack Lines, Inc., petitioner, *v.* Carmelo Candiano. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1203. Victor Madera et al., petitioners, *v.* Board of Education of the City of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1205. David A. Goldner, petitioner, *v.* Edward S. Silver, District Attorney, Kings County, New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1206. John Carroll Sox, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1211. Milton L. Stern, petitioner, *v.* Thomas L. Robinson et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1215. Mary Carnera, etc., petitioner, *v.* Lancaster Chemical Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1222. Georgia Wiggins et al., petitioners, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1223. Baltimore Contractors, Inc., et al., petitioners, *v.* Paul E. Perry. Petition for writ of certiorari to the Court of Appeal of Louisiana, First Circuit, denied.

No. 1226. Mary Louie Grumbles et al., petitioners, *v.* The Times Herald Printing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1286. Chicago and North Western Railway Company, petitioner, *v.* Boston and Maine Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1050. National Labor Relations Board, petitioner, *v.* Crawford Manufacturing Co., Inc., et al.; and

No. 1191. Amalgamated Clothing Workers of America, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 1115. Ivory Collins, petitioner, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1120. Marvel Specialty Company, Inc., petitioner, *v.* Bell Hosiery Mills, Inc. Motion to dispense with printing respondent's brief granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1187. Clifford Jones, petitioner, *v.* Oliver Gasch, Judge of the United States District Court for the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 717, **Misc.** John Haaken Wise, petitioner, *v.* Harold M. Boslow, Director, Patuxent Institution. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 888, **Misc.** Leon T. Graves, petitioner, *v.* United States; and

No. 937, **Misc.** John E. Oelke, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 944, **Misc.** Jose Moreno Annett, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 962, **Misc.** Morris W. Gordon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 973, **Misc.** Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 983, **Misc.** Joseph Earl Autrey, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1016, **Misc.** Joe Charles Nix, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1057, **Misc.** Howard E. Rowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1059, **Misc.** Willie Lee Gasque, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1074, **Misc.** Charles W. Talley and Benny Norman Baker, petitioners, *v.* California. Petition for writ of certiorari to the Superior Court of California, Los Angeles County denied.

No. 1107, **Misc.** Samuele T. Stevens, Jr., petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1108, **Misc.** Raymond E. McMillen, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1122, Misc.** Alice Marie Hoffman and Holsey Merritt Johnson, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1126, Misc.** Daniel Herrera, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1132, Misc.** Franklin L. Hall, petitioner, *v.* Warden, Nevada State Prison. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. **1134, Misc.** Lorenzo Catanzaro, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1140, Misc.** Henry Jefferson, Jr., petitioner *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1176, Misc.** Albert Roof, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1190, Misc.** Charles F. Ware, petitioner, *v.* Paul H. Preston, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1199, Misc.** Francisco Cepero Maldonado, petitioner, *v.* Board of Veteran's Appeals. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1205, Misc.** George Wayne McCrary, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. **1206, Misc.** Louis Whitaker, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **1209, Misc.** Raymond Ross, petitioner, *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1213, Misc.** Milton Williams, petitioner, *v.* Harold W. Folletter, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1214, Misc.** Fred Avila, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1216, Misc.** Carlos S. Perrea, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1222, Misc.** Howard Merle, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1226, Misc.** Jethro Bolton, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1227, Misc.** Erskine Glenwood Painter, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1228, Misc.** Ramon Curtis Nohelty, petitioner, *v.* Henry G. Gergen, Jr. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. **1230, Misc.** William K. Howard, petitioner, *v.* Arthur L. Oliver Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1235, Misc.** Kenneth Elton Peterson, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. **1240, Misc.** Norman Richie, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. **1249, Misc.** Donald A. Fortin, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. **1258, Misc.** Carl W. Frazier, petitioner, *v.* Rhode Island. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. **1270, Misc.** Oscar W. Fierro, petitioner, *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1276, Misc.** Leroy White, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. **1278, Misc.** William Meryon Montgomery, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **1280, Misc.** Willie McBride, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. **1281, Misc.** William S. Ellis, Jr., petitioner, *v.* Paul C. Gillette. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. **1282, Misc.** Andrew Green, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Cook County, Illinois, denied.

No. **1284, Misc.** David A. Keys, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1286, Misc.** Thomas G. Daniel, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1287, Misc.** Ruben Morales, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1291, Misc.** Robert V. Williams, petitioner, *v.* John T. Deegan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1292, Misc.** George Bird, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **1299, Misc.** Nestor A. Tafoya, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1302, Misc.** Grady Lee Tucker, a/k/a Edward Wheatley, petitioner, *v.* United States. Petition for writ of certiorari to the United State Court of Appeals for the Sixth Circuit denied.

No. **1303, Misc.** Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1304, Misc.** Oscar A. Harrison, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1306, Misc.** Theophilus C. Williams, petitioner, *v.* L. S. Nelson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1307, Misc.** Andrew Byron Newsome, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1308, Misc.** Leon G. Schack, petitioner, *v.* Edward W. Starr. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1324, Misc.** John Wesley Gosser, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1330, Misc.** Robert Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1340, Misc.** Fred Graves, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1356, Misc.** Frederick Robertson, petitioner, *v.* Rhode Island. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. **1382, Misc.** Anna M. Hacker, petitioner, *v.* City of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **1335, Misc.** Honorio Adorno Lorenzana, petitioner, *v.* Warden, State Prison;

No. **1344, Misc.** Thomas M. Crosby, petitioner, *v.* Ralph H. Tahash, Warden; and

No. **1381, Misc.** Lamont B. Carter, petitioner, *v.* Louis S. Nelson, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **1111, Misc.** Bernabe Romero Sandoval, petitioner, *v.* Ramsey Clark, Attorney General of the United States, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **871.** Earl R. Wiseman, Director of Internal Revenue for the District of Oklahoma, petitioner, *v.* Ralph E. Barby et ux.;

No. **937.** Commonwealth Coatings Corporation, petitioner, *v.* Continental Casualty Company et al.;

No. **961.** William Hettleman et al., appellants, *v.* Chicago Law Institute et al.;

No. **962.** Thomas A. McManigal, petitioner, *v.* Seymour Simon et al.;

No. **980.** Electric Furnace Corporation, petitioner, *v.* Deering Milliken Research Corporation; and

No. **1027.** Robert Waverly Hicks et al., petitioners, *v.* Physical Therapists Examining Board for the District of Columbia. Petitions for rehearing denied.

No. **237.** Archie Nathaniel Biggers, petitioner, *v.* Tennessee;

No. **700.** Brooks Lee Anderson, petitioner, *v.* Wilburn C. Johnson, Warden;

No. **968.** Banco Nacional de Cuba, petitioner, *v.* F. Shelton Farr et al., co-partners doing business as Farr, Whitlock & Co. et al.; and

No. **1033.** Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. **906**. Rovico, Inc., petitioner, *v.* American Photocopy Equipment Company. Motion for leave to supplement petition for rehearing granted. Petition for rehearing denied.

No. **672, Misc.** Truman Adonis Williams, petitioner, *v.* United States;

No. **786, Misc.** Donald Gene Walker, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections;

No. **879, Misc.** Claude W. Harris, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. **896, Mis.** Almars Elksnis, petitioner, *v.* United States;

No. **1017, Misc.** Grace Mancilla, petitioner, *v.* United States et al.; and

No. **1117, Misc.** Helena H. Butterfield, petitioner, *v.* William Gazelle. Petitions for rehearing denied.

ORAL ARGUMENT

No. **660**. Board of Education of Central School District No. 1, etc., et al., appellants, *v.* James E. Allen, Jr., as Commissioner of Education of New York, et al. Argued by Mr. Marvin E. Pollock for the appellants and by Mrs. Jean M. Coon and Mr. Porter R. Chandler for the appellees.

No. **755**. First Agricultural National Bank of Berkshire County, appellant, *v.* State Tax Commission. Argued by Mr. Ronald H. Kessel for the appellant and by Mr. Alan J. Dimond for the appellee.

No. **733**. Perma Life Mufflers, Inc., et al., petitioners, *v.* International Parts Corporation et al. Argument commenced by Mr. Robert F. Rolnick for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 23, 1968, will be as follows: Nos. **733, 742, and 797 (804, 808, and 809)**.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

John Paterson Morris, of Madison, Wis., on motion of Mr. Robert W. Kastenmeier; Bernard Kleinman, of Chicago, Ill., and Howard D. Watt, of Tucson, Ariz., on motion of Mr. Bernard J. Waters; Warren H. Ploeger, of Seattle, Wash., on motion of Mr. Stanton P. Sender; John G. Vasil, of San Jose, Calif., on motion of Mr. George C. Vournas; James J. Graham, of New York, N.Y., on motion of Mr. Martin Garbus; Charles N. Gregg, Jr., of McLean, Va., on motion of Mr. B. J. Middleton; Stephen Paul Goldman, of Washington, D.C., on motion of Mr. Joel R. Feidelman; Joseph A. Kolasch, of Arlington, Va., on motion of Mr. Paul M. Craig, Jr.; John H. Suda, of Arlington, Va., on motion of Mr. Ted D. Kuemmerling; Robert Francis Nix, of Chicago, Ill., and Donald J. Veverka, of Chicago, Ill., on motion of Mr. John J. O'Toole; David E. Ellison, of Bellevue, Wash., on motion of Mr. James F. Senechal; Jay Erens, of Chicago, Ill., and David J. Gibbons, of Chicago, Ill., on motion of Mr. Glenn W. McGee, Jr.; and James Douglas Crawford, of Philadelphia, Pa., F. Emmett Fitzpatrick, Jr., of Philadelphia, Pa., John R. Jakubowski, of Philadelphia, Pa., and Michael J. Rotko, of Philadelphia, Pa., on motion of Mr. Joseph M. Smith, were admitted to practice.

OPINION

No. 703. Jack Allen Barber, petitioner, *v.* Ray H. Page, Warden. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Marshall. Concurring opinion by Mr. Justice Harlan.

ORAL ARGUMENT

No. 733. Perma Life Mufflers, Inc., et al., petitioners, *v.* International Parts Corporation et al. Argument continued by Mr. Robert F. Rolnick for the petitioners, by Mr. Glenn W. McGee for the respondents and concluded by Mr. Robert F. Rolnick for the petitioners.

No. **949**. Ruben K. King, Commissioner of the State Department of Pensions and Security, Alabama, et al., appellants, *v.* Sylvester Smith, individually and on behalf of her minor children, etc., et al. Argued by Mrs. Mary Lee Stapp for the appellants and by Mr. Martin Garbus for the appellees.

No. **742**. Maryland et al., appellants, *v.* W. Willard Wirtz, Secretary of Labor, et al. Argued by Mr. Alan M. Wilner and Mr. Charles Alan Wright for the appellants and by Mr. Solicitor General Griswold for the appellees.

No. **797**. American Commercial Lines, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. **804**. American Trucking Associations, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. **808**. The American Waterways Operators, Inc., appellant, *v.* Louisville and Nashville Railroad Company et al.; and

No. **809**. Interstate Commerce Commission, appellant, *v.* Louisville and Nashville Railroad Company et al. Argument commenced by Mr. Leonard S. Goodman for the appellants.

Adjourned until tomorrow, Wednesday, April 24, 1968, at 10 o'clock.

The day call for Wednesday, April 24, 1968, will be as follows: Nos. **797 (804, 808 and 809), 1015 and 1016.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Robert E. Henke, of Appleton, Wis., on motion of Mr. Vernon W. Thomson; Helmut Strauss, of Chicago, Ill., on motion of Mr. Barrett O'Hara; William Paul Volin, of New York, N.Y., on motion of Mr. Theodore R. Kupferman; Larry Keith Torgerson, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; Haradon M. Dillon, of Oakland, Calif., K. Edwin Applegate, of Bloomington, Ind., Joseph Henry Eckert, of Jeffersontown, Ky., Alvin Clarence Vinopal, of Akron, Ohio, William R. Baird, of Akron, Ohio, and Robert S. Travis, of Fort Worth, Tex., on motion of Mr. Daniel M. Friedman; Sherwin J. Markman, of Des Moines, Iowa, on motion of Mr. Paul Daniel; Helen G. Nassif, of Cedar Rapids, Iowa, on motion of Mr. Ronald P. Kananen; Jerold S. Solovy, of Chicago, Ill., on motion of Mr. Albert E. Jenner, Jr.; Frederico Rodriguez-Pagan, of Hormigueros, P.R., on motion of Mr. Harold C. Nystrom; Christopher E. Young, of Seattle, Wash., and Michael H. Rosen, of Seattle, Wash., on motion of Mr. Lawrence Speiser; and John A. Dudley, of Washington, D.C., William J. Kurz, of Washington, D.C., Allan S. Mostoff, of Falls Church, Va., and David L. Ratner, of Jacksonville, N.Y., on motion of Mr. David Ferber, were admitted to practice.

ORAL ARGUMENT

No. **797**. American Commercial Lines, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. **804**. American Trucking Associations, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. **808**. The American Waterways Operators, Inc., appellant, *v.* Louisville and Nashville Railroad Company et al.; and

No. **809**. Interstate Commerce Commission, appellant, *v.* Louisville and Nashville Railroad Company et al. Argument continued by Mr. Harry C. Ames, Jr., for the appellants, by Mr. Daniel M. Friedman and Mr. Carl Helmetag, Jr., for the appellees and concluded by Mr. Leonard S. Goodman for the appellants.

No. **1015**. William C. Witherspoon, petitioner, *v.* Illinois et al. Leave granted Mr. James B. Zagel to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Elmer C. Kissane. Argued by Mr. Albert E. Jenner, Jr., for the petitioner and by Mr. Donald J. Veverka for the respondent and by Mr. James B. Zagel for the respondent, *pro hac vice*, by special leave of Court, and by Mr. Robert R. Granucci for the State of California, as *amicus curiae*.

No. **1016**. Wayne Darnell Bumper, petitioner, *v.* North Carolina. Leave granted Mr. Norman B. Smith to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Harry W. McGalliard. Argument commenced by Mr. Norman B. Smith for the petitioner, *pro hac vice*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 25, 1968, will be as follows: Nos. **1016, 187, 844, and 891.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Kemper Williams, Jr., of Victoria, Tex., on motion of Mr. John Young; William Wesley Young, of Lebanon, Ohio, on motion of Mr. Chalmers P. Wylie; Raymond Hugh Clark, of Cincinnati, Ohio, on motion of Mr. William E. Foley; Kenneth Roger Thomas, of Los Angeles, Calif., on motion of Mr. Belford Vance Lawson, Jr.; William K. Kerr, of New York, N.Y., Albert E. Fey, of New York, N.Y., and David William Plant, of New York, N.Y., on motion of Mr. Edward Bennett Williams; Marc E. Leland, of San Francisco, Calif., on motion of Mr. Albert E. Arent; J. Bruce Fratis, of San Francisco, Calif., on motion of Mr. E. K. Gubin; Frank A. Bauman, of Portland, Oreg., on motion of Mr. R. Michael Duncan; G. Monty Manibog, of Los Angeles, Calif., on motion of Mr. Chester Charles Shore;

James L. Lakin, of Buffalo, N.Y., on motion of Mr. Michael H. Rauch; Ralph W. Glenn, Jr., of Dallas, Tex., on motion of Mr. Robert Oberndoerfer Harris; Peter R. Sherman, of Washington, D.C., on motion of Mr. David Epstein; Edward P. Joseph, of Flint, Mich., on motion of Mr. Louis Fenner Claiborne; Gregory Lawrence Hellrung, of Rockville, Md., on motion of Mr. Joseph C. Thackery; Ernest L. Ruffner, of Springfield, Va., on motion of Mr. James R. Treese; Lowell T. Hughes, of Ashland, Ky., on motion of Mr. Robert M. Scott; and Albert M. Scruton, of Maywood, Ill., Charles Gordon Reid, of Sacramento, Calif., and Robert J. Torvestad, of Bowie, Md., on motion of Mr. Harold W. Gardner, were admitted to practice.

ORAL ARGUMENT

No. 1016. Wayne Darnell Bumper, petitioner, *v.* North Carolina. Argument continued by Mr. Norman B. Smith for the petitioner, *pro hac vice*, by special leave of Court and concluded by Mr. Harry W. McGalliard for the respondent.

No. 187. Menominee Tribe of Indians, petitioner, *v.* United States. Two and one quarter hours allowed for oral argument. Reargued by Mr. Charles A. Hobbs for the petitioner, by Mr. Bronson C. La

Follette for the State of Wisconsin, as *amicus curiae*, at the invitation of the Court, and by Mr. Louis F. Claiborne for the respondent.

No. **844**. Vincent R. Mancusi, Warden, petitioner, *v.* Frank DeForte. Argued by Mr. Michael H. Rauch for the petitioner and by Mr. James L. Lakin for the respondent.

Adjourned until Monday, April 29, 1968, at 10 o'clock.

The day call for Monday, April 29, 1968, will be as follows: Nos. **891, 800 (946 and 969) and 796.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Irwin Brody Robins, of New York, N. Y., on motion of Mr. Solicitor General Erwin N. Griswold; Ted Q. Wilson, of Oneida, Tenn., on motion of Mr. Howard H. Baker, Jr.; Francis W. Murphy, of Portage, Wis., and Earl Joseph McMahon, of Portage, Wis., on motion of Mr. Robert W. Kastenmeier; Robert Joseph Miller, of Silver Spring, Md., and Eugene Francis Peters, of Silver Spring, Md., on motion of Mr. Jack Brooks; Melvin Handelman, of Fort Worth, Tex., on motion of Mr. Graham Purcell; Edward D. Robertson, of San Marino, Calif., on motion of Mr. Charles Edward Wiggins; Donald Powell Schnacke, of Topeka, Kans., on motion of Mr. Garner E. Shriver; Peter E. Livanos, Jr., of Castro Valley, Calif., on motion of Mr. James C. Corman; Winston Pettus Crowder, of Houston, Tex., on motion of Mr. Frank M. Wozencraft; Ward Anthony Shanahan, of Helena, Mont., Donald P. Moloney, of Lexington Ky., and Leonard B. Shulman, of Flint, Mich., on motion of Mr. Wilbur D. Sparks; Joseph G. Skelly, of Harrisburg, Pa., on motion of Mr. William B. Ball; Thomas E. Brannigan, of Chicago, Ill., on motion of Mr. Daniel P. Coman; John Luther Smith, of San Augustine, Tex., on motion of Mr. Everett Hutchinson; Alvin D. Shapiro, of Kansas City, Mo., on motion of Mr. Victor H. Kramer; William Joseph Heaphy, of Detroit, Mich., on motion of Mr. Charles A. Tobin; Henry T. Leckman, of Coalinga, Calif., on motion of Mr. Timothy V. A. Dillon; J. W. Green, Jr., of Stuttgart, Ark., on motion of Mr. Dickson R. Loos; Richard Gruver Kline, of Washington D.C., on motion of Mr. Robert E. Kline, Jr., Lawrence William Golde, of New York, N.Y., on motion of Mr. Don V. Harris; Jerome B. Lurie, of New York, N.Y., on motion of Mr. Sidney Cohn; and Guido J. Casari, Jr., of San Rafael, Calif., Thomas G. Lockhart, of Minneapolis, Minn., and Philip C. Sessoms, of Florence, S.C., on motion of Mr. Harold W. Gardner were admitted to practice.

OPINIONS

No. 517. Phil A. St. Amant, petitioner, *v.* Herman A. Thompson. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for

further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Black and Mr. Justice Douglas concur in the judgment of the Court for the reasons set out in their concurring opinions in *New York Times Co. v. Sullivan*, 376 U.S. 254, 293 (1964), and *Garrison v. Louisiana*, 379 U.S. 64, 79, 80 (1964). Dissenting opinion by Mr. Justice Fortas.

No. 497. Josephine Hanner, petitioner, *v. Cecil DeMarcus et ux.* On writ of certiorari to the Supreme Court of Arizona. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom the Chief Justice and Mr. Justice Black join. Dissenting opinion by Mr. Justice Brennan.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 1105. Arthur Della Rocca, petitioner, *v. United States.* On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Haynes v. United States*, 390 U.S. 85, and *Simmons v. United States*, 390 U.S. 377. Opinion *per curiam*.

No. 1159. Southern Pacific Company et al., appellants, *v. United States et al.* Appeal from the United States District Court for the District of Nebraska. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1196. Elizabeth Lewis Hosack et al., appellants, *v. Joseph R. Smiley et al.* Appeal from the United States District Court for the District of Colorado. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 1225. Roadway Express, Inc., appellant, *v. Director, Division of Taxation.* Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White are of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 386, Misc. Pearlle Sims, etc., petitioner, *v. Wilbur J. Cohen, Acting Secretary of Health, Education, and Welfare.* On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Motion for leave to proceed *in forma pauperis* and

petition for writ of certiorari granted. Judgment reversed and case remanded to the United States District Court for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. The Chief Justice and Mr. Justice White dissent for the reasons stated in the dissenting opinion of Mr. Justice White in *Hopkins v. Cohen*, 390 U.S. 535. Mr. Justice Marshall took no part in the consideration or decision of this case.

ORDER IN PENDING CASE

No. **813**. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, *v.* Vivian Thompson. The motion for permission for two attorneys for leave to participate in the oral argument in a summary calendar case is granted.

APPEAL—JURISDICTION POSTPONED

No. **1320, Misc.** Sam L. McDonald et al., appellants, *v.* Board of Election Commissioners of Chicago et al. Appeal from the United States District Court for the Northern District of Illinois. The motion for leave to proceed *in forma pauperis* is granted and further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI GRANTED

No. **1209**. William J. McCarthy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. **1212**. United States, petitioner, *v.* Richard G. Augenblick et al. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

CERTIORARI DENIED

No. **1185**. Gussie Joffe, petitioner, *v.* Sidney H. Joffe. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1186**. Gussie Joffe, petitioner, *v.* Sidney H. Joffe. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1214**. Donald Smeltz Butler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1220.** American Airlines, Inc., petitioner, *v.* Elizabeth Anna Egan and John H. Seiter, as Administrators of the Estate of Eileen M. Seiter. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1221.** Missouri-Kansas-Texas Railroad Company, petitioner, *v.* Chester Dean Kiser. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. **1224.** Howard Preston, petitioner, *v.* Phyllis Preston Tyner. Petition for writ of certiorari to the Court of Appeals of Ohio, Fayette County, denied.

No. **1229.** Samuel Harold Ford, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland, denied.

No. **1231.** Joe Hendrex, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1232.** Robert Gene Holbrook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1234.** Ho Yeh Sze, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1240.** L. A. Davidson, petitioner, *v.* The Division of Revenue of the Department of Treasury, State of Michigan. Petition for writ of certiorari to the Court of Appeals of Michigan denied.

No. **1274.** Lehigh Valley Railroad Company, petitioner, *v.* Wm. Spencer & Son Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1051.** Jack Soloner, President, Robert C. Brennan, Secretary-Treasurer, and American Bakery & Confectionery Workers International Union, AFL-CIO, Local 492, petitioners, *v.* Robert A. Gartner. Motion of the respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1082.** Master Time Company, Ltd., petitioner, *v.* Percy De Jongh, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. **1163.** Virgo Corporation, petitioner, *v.* Ralph M. Paiewonsky, Governor of the Virgin Islands, et al. Motion of Antilles Industries,

Inc., for leave to file a brief as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this motion and petition.

No. 1176. Francis Wilson, petitioner, *v.* Martin J. Wiman, Superintendent, Kentucky State Reformatory. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Fortas, with whom The Chief Justice and Mr. Justice Douglas join, would grant certiorari.

No. 1189. Maurice A. Krisel, petitioner, *v.* Rafael Duran et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 1216. Nishan Paul, petitioner, *v.* Dade County, Florida, et al. Petition for writ of certiorari to the District Court of Appeals of Florida, Third District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1253. Hans Kramm, petitioner, *v.* Workmen's Compensation Appeals Board of the State of California et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 553, Misc. Cirilo Calderon Garay, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fifth Appellate District, denied.

No. 746, Misc. David Louis Collier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1151, Misc. Don E. Gifford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth circuit denied.

No. 1195, Misc. Walter Darrell Morris, petitioner, *v.* Ira M. Coiner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1243, Misc. Edward Earl Stanley, petitioner, *v.* Harry S. Avery, Commissioner of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1254, Misc. Alfredo R. Bryan, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1257, Misc. Columbus Robinson, petitioner, *v.* Virginia. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1260, Misc.** John B. Howard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1264, Misc.** Robert L. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1279, Misc.** Albert Mintzer, petitioner, *v.* Edward Dros, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1290, Misc.** Thomas Mattio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1298, Misc.** Nathaniel A. Denman, etc., petitioner, *v.* Granville Beale et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1300, Misc.** Theodore Charles Ruark, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. **1310, Misc.** Malcolm R. Schlette, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1312, Misc.** William Heirens, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1315, Misc.** Charles Pacholsky, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. **1322, Misc.** George Bartlam, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. **1345, Misc.** James D. Gullett and Delmar R. Warner, petitioners, *v.* United States. Petitioner for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1359, Misc.** William G. Holland, petitioner, *v.* Pasquale J. Ciccone, Director, Medical Center for Federal Prisoners. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1360, Misc.** Theophilus Charles Williams, petitioner, *v.* L. S. Nelson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1370, Misc.** John A. McEachen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1376, **Misc.** Robert A. Herrington, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1388, **Misc.** H. Rap Brown, petitioner, *v.* Raymond Fogel, City Sergeant, Alexandria, Virginia. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1389, **Misc.** Sylvester Perez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1405, **Misc.** Anastacio Gallegos and Juan Rellis Gallegos, petitioners, *v.* John W. Turner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1448, **Misc.** Claude M. Carpenter, Jr., petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1219, **Misc.** Waverly W. Wilkerson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1261, **Misc.** Gordon A. Magruder, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1438, **Misc.** Harold Jeffries, petitioner, *v.* Max P. Frye, Warden;

No. 1439, **Misc.** Wayman Patterson, petitioner, *v.* Ward Lane, Warden; and

No. 1444, **Misc.** Curtis White, petitioner, *v.* Henry J. Noble, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1082, **Misc.** Jack Abbott, petitioner, *v.* John W. Turner, Warden; and

No. 1501, **Misc.** Charles Armstrong, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1232, **Misc.** Donald Eugene Davis, petitioner, *v.* Sherman H. Crouse, Warden; and

No. **1255, Misc.** Aramis Fernandez, petitioner, *v.* District Court, Bayamon Part, Commonwealth of Puerto Rico, et al. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. **1095.** John J. Gannon, Individually and as President of Independent Watchmen's Association, petitioner, *v.* Enrique Navarro, Individually and as President of Local 2 of International Union of Police and Protection Employees-Independent Watchmen's Association, etc.;

No. **855, Misc.** Louis E. Bennett, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution;

No. **1069, Misc.** A. Weiland, petitioner, *v.* Lloyd F. O'Neal; and

No. **1238, Misc.** John B. Sargent, petitioner, *v.* Howard D. Yeager, Warden, et al. Petitions for rehearing denied.

No. **324.** Norfolk and Western Railway Company et al., appellants, *v.* Missouri State Tax Commission et al. Motion for leave to file petition for rehearing denied.

No. **1121.** Leonard A. Peto, petitioner, *v.* Madison Square Garden Corporation et al. Petition for rehearing and for other relief denied.

No. **1096, Misc.** Theodore V. Shyvers, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

ORDER

It is ordered that the call for the calendar, except for special assignments, be suspended for the term upon the conclusion of the arguments in the cases listed for hearing this week.

RECESS ORDER

The Court will take a recess from Monday, May 6, 1968, until Monday, May 20, 1968.

ORAL ARGUMENT

No. **891.** W. Willard Wirtz, Secretary of Labor, United States Department of Labor, petitioner, *v.* Hotel, Motel and Club Employees Union, Local 6. Argued by Mr. Harris Weinstein for the petitioner, by Mr. Sidney E. Cohn, for the respondent and by Mr. Laurence Gold for the American Federation of Labor and Congress of Industrial Organizations, as *amicus curiae*.

No. **800.** World Airways, Inc., et al., petitioners, *v.* Pan American World Airways, Inc., et al.;

No. 946. Civil Aeronautics Board, petitioner, *v.* Pan American World Airways, Inc., et al.; and

No. 969. American Society of Travel Agents, Inc., petitioner, *v.* Pan American World Airways, Inc., et al. Argument commenced by Mr. Frank M. Wozencraft for the petitioners and continued by Mr. Jerrold Scoutt, Jr., for the petitioners and by Mr. Edward R. Neaher for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 30, 1968, will be as follows: Nos. 800 (946 and 969), 796, 635, 673, and 823.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Larry Harvey Schwartz, of El Paso, Tex., and James A. Bargfrede of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Lauriston H. Long, of Nashville, Tenn., and Philip A. Wynn, of Sevierville, Tenn., on motion of Mr. Howard H. Baker, Jr.; Anthony R. Saeli, of Traverse City, Mich., on motion of Mr. Robert P. Griffin; Justin L. Quackenbush, of Spokane, Wash., on motion of Mr. Thomas Stephen Foley; McPherson Berrien E. Moore, of Torrance, Calif., on motion of Mr. Richard T. Hanna; Bertram T. Kupsinel, of New York, N.Y., on motion of Mr. William F. Ryan; Arnold Guy Fraiman, of New York, N.Y., Robert Thomas Hartmann, of Monroe, N.Y., and Frederic S. Nathan, of New York, N.Y., on motion of Mr. James Lee Rankin; Jesse L. Near, of Boulder, Colo., on motion of Mr. Ernest Friesen;

Frank Gafkowski, Jr., of South Gate, Calif., Stanley P. Golde, of Oakland, Calif., Richard David Casey, of Denver, Colo., and Seymour B. Jeffries, of New York, N.Y., on motion of Mr. Frank M. Wozencraft; Larry Joe Fulton, of Muskogee, Okla., on motion of Mr. John Spencer Folawn; Julius Gayle Windsor, Jr., of Little Rock, Ark., on motion of Mr. John Patrick Baker; Edwin Page Bledsoe, of Washington, D.C., and Harry I. Ravitz, of Washington, D.C., on motion of Mr. Leon E. Irish; Donald Keith Wedding, of Toledo, Ohio, on motion of Mr. Joseph Di Grandi; Larrie Earl Elhart, of Seattle, Wash., and Richard Moriye Ishikawa, of Seattle, Wash., on motion of Mr. Laird B. Peterson;

John G. Daly, of Albany, N.Y., on motion of Mr. Sanford Bolz; Alexander Patrick Gillen, of New York, N.Y., on motion of Mr. Ronald Podolsky; Judith Grad, of New York, N.Y., on motion of Mr. Norman Redlich; Mercedes M. Fichtner, of Overland Park, Kans., Arthur P. Swerdlove, of Yonkers, N.Y., and Donald Lawrence Wilson, of Downey, Calif., on motion of Mr. Lew D. Brundage; and Stephen Ellis Allen, Jr., of Hazlehurst, Miss., Dorrance Aultman, of Hattiesburg, Miss., John Arthur Evans, of Jackson, Miss., Thomas W. Crockett, Jr., of Jackson, Miss., and William D. Curtis, of Monterey, Calif., on motion of Mr. Edmund W. Montgomery II, were admitted to practice.

ORAL ARGUMENT

No. **800**. World Airways, Inc., et al., petitioners, *v.* Pan American World Airways, Inc., et al.;

No. **946**. Civil Aeronautics Board, petitioner, *v.* Pan American World Airways, Inc., et al.; and

No. **969**. American Society of Travel Agents, Inc., petitioner, *v.* Pan American World Airways, Inc., et al. Argument continued by Mr. Edward R. Neaher for the respondents and concluded by Mr. Frank M. Wozencraft for the petitioners.

No. **796**. National Labor Relations Board, petitioner, *v.* Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO, and its Local 22. Argued by Mr. Norton J. Come for the petitioner and by Mr. M. H. Goldstein for the respondents.

No. **635**. Robert Vincent Gardner, appellant, *v.* Vincent L. Broderick, as Police Commissioner of the City of New York, et al. Argued by Mr. Ronald Podolsky for the appellant and by Mr. J. Lee Rankin for the appellees.

No. **673**. George Campbell Painting Corp., appellant, *v.* William Reid, et al. One hour and forty minutes allowed for oral argument. Argued by Mr. Albert A. Blinder for the appellant and by Mr. Paul W. Hessel and Mr. Samuel A. Hirshowitz for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, May 1, 1968, will be as follows: Nos. **823, 813, 1134, 1138, and 174.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

George M. Rogers, of Birmingham, Ala., L. Drew Redden, of Birmingham, Ala., and E. Graham Gibbons, of Mobile, Ala., on motion of Mr. John J. Sparkman; Alexander Y. H. Kim, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Samuel Thomas Johnston, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Richard Mark Goldberg, of Wilkes-Barre, Pa., John Richard Padova, of Philadelphia, Pa., and Augustus R. Sigismondi, of Philadelphia, Pa., on motion of Mr. William C. Sennett; Charles William Fisher, Jr., of Liberty, Tex., on motion of Mr. Price Daniel; William J. Foster, of Oklahoma City, Okla., Lyle R. Carlson, of Langdon, N. Dak., Ralph John Rodamaker, of Seattle, Wash., Charles Louis Hellman, of Washington, D.C., and Joseph A. Matera, of Baltimore, Md., on motion of Mr. Walter I. Horlick.

Frank V. Gregorcich, of San Diego, Calif., and Kenneth E. Voss, of Milwaukee, Wis., on motion of Mr. Edwin P. Wasinger; Jerry G. South, of San Francisco, Calif., on motion of Mr. Neal L. Peterson; Jonathan Arthur Weiss, of New York, N.Y., on motion of Mr. S. Wallace Kagan; Allan Paul Victor, of New York, N.Y., on motion of Frederick M. Rowe; Bernard V. Parrette, of Washington, D.C., on motion of Mr. Emanuel Fein; Howard H. Orenstein, of Hartford, Conn., on motion of Mr. Sydney T. Schulman; Leonard Lipschutz, of New York, N.Y., on motion of Mr. Sidney Gunderson; and Alfred Clifford Tisch, of Setauket, N.Y., on motion of Mr. Charles W. Bahme, were admitted to practice.

OPINION

Nos. **90, 95, 98, 99, 100, 101, 102, 105, 117, 181, 261, 262, 266,** and **388.** Permian Basin Area Rate Cases. On writs of certiorari to the United States Court of Appeals for the Tenth Circuit. The motions for leave to adduce additional evidence are denied. Judgments affirmed in part and reversed in part and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by

Mr. Justice Douglas. Mr. Justice Marshall took no part in the consideration or decision of these cases.

ORAL ARGUMENT

No. **823**. Uniformed Sanitation Men Association, Inc., et al., petitioners, *v.* Commissioner of Sanitation of the City of New York et al. Argued by Mr. Leonard B. Boudin for the petitioners and by Mr. Norman Redlich for the respondents.

No. **813**. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, *v.* Vivian Thompson. Leave granted Mr. Brian L. Hollander to appear and present oral argument for the appellee, *pro hac vice*, on motion of Mr. Lewis Bernstein. Argued by Mr. Francis J. MacGregor for the appellant, by Mrs. Lorna Lawhead Williams for the State of Iowa, as *amicus curiae*, and by Mr. Brian L. Hollander for the appellee, *pro hac vice*, by special leave of Court.

No. **1134**. Walter E. Washington et al., appellants, *v.* Clay Mae Legrant et al. Argued by Mr. Richard W. Barton for the appellants and by Mr. Peter S. Smith for the appellees.

No. **1138**. Roger A. Reynolds et al., appellants, *v.* Juanita Smith et al. Leave granted Mr. Thomas K. Gilhool to appear and present oral argument for the appellees, *pro hac vice*, on motion of Mr. William C. Sennett. Argument commenced by Mr. William C. Sennett for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, May 2, 1968, will be as follows: Nos. **1138, 174, 133, 898, and 638.**

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Theodore M. Arnovitz, of Dayton, Ohio, William Albert Carnahan, of Buffalo, N.Y., and James Arthur Bruno, of Norfolk, Va., on motion of Mr. Solicitor General Erwin N. Griswold; Lloyd William Courter, of Boone, Iowa, on motion of Mr. Jack Miller; Harold William Fager, of Madison, Wis., on motion of Mr. Robert W. Kastenmeier; Herald Price Fahringer, Jr., of Buffalo, N.Y., on motion of Mr. Eugene Gressman; James W. Greenfield, of Washington, D.C., on motion of Mr. Winfred R. Mundle; Melvin Albert McCubbin, of Denver, Colo., on motion of Mr. William H. Alper; Nicholas A. Addams, of Washington, D.C., on motion of Mr. Milton A. Kallis; Jules Elliot Coven, of Staten Island, N.Y., on motion of Mr. Solomon Isenstein; Philip Lewis Hammer, of San Jose, Calif., on motion of Mr. Arnold Levy;

Herbert Glen Hall, of Briarcliff Manor, N.Y., on motion of Mr. Robert R. Priddy; F. Bruce Abel, of Cincinnati, Ohio, on motion of Mr. Theodore M. Truskin; Ronald Harvey Tonkin, of Christiansted, St. Croix, V.I., on motion of Mr. William E. Foley; Robert H. Raymond, Jr., of Lewistown, Pa., on motion of Mr. Robert W. Cunliffe; Robert Earl Shoun, of Arlington, Va., on motion of Mr. Robert R. Broxton; Robert L. Pirtle, of Seattle, Wash., and Alvin J. Ziontz, of Seattle, Wash., on motion of Mr. Charles Allen Hobbs; and John H. Allen, of Salt Lake City, Utah, James Royal Andreasen, of Salt Lake City, Utah, Robert Ekins Clark, of Salt Lake City, Utah, Ray Lloyd Soderborg, of Salt Lake City, Utah, G. Gail Weggeland, of Salt Lake City, Utah, and Randon Whittle Wilson, of Salt Lake City, Utah, on Motion of Mr. Stephen A. West, were admitted to practice.

ORAL ARGUMENT

No. 1138. Roger A. Reynolds et al., appellants, *v.* Juanita Smith et al. Argument continued by Mr. William C. Sennett for the appellants, by Mr. Thomas K. Gilhool for the appellees, *pro hac vice*, by special leave of Court, and concluded by Mr. William C. Sennett for the appellants.

No. 174. Clyde Franklin Lee et al., petitioners, *v.* Florida. Argued by Mr. Edward R. Kirkland for the petitioners and by Mr. Wallace E. Allbritton for the respondent.

No. 133. Ruby Kolod et al., petitioners, *v.* United States. Argued on the motion to modify the Court's order of January 28, 1968, by Mr. Solicitor General Griswold for the respondent and by Mr. Edward Bennett Williams for the petitioners.

No. 898. Johnny Sabbath, petitioner, *v.* United States. Argued by Mr. Murray H. Bring for the petitioner and by Mr. John S. Martin, Jr., for the respondent.

No. 638. Cheng Fan Kwok, petitioner, *v.* Immigration and Naturalization Service. One and one-half hours allowed for oral argument. Argued by Mr. Jules E. Coven for the petitioner, by Mr. Charles Gordon for the respondent, and by Mr. William H. Dempsey, Jr., as *amicus curiae*, in support of judgment below, at the invitation of the Court.

Adjourned until Monday, May 6, 1968, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Simon Jacob Katzen, of San Jose, Calif., Noel Bert Gassett, of San Jose, Calif., James Frederick Lang, of Gainesville, Fla., William N. Avera, of Gainesville, Fla., Mark Stephen Rothman, of Kensington, Md., Sylvan A. Burg, of North Valley Stream, N.Y., Samuel Mair Eisenstat, of New York, N.Y., Joel S. Trosch, of Bethesda, Md., and James Perry, of San Jose, Calif., on motion of Mr. Solicitor General Erwin N. Griswold; Charles V. Johnson, of Seattle, Wash., on motion of Mr. Brockman Adams; David R. Cadwell, of Santa Ana, Calif., on motion of Mr. Phillip Burton; Joseph E. Birk, of St. Louis, Mo., on motion of Mr. Richard H. Ichord; Lewis J. DiRosario, of Columbus, Ohio, James B. Frick, of Columbus, Ohio, Reno J. Menapace, of Columbus, Ohio, and Roger Coolidge Stridsberg, of Columbus, Ohio, on motion of Mr. Chalmers P. Wylie; Joseph L. Mitchell, of Franklin, Mass., on motion of Mr. Frederick Bernays Wiener;

Roy J. Cohen, of San Juan, P.R., and William Lespier, of San Juan, P.R., on motion of Mr. Alan Y. Cole; Lyle Devon Gisi, of San Francisco, Calif., on motion of Mr. Donald C. Casey; Robert O. Rollman, of Schuylkill Haven, Pa., on motion of Mr. William M. Burch II; Luvern Charles Johnson, Jr., of Pocatello, Idaho, on motion of Mr. Hamer H. Budge; W. Gomer Krise, of Bethesda, Md., on motion of Mr. Donald E. VanKoughnet; Gerald E. Frug, of San Francisco, Calif., and Steven M. Umin, of Washington, D.C., on motion of Mr. Clifford L. Alexander, Jr.; George A. Fath, of Alexandria, Va., on motion of Mr. Charles D. T. Lennhoff; John A. Nevros, of Silver Spring, Md., Hendrick Machoian, of Chevy Chase, Md., B. W. Cruce, Jr., of Mesquite, Tex., Marvin F. Foster, Jr., of Corpus Christi, Tex., and Walter Russell Long, Jr., of Karnes City, Tex., on motion of Mr. Eugene J. Kaplan;

John Edward Porter, of Evanston, Ill., on motion of Mr. Alan S. Rosenthal; George C. Connolly, Jr., of New Orleans, La., on motion of Mr. Walter Landry; Leonard M. Segal, of Morristown, N.J., and David Michael Sweetwood, of Parsippany, N.J., on motion of Mr. Charles Owen; Philip Polmer Spender, of New Orleans, La., on

motion of Mr. Robert M. Booth, Jr.; Anthony W. Lederer, of New York, N.Y., on motion of Mr. Stuart J. Land; Arthur Eugene Raff, Jr., of Helena, Ark., on motion of Mr. Charles Buford Roscoff; E. Judge Elderkin, of San Francisco, Calif., and Charles E. Hanger, of San Francisco, Calif., on motion of Mr. Thomas J. O'Connell; Howard T. Rosen, of Newark, N.J., on motion of Mr. Jerome Ackerman; Billy Lee Evans, of Macon, Ga., on motion of Mr. Edward Harry Posey; Barry Satzman, of Los Angeles, Calif., on motion of Mr. Leo Geffner;

Henry M. Schmerer, of Fort Lauderdale, Fla., on motion of Miss Sonia Pressman; Robert John Duckstad, of Moorhead, Minn., on motion of Mr. Richard C. Smith; Harris W. Seed, of Santa Barbara, Calif., on motion of Mr. Michael T. Waris, Jr.; David Stuart Browning, of Houston, Tex., on motion of Mr. Royal J. Voegli; Charles Wadsworth Johnson III, of Washington, D.C., on motion of Mr. William Holmes Brown, Jr.; Robert N. Cooperman, of Great Neck, N.Y., and Robert E. Goldman, of Great Neck, N.Y., on motion of Mr. Charles R. Donnenfeld; Marguerite M. Buckley, of Marina Del Rey, Calif., on motion of Mr. David Rein;

John E. Bos, of Lansing, Mich., John Brattin, of Lansing, Mich., Thomas L. Brown, of Lansing, Mich., Edgar Lee Church, of Lansing, Mich., Joseph C. Cox, of Fowlerville, Mich., Leo A. Farhat, of Lansing, Mich., William H. Schwan, of Lansing, Mich., Lee G. Sheffer, of Lansing, Mich., William Nicholas Kritselis, of Lansing, Mich., Joseph F. Lavey, of Lansing, Mich., Daniel C. Learned, of East Lansing, Mich., Jonathan E. Marie, of Lansing, Mich., Jesse D. Parks, of Lansing, Mich., Donald G. Huber, of Lansing, Mich., Lloyd H. Kempf, of Lansing Mich., Edward B. Spence, of Lansing, Mich., Frederick L. Stackable, of Lansing, Mich., Carroll Richard Taber, of Lansing, Mich., Robert J. Taube, of Lansing, Mich., William Henry Van Duzer, of Lansing, Mich., Eugene Gilkison Wanger, of Lansing, Mich., Marilyn Morris Wanger, of Lansing, Mich., and Charles F. Willingham, of East Lansing, Mich., on motion of Mr. Charles E. Chamberlain;

Donald Lee Boone, of High Point, N.C., Louis Joseph Fisher III, of High Point, N.C., Daniel Watson Fouts, of Greensboro, N.C. Charles T. Hagan, Jr., of Greensboro, N.C., W. Dan Herring, of High Point, N.C., Armistead Wright Sapp, Jr., of Greensboro, N.C., Arch K. Schoch IV, of High Point, N.C., Hubert E. Seymour, Jr., of Greensboro, N.C., Franklin Delano Smith, of Elkin, N.C., C. Richard Tate, Jr., of High Point, N.C., and Jerry C. Wilson of High Point, N.C., on motion of Mr. Horace Robinson Kornegay; John G. Dalton Jr., of Port Washington, N.Y., Jay G. Foonberg, of Beverly Hills, Calif., Steven F. Gadon, of Philadelphia, Pa., Kenneth Gluck, of Elizabeth, N.J., Louis S. Goldberg, of Sioux City, Iowa, Alvin M.

Kurtzman, of Beverly Hills, Calif., Richard M. Levin, of Beverly Hills, Calif., John J. McQueen, of Tulsa, Okla., Mac Mermell, of Miami, Fla., Sanford Earl Moore, of New York, N.Y., Bernard Neiman, of Los Angeles, Calif., Elli Nilsen, of Los Angeles, Calif., H. Paul Simon, of New Orleans, La., Jack Smolen, of New York, N.Y., Romulus Saunders Watson, of Charlotte, N.C., and Elmer J. Whiting, Jr., of Cleveland, Ohio, on motion of Mr. Burton S. Rosky;

Eugene V. Alessandrone, of Philadelphia, Pa., Walter Y. Anthony, of Philadelphia, Pa., Walter William Beachboard, of Philadelphia, Pa., Albert R. Beal, of Philadelphia, Pa., Milton Becket, of Philadelphia, Pa., Stanton A. Berkowitz, of Philadelphia, Pa., Richard Jere Bloche, of Philadelphia, Pa., Charles Jay Bogdanoff, of Philadelphia, Pa., David N. Bressler, of Philadelphia, Pa., James A. Burgess, Jr., of Philadelphia, Pa., Edmund P. Butler, of Philadelphia, Pa., George A. Butler, Jr., of Philadelphia, Pa., Fred Cohen, of Philadelphia, Pa., John J. Connors, Jr., of Philadelphia, Pa., Robert W. Costigan, of Philadelphia, Pa., Frederick D. Duden, Jr., of Philadelphia, Pa., Joel Every, of Philadelphia, Pa., Ralph C. Evert, of Philadelphia, Pa., James J. Feerick, Jr., of Havertown, Pa., Robert L. Franklin, of Philadelphia, Pa., Marvin F. Galfand, of Philadelphia, Pa., Kenneth N. Garber, of Philadelphia, Pa., Richard J. Gordon, of Philadelphia, Pa., Richard S. Harkins, of Philadelphia, Pa., Stephen Joseph Harmelin, of Philadelphia, Pa., Sidney E. Herold, of Philadelphia, Pa., Beryl E. Hoffman, of Philadelphia, Pa., John S. Kokonos, of Philadelphia, Pa., John W. Kormes, of Philadelphia, Pa., Bernard L. Kubert, of Philadelphia, Pa., Alan Richard Kutner, of Philadelphia, Pa., Seymour Lackier, of Philadelphia, Pa., Wendell Howell Livingston, of Philadelphia, Pa., Wilfred F. Lorry, of Philadelphia, Pa., David H. Marion, of Philadelphia, Pa., E. Paul Maschmeyer, of Philadelphia, Pa., C. Dale McClain, of Philadelphia, Pa., Edward G. Mekel, of Philadelphia, Pa., Allen M. Metzger, of Philadelphia, Pa., Maurice M. Mordell, of Philadelphia, Pa., Robert Allan Resnick, of Philadelphia, Pa., Robert A. Rosin, of Philadelphia, Pa., Edwin Scott, of Philadelphia, Pa., Robert M. Shay, of Philadelphia, Pa., Robert John Stern, of Philadelphia, Pa., Clayton H. Thomas, Jr., of Philadelphia, Pa., Ronald C. Unterberger, of Philadelphia, Pa., Malcolm Henry Waldron, Jr., of Philadelphia, Pa., Barry Waxman, of Philadelphia, Pa., Lionel A. Waxman, of Philadelphia, Pa., Leonard Zach, of Philadelphia, Pa., Jerome A. Zaleski, of Philadelphia, Pa., and Jerry Zaslow, of Philadelphia, Pa., on motion of Mr. Solicitor General Erwin N. Griswold;

Robert S. Asher, of New York, N.Y., Jacob W. Bailis, of Bronx, N.Y., Louis Beck, of New York, N.Y., Sylvia Karson Beck, of New York, N.Y., Elizabeth Anne Bricker, of Brooklyn, N.Y., Benedict A. Caiola, of New York, N.Y., Robert A. Clark, of White Plains, N.Y.,

David D. Cohen, of New York, N.Y., Thomas N. Colesanti, of New York, N.Y., John James Corbley, of New York, N.Y., Thomas M. D'Ambrosio, of New York, N.Y., Amelia Theresa DelVecchio, of Bronx, N.Y., Stanley B. Dreyer, of Albertson, N.Y., Bernard Gordon Ehrlich, of Bedford Village, N.Y., Michael F. Erdheim of New York, N.Y., James Farlekas, of New York, N.Y., Robert Louis Ferris, of New York, N.Y., Joel Jay Flick, of New York, N.Y., Anita Florio, of New York, N.Y., Robert Florsheim, of New York, N.Y., Theodore Garfiel, of New York, N.Y., Joseph P. Garvey, of New York, N.Y., Julius Goldstein, of New York, N.Y., Archie A. Gorfinkel, of New York, N.Y., Joseph Paul Governali, of New York, N.Y., William D. Grolli, of New York, N.Y., John V. Juliano, of New York, N.Y., George J. Ketterer, of New York, N.Y., John J. Kissane, of Schenectady, N.Y., Gordon Joseph Lang, of Roslyn Estates, N.Y., Francis T. Leddy, of Yonkers, N.Y., Leon Liner, of New York, N.Y., Mario J. Lombardi, of New York, N.Y., Salvatore Joseph Mammanna, of Tappan, N.Y., Andrew C. McCarthy, of New York, N.Y., Monroe Messenger, of Bronx, N.Y., Kevin D. Moloney, of New York, N.Y., Eugene E. Murphy, of New York, N.Y., Saverio A. Muschio, of New York, N.Y., George Nodelman, of New York, N.Y., John J. O'Connor, Jr., of New York, N.Y., Francis X. Olwell, of New York, N.Y., Thomas Joseph O'Malley, of New York, N.Y., Victor N. Pacor, of Eastchester, N.Y., Alfonse R. Petrocine, of New York, N.Y., Vincent T. Quattrochi, of New York, N.Y., Alfred Dale Rodman, of New York, N.Y., Nathan D. Rosenblatt, of New York, N.Y., Frederick A. Rossetti, of New York, N.Y., Tobias A. Russo, of New York, N.Y., Louis L. Schwartz, of New York, N.Y., Roy J. Schwartz, of New York, N.Y., Joseph V. Shostak, of New York, N.Y., George N. Statfeld, of New York, N.Y., Theodore D. Stein, of New York, N.Y., Paul A. Victor, of New York, N.Y., Richard Weinberger, of New York, N.Y., Morris D. Weintraub, of Bronx, N.Y., Milton L. Williams, of New York, N.Y., and Charles H. Witherwax, of New York, N.Y., on motion of Mr. Jonathan B. Bingham;

And Philip Irwin Aaron, of Huntington, N.Y., Arthur A. Anderman, of Queens, N.Y., Max I. Basner, of New York, N.Y., Howard B. Berg, of New York, N.Y., Murray Berger, of Jamaica, N.Y., James Bitses, of Astoria, N.Y., Howard L. Boris, of Queens, N.Y., Thomas J. Chase, of Ridgewood, N.Y., Gary Malcolm Darche, of Brooklyn, N.Y., Jerry M. Decker, of Levittown, N.Y., Joseph S. Deutsch, of Kew Gardens, N.Y., Robert S. Dillworth, of Queens, N.Y., Albert S. Dranoff, of Jamaica, N.Y., Leon Frank Entin, of New York, N.Y., Gene I. Esser, of New York, N.Y., Albert I. Feuerstein, of Long Beach, N.Y., Irving Finkelstein, of Woodmere, N.Y., Simon Gallet, of Bayside, N.Y., Jack Gladstein, of Jamaica, N.Y.,

Julian M. Goldstein, of Woodmere, N.Y., Edward Harris Heller, of Flushing, N.Y., Joseph Hoffnung, of Oceanside, N.Y., Arthur N. Hyman, of New York, N.Y., Franklin C. Hyman, of New York, N.Y., Alvin Kaplan, of Far Rockaway, N.Y., Sidney Kellner, of Rego Park, N.Y., Melvyn Kreines, of Bayside, N.Y., Vincent J. LaCurto, of Manhasset Hills, N.Y., Herbert J. Leifer, of New York, N.Y., Matthew Levin, of Jamaica, N.Y., Nathan Lubman, of Jamaica, N.Y., Donald R. Manes, of Jamaica, N.Y., Edward Michael McGowan, of Maspeth, N.Y., James K. Meneilly, of Queens Village, N.Y., Melvin Metzger, of Jamaica, N.Y., Irvin R. Moser, of Commack, N.Y., Erwin B. Newman, of New York, N.Y., Leslie S. Nizin, of Kew Gardens, N.Y., John O'Leary, of Maspeth, N.Y., Anthony P. Quinn, of West Hempstead, N.Y., Joshua A. Rednor, of Bayside, N.Y., Paul Rubenfeld, of Arverne, N.Y., Angelo W. Santoro, of Jamaica, N.Y., Julius Schurkman, of Albertson, N.Y., Bernard M. Seeman, of Jamaica, N.Y., Morris Siegel, of Forest Hills, N.Y., Harvey C. Sigelbaum, of New York, N.Y., Richard L. Spero, of Forest Hills, N.Y., and Kurt K. Zimmermann, of Kew Gardens, N.Y., on motion of Judge Bernard Dubin, were admitted to practice.

OPINIONS

No. **60**. Federal Power Commission, petitioner, *v.* Sunray DX Oil Company et al.;

No. **61**. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company et al.;

No. **62**. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al.;

No. **80**. Federal Power Commission, petitioner, *v.* Standard Oil Company of Texas, etc., et al.; and

No. **97**. The United Gas Improvement Company, petitioner, *v.* Sunray DX Oil Company. On writs of certiorari to the United States Court of Appeals for the Tenth Circuit; and

No. **111**. Shell Oil Company, petitioner, *v.* Public Service Commission of New York;

No. **143**. Skelly Oil Company et al., petitioners, *v.* Public Service Commission of New York et al.;

No. **144**. Federal Power Commission, petitioner, *v.* Public Service Commission of New York et al.; and

No. **231**. The Superior Oil Company, petitioner, *v.* Federal Power Commission et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments in Nos. **60**, **61**, **62**, **80**, and **97** affirmed in part and reversed in part and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Judgment in Nos. **111**, **143**,

144, and 231 reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 726. Robert T. Mathis, Sr., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join. Mr. Justice Marshall took no part in the consideration or decision of this case.

The Chief Justice said:

"The other orders of the Court has been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINION PER CURIAM

No. 42. Interstate Circuit, Inc., et al., petitioners, *v.* City of Dallas; and

No. 44. City of Dallas, petitioner, *v.* Interstate Circuit, Inc., et al. On petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Petitions for writs of certiorari granted, judgment vacated and cases remanded to the Court of Appeals for further consideration in light of the opinion of this Court in *Interstate Circuit, Inc. v. City of Dallas*, 390 U. S. —, decided April 22, 1968. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas would grant certiorari and reverse judgment of the Court of Appeals for the reasons stated in the dissenting opinion of Mr. Justice Douglas in *Ginsberg v. New York*, 390 U.S. —, April 22, 1968.

ORDERS IN PENDING CASES

No. 29, **Original**. State of Texas et al., plaintiffs, *v.* State of Colorado. The motion of the United States for leave to intervene is granted. The joint motion of Texas, New Mexico, and Colorado for continuance is granted. Mr. Justice Marshall took no part in the consideration or decision of these motions.

No. 325. James A. Watts et al., petitioners, *v.* Seward School Board et al. The motion of the petitioners for leave to file a supplemental memorandum, after argument, is granted.

No. 1257. Walter B. Foster, petitioner, *v.* California. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Kenneth L. Maddy, Esquire, of Fresno, California, be,

and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. **1281**. Harold Kaufman, petitioner, *v.* United States. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Bruce R. Jacob, Esquire, of Atlanta, Georgia, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. **718, Misc.**, October Term, 1965. Robert M. Williamson, Jr., et al., petitioners, *v.* Judge Dallas Blankenship, etc., et al. The motion to recall and amend the order denying certiorari is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

CERTIORARI GRANTED

No. **1172**. Carl F. Grunenthal, petitioner, *v.* The Long Island Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. **176, Misc.** Robert Newton Gardner, Jr., petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Superior Court of California, County of San Luis Obispo, granted. Case transferred to the appellate docket and placed on the summary calendar.

No. **772, Misc.** Philip Jerome Stiles, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. **1227**. Robert L. Strauss, petitioner, *v.* T. Ralph Grimes, Sheriff of Fulton County, Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. **1228**. Wilton Ross Thompson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1233**. Emmet P. Burke, petitioner, *v.* Everett T. Carpenter et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1236**. George Deloney et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1237.** Frank Millard Benson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1239.** Citizens Bank of Hattiesburg et al., petitioners, *v.* William B. Camp, Comptroller of the Currency of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Court denied.

No. **1243.** Local 138, International Union of Operating Engineers, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1244.** Dewey Wilson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1247.** The 931 East Boulevard Company, petitioner, *v.* City of Cleveland et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1248.** Hesmer Foods, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1251.** John C. Swan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1254.** Roanoke Iron & Bridge Works, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1256.** Koehring Company, petitioner, *v.* Hyde Construction Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1258.** Continental Marketing Corporation, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1260.** Wyeth-Scott Company, petitioner, *v.* Superior Court of California for the County of Los Angeles et al. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1265.** William J. Frombach, petitioner, *v.* Gilbert Associates, Inc. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. **1288**. American Oil Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1114**. Katherine Ann Arkey, petitioner, *v.* Ohio. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1235**. Reuben Sturman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. **914, Misc.** Edward C. Allison, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. **1009, Misc.** James Conway, petitioner, *v.* Raymond L. Procnier, Director, Department of Corrections of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1025, Misc.** Raymond Luther Bryans, Jr., petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1124, Misc.** Raymond Luther Bryans, Jr., petitioner, *v.* O. G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1166, Misc.** Robert Alan Talmanson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1237, Misc.** Benjamin Tovered Lerma, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1329, Misc.** Arlanders Jones, petitioner, *v.* R. K. Procnier, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1333, Misc.** Edward M. Sturgis, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1334, Misc.** Howard W. Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1338, Misc.** James W. Stovall, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1339, Misc.** Commodore Reed, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1342, **Misc.** George M. Wood, Jr., petitioner, *v.* Conneaut Lake Park, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1348, **Misc.** Willie Charles Hill, petitioner, *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1349, **Misc.** Cora Lee Carter et al., petitioners, *v.* Highway Insurance Underwriters et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1352, **Misc.** Marvin John Piche, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1355, **Misc.** Francis Haines, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the Circuit Court of Cook County, Illinois, denied.

No. 1357, **Misc.** Ralph Steele, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1362, **Misc.** Thomas A. Patton, petitioner, *v.* Veterans' Administration et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1365, **Misc.** James E. DeBartolo, petitioner, *v.* Louis Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1390, **Misc.** Marvin A. Price, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1391, **Misc.** Sidoro Agnello, petitioner, *v.* Joseph I. Woods, Sheriff of Cook County, Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1395, **Misc.** Billy Ray Harris, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1477, **Misc.** Ralph C. Turner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1424, **Misc.** Rochester Harris, petitioner, *v.* George A. Kropp, Warden;

No. 1432, **Misc.** Everett Graves, petitioner, *v.* Louie L. Wainwright;

No. 1467, **Misc.** James Richard Hampson, petitioner, *v.* William C. Robb, Clerk, etc.; and

No. 1504, **Misc.** James F. Ronan, petitioner *v.* Harry K. Stone et al. Motions for leave to file petitions for writ of habeas corpus denied.

REHEARINGS DENIED

No. 38. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee; and

No. 528. Marion J. Berguido et al., petitioners, *v.* Eastern Airlines, Incorporated. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 1018. C. Parke Masterson, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

No. 709, **Misc.** James Carl Saal, petitioner, *v.* United States. Petition for rehearing denied.

Adjourned until Monday, May 20, 1968, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Lee Worthington Cake, of Berkeley, Calif., Thomas M. Montgomery, of Eureka, Calif., Lowell Bennett Howard, of Athens, Ohio, Donald W. Shearer, of Los Angeles, Calif., David St. John Brown, of Washington, D.C., Robert LaVerne Rebein, of Springfield, Va., William M. Hecht, of New York, N.Y., Francis Cabell Brown, Jr., of New York, N.Y., Morris H. Etkin, of New York, N.Y., James A. Dobkin, of New York, N.Y., Robert L. Podvey, of Tenafly, N.J., George Daniel Kuzoff, of Lorain, Ohio, David A. Goldberg, of Portland, Oreg., Dudley Perdue Davis, of Center, Tex., John W. Holt, of Salt Lake City, Utah, Eugene Paul Kopp, of Charleston, W. Va., and Robert N. Gates, Jr., of Olympia, Wash., on motion of Mr. Solicitor General Erwin N. Griswold; Thomas Jefferson Griffith, of Lubbock, Tex., on motion of Mr. Ralph W. Yarborough;

James F. Battin, of Billings, Mont., on motion of Mr. Jackson E. Betts; Paul N. McCloskey, Jr., of Portola Valley, Calif., Grayson S. Taketa, of San Jose, Calif., and G. Brooks Ice, of San Mateo, Calif., on motion of Mr. Walter Pozen; Calvin C. Rock, of East Detroit, Mich., on motion of Mr. James G. O'Hara; Thomas H. Suddarth, Jr., of Lexington, N.C., on motion of Mr. Horace Robinson Kornegay; John T. Maley, of Denver, Colo., on motion of Mr. Byron G. Rogers; Barton Lowell Kaufman, of Indianapolis, Inc., on motion of Mr. William G. Bray; D. B. Udall, of Tucson, Ariz., on motion of Mr. Morris King Udall; Richard Bryan Burk, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Raymond Edgar Tompkins, of Oklahoma City, Okla., on motion of Mr. Page Belcher; Lawrence L. Fuller, of Odessa, Tex., on motion of Mr. Richard C. White; Richard Eugene Madory, of Santa Ana, Calif., on motion of Mr. James B. Utt;

John Patrick McDowell, of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders; John Finley Witherspoon, of Bethesda, Md., on motion of Judge Giles Sutherland Rich; Giles K. Ratcliffe, of Oklahoma City, Okla., on motion of Mr. Brice Wilson Rhyne; Lawrence Teplin, of Los Angeles, Calif., on motion of Mr. Paul Porter; Roger Carl Algase, of New York, N.Y., on motion of Mr. Donald M. Murtha; Bruce Henry Hasenkamp, of New York, N.Y., on motion of Mr. Carl

L. Shipley; Joseph G. Manta, of Philadelphia, Pa., on motion of Mr. Alan Y. Cole; John Lane, Jr., of Alexandria, Va., on motion of Mr. Gilbert A. Cuneo; Rady A. Johnson, of North Platte, Nebr., on motion of Mr. Walter R. Johnson; Carlton Thomas Normand, of Houston, Tex., on motion of Mr. Thomas Dewey Wise; Henry Joseph Noyes, of Rockville, Md., on motion of Mr. Robert A. Jacques; Mario F. Escudero, of Washington, D.C., on motion of Mr. John E. Holtzinger; Leslie Boyette Bagley, of Mansfield, La., on motion of Mr. Will E. Leonard;

Donald Paul White, of Riverton, Wyo., on motion of Mr. Dudley Miles; Herbert L. Kaplan, of Miami Beach, Fla., on motion of Mr. Michael Joseph; Joseph T. Garlovsky, of Chicago, Ill., on motion of Mr. Russell T. Boyle; George Herbert Patrick Bursley, of Oakland, Calif., on motion of Mr. James Pomeroy Hendrick; Gerald Patrick Norton, of Washington, D.C., on motion of Mr. Richard Merrill; Thomas Edward Eichhorst, of St. Louis, Mo., on motion of Mr. William P. MacCracken, Jr.; James D. Santini, of Las Vegas, Nev., on motion of Mr. Daniel Leach; Michael Joseph Bullinger, of Saginaw, Mich., on motion of Mr. William T. Bullinger; Hubert L. Burch, of Rogers, Ark., on motion of Mr. Floyd Lee Williams; Leonard A. Keller, of Detroit, Mich., on motion of Mr. Wilbur Sparks; Charles Andrew Coomes, of Washington, D.C., Reginald Turner Hamner, of Northport, Ala., Theodore F. Jordan, Jr., of Newark, N.J., Bernard Marcak, of Shiner, Tex., and Keithe E. Nelson, of Grand Forks, N. Dak., on motion of Mr. Lew D. Brundage;

John Charles Harris, of Alexandria, Va., on motion of Mr. Dewey R. Roark, Jr.; William McDougall, of Boise, Idaho, on motion of Mr. Emery David Duane, Jr.; Lula Marguerite Howard, of Washington, D.C., on motion of Mr. Reginald B. Jackson; Richard T. Cowan, of Savannah, Ga., on motion of Mr. Harry P. Anestos; William S. Cooper, of Baltimore, Md., A. Samuel Peregoff, of Baltimore, Md., and Louis H. Peregoff, of Baltimore, Md., on motion of Mr. Jerome W. Taylor; R. Bruce Alderman, of Baltimore, Md., M. Dale Anderson, of Baltimore, Md., Philip F. Bennett, of Baltimore, Md., S. Eric DiNenna, of Baltimore, Md., Charles Edward Hentz, of Baltimore, Md., Christian M. Kahl, of Baltimore, Md., M. Jacqueline McCurdy, of Baltimore, Md., Charles E. Norton, Jr., of Baltimore, Md., Gordon L. Peltz, of Baltimore, Md., Eugene George Ricks, Sr., of Baltimore, Md., Jean Gregory Rogers, of Baltimore, Md., and Harry Shapiro, of Baltimore, Md., on motion of Mr. Harris James George;

John J. Collins, of Fallsington, Pa., Edward Dillwyn Darlington, of Feasterville, Pa., David Durben, of Langhorne, Pa., Joseph Flum, of Newtown, Pa., Howard T. Gathright, of Doylestown, Pa., Richard Giannini, Jr., of Warrenton, Pa., Peter A. Glascott, of Doylestown,

Pa., William Lewis Goldman, of Doylestown, Pa., H. Paul Kester, of Newtown, Pa., C. David Krewson, of Newtown, Pa., Lee B. Lansberry, of Doylestown, Pa., Daniel J. Lawler, of Feasterville, Pa., Samuel A. Litzenberger, of Doylestown, Pa., William B. Moyer, of Doylestown, Pa., Frank C. Nicholas, of Line Lexington, Pa., Marvin L. Portney, of Bristol, Pa., Jesse Hale Pratt, Jr., of Furlong, Pa., John S. Renninger, of Doylestown, Pa., William Hart Rufe III, of Sellersville, Pa., Alfred F. Shea, of Cornwells Heights, Pa., Bernard F. Shearn, of Cornwells Heights, Pa., Frederick E. Smith, of Doylestown, Pa., Leonard B. Sokolove, of Bristol, Pa., Donald L. Toner, of Doylestown, Pa., Robert W. Valimont, of Doylestown, Pa., Harold B. Vikoren, of Doylestown, Pa., Robert L. White, of Levittown, Pa., Virgil Dansby White, Jr., of Yardley, Pa., Robert H. Yaroschuk, of Doylestown, Pa., Marvin Joshua Cohen, of Levittown, Pa., Ralf E. Gilbert, of Morrisville, Pa., and C. William Freed, Jr., of Quakertown, Pa., on motion of Mr. Edward G. Biester, Jr. ;

Allen D. Adams, Jr., of Louisville, Ky., Michael Arthur Brown, of San Antonio, Tex., Raymond Dean Cole, of Sioux City, Iowa, Robert George Dorsey, of Morgantown, W. Va., W. Perry Dray, of Cheyenne, Wyo., William A. Dyess, of Statford, Tex., Glade F. Flake, of Springfield, Va., John L. Fugh, of Berkeley, Calif., John Wall Hanft, of Chapel Hill, N.C., William Dixon Haught, of Lawrence, Kans., Phil Harget, of Paragould, Ark., Roger Keith Hoover, of Whitehouse Station, N.J., Richard Dean Jones, of Stillwater, Okla., Peter J. Kane, of Brewster, N.Y., Daniel Arthur Kile, of New Fairfield, Conn., Earl Mitchell LaPlant, Jr., of Sturgeon Bay, Wis., Ralph J. May, Jr., of Oklahoma City, Okla., Robert Edward Murray, of Lorain, Ohio, Robert M. Nutt, of Hot Springs, Ark., Kenneth Alan Raby, of Edgemont, S. Dak., George Cannon Ryker, of Seattle, Wash., James P. Shannon, of New York, N.Y., Ronald Blaine Stewart, of Williamsburg, Ky., Raymond Kiefer Wicker, of Newberry, S.C., Richard Austin Wier, of Washington, D.C., Walter Leslie Williams, Jr., of Charlottesville, Va., Jerry Vincent Witt, of San Antonio, Tex., and Pedar Christian Wold, of Fargo, N. Dak., on motion of Mr. Robert M. Williams; and

George O. Arkin, of New York, N.Y., Theodore R. Ayervais, of New York, N.Y., Robert H. Bachman, of Hamden, Conn., Charles W. Beck Jr., of Newburgh, N.Y., Richard S. Bernstein, of New York, N.Y., Donn L. Black, of Lafayette, Calif., Julius M. Bornstein, of Yonkers, N.Y., Eugene F. Brady, of New York, N.Y., Julian Harris Cohen, of Freeport, N.Y., John Patrick Collins, of New York, N.Y., Paul Crosney, of New York, N.Y., Irving Paul Dinerman, of New York, N.Y., James Dubin, of New York, N.Y., Sherwin J. Fenchel, of New York, N.Y., Joseph Lawrence Forstadt, of New York, N.Y., Morris Huda Gershon, of New York, N.Y., Peter G. Graf, of New

York, N.Y., Kenneth A. Greene, of Bloomfield, N.J., J. Stanley Halperin, of New York, N.Y., Wayne R. Hannah, Jr., of Chicago, Ill., Donald J. Howard, of New York, N.Y., Jay R. Irgang, of New York, N.Y., Edgar N. Jay, of Glen Cove, N.Y., Stephen R. Jellenik, of Smithtown, N.Y., Roberta Segal Karmel, of Hastings-on-Hudson, N.Y., Jerome David Kindman, of Briarwood, N.Y., Seymour Klagsbrun, New York, N.Y., Elias Lauer, of Jamaica, N.Y., Donald Lazarus, of New York, N.Y., Julius Levinson, of Cedarhurst, N.Y., Milton Lichtman, of New York, N.Y., Daniel H. Link, of Brooklyn, N.Y., Anthony R. Lorenzo, of Stamford, Conn., George Foster Mackey, of New York, N.Y., Raymond A. Mantle, of New York, N.Y., Henry M. Margolis, of New York, N.Y., Arthur David Markle, of Alligerville, N.Y., Edward J. McGlinchey, of Warminster, Pa., Albert J. E. McLaughlin, of New York, N.Y., Walter Giles McNeill, of Port Washington, N.Y., William Miller, of Princeton, N.J., William Charles Miller, of New York, N.Y., William Raymond Moran, of New York, N.Y., Irving Norden, of New York, N.Y., Carl Raymond Nelson, of New York, N.Y., Peter H. Neuman, of Newburgh, N.Y., Benjamin Newman, of New York, N.Y., Richard D. Obenshain, of Richmond, Va., Howard A. Perry, of Delmar, N.Y., Allen S. Peterman, of Franklin Square, N.Y., Arnold M. Pohl, of New York, N.Y., William L. Race, of Endicott, N.Y., Kenneth Reiss, of Great Neck, N.Y., William George Rhines, of Weston, Conn., Michael A. Roberts, of New York, N.Y., Herbert Rogowsky, of Port Chester, N.Y., Jay Martin Rosen, of New York, N.Y., Martin M. Rosenbaum, of New York, N.Y., Jerome R. Rosenberg, of New York, N.Y., William M. Saba, of New York, N.Y., Eugene Schaffel, of New York, N.Y., Richard I. Scheyer, of Hauppauge, N.Y., Edward Schlesinger, of New York, N.Y., Stanley D. Schuval, of Brooklyn, N.Y., Richard Secular, of New York, N.Y., Stephen D. Siegfried, of Hampton Bays, N.Y., Victor Simon, of New York, N.Y., Norman Sinrich, of New York, N.Y., Solomon E. Star, of New York, N.Y., George Strell, of New York, N.Y., Alfred Takiff, of New York, N.Y., Abraham Tannenbaum, of New York, N.Y., Michael Harold Testa, of New York, N.Y., Victor S. Trygstad, of New York, N.Y., Edward Hatch Valance, of New York, N.Y., Timothy J. Walsh, of Pelham Manor, N.Y., Michael Brandt Weinberg, of New York, N.Y., George Alexander Weiss, of Brooklyn, N.Y., Arnold Windsberg, of Washington, D.C., Gerard Wollenberger, of New York, N.Y., and Benjamin J. Zinkin, of New York, N.Y., on motion of Mr. Emil Zola Berman, were admitted to practice.

OPINIONS

No. 23. First National Bank of Arizona, etc. petitioner, *v.* Cities Service Co. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Marshall. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Brennan join. Mr. Justice Douglas took no part in the decision of this case.

No. 478. Amalgamated Food Employees Union Local 590 et al., petitioners, *v.* Logan Valley Plaza, Inc., and Weis Markets, Inc. On writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Judgment reversed and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Marshall. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. 71. James P. Carafas, petitioner, *v.* J. Edwin LaVallee, Warden. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Concurring opinion by Mr. Justice Harlan and Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 597. United States, appellant, *v.* United Shoe Machinery Corporation. Appeal from the United States District Court for the District of Massachusetts. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 410. Gary Duncan, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Concurring opinion by Mr. Justice Fortas in this case and in No. 52, *post*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 52. S. Edward Bloom, petitioner, *v.* Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice

White. Concurring opinion by Mr. Justice Fortas in this case and in No. 410, *ante*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 149. Wayne Dyke et al., petitioners, *v.* Taylor Implement Manufacturing Company, Inc. On writ of certiorari to the Supreme Court of Tennessee, Eastern Division. Judgment reversed and case remanded to the Supreme Court of Tennessee, Eastern Division, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins, concurring in the judgment and in that part of the Court's opinion dealing with the admission at petitioner's trial of evidence produced by an unlawful search. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 616. Joint Industry Board of the Electrical Industry et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Brennan join.

No. 309. American Federation of Musicians of the United States and Canada et al., petitioners, *v.* Joseph Carroll et al.; and

No. 310. Joseph Carroll et al., petitioners, *v.* American Federation of Musicians of the United States and Canada, etc., et al. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment vacated and cases remanded to the Court of Appeals with direction to enter a judgment affirming the judgment of the United States District Court for the Southern District of New York in its entirety. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice White with whom Mr. Justice Black joins. Mr. Chief Justice Warren and Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 705. George William Bruton, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Black concurs in the result for the reasons stated in the dissent in *Delli Paoli v. United States*, 352 U.S. 232, 246. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 760. Commissioner of Internal Revenue, petitioner, *v.* Irving Gordon et ux. On writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. **731**. Oscar E. Baan et ux., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment in No. **760** reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Judgment in No. **731** affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. **508**. Thelma Levy, etc., appellant, *v.* Louisiana, etc., et al. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black and Mr. Justice Stewart join in this case and in No. **639**, *post*.

No. **639**. Minnie Brade Glona, petitioner, *v.* American Guarantee & Liability Insurance Company et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black and Mr. Justice Stewart join in this case and in No. **508**, *ante*.

No. **302**. C. C. Peyton, Superintendent of the Virginia State Penitentiary, petitioner, *v.* Robert Elmer Rowe et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgments affirmed. Opinion by Mr. Chief Justice Warren.

No. **701**. In the Matter of Buddy Lynn Whittington, petitioner. On writ of certiorari to the Court of Appeals of Ohio, Fairfield County. Judgment vacated and case remanded to the Court of Appeals of Ohio, Fairfield County, for consideration in light of *In re Gault*, 387 U.S. 1. *Per curiam* opinion announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice White with whom Mr. Justice Black joins.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. **227**. Federal Power Commission, petitioner, *v.* Pan American Petroleum Corporation et al.; and

No. **415**. Long Island Lighting Company et al., petitioners, *v.* Pan American Petroleum Corporation et al. On petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit.

Petitions for writs of certiorari granted, judgments vacated, and cases remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 373. California et al., petitioners, *v.* Phillips Petroleum Company et al.;

No. 380. Pacific Gas and Electric Company et al., petitioners, *v.* Phillips Petroleum Company et al.; and

No. 385. Federal Power Commission, petitioner, *v.* Phillips Petroleum Company et al. On petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit. Petitions for writs of certiorari granted, judgments vacated, and cases remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas dissents. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 503. The Brooklyn Union Gas Company et al., petitioners, *v.* Standard Oil Company of Texas et al. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1238. Willett Wilson, appellant, *v.* City of Port Lavaca, Texas, et al. Appeal from the United States District Court for the Southern District of Texas. Judgment vacated and case remanded to the United States District Court for the Southern District of Texas for further consideration in conformity with the opinion of this Court. Opinion *per curiam*.

No. 1241. George Seferi et al., appellants, *v.* Howard S. Ives, State Highway Commissioner. Appeal from the Supreme Court of Connecticut. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1252. Roger D. Branigin et al., as members of the State Election Board of Indiana, appellants, *v.* Dorothy C. Duddleston et al.; and

No. 1263. Joseph W. Summers, appellant, *v.* Dorothy C. Duddleston et al. Appeals from the United States District Court for the Southern District of Indiana. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan, for reasons contained in his memorandum of March 4, 1968, in which he acquiesced in the denial of stays of enforcement of the District Court's judgment, also acquiesces in the Court's affirmance of that judgment.

No. **1295**, *Misc.* North American Van Lines, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Indiana. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **1317**. Max B. Goldblatt, appellant, *v.* City of Dallas. Appeal from the United States District Court for the Northern District of Texas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. **573**, *Misc.* Robert Zwicker et al., appellants, *v.* James Boll, Individually and as District Attorney of Dane County, Wisconsin, et al. Appeal from the United States District Court for the Western District of Wisconsin. Motion for leave to proceed *in forma pauperis* granted. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas.

No. **794**, *Misc.* Roy F. Darwin, petitioner, *v.* Connecticut. On petition for writ of certiorari to the Supreme Court of Connecticut. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Connecticut for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice White dissents. Opinion by Mr. Justice Harlan concurring in part and dissenting in part.

No. **1217**, *Misc.* Aurelius Howard, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. **1285**, *Misc.* Frederick Brooks et al., appellants, *v.* Beverly Briley, Mayor, etc., et al. Appeal from the United States District Court for the Middle District of Tennessee. Motion for leave to proceed *in forma pauperis* granted. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. **1392**, *Misc.* Claudia Walker, appellant, *v.* California. Appeal from the Superior Court of California, County of San Francisco. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. The Chief Justice took no part in the consideration or decision of this case.

No. **1446**, *Misc.* Calvin Winston Jackson, appellant, *v.* Louis S. Nelson, Warden. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers where-

on the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1536, Misc. Leroy Rubeck, appellant, *v.* New York. Appeal from the Appellate Division of the Supreme Court of New York, Fourth Judicial Department. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. ——. Paul V. Winters, Jr., petitioner, *v.* United States et al. The application for reconsideration of the application for a temporary stay, presented to Mr. Justice Douglas, and by him referred to the Court, is denied. Mr. Justice Douglas dissents.

No. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. The motions of the State of Louisiana and the United States for the entry of Supplemental Decree No. 2 are set down for oral argument during the week of October 14, 1968. The main briefs of counsel shall be filed on or before August 15, 1968, and reply briefs on or before September 16, 1968. The Chief Justice and Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 23. Patricia Waldron, etc., petitioner, *v.* Cities Service Co. The motion to substitute the First National Bank of Arizona in place of Patricia Waldron as the petitioner is granted.

No. 937. Commonwealth Coatings Corporation, petitioner, *v.* Continental Casualty Company et al. The motion of the respondents to remove this case from the summary calendar is denied.

No. 1280. Makah Indian Tribe, etc., appellants, *v.* Tax Commission of the State of Washington et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1399. Robert Newton Gardner, Jr., petitioner, *v.* California. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Charles E. Rickershauser, Jr., Esquire, of Los Angeles, California, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 1902, Misc. In Matter of Disbarment of Sol Rothbard. It is ordered that Sol Rothbard, of Washington, District of Columbia, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

CERTIORARI GRANTED

No. 1303. Lear, Incorporated, petitioner, *v.* John S. Adkins. Petition for writ of certiorari to the Supreme Court of California granted.

No. 1246. James J. Oestereich, petitioner, *v.* Selective Service System Local Board No. 11, Cheyenne, Wyoming, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 1142. Donald F. Underhill, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1230. Southern Pacific Company, petitioner, *v.* Brotherhood of Locomotive Firemen and Enginemen. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1242. Morris S. Bromberg et al., petitioners, *v.* Holiday Inns of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1264. International Longshoremen's Association et al., petitioners, *v.* Philadelphia Marine Trade Association. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1271. Lee Mansell Gilstrap and Marcus Randolph Martin, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1272. Jack C. Fruge, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1275. Walter Butterman et ux., petitioners, *v.* Walston & Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1278. Edd Pruitt et ux., petitioners, *v.* Helene Curtis Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1279. Automatic Radio Mfg. Co., Inc., et al., petitioners, *v.* Ford Motor Co. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1282. Stanley Duane Burden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for Ninth Circuit denied.

No. 1287. Esso Standard Oil S. A., petitioner, *v.* SS Gasbras Sul, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1289.** Garland Claude Cochran and Jack Donald Evans, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1292.** Building and Construction Trades Council of New Orleans, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1293.** Fred Cherry et al., petitioners, *v.* Postmaster-General of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1294.** D/S A/S Sverre, petitioner, *v.* Texports Stevedore Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1298.** Athena Cielen, petitioner, *v.* Aetna Life Insurance Company et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. **1300.** John R. Stearns, petitioner, *v.* Bonita M. Tabor, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1304.** A. Z. Handsford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1306.** William F. Scanlan, petitioner, *v.* Anheuser-Busch, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1308.** Corliss Lamont, etc., petitioner, *v.* Commissioner of Motor Vehicles and R. L. Polk & Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1322.** Kamerman & Kamerman, petitioner, *v.* Charles Seligson, as Trustee in Bankruptcy of Ira Haupt & Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1334.** Ronald Kent Hooper and Purvis Ole Scroggs, petitioners, *v.* William H. Gooding, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1335.** Ronald Kent Hooper and Purvis Ole Scroggs, petitioners, *v.* William H. Gooding, etc., et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. **82.** Texaco, Inc., et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 504. Austral Oil Company Incorporated, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 516. The Superior Oil Company et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 520. The Brooklyn Union Gas Company et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 526. Blanco Oil Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 628. Texaco, Inc., et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1259. Denver & Rio Grande Western Railroad Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1285. Robert Lynn Martin and Maurice Daniel Dodson, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1296. John Burton Moody, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1130. Frank Phelan, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1245. In the Matter of Disciplinary Proceedings against Loring J. Whiteside. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1250. General Foods Corporation, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court

of Appeals for the Third Circuit denied. Mr. Justice Harlan is of the opinion that certiorari should be granted and case set down for oral argument.

No. **1268**. Walter Kocher, petitioner, *v.* Henry Fowler, Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. **1284**. Irving Burton Nesson, petitioner, *v.* United States. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1331**. Revelle W. Brown et al., Trustees of the Estate of Stephen Girard, petitioners, *v.* Pennsylvania et al. Motion of Girard College Alumni for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. **1348**. Harold W. Follette, Warden, petitioner, *v.* John J. Molloy. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. **899, Misc.** Robert James Rasmussen, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **926, Misc.** Douglas Ray Fletcher, petitioner, *v.* George S. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **948, Misc.** Salvador Campos Gonzales, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **999, Misc.** William A. Bram, petitioner, *v.* Ross E. Herold, Director, Dannemora State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1000, Misc.** Walter Eugene Spurrier petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1027, Misc.** Ralph Spurlin, petitioner, *v.* A. L. Dutton, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1073, **Misc.** Ralph McFadden, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1100, **Misc.** Joseph Quarles and Calvin Percy Martin, petitioners *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1239, **Misc.** Sidney Bickham, petitioner, *v.* Dr. McSweeny et al. Petition for writ of certiorari to the Circuit Court of Will County, Michigan, denied.

No. 1259, **Misc.** Clifton H. Johnson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1294, **Misc.** William Rabiolo, petitioner, *v.* Myron Weinstein et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1297, **Misc.** William Patrick Ryan, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1305, **Misc.** Luther Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1313, **Misc.** Riley Wayne Daugherty, petitioner, *v.* Carl Hocker, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1314, **Misc.** James Wilkins, petitioner, *v.* Ross E. Herold, Director, Dannemora State Hospital. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 1319, **Misc.** Charles Hinman, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1326, **Misc.** Leon G. Schack, petitioner, *v.* William A. McRae, Jr., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1328, **Misc.** John W. Shuford, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1343, **Misc.** Clarence Ross Cousins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1361, **Misc.** Cager Franklin Mathis, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1372, **Misc.** Robert J. Upchurch, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1375, **Misc.** Earnest Norman, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1377, **Misc.** William Howlett Thompson, petitioner, *v. Walter E. Craven, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1379, **Misc.** Elena Kresteff, petitioner, *v. Assen Kresteff*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1384, **Misc.** Harold L. Woolsey, petitioner, *v. George J. Beto, Director, Texas Department of Corrections*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1385, **Misc.** Marvin Ophein, petitioner, *v. H. P. Campbell, Sheriff, Leavenworth County, Kansas*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1386, **Misc.** Gordon M. Allen, petitioner, *v. Jack Berry, Sheriff of Pierce County, Washington*. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1387, **Misc.** Willard Dale Miller, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1400, **Misc.** James Joseph O'Brien, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1402, **Misc.** Lee Orr, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1404, **Misc.** James K. Kelly, petitioner, *v. Kansas et al.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1406, **Misc.** Peter D. Bogart and June Bogart, petitioners, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1409, **Misc.** Marshall Clark, petitioner, *v. Ralph L. Linn, Montgomery County, et al.* Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1412, **Misc.** Jean Sinclair, petitioner, *v. John W. Turner, Warden*. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1413, **Misc.** Auburn Hare, petitioner, *v. Minnesota*. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 1416, **Misc.** Richard H. Mutch, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1418, **Misc.** Billy Ray Adams, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1421, **Misc.** Donal Wayne Wisley, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1427, **Misc.** Robert F. Urbano, petitioner, *v.* Guy W. Calissi, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1429, **Misc.** Oliver Lee Riley, petitioner, *v.* Louis S. Nelson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1431, **Misc.** Wayne J. Wilcox, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1434, **Misc.** William P. Gray, petitioner, *v.* Occidental Life Insurance Company of California. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1440, **Misc.** Edward Owen, petitioner, *v.* Buford Ellington, Governor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1450, **Misc.** Robert Chappel, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1455, **Misc.** William R. Cox, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1458, **Misc.** Earlando Williams, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1470, **Misc.** Chester Vincent Helpman, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1472, **Misc.** Joe Allen Payne, petitioner, *v.* Carl Hocker, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1473, **Misc.** Albert Lark, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1478, *Misc.* Claude George Atkins, petitioner, *v.* G. L. Sullivan. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1479, *Misc.* Clarence Leon Taylor, Jr., petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1480, *Misc.* Walter McCollaugh, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1489, *Misc.* Rosa P. Croce, petitioner, *v.* Lou Sanchez. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1491, *Misc.* Samuel Louis Jones, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1492, *Misc.* Marion Stevenson, petitioner, *v.* Warden of House of Detention for Men, Queens County. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1493, *Misc.* Joseph Oglesby, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1508, *Misc.* Willie Lee Henderson, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1510, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1513, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1514, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1517, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1518, *Misc.* Clarence Nam Sing Shak, petitioner, *v.* Hawaii. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. 1541, *Misc.* Edward Aull et al., petitioners, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1615, *Misc.* In the Matter of the Application of Robert S. Frank, petitioner. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1211, Misc.** Nathan Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **1218, Misc.** Aurelius Howard, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1363, Misc.** Jose Becera-Soto, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. **1318, Misc.** Israel Schawartzberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. **1433, Misc.** Paul A. Goodwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **1589, Misc.** Maurice Duckett, petitioner, *v.* Harold V. Field, Superintendent of California Men's Colony; and

No. **1639, Misc.** Frank C. Smith, petitioner, *v.* Frederick G. Reincke, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **1726, Misc.** Ronald Kent Hooper and Purvis Ole Scroggs, petitioners, *v.* William H. Gooding, etc. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **445.** Avco Corporation, petitioner, *v.* Aero Lodge No. 735, International Association of Machinists and Aerospace Workers et al.;

No. **1140.** Jerry D. Chaney, petitioner, *v.* State Bar of California et al.;

No. **1199.** Huey P. Meaux and Charlie Booth, petitioners, *v.* United States;

No. **652, Misc.** William A. Anderson, petitioner, *v.* Louis S. Nelson, Warden;

No. **854, Misc.** Norman Fontaine, petitioner, *v.* California;

No. 1054, Misc. Aileen Henig et al., petitioners, *v.* Rocco A. Odorioso et al.; and

No. 1209, Misc. Raymond Ross, petitioner, *v.* Walter E. Craven, Warden. Petitions for rehearing denied.

No. 59. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 70. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. Motion of the International Air Transport Association for leave to file a brief, as *amicus curiae*, granted. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

RECESS ORDER

The court will take a recess from today until Monday, May 27, 1968.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Lawrence W. Pierce, of Albany, N.Y., and James Michael Welch, of Los Angeles, Calif., on motion of Mr. Attorney General William Ramsey Clark; Charles L. Carnes, of Atlanta, Ga., Thomas Jerome Dillon, of Atlanta, Ga., James A. White, Jr., of East Point, Ga., Donald R. Bryant, of Dover, N.H., William M. Tendy, of New York, N.Y., Andrew M. Lawler, Jr., of New York, N.Y., John Hamilton Adams, of New York, N.Y., David A. Luttinger, of New York, N.Y., Edward Arthur Burke, of Cincinnati, Ohio, Joseph C. Wool, Jr., of Alexandria, Va., and Bruce A. Butcher, of Seattle, Wash., on motion of Mr. Solicitor General Erwin N. Griswold; Clayton N. Johnson, of Boulder, Colo., and Richard J. Spelts, of Denver, Colo., on motion of Mr. Peter N. Dominick; G. Curtis Webber, of Auburn, Maine, on motion of Mr. William D. Hathaway; Edward Marston Lacy, of Modesto, Calif., on motion of Mr. John J. McFall;

John H. Smith, Jr., of Brea, Calif., on motion of Mr. Richard T. Hanna; John R. Snowberger, of Phoenix, Ariz., on motion at Mr. John J. Rhodes; Richard C. Minor, of Reno, Nev., on motion of Mr. John Milan Ashbrook; J. Leonard Fleet, of Hollywood, Fla., on motion of Mr. J. Herbert Burke; Samuel Allen Weems, of Des Arc, Ark., on motion of Mr. David H. Pryor; James G. Greilsheimer, of New York, N.Y., on motion of Mr. Edwin L. Weisl, Jr.; Joel M. Finkelstein, of Landover Hills, Md., on motion of Judge Harold H. Greene; Ruth Cooper Burg, of Bethesda, Md., and James Alan Cohen, of Des Moines, Iowa, on motion of Mr. Paul H. Gantt; Dewey H. Jones III, of Birmingham, Ala., and Richard Grosgebauer, of Arlington, Va., on motion of Mr. Lewis Guy Odom, Jr.; Charles Owen Johnson, of Monroe, La., on motion of Mr. Paul E. Treusch; William Perry Hogo-boom, of Los Angeles, Calif., on motion of Mr. Richard N. Little; Richard Albert Dimpfl, of Rolling Meadows, Ill., on motion of Mr. John R. Schmertz;

Arnold Joel Kohn, of Merrick, N.Y., and Jack Lanier Penman, of Houston, Tex., on motion of Mr. Richard Kent Stacer; Samuel David Myers, of Chicago, Ill., on motion of Mr. Seymour Guthman; John Paul Howard, of Jacksonville, Fla., on motion of Mr. J. William

Norman; Benjamin Sheppard DuVal, Jr., of New York, N.Y., on motion of Mr. Edwin Shafer Rockefeller III; Alfred Cameron Paulden, of Bakerfield, Calif., on motion of Mr. Robert C. McCartney; Bradley G. McDonald, of Arlington, Va., on motion of Mrs. Betty Southard Murphy; Steadman M. Overman, of Columbus, Ohio, on motion of Mr. Doyle John Borchess; Bradford M. Crittenden, of Sacramento, Calif., on motion of Mr. Richard O. Jones; Ramon Lloveras-Otero, of San Juan, P.R., on motion of Mr. Omar Valldejuli; Alan M. Perlman, of Washington, D.C., on motion of Mr. Patrick Thomas Moran; Muirison K. Taylor, of San Rafael Calif., on motion of Mr. Rady A. Johnson;

Charles Taylor Manatt, of Van Nuys, Calif., on motion of Mr. Stephen N. Besser; Howard Karasik, of New York, N.Y., on motion of Mr. Gerald Kadish; Donald L. Ungar, of San Francisco, Calif., on motion of Mr. Robert S. Bixby; Jack R. Mennis, of Washington, D.C., on motion of Mr. Philip Ehrenkranz; Alice Helen Sofis, of New York, N.Y., on motion of Mr. William D. Matthews; Gordon Pearce, of Los Angeles, Calif., on motion of Mr. William H. Allen; Richard H. Kuh, of New York, N.Y., on motion of Mr. Eric Seiff; Adolphe A. Storey, of East Longmeadow, Mass., on motion of Mr. Arthur A. Frankl; William D. Randolph, of La Habra, Calif., on motion of Mr. Victor Kramer; Gail McKnight Beckman, of Philadelphia, Pa., on motion of Mr. Henry R. Heebner; Joe L. Howell, Jr., of McLean, Va., on motion of Mr. Peter McKenzie Stockett, Jr.; J. B. Stoner, of Savannah, Ga., on motion of Mr. James Benjamin Simmons;

Harvey Gene Grossman, of Corpus Christi, Tex., on motion of Mr. John R. Kramer; Raymond N. Baker, of Washington, D.C., on motion of Mr. Raymond F. Garrity; Eric P. Grant, of San Marino, Calif., on motion of Mr. Robert C. Barnard; Rufus William Barton, of Augusta, Ga., Harry H. Bell, Jr., of Augusta, Ga., Claud Reid Caldwell, of Augusta, Ga., Rodney S. Cohen, Jr., of Augusta, Ga., Glenn G. Dickenson, of Augusta, Ga., Curtis M. Ford, Sr., of Augusta, Ga., Otis Woodard Harrison, of Augusta, Ga., Howard P. Jolles, of Augusta, Ga., James L. Lester, of Augusta, Ga., Samuel Fiske Maguire, of Augusta, Ga., Jack E. McGahee, of Augusta, Ga., Oliver K. Mixon, of Augusta, Ga., H. William Sams, Jr., of Augusta, Ga., Louis Saul, of Augusta, Ga., William G. Schafer, of Augusta, Ga., James Edward Slaton, of Augusta, Ga., Henry Roswell Smith, of Augusta, Ga., and Samuel Carpenter Waller, of Augusta, Ga., on motion of Mr. Robert Grier Stephens, Jr.;

Claude Arnold, of Dexter, Mo., Robert H. Burns, of Clayton, Mo., Floyd E. Crowder, of Columbia, Ill., John J. Gilbert, of Erie, Pa., David M. Kahn, of Collinsville, Ill., Peter J. Maniscalco, of Clayton, Mo., Erwin J. Roesel, of Clayton, Mo., Roland A. Wegmann, of Hills-

boro, Mo., Warren D. Welliver, of Columbia, Mo., Julius H. Berg, of St. Louis, Mo., Frank Bild, of St. Louis, Mo., Richard J. Brown, of St. Louis, Mo., John F. X. Callahan, of St. Louis, Mo., John J. Cavanagh, Jr., of St. Louis, Mo., Cyril J. Clancy, of St. Louis, Mo., Robert A. Cohn, of St. Louis, Mo., Francis P. Dorsey, of St. Louis, Mo., Edgar T. Farmer, of St. Louis, Mo., John A. Fraser, of St. Louis, Mo., Donald K. Gerard, of St. Louis, Mo., Michael B. Gershenson, of St. Louis, Mo., Samuel A. Goldblatt of St. Louis, Mo., Sheldon D. Grand, of St. Louis, Mo., John T. Isaacson, of St. Louis, Mo., William F. James, of St. Louis, Mo., Robert Travis Johnson, of St. Louis, Mo., Edward R. Joyce, of St. Louis, Mo., Gerald V. Keller, of St. Louis, Mo., Frank C. Mansfield, of St. Louis, Mo., Ray B. Marglous, of St. Louis, Mo., William A. McDowell, Jr., of St. Louis, Mo., Arthur L. Poger, of St. Louis, Mo., George J. Pruneau, of St. Louis, Mo., Kero Spiroff, of St. Louis, Mo., Wm. K. Stanard II, of St. Louis, Mo., G. Carroll Stribling, of St. Louis, Mo., Hugo M. Walther, of St. Louis, Mo., Richard C. Warmann, of St. Louis, Mo., N. E. Willis, of St. Louis, Mo., Donald Martin Witte, of St. Louis, Mo., and Robert R. Young, of St. Louis, Mo., on motion of Mr. Richard Leonard Hungate;

Nicholas John Chiaia, of Howard Beach, N.Y., John J. Connolly, of New York, N.Y., Daniel L. Driesman, of Brooklyn, N.Y., Aaron D. Duberstein, of New York, N.Y., Sheldon Feinstein, of Huntington, N.Y., William Perry Miller, of New York, N.Y., Joseph J. Petito, of Huntington, N.Y., Jay A. Wallman, of Bronx, N.Y., Alan Lewis Wechsler, of Yonkers, N.Y., Robert B. Wilkes, of New York, N.Y., William Alden Wingate, of New York, N.Y., Irving Engel, of Brooklyn, N.Y., Joseph A. Esquirol, Jr., of Brooklyn, N.Y., Joseph H. Farrell, of Brooklyn, N.Y., Noel Jay Feinberg, of Brooklyn, N.Y., Sheridan Albert, of Brooklyn, N.Y., William T. Bellard, Jr., of Brooklyn, N.Y., Samuel Berloff, of Brooklyn, N.Y., Seymour Besunder, of Brooklyn, N.Y., Reuben Blum, of Brooklyn, N.Y., Isabel Spear Boehm, of Brooklyn, N.Y., Arthur Brand, of Brooklyn, N.Y., Maurice Brill, of New York, N.Y., Arnold I. Brown, of Brooklyn, N.Y., Leroy F. Caruso, of Brooklyn, N.Y., Mario M. De Optatis, of Brooklyn, N.Y., John B. Digney, of Brooklyn, N.Y., Harry A. Ellman, of Brooklyn, N.Y., Charles Epstein, of Brooklyn, N.Y., Robert Florio, of Brooklyn, N.Y., Donald Freund, of Brooklyn, N.Y., Michael Friedman, of Brooklyn, N.Y., Marvin Gardner, of Brooklyn, N.Y., Dominick Giordano, of Brooklyn, N.Y., Frank George Giudice, of Brooklyn, N.Y., Charles A. Giuliani, Jr., of Brooklyn, N.Y., Alan C. Glassman, of Brooklyn, N.Y., Samson M. Goldstein, of Brooklyn, N.Y., John B. Graziadei, of Brooklyn, N.Y., Norman Greenberg, of Brooklyn, N.Y., Harold Alvin Hall, of Brooklyn, N.Y., Isidore Halpern, of Brooklyn, N.Y., James W. Hutcherson, of Brooklyn, N.Y., Julius J. Ivanitsky, of Brooklyn, N.Y.,

William R. Jacobs, of Brooklyn, N.Y., Burton J. Jacowitz, of Brooklyn, N.Y., John J. Johnston, Jr., of Brooklyn, N.Y., Moe D. Karash, of Brooklyn, N.Y., Francis J. Kelly, of Brooklyn, N.Y., Sidney J. Kieves, of Brooklyn, N.Y., Melvin Kimmel, of Brooklyn, N.Y., Harry L. Klein, of Brooklyn, N.Y., Louis Samuel Labert, of Brooklyn, N.Y., Bruce C. Lederer, of Brooklyn, N.Y., Jerome E. Lowen, of Brooklyn, N.Y., Vincent Marcellino, of Brooklyn, N.Y., Edward Alan Maron, of Brooklyn, N.Y., Anthony L. Martino, of Brooklyn, N.Y., Nathan Miltzok, of Brooklyn, N.Y., Martin Miller, of Brooklyn, N.Y., Nancy Mottola, of Brooklyn, N.Y., Leo Nachbar, of Brooklyn, N.Y., David H. Perlman, of Brooklyn, N.Y., Robert Perret, Jr., of Brooklyn, N.Y., Daniel Polansky, of Brooklyn, N.Y., Robert P. Puskuldjian, of Brooklyn, N.Y., Salvador J. Rametta, of Brooklyn, N.Y., Julius J. Rassner, of Brooklyn, N.Y., Edward Resnick, of Brooklyn, N.Y., Louis Sanders, of Brooklyn, N.Y., Aaron R. Schacher, of Brooklyn, N.Y., David M. Schwartz, of Brooklyn, N.Y., Leonard Schwartz, of New York, N.Y., Irving Serota, of Brooklyn, N.Y., Joseph Sicignano, of Brooklyn, N.Y., George H. Sintenis, of Brooklyn, N.Y., Hyman H. Smith, of Brooklyn, N.Y., Harry P. Solomon, of Brooklyn, N.Y., Theresa A. Spagna, of Brooklyn, N.Y., Abraham L. Sprintz, of Brooklyn, N.Y., Roy S. Stein, of Brooklyn, N.Y., Norman Williams, of Brooklyn, N.Y., Manning J. Workman, of Brooklyn, N.Y., Elliot Zemek, of Brooklyn, N.Y., and Martin Zuckerbrod, of Brooklyn, N.Y., on motion of Mr. J. Courtney McGorarty; and

Ronald James McKay, of Pittsburgh, Pa., James P. McKenna, Jr., of Pittsburgh, Pa., Cloyd Rowe Mellott, of Pittsburgh, Pa., Judd N. Poffinberger, Jr., of Pittsburgh, Pa., John T. Richards, Jr., of Pittsburgh, Pa., Edward L. Robinson, of Pittsburgh, Pa., Edward I. Roth, of Pittsburgh, Pa., Francis V. Sabino, of Pittsburgh, Pa., William S. Schweers, of Pittsburgh, Pa., Eugene S. Strassburger, Jr., of Pittsburgh, Pa., John A. Vuono, of Pittsburgh, Pa., Milton I. Watzman, of Pittsburgh, Pa., Joseph F. Weis, Jr., of Pittsburgh, Pa., Edward F. Welsh, of Pittsburgh, Pa., Richard T. Wentley, of Pittsburgh, Pa., Lisle A. Zehner, of Pittsburgh, Pa., Joseph M. Zoffer, of Pittsburgh, Pa., Thomas Lewis Jones, of Pittsburgh, Pa., John J. Kirk, of Pittsburgh, Pa., Charles Kirschner of Pittsburgh, Pa., Blair J. Kolasa, of Pittsburgh, Pa., Susan H. Kolasa, of Pittsburgh, Pa., Harry F. Lang, of Pittsburgh, Pa., H. Robert Lasday, of Pittsburgh, Pa., Jerome M. Libenson, of Pittsburgh, Pa., Nathan J. Lipard, of Pittsburgh, Pa., Murray S. Love, of Pittsburgh, Pa., Paul A. Love, of Pittsburgh, Pa., Jack G. Armstrong, of Pittsburgh, Pa., Allen H. Berkman, of Pittsburgh, Pa., Sylvan Stephen Berger, of Pittsburgh, Pa., Barton Zalman Cowan, of Pittsburgh, Pa., William T. Creehan, of Pittsburgh, Pa., Richard Sherman Crone, of Pittsburgh, Pa., Wil-

liam H. Deitch, Jr., of Oakmont, Pa., Sidney R. Finkel, of Pittsburgh, Pa., Samuel Philip Gerace, of Pittsburgh, Pa., Chris F. Gillotti, of Pittsburgh, Pa., Abraham J. Glick, of Pittsburgh, Pa., Samuel J. Goldstein, of Pittsburgh, Pa., Arthur R. Gorr, of Pittsburgh, Pa., Stephen W. Graffam, of Pittsburgh, Pa., Raymond G. Hasley, of Pittsburgh, Pa., Donald B. Heard, of Pittsburgh, Pa., and Albert A. Hilton, of Pittsburgh, Pa., on motion of Mr. Hugh D. Scott, Jr., were admitted to practice.

OPINIONS

No. **800**. World Airways, Inc., et al., petitioners, *v.* Pan American World Airways, Inc., et al.;

No. **946**. Civil Aeronautics Board, petitioner, *v.* Pan American World Airways, Inc., et al.; and

No. **969**. American Society of Travel Agents, Inc., petitioner, *v.* Pan American World Airways, Inc., et al. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed by an equally divided Court. Opinion per curiam announced by Mr. Chief Justice Warren. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. **232**. United States, petitioner, *v.* David Paul O'Brien; and

No. **233**. David Paul O'Brien, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the First Circuit. Judgment vacated and cases remanded to the United States District Court for the District of Massachusetts to reinstate the judgment and sentence without reaching the issue raised by the petitioner in No. **233**. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. **695**. Charles C. Green et al., petitioners, *v.* County School Board of New Kent County, Virginia, et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment vacated insofar as it affirmed the judgment of the United States District Court for the Eastern District of Virginia and case remanded to the United States District Court for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. **805**. Arthur Lee Raney et al., petitioners, *v.* Board of Education of the Gould School District et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Arkansas for further proceedings in conformity with the opinion of this Court in this case and in No. **695**, *ante*. Opinion by Mr. Justice Brennan.

No. 740. Brenda K. Monroe et al., petitioners, *v.* Board of Commissioners of the City of Jackson, Tennessee, et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment vacated insofar as it affirmed the District Court's approval of the plan in its application to the junior high schools, and case remanded to the United States District Court for the Western District of Tennessee for further proceedings in conformity with the opinion of this Court in this case and in No. 695, *ante*. Opinion by Mr. Justice Brennan.

No. 247. The Puyallup Tribe, etc., petitioner, *v.* Department of Game of Washington et al.; and

No. 319. Nugent Kautz et al., petitioners, *v.* Department of Game of Washington et al. On writs of certiorari to the Supreme Court of Washington. Judgments affirmed. Opinion by Mr. Justice Douglas.

No. 187. Menominee Tribe of Indians, petitioner, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 796. National Labor Relations Board, petitioner, *v.* Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO, and its Local 22. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Stewart dissents. He would affirm the judgment, agreeing substantially with the opinion of the Court of Appeals for the Third Circuit. 379 F. 2d 702. Concurring opinion by Mr. Justice Harlan.

The Chief Justice said :

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally.

OPINIONS PER CURIAM

No. 611. David Rabeck, appellant, *v.* New York. Appeal from the Appellate Term of the Supreme Court of New York, First Judicial Department. Judgment reversed and case remanded to the Appellate Term of the Supreme Court of New York, First Judicial Department, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas with whom Mr. Justice Black concurs, would reverse for the reasons stated in his dissenting opinion in *Ginsberg v. New York*, No. 47, decided April 22, 1968. Mr. Justice Harlan would affirm for the reasons stated in his dissenting

opinion in *Interstate Circuit, Inc. v. City of Dallas*, No. 56, decided April 22, 1968.

No. **1267**. Theatres Service Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Georgia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **1269**. Central Bank and Trust Company, appellant *v.* United States et al.; and

No. **1270**. Dages I. Boyle, appellant, *v.* United States et al. Appeals from the United States District Court for the Eastern District of Kentucky. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice White would note probable jurisdiction and set cases for oral argument. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. **1312**. National Bus Traffic Association, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. **791, Misc.** Sylvester Lee Garrison, petitioner *v.* Wayne Patterson, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. The stay of execution heretofore granted by Mr. Justice White is continued in force pending the disposition of the matter by the Court of Appeals, on condition that petitioner proceed with due diligence in that court. Opinion *per curiam*.

No. **798, Misc.** Jimmie Lee Ross, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black is of the opinion that certiorari should be denied.

ORDERS IN PENDING CASES

No. —. Reuben Joel Shiffman, petitioner, *v.* Selective Service Local Board No. 5, et al. This application for a writ of injunction or stay, presented to Mr. Justice Harlan, and by him referred to the Court, is denied. Mr. Justice Stewart concurs. Dissenting opinion by Mr. Justice Douglas.

No. —. Michael J. Zigmond, petitioner, v. Selective Service Local Board No. 16, etc., et al. The application for a stay, presented to Mr. Justice Fortas, and by him referred to the Court, is denied. Mr. Justice Stewart concurs. Dissenting opinion by Mr. Justice Douglas.

No. 232. United States, petitioner, v. David Paul O'Brien; and

No. 233. David Paul O'Brien, petitioner, v. United States. The motion of William Sloane Coffin, Jr., et al., for leave to file a brief, as *amici curiae*, after argument, is denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 801. William Spinelli, petitioner, v. United States. The order of this Court on March 4, 1968, granting petition for certiorari, 390 U.S. 942, is modified so as to limit the review in this Court to the question of the constitutional validity of the search and seizure. Mr. Justice Marshall took no part in the consideration or decision of this order.

CERTIORARI GRANTED

No. 1266. Zenith Radio Corporation, petitioner, v. Hazeltine Research, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 1339. National Labor Relations Board, petitioner, v. Joseph T. Strong, d/b/a Strong Roofing & Insulating Co. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 585, Misc. Carmine Vincent Palmieri, petitioner, v. Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Florida granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 1249. James V. Sidary a/k/a Jim Sidney, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1302. Thomas H. Fitzgerald, petitioner, v. Martin P. Catherwood, as Industrial Commissioner of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1307. Jules Hairstylists of Maryland, Inc., et al., petitioners, v. United States and Irving Machiz. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1309. The Kresge Foundation, petitioner, v. Louis Schlesinger Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1311. Theodore McGann, Administrator, etc., petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1313. Bank of the Southwest National Association, Houston, etc., petitioner, *v.* Robert L. Phinney, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1314. International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, petitioner, *v.* E. T. Braswell. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1315. William Warden Duncan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1319. William P. Hagerty, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1323. Howard Wallace Barbee et al., petitioners *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1351. Rosemary C. Mogge et al., petitioners, *v.* District No. 8, International Association of Machinists, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1072. Albert H. Holmes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Memorandum of Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas.

No. 1276. Elizaveta Danila et al., petitioners, *v.* George Dobrea, Executor of the Estate of John Danila. Petition for writ of certiorari to the Supreme Court of Ohio denied. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs.

No. 1305. Vilis Martins Lapenieks, petitioner, *v.* Immigration and Naturalization Service, Department of Justice. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1327. Sydney N. Floersheim et al., petitioners, *v.* Harold J. Powers, etc. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 1375. John K. McMurray, by his conservator, Mrs. John K. McMurray, petitioner, *v.* Henry Wendelken. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that the Court of Appeals denied the petitioner the benefit of controlling Mississippi law in reversing the judgment and directing the dismissal of this case.

No. **722, Misc.** Eugene R. Hinckley et al., petitioners, *v.* B. John Tutuska, Sheriff. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **868, Misc.** James Gottschalk, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Orange, denied.

No. **1177, Misc.** Thomas D. Butler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1411, Misc.** Sam Hamlett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1426, Misc.** Walter Lee Finn, petitioner, *v.* Howard M. Comstock, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1430, Misc.** Eugene Cole, petitioner, *v.* Lake F. Russell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1435, Misc.** George Walter Meek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1436, Misc.** Valentine Rodriquez, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **1441, Misc.** Gary R. Franklin, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1442, Misc.** Adai Leser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1443, Misc.** Vincent K. Leake, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **1447, Misc.** Robert Watson, petitioner, *v.* Common Pleas Court of Philadelphia, Pa., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1452, Misc.** J. D. DeBerry, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. **1453, Misc.** Fred Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1456, Misc.** Leroy Harshaw, petitioner, *v.* Corporation Counsel for the City of Flint et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1461, Misc.** Douglas L. Rhodes, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. **1481, Misc.** Gary Cooper and John Worley, petitioners, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1482, Misc.** Abner Siegal, petitioner, *v.* United States, Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1484, Misc.** Robert Moll, petitioner, *v.* Edwin LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1494, Misc.** Travis T. Perkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1495, Misc.** John R. Garcia, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1497, Misc.** Donald Saag, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1499, Misc.** Willis A. Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1500, Misc.** Maurice Garza Jiminez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **1502, Misc.** George E. Lambur, III, petitioner *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **1503, Misc.** John Della Valle, petitioner, *v.* Warden, Clinton Prison, et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. **1505, Misc.** Lennart A. Benson, petitioner, *v.* State Board of Parole and Probation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1506, Misc.** Andres Colon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1509, Misc.** Lee Roy Hanson, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1511, Misc.** Frederick W. Copeland, petitioner, *v.* First Federal Savings and Loan Association of Lake County et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1516, Misc.** A. D. Fairchild, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1519, Misc.** Ray Arnold Pemberton, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1520, Misc.** John Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1523, Misc.** Della Mae Webb, etc., petitioner, *v.* Frank E. Cline et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1526, Misc.** Samuel Lee Winker, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. **1528, Misc.** Louis Henry Burns, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1533, Misc.** Frank Clinton Waltz, petitioner, *v.* Edmund Port, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1566, Misc.** Joby Taylor, petitioner, *v.* Howard Comstock, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1575, Misc.** Wesley Carr, Jr., petitioner, *v.* Lake F. Russell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1702, Misc.** Stephen M. Speers and Jerry D. Anden, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1044, Misc.** Marvin Vondon Hart, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Dissenting opinion by Mr. Justice Douglas.

No. 1419, *Misc.* Judson B. Bey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1531, *Misc.* William B. Trigg, petitioner, *v.* United States. Motion for leave to amend petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1590, *Misc.* Richard A. Lauchli, Jr., petitioner, *v.* United States. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1532, *Misc.* Jim Fair, petitioner, *v.* Supreme Court of Florida et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 1111. Jehovah's Witnesses in the State of Washington et al., appellants, *v.* King County Hospital Unit No. 1 (Harborview), et al. Petition for rehearing denied.

No. 73. In the Matter of John Ruffalo, Jr., petitioner. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this petition.

No. 630. United States et al., petitioners, *v.* Alfred E. Coleman et al. Petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 948. Cyrus Higginson, etc., petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

No. 1199, *Misc.* Francisco Cepero Maldonado, petitioner, *v.* Board of Veterans Appeals; and

No. 1310, *Misc.* Malcolm R. Schlette, petitioner, *v.* California Adult Authority et al. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 3, 1968.

Adjourned until Monday, June 3, 1968, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Maurizio Furio De Martino, of Washington, D.C., Lawrence Michael Jolliffe, of Arlington, Va., John J. O'Connell, of Washington, D.C., Edward Leo Cragen, of San Francisco, Calif., James Edward Neal, of Westminster, Calif., Harry Alexander Evertz III, of St. Petersburg, Fla., Joseph W. Fleece, Jr., of St. Petersburg, Fla., Maurice Joseph McCarthy, of Chicago, Ill., William Ashton Hawkins, of New York, N.Y., Robert S. Segelbaum, of Pleasantville, N.Y., John T. Redway, of Norwalk, Conn., and Robert H. Rubin, of Norwalk, Conn., on motion of Mr. Ralph Simon Spritzer; Gene Huntley, of Baker, Mont. on motion of Mr. Lee Metcalf; Andrew Frank Vick, Jr., of Denver, Colo., on motion of Mr. Gordon Allott; John Feikens, of Detroit, Mich., on motion of Mr. Robert P. Griffin; Arthur DePra Guy, Jr., of Newport Beach, Calif., and Morton B. Jackson, of Los Angeles, Calif., on motion of Mr. Craig Hosmer;

Martin Tuman, of Bayonne, N.J., on motion of Mr. Cornelius E. Gallagher; Edward T. Berkanovic, of Milwaukee, Wis., and Stephen R. Miller, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Frank B. Ingersoll, Jr., of Burlingame, Calif., and Edward D. Valerga, of Belmont, Calif., on motion of Mr. Paul N. McCloskey, Jr.; George Camp Chapman, of Dallas, Tex., on motion of Mr. George Mahon; Arnold H. Duemling II, of Fort Wayne, Ind., on motion of Mr. E. Ross Adair; David L. Nixon, of New Boston, N.H., on motion of Mr. James C. Cleveland; James M. Jeffords, of Shrewsbury, Vt., on motion of Mr. Garner E. Shriver; A. Sydney Herlong, Jr., of Leesburg, Fla., Mack N. Cleveland, Jr., of Sanford, Fla., William Cauthen Hutchison, Jr., of Sanford, Fla., and James G. Sharon, Jr., of Sanford, Fla., on motion of Mr. J. William Norman; Verne H. Pynn, of Concord, Calif., and Robert E. Coyle, of Fresno, Calif., on motion of Mr. Brice Wilson Rhyne;

Richard Adrian Regnier, of Ventura, Calif., on motion of Mr. George Meador; Richard H. Cocke, of Houston, Tex., and Michael J. Egan, of Allentown, Pa., on motion of Mr. Daniel Resnick; Elaine S. Kahn, of Washington, D.C., on motion of Mr. Wallace M. Cohen; J. Bruce Hoofnagle, Jr., of Catonsville, Md., on motion of Mr. Sidney

Gundersen; Borge K. Varmer, of Washington, D.C., on motion of Mr. St. John Barrett; Harry John Staas, of Washington, D.C., Albert John Santorelli, of Washington, D.C., Gene Wallace Stockman, of Washington, D.C., and David Stauffer Urey, of Washington, D.C., on motion of Mr. Edward F. McKie, Jr.; Stanley Robert Rader, of Los Angeles, Calif., on motion of Mr. James F. Rill; Hugh D. Campbell, Dallas, Tex., and Clinton Fisk Raymond, Jr., of Seattle, Wash., on motion of Mr. William A. Carnahan;

Jacques Robert Leslie, of Beverly Hills, Calif., on motion of Mr. Paul A. Porter; Morris L. Myers, of Oakland, Calif., on motion of Mr. Richard Patrick McLaughlin; William Lake Leonard, of Oklahoma City, Okla., on motion of Mr. David T. Bryant; S. Leigh Curry, Jr., of Washington, D.C., on motion of Mr. Arthur J. Gang; Barry Hess, of Mobile, Ala., on motion of Mr. Tim C. Ford; Vernon G. Riehl, of St. Louis, Mo., and Herbert S. Taten of Rockaway, N.J., on motion of Mr. Paul E. Dixon; Robert J. Seymour, of New York, N.Y., on motion of Mr. Robert E. Goostree; Francis L. Casey, Jr., of Washington, D.C., and Robert C. Maynard, of Washington, D.C., on motion of Mr. Edmund Jones; Michael J. Pugliese, of Pittsburgh, Pa., on motion of Mr. Allen D. Brufsky; Gerald E. Bollinger, of Woonsocket, S. Dak., on motion of Mr. J. W. Bollinger; Milton Darrell Andrews, of Enid, Okla., on motion of Mr. David Busby; David Bondurant Caldwell, of San Francisco, Calif., on motion of Mr. Jerry Z. Pruzan; Paul A. Beckman, of Davenport, Iowa, on motion of Mr. David Kammerman;

Nicholas R. Amato, of Belleville, N.J., Richard F. Aronsohn, of Wyckoff, N.J., Leo H. Bergman, of Bayonne, N.J., Harvey L. Birne, of Bayonne, N.J., James J. Bonafield, of Clifton, N.J., John P. Breen, of New Providence, N.J., Gilbert D. Chamberlin, of Hillside, N.J., James S. Cramer, of Hoboken, N.J., Albert F. Dalena, of Madison, N.J., Joseph R. DeMiglio, of Ridgefield, N.J., Morris Drogin, of Bayonne, N.J., William Ward Farrar, of Caldwell, N.J., Joseph L. Garrubbo, of Union, N.J., Robert P. Glickman, of Newark, N.J., Irwin P. Goldstein, of Bayonne, N.J., David L. Hack, of Caldwell, N.J., Edwin A. Hartung, of Clifton, N.J., Elliott G. Heard, Jr., of Woodbury, N.J., Robert C. Hespe, of Ridgefield Park, N.J., John Andrew Hila, of Avenel, N.J., William Himelman, of Lincroft, N.J., Edward J. Hobbie, of Hillside, N.J., Bernard Lafer, of Newark, N.J., Mark D. Larner, of Newark, N.J., Felix A. Martino, of Short Hills, N.J., Robert W. McCann, of Kearny, N.J., John D. Methfessel, of Rahway, N.J., Martin G. Picillo, of Orange, N.J., Arnold Samuels, of Glen Rock, N.J., John R. Scott, of Belleville, N.J., William H. Sheil, of Maplewood, N.J., Arthur P. Siegfried, of Red Bank, N.J., Edward J. Toy, of Cranford, N.J., Peter S. Valentine, of Maplewood, N.J.,

John A. Willette, of East Orange, N.J., and Frank J. Ziobro, of Bayonne, N.J., on motion of Mr. Aristo Dallavalle; and

Hon Chew, of Oakland, Calif., Robert C. Craig, of Long Beach, Calif., John B. Merrill II, of Westminster, Calif., William Sabourin, of Rialto, Calif., Howard C. Wilson, Jr., of Los Angeles, Calif., John H. Wyatt, Jr., of Westminster, Calif., William B. Robertson, of Falls Church, Va., Donald Kaye Smith, of Rockville, Md., James E. Tribble, of Miami, Fla., Thomas L. Ruth, Jr., of Barrington, Ill., L. Barbee Ponder, Jr., of Amite City, La., Jerome B. Wolff, of Baltimore, Md., Raymond F. Beagle, Jr., of Washington, D.C., John J. Nangle, of St. Louis, Mo., Myron H. McBryde, of Raleigh, N.C., William R. Walker, of Blacksburg, Va., Walter Scott Allen III, of Tuckerton, N.J., Theodore Conway Pruett, of Winston-Salem, N.C., Adrian Richard Isé, of Medea, Pa., J. Ray Dotson, of Pound, Va., Jocelyn J. Bowden, of Houston, Tex., Paul Logan DeVerter II, of Houston, Tex., Harold Edward Moore, of Forth Worth, Tex., J. Philip Wandel, of Houston, Tex., Joseph B. Benedetti, of Richmond, Va., H. Harrison Braxton, Jr., of Fredericksburg, Va., Peter Allman Greenburg, of Arlington, Va., Joseph A. Kenary, of Washington, D.C., Glenn Brooks McClanan, of Virginia Beach, Va., Milton Paul Miller, of Richmond, Va., William M. Phillips, of Richmond, Va., Gerald Press, of Richmond, Va., James Muir Roe, Jr., of Roanoke, Va., Marvin Alan Rosman, of Richmond, Va., Stanley Carlyle Sherwood, of Newport News, Va., John S. Smart, of Richmond, Va., William S. Smithers, Jr., of Richmond, Va., W. W. Wharton, of Harrisonburg, Va., and Jere M. H. Willis, Jr., of Fredericksburg, Va., on motion of Mr. Robert E. Redding, were admitted to practice.

OPINIONS

No. 510. Marvin L. Pickering, appellant, *v.* Board of Education of Pownship High School District 205, Will County, Illinois. Appeal from the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Marshall. Mr. Justice Douglas with whom Mr. Justice Black joins concurs in the judgment for the reasons set out in his concurring opinion in *Time, Inc. v. Hill*, 385 U.S. 374, 401, *Rosenblatt v. Baer*, 383 U.S. 75, 88, and *Garrison v. Louisiana*, 379 U.S. 64, 80, and in the concurring opinions of Mr. Justice Black in *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 170, and *New York Times Co. v. Sullivan*, 376 U.S. 254, 293. Opinion by Mr. Justice White, concurring in part and dissenting in part.

No. 898. Johnny Sabbath, petitioner *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

Judgment reversed and case remanded to the United States District Court for the Central District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Marshall. Mr. Justice Black dissents.

No. 1015. William C. Witherspoon, petitioner, *v.* Illinois et al. On writ of certiorari to the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion for the Court by Mr. Justice Stewart. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Harlan and Mr. Justice White join. Dissenting opinion by Mr. Justice White.

No. 1016. Wayne Darnell Bumper, petitioner, *v.* North Carolina. On writ of certiorari to the Supreme Court of North Carolina. Judgment reversed and case remanded to the Supreme Court of North Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice Douglas concurring in part and dissenting in part. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice White.

No. 891. W. Willard Wirtz, Secretary of Labor, United States Department of Labor, petitioner, *v.* Hotel, Motel and Club Employees Union, Local 6. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York with directions to order a new election under the supervision of the Secretary of Labor. Opinion by Mr. Justice Brennan. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 127. Reading Company, petitioner, *v.* Francis Shunk Brown, 3rd, etc., et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 325. James A. Watts et al., petitioners, *v.* Seward School Board et al. On writ of certiorari to the Supreme Court of Alaska. Judgment vacated and case remanded to the Supreme Court of Alaska for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren, Mr. Justice Douglas with whom Mr. Justice Black joins would reverse the

judgment outright for the reasons stated by him in *Pickering v. Board of Education*, *post*. Mr. Justice White dissents.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 191, October Term, 1962. Julia Ioannou, appellant, *v.* New York et al. On motion for leave to file petition for rehearing. Motion denied upon the representation of the Attorney General of New York that the movant may file a new application "to withdraw the funds deposited with the New York City Treasurer" in light of changed circumstances. Opinion *per curiam*. Mr. Justice Douglas dissents. Mr. Justice Harlan would deny unconditionally, substantially for the reasons given in his dissenting opinion in *U.S. v. Ohio Power Co.*, 353 U.S. 98, 99. Mr. Justice Fortas and Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 229. In the Matter of Jeffrey Fischer, appellant. Appeal from the Court of Appeals of Ohio, Cuyahoga County. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Fortas are of the opinion that certiorari should be granted, judgment vacated, and case remanded for further consideration in light of *In re Gault*, 387 U.S. 1. Mr. Justice Black dissents.

No. 1310. Claber Distributing Company, appellant, *v.* Rubbermaid, Inc. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1328. Kaiser Steel Corporation, petitioner, *v.* W. S. Ranch Company. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the District of New Mexico for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Concurring opinion by Mr. Justice Brennan with whom Mr. Justice Douglas and Mr. Justice Marshall join.

No. 1330. Sherman H. Skolnick and Peter S. Sarelas, appellants, *v.* Walter H. Moses et al. Appeal from the United States District Court for the Northern District of Illinois. The judgment is affirmed. Opinion *per curiam*.

No. **1352**. Robert H. Fosdick et al., appellants, *v.* Hamilton County, Ohio, Issuer. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. **547, Misc.** James Arthur Jackson, petitioner, *v.* Arthur L. Oliver, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. —. Opinion *per curiam*.

No. **731, Misc.** Thomas William Bonnie, petitioner, *v.* Clarence T. Gladden, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Carafas v. LaVallee*, Warden, 391 U.S. —. Opinion *per curiam*.

No. **1099, Misc.** Irving Heyman, petitioner, *v.* Michigan. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. —. Opinion *per curiam*.

No. **1149, Misc.** H. Marvin Vaughn, petitioner, *v.* Felix Rodriguez, Acting Warden. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. —. Opinion *per curiam*.

No. **1393, Misc.** Harvey Johnson, appellant, *v.* Florida. Appeal from the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* granted. Judgment reversed and case remanded to the Supreme Court of Florida for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Stewart would dismiss the appeal. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan joins.

No. **1445, Misc.** Cleveland Peart, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Edward Robert Gyuro, petitioner, *v.* Connecticut. The application for stay or bail presented to Mr. Justice Black, and by him referred to the Court, is denied.

No. 31, **Original.** State of Utah, plaintiff, *v.* United States. The joint motion for leave to file a stipulation, etc., is referred to the Special Master. Mr. Justice Marshall took no part in the consideration or decision of this joint motion.

No. 1034. John F. Tinker and Mary Beth Tinker, minors, etc., et al., petitioners, *v.* Des Moines Independent Community School District et al. The motion of the United States National Student Association for leave to file a brief, as *amicus curiae*, is granted.

No. 1038. Public Utility District No. 1 of Pend Oreille County, Washington, petitioner, *v.* City of Seattle; and

No. 1039. City of Seattle, petitioner, *v.* Public Utility District No. 1 of Pend Oreille County, Washington. The joint motion to defer consideration of these petitions for writs of certiorari is granted.

No. 1212. United States, petitioner, *v.* Richard G. Augenblick et al. The motion of the respondents to remove this case from the summary calendar is granted.

APPEALS—JURISDICTION NOTED

No. 1359. Nellie Hunter, appellant, *v.* Edward O. Erickson, Mayor of the City of Akron, et al. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 175, **Misc.** Frances Mattiello, appellant, *v.* Connecticut. Appeal from the Appellate Division of Circuit Court of Connecticut. Motion for leave to proceed *in forma pauperis* granted and probable jurisdiction noted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI GRANTED

No. 1210. William Skinner et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 1336. Dick Gregory et al., petitioners, *v.* City of Chicago. Petition for writ of certiorari to the Supreme Court of Illinois granted and case placed on the summary calendar.

CERTIORARI DENIED

No. **1316.** George V. Aylward, Jr., Trustee, etc., petitioner, *v.* Broadway Valentine Center, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1325.** One 1963 Chevrolet Pickup Truck et al., petitioners, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **1326.** Russell L. Wolden, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1332.** George Zarzour, petitioner, *v.* United States. Petition for writ of certiorari to the United State Court of Appeals for the Fifth Circuit denied.

No. **1337.** John V. Carter, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1338.** AMP Incorporated, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1340.** In the Matter of Melinda Lou Markel, petitioner. Petition for writ of certiorari to the Superior Court of California, County of Kern, denied.

No. **1341.** Earl C. Peacock, Jr., and Frederick L. Sweet, petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. **1342.** Sun Protection Company of America, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1343.** Thelbert Earl O'Kelley and Eugene Thurman Landers, Jr., petitioners, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. **1344.** Salem Building Trades Council, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1347.** B. L. Suhl and Margaret Wierman, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1384.** Modern Plastic Machinery Corp., petitioner, *v.* Frank W. Egan & Company et al.; and

No. **1408.** Modern Plastic Machinery Corp., petitioner, *v.* Frank W. Egan & Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1385**. J. C. Long et ux., petitioners, *v.* Brunswick Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1415**. Maier Brewing Company et al., petitioners, *v.* Fleischmann Distilling Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1299**. Edna Mae Booker, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied. The Chief Justice is of the opinion that certiorari should be granted.

No. **1333**. Southern Arizona Bank and Trust Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Douglas, Mr. Justice Stewart, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. **1345**. International Salt Company, petitioner, *v.* New Jersey, etc., et al.; and

No. **1346**. Cayuga Rock Salt Company et al., petitioners, *v.* New Jersey, etc., et al. Motions to defer consideration denied. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Brennan took no part in the consideration or decision of these motions and petitions.

No. **1405**. Edwin A. Walker, petitioner, *v.* The Associated Press. Motion to use record in No. **150, October Term, 1966**, granted. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District, denied.

No. **924, Misc.** Herbert Ecidro Blyden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1223, Misc.** Charles Edgar Stone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1366, Misc.** Thomas Patrick Keegan, petitioner, *v.* United States for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1368, Misc.** Joseph E. Moore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1398, Misc.** Joe Mayes, petitioner, *v.* David Vincent et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1422, Misc.** Stephen Luther Evans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1423, Misc.** Richard A. White, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. **1437, Misc.** Elsie F. Stapleton, petitioner, *v.* Harry A. Cohen. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. **1459, Misc.** Karl H. Stello, petitioner, *v.* John Strand et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1460, Misc.** Ray Dodge, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1464, Misc.** Cleveland Hollingshead, petitioner, *v.* Louie L. Wainwright, Warden. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1465, Misc.** Wendolyn Branche, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **1469, Misc.** Sterling Hoskins, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **1476, Misc.** Angel Mora Zaragoza, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1490, Misc.** Rex Dean Parsons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1512, Misc.** Eugene Carson Rodriguez, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. **1521, Misc.** Jose H. Reza, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1522, Misc.** Frank O'Connell, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1525, Misc.** Henry Hooper, petitioner, *v.* John Will Wingo, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. **1527, Misc.** Clark S. Cummings, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 1529, **Misc.** Edward F. Owens, petitioner, *v.* Palmer C. Scafati, Superintendent, Massachusetts Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1534, **Misc.** Robert C. Collom, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1538, **Misc.** Frank Severa, petitioner, *v.* U.S. Civil Service Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1539, **Misc.** John Lee Bailey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1540, **Misc.** Clarence W. Mahurin, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1544, **Misc.** Sammy E. Zell, petitioner, *v.* L. S. Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1545, **Misc.** Ernest Nelson Murray, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1549, **Misc.** Almon Meredith, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1550, **Misc.** Freda Clark, petitioner, *v.* Catherine Payne. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1560, **Misc.** Douglas L. Rhodes, petitioner, *v.* C. J. Fitzharris, Superintendent. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1562, **Misc.** George T. Davidson, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1565, **Misc.** Robert Allen Hicks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1571, **Misc.** William McNeill, petitioner, *v.* John P. Garrity, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1572, *Misc.* Clyde Collier, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1582, *Misc.* Frederico Ortega Vasquez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1593, *Misc.* Hillery O. Barnes, petitioner, *v.* Alabama et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1594, *Misc.* Hubert Vernon Hardin, petitioner, *v.* Aetna Casualty and Surety Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1610, *Misc.* Joseph J. Fournier, petitioner, *v.* Sido L. Ridolfi, etc. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1212, *Misc.* Obie Diah Strother, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1670, *Misc.* John Collins, petitioner, *v.* John Klinger, Superintendent, California Men's Colony;

No. 1701, *Misc.* Charles Thornton Jackson, petitioner, *v.* G. Perry Lloyd, Superintendent, California Correctional Institution; and

No. 1749, *Misc.* Theodore Roosevelt Henderson, petitioner, *v.* Walter E. Craven, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 47. Sam Ginsberg, appellant, *v.* New York;

No. 699. John Earl Cameron et al., appellants, *v.* Paul Johnson, etc., et al.;

No. 1162. The Times Mirror Company, appellant, *v.* United States;

No. 1106, *Misc.* Roosevelt Miller, petitioner, *v.* United States; and

No. 1190, *Misc.* Charles F. Ware, petitioner, *v.* Paul H. Preston, etc., et al. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 10, 1968.

Adjourned until Monday, June 10, 1968, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ORDER IN PENDING CASE

No. 701. In the Matter of Buddy Lynn Whittington, petitioner. The application for bail or release on personal recognizance or other appropriate conditions presented to Mr. Justice Stewart, and by him referred to the Court, is denied. It is ordered that the mandate of this Court issue forthwith to enable applicant to apply for release on bail or otherwise to the appropriate court of the State of Ohio.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mrs. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Charles E. Carter, of Springfield, Ohio, Robert Stratton Brady of Washington, D.C., E. Grey Lewis, of Washington, D.C., Herbert C. Malone, of Rockville, Md., Raymond Harry Williams, of Beverly Hills, Calif., Donald G. Griffin, of Ventura, Calif., Loren Joseph Weinstein, of Dallas, Tex., John Raymond Foltz, of St. Petersburg, Fla., Thomas Francis Granahan, of Tampa, Fla., Seymour Leonard Honig, of Tampa, Fla., Roland R. Parent, of Miami, Fla., Louis Tolbert Rigdon II, of Atlanta, Ga., James Robert Parham, of Belleville, Ill., Donald M. Martin, of La Porte, Ind., Raymond Donald Jennings, Jr., of Boston, Mass., Robert Stuart Thaller, of St. Louis, Mo., Paul K. Rooney, of New York, N.Y., John F. X. Peloso, of New York, N.Y., George W. Carter, of District Heights, Md., William J. Levy, of Washington, D.C., John Rodney Brown, of Sacramento, Calif., and Robert E. Renshaw, of Springfield, Ohio, on motion of Mr. Solicitor General Erwin N. Griswold;

Leland S. Huttner, of Denver, Colo., on motion by Mr. Gordon Allott; Marion Albert Figinski, of Baltimore, Md., Arthur Michael Schiller, of Silver Spring, Md., Bernard Frederick von Ahn, of University Park, Md., and John Thomas McEvoy, of Washington, D.C., on motion of Mr. Joseph Davies Tydings; Richard Coale Willson, Jr., of Littleton, Colo., on motion of Mr. Peter H. Dominick; Louis Francis Aiello, of Woodstock, Ill., Paul L. Ahern, of Lake Forest, Ill., and Harry B. Madsen, of Park Ridge, Ill., on motion of Mr. Robert McClory; Mark Albert Soden, of Newport Beach, Calif., and Harold Pilskaln, Jr., of Laguna Beach, Calif., on motion of Mr. James B. Utt; Frederick D. McDonald, of Allegan, Mich., and Peter H. Rea, of Branson, Mo., on motion of Mr. J. Edward Hutchinson; John K. Meagher, of Arlington, Va., on motion of Mr. Alexander Pirnie; Jerome F. Donovan, of Phoenix, Ariz., on motion of Mr. Morris K. Udall;

James J. Carroll, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Gerald Himelgrin, of Denver, Colo., on motion of Mr. Byron G. Rogers; Howard Berkeley Thomas, of Fresno, Calif., on motion of Mr. John J. McFall; Floyd Richard Wilson, of Dallas, Tex., on motion of Mr. Graham Purcell; Allard James Heitkemper, of Portland, Oreg.,

on motion of Mr. Wendell Wyatt; Charles I. McClure, of Tacoma, Wash., on motion of Mr. Floyd V. Hicks; Gary Dean Jackson, of Arlington, Tex., on motion of Mr. John Dowdy; E. T. May, of El Dorado, Ark., on motion of Mr. David Pryor; John Mackenzie Stern, Jr., of Anchorage, Alaska, on motion of Mr. Howard W. Pollock; Edward Donald Coxen, of Washington, D.C., Jerome Morenoff, of Washington, D.C., Lewis H. Vovakis, of Washington, D.C., Jacob Levine, of Newark, N.J., and Ronald Vengrow Rockoff, of Somerville, N.J., on motion of Mr. Brice Wilson Rhyne;

Dorothy Louise Smith Boucher, of Abilene, Tex., Merrill Quentin Horton, of Fort Payne, Ala., and Robert Elias Brickates, of Saco, Me., on motion of Miss Jean Elyse Morris; Joe Ephraim Moses, of Long Beach, N.Y., on motion of Mr. Steven M. Umin; Don H. Wallach, of New York, N.Y., on motion of Mr. Donald J. Mulvihill; Richard Lee Marlar, of Vienna, Va., Richard Cuyler Schwartz, of Washington, D.C., Arnold Brian Sidman, of Washington, D.C., H. Lawrence Fox, of Alexandria, Va., John Cochran Calhoun, of Bethesda, Md., Paul M. Auster, of Alexandria, Va., Frederic Edward Grundeman, of Woodbridge, Va., and John B. Murray, Jr., of Boston, Mass., on motion of Mr. Lester R. Uretz; John Richard Canterbury, of Beckley, W. Va., and William L. Boyd IV, of Milwaukee, Wis., on motion of Mr. Michael Arthur Brown; Alan Saltzman, of Los Angeles, Calif., on motion of Mr. Richard Millman;

Julius Louis Rubenstein, of Los Angeles, Calif., on motion of Mr. Clifford Alonzo Dougherty; Howard Marshall Holtzmann, of New York, N.Y., on motion of Mr. Elliott Bredhoff; Norman Stack Blodgett, of Worcester, Mass., and David Harman Hill, of Washington, D.C., on motion of Mr. Paul M. Craig; Robert P. Jaye, of Washington, D.C., on motion of Mr. Hugh Latimer; Simon Epstein of Brooklyn, N.Y., on motion of Mr. Manuel Epstein; Gerald A. Weinstein, of Los Angeles, Calif., on motion of Mr. Robert P. Will; Roger W. Hayes, of DeKalb, Ill., on motion of Mr. Philip N. Brophy; Alan C. Kauffman, of Philadelphia, Pa., on motion of Mr. Joseph Bernard Kauffman; George J. Aspland, of Babylon, Long Island, N.Y., on motion of Mr. Joseph F. O'Neill; Arthur R. Macom, of Stuttgart, Ark., on motion of Mr. Dickson R. Loss; Joseph C. Palmisano, of Barre, Vt., on motion of Mr. Peter McKenzie Stackett, Jr.; Donald A. Brinkworth, of Pittsburgh, Pa., on motion of Mr. Carl Helmetag, Jr.;

Thomas Joseph Dorsey, of Miami, Fla., and Richard A. Sicking, of Miami, Fla., on motion of Mr. Joseph H. Kaplan; Abe W. Weissbrodt, of Washington, D.C., and I. S. Weissbrodt, of Washington, D.C., on motion of Mr. Milton Freeman; Nicholas Daniels, of Petersburg, Va., and Billy Nelson Utz, of Culpeper, Va., on motion of

Mr. Samuel C. Borzilleri; Charles Lionel Kellar, of Las Vegas, Nev., on motion of Mr. Daniel Leach; Charles Richard Levin, of Washington, D.C., on motion of Mr. Henry H. Pike; Sterling Rex Lewis, of Provo, Utah, on motion of Mr. Leslie H. Fisher; Arthur L. Del Negro, Jr., of Irvington, N.Y., and Carl A. Vergari, of Yonkers, N.Y., on motion of Mr. James J. Duggan; Carl Walter Mortenson, of Newark, Del., on motion of Mr. Charles A. Weigel, Jr.; Joseph T. Kelleher, Jr., of Edwardsville, Ill., on motion of Mr. William I. Denning; Paul Crider, Jr., of Hampton, Va., on motion of Mr. Howard E. Wahrenbrock; John J. Dempsey II, of Washington, D.C., on motion of Mr. William James Dempsey;

N. L. Linebaugh, Jr., of Dallas, Tex., on motion of Mr. Vernon G. Reihl; Harold Leo Rauch, of San Jose, Calif., on motion of Mrs. Luverne Conway; Howard Sanford Klotz, of New York, N.Y., on motion of Mr. John A. Dudley; Richard D. Godown, of Washington, D.C., on motion of Mr. Edward P. Ruddy; Neal Eugene Bowers, of Lodi, Ohio, Charles Thomas Guy, of Wadsworth, Ohio, Roger R. Ingraham, of Medina, Ohio, John Taylor Jeandrevin, of Medina, Ohio, Charles Frederick Johnston, Jr., of Wadsworth, Ohio, Richard Joseph Marco, of Medina, Ohio, Clayton J. Oberholtzer, of Medina, Ohio, Louis Thomas Skidmore, of Medina, Ohio, Richard David Stewart, of Medina, Ohio, Carl Wilson Tschantz, of Wadsworth, Ohio, Robert Wavrek, of LeRoy, Ohio, and Richard Donald Welsh, of LeRoy, Ohio, on motion of Mr. Jackseon E. Betts;

Edward C. Ciffone, of New York, N.Y., Francis J. Coyne, of New York, N.Y., Thomas J. Flanagan, of New York, N.Y., Francis Gordon GaNun, of New York, N.Y., Patrick J. Healy, of New York, N.Y., Jerome A. Isoldi, of Brooklyn, N.Y., Matthew Christopher King, of New York, N.Y., Joseph F. Lynch, of New York, N.Y., John J. Maguire, of New York, N.Y., Mary J. McDonnell, of New York, N.Y., John J. Sullivan, of New York, N.Y., and LeRoy D. Willis, Jr., of New York, N.Y., on motion of Mr. William T. Johnson; and

Keith DeLashmutt, of Evanston, Ill., Harry Rubin, of Gary, Ind., Peter George Anagnost, of Chicago, Ill., Jerome I. Baer, of Chicago, Ill., Harvey B. Bass, of Chicago, Ill., Norman Richard Bolotin, of Chicago, Ill., Marvin Bornstein, of Chicago, Ill., Byron N. Cohen, of Chicago, Ill., Bernard Davis, of Chicago, Ill., Raphael Fine, of Chicago, Ill., Robert E. Gordon, of Chicago, Ill., Harry E. Gurvey, of Chicago, Ill., Bernard Hammer, of Chicago, Ill., Robert A. Kroll, of Chicago, Ill., Norman H. Lesser, of Chicago, Ill., Alan Robert Miller, of Chicago, Ill., Arthur M. Mintz, of Chicago, Ill., Michael A. Mitzen, of Chicago, Ill., Michael Alan Nemeroff, of Chicago, Ill., Harry L. Oppenheim, of Chicago, Ill., Stephen P. Patt, of Chicago, Ill., Jordan Primack, of Chicago, Ill., Sidney H. Projansky, of Chicago,

Ill., Burton R. Rosenberg, of Chicago, Ill., Manuel Rosenstein, of Chicago, Ill., Arnold Malcolm Schwartz, of Chicago, Ill., Donald Segal, of Chicago, Ill., Stuart P. Shapiro, of Chicago, Ill., Sanford Edward Takiff, of Chicago, Ill., and Allan L. Zoloto, of Chicago, Ill., on motion of Solicitor General Erwin N. Griswold, were admitted to practice.

OPINIONS

No. **635**. Robert Vincent Gardner, appellant, *v.* Vincent L. Broderick, as Police Commissioner of the City of New York, et al. Appeal from the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Black concurs in the result. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in the result in this case and in No. **823**, *post*.

No. **823**. Uniformed Sanitation Men Association, Inc., et al., petitioners, *v.* Commissioner of Sanitation of the City of New York et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Black concurs in the result. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in the result in this case and in No. **635**, *ante*.

No. **673**. George Campbell Painting Corp., appellant, *v.* William Reid et al. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. **876**. Eddie M. Harrison, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. **660**. Board of Education of Central School District No. 1, etc., et al., appellants, *v.* James E. Allen, Jr., as Commissioner of Education of New York, et al. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Fortas.

No. 363. United States et al., petitioners, *v.* Southwestern Cable Co. et al.; and

No. 428. Midwest Television, Inc., et al., petitioners, *v.* Southwestern Cable Co. et al. On writs of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Opinion by Mr. Justice White concurring in the result. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 638. Cheng Fan Kwok, petitioner, *v.* Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. 742. Maryland et al., appellants, *v.* W. Willard Wirtz, Secretary of Labor, et al. Appeal from the United States District Court for the District of Maryland. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Stewart joins. Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 733. Perma Life Mufflers, Inc., et al., petitioners, *v.* International Parts Corporation et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to reverse in full the judgment of the United States District Court for the Northern District of Illinois and to remand case for a trial. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice White. Opinion by Mr. Justice Fortas concurring in the result. Opinion by Mr. Justice Marshall concurring in the result. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in part and dissenting in part.

No. 67. John W. Terry et al., petitioners, *v.* Ohio. On writ of certiorari to the Supreme Court of Ohio, Judgment affirmed. Opinion by Mr. Chief Justice Warren. Mr. Justice Black concurs in the judgment and the opinion except where the opinion quotes from and relies upon this Court's opinion in *Katz v. United States* and concurring opinion in *Warden v. Hayden*. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Douglas.

No. 63. Nelson Sibron, appellant, *v.* New York; and

No. 74. John Francis Peters, appellant, *v.* New York. Appeals from the Court of Appeals of New York. Judgment in No. 74 affirmed. Judgment in No. 63 reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the

opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinions by Mr. Justice Douglas. Concurring opinion by Mr. Justice White. Concurring opinion by Mr. Justice Fortas. Opinion by Mr. Justice Harlan concurring in the results. Opinion by Mr. Justice Black concurring in No. 74 and dissenting in No. 63.

No. 416. Florence Flast et al., appellants, *v.* Wilbur J. Cohen, Secretary of Department of Health, Education and Welfare of the United States, et al. Appeal from the United States District Court for the Southern District of New York. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Harlan.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 135. Paul R. Jones, petitioner, *v.* United States. On petition for rehearing. Petition for rehearing granted and order denying petition for writ of certiorari, 389 U.S. 835 set aside. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted, judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968). Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1076. Ernest C. Pickens, petitioner, *v.* Arthur L. Oliver, Warden. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed further *in forma pauperis* granted. Petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, U.S. —, — (1968).

No. 1219. Phillip Santoro, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. ——. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968) Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 1255. Reuben L. Jones, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. The Chief Justice would dismiss the appeal for want of jurisdiction, treat the papers submitted as petition for certiorari, and grant petition for writ of certiorari. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 1398. Johnson Products, Inc., appellant, *v.* City Council of Medford et al. Appeal from the Supreme Judicial Court of Massachusetts. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1407. Carl Perla, Sr., petitioner, *v.* New York et al. On petition for writ of certiorari to the Court of Appeals of New York. Petition for writ of certiorari granted, judgment reversed and case remanded to the Court of Appeals of New York for further consideration ~~in~~ ⁱⁿ conformity with the opinion of this Court. Opinion *per curiam*.

No. 78, Misc. Gary David Nelson, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. ——. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 —, — (1968). Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 117, Misc. Donald E. Hunt, petitioner, *v.* Connecticut. On petition for writ of certiorari to the Supreme Court of Connecticut. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Connecticut for further consideration in light of *Bruton v. United States*, 391 U.S. ——. Opinion *per curiam*. Mr.

taken concurrent

Justice Black dissents. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 200, Misc. August J. Serio, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968). Mr. Justice Marshall took no part in the consideration or decision of this case.

No. 279, Misc. Johnnie Williams, Jr., petitioner, *v. Florida*. On petition for writ of certiorari to the District Court of Appeal of Florida, First District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of Florida, First District, for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391, U.S. —, — (1968).

No. 440, Misc. Jeffrey D. Bujese, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 443, Misc. Willie C. Hillman, petitioner, *v. Florida*. On petition for writ of certiorari to the District Court of Appeal of Florida, First District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of Florida, First District, for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 548, Misc. Jack Lloyd McCarty and John Boyd, petitioners, *v. Kansas*. On petition for writ of certiorari to the Supreme Court of

Kansas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari with respect to petitioner *Boyd* granted. Judgment vacated and case remanded to the Supreme Court of Kansas for further consideration in light of *Bruton v. United States*, 391 U.S. —. —. Petition for writ of certiorari with respect to petitioner *McCarty* denied. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 920, *Misc.* Carl Houston Roberts, petitioner, *v.* Lake F. Russell, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Middle District of Tennessee for further consideration in light of *Bruton v. United States*, *supra*. Opinion *per curiam*. Mr. Justice Black concurs in the Court's holding as to retroactivity for the reasons given in his dissent in *Linkletter v. Walker*, 381 U.S. 618, 640, and not for the reasons given in the Court's opinion today. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 1070, *Misc.* Donald Felix Schneble and Edward Frank Snell, petitioners, *v.* Florida. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Bruton v. United States*, 391 U.S. —. —. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 1221, *Misc.* June Bogart, appellant, *v.* California. Appeal from the Court of Appeal of California, Second Appellate District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1637, *Misc.* N. K. Fields, appellant, *v.* Department of Social Welfare. Appeal from the Court of Appeal of California, First Appellate District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 69. Volkswagenwerk Aktiengesellschaft, petitioner, *v.* Federal Maritime Commission et al. Upon consideration of the motion of

the petitioner to amend judgment and retax costs, the judgment heretofore issued in this case on April 1, 1968, is amended to tax one-half of the costs in favor of the petitioner and against respondents Pacific Maritime Association and Marine Terminals Corporation. Mr. Justice Marshall took no part in the consideration or decision of this motion.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 661. Richard Allen et al., appellants, *v.* State Board of Elections et al. Appeal from the United States District Court for the Eastern District of Virginia. Further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits. Case placed on the summary calendar.

No. 1058. J. C. Fairley et al., appellants, *v.* Joe T. Patterson et al.;

No. 1059. Charles E. Bunton et al., appellants, *v.* Joe T. Patterson et al.; and

No. 1174. Clifton Whitley et al., appellants, *v.* John Bell Williams, Governor of Mississippi, et al. Appeals from the United States District Court for the Southern District of Mississippi. Further consideration of the question of jurisdiction in these cases is postponed to the hearing of the cases on the merits. The cases are consolidated and a total of 2 hours allotted for oral argument.

CERTIORARI GRANTED

No. 1365. Timothy F. Leary, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted limited to questions 1 and 4 presented by the petition which read as follows:

“I. Whether the registration and tax provisions in 26 U.S.C. Sections 4741(a), 4742 and 4744(a), as applied to Petitioner, violate his privilege against self incrimination protected by the Fifth Amendment to the United States Constitution and his rights thereunder as amplified by this Court in three recently decided cases: *Marchetti v. U.S.*, 390 U.S. 39 (1968); *Grosso v. U.S.*, 390 U.S. 62 (1968); and *Haynes v. U.S.*, 390 U.S. 85 (1968).

“IV. Whether Petitioner was denied due process under the Fifth Amendment by the application, under the circumstances of this case, of the provisions of 21 U.S.C. § 176a, providing that an inference may be drawn respecting the illegal origin and nature of marihuana solely from possession thereof.”

The case is placed on the summary calendar.

No. 1378. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Jacksonville Terminal Company. Petition for writ of certiorari to the

District Court of Appeal of Florida, First District, granted and case placed on the summary calendar. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. **1380**. Presbyterian Church in the United States et al., petitioners, *v.* Mary Elizabeth Blue Hull Memorial Presbyterian Church et al. Motion of William P. Thompson, Stated Clerk of the General Assembly of the United Presbyterian Church in the United States of America, et al., for leave to file a brief, as *amici curiae*, granted. Petition for writ of certiorari to the Supreme Court of Georgia granted and case placed on the summary calendar.

CERTIORARI DENIED

No. **399**. Richard C. Price, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **627**. Thomas C. Cornell et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1089**. Bates Block et al., petitioners, *v.* Compagnie Nationale Air France. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1349**. Annette Lesley Buchanan, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1353**. The Elmo Company, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1355**. Bedding, Curtain and Drapery Workers Union, Local 140 of the United Furniture Workers of America, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1356**. Jack J. Gray, petitioner, *v.* Howard F. Johnson, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1357**. Ni Pilkinton, petitioner, *v.* Catherine I. Pilkinton. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **1360**. American Cyanamid Company, petitioner, *v.* Nopco Chemical Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1362. Claude Canada, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1367. Preston Products Company, Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1368. Oscar Lee Belvins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1370. James Doyle Cave, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1373. Probro, Inc., dba Lakewood Club, petitioner, *v.* Department of Alcoholic Beverage Control of the State of California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1374. An Article of Device . . . Diapulse Manufacturing Corporation of America, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1381. Hong Kong & Shanghai Bank, Hong Kong (Trustee) Limited, petitioner, *v.* Superior Court of California in and for the City and County of San Francisco. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1383. Paul E. RePass, petitioner, *v.* Albert L. Vreeland et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1388. Knox Glass, Inc., petitioner, *v.* Bowser and Campbell et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1395. Jeral Bliss Nickerson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1411. Reba Lunow, petitioner, *v.* Fairchance Lumber Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1452. John J. Scarselletti, petitioner, *v.* Aetna Casualty & Surety Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 765. Russel Milton Wills, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas, Mr. Justice Brennan, and

Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 1178. Edward Franzen, petitioner, *v.* The Township of Elk et al. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1324. Bryant Chucking Grinder Company, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1329. Southern California Edison Company, petitioner, *v.* Federal Power Commission. Petitioner for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1354. Richard L. Oelschlaeger, petitioner, *v.* Stewart L. Udall, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1358. Paul De Lucia, petitioner, *v.* Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1361. The Summit Fidelity & Surety Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas would grant and reverse judgment of lower court.

No. 831, *Misc.* Harold L. Richardson, petitioner, *v.* L. S. Nelson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 961. *Misc.* Dwain Curtis Patillo, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1026, *Misc.* Helen James, petitioner, *v.* Superior Court of the County of Los Angeles. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1077, *Misc.* Albert G. Beattie, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

- No. **1081, Misc.** Ernest Bonner, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.
- No. **1119, Misc.** Victor Manuel Ruiz, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.
- No. **1121, Misc.** Michael J. Riley, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.
- No. **1130, Misc.** James Battle Oldham, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied.
- No. **1137, Misc.** Robert Beachum, petitioner, *v.* New Mexico; and
No. **1138, Misc.** Millie Ann Williams, petitioner, *v.* New Mexico. Petitions for writs of certiorari to the Supreme Court of New Mexico denied.
- No. **1147, Misc.** Charles J. Deese, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.
- No. **1148, Misc.** James Milton Waddy, petitioner, *v.* Lake F. Russell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.
- No. **1187, Misc.** Charles David Vickers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.
- No. **1236, Misc.** Robert Earl Sutton, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.
- No. **1309, Misc.** Edward Hodge, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.
- No. **1337, Misc.** Daniel G. Lewis, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.
- No. **1364, Misc.** Elliott Sheppard, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.
- No. **1369, Misc.** Manuel Salinas, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.
- No. **1374, Misc.** Victor A. Curcio, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1414, **Misc.** Arthur Hubert Browne, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1428, **Misc.** Henry Donald Fairhurst, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1515, **Misc.** Meredith Paul Lowe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1551, **Misc.** Franklin Delano Fort, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1557, **Misc.** John C. Berkery, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1558, **Misc.** Eddie Mitchell, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1559, **Misc.** LeRoy Burr, Jr., petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1561, **Misc.** Francisco Larranaga, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1567, **Misc.** Charles A. DuRain, petitioner, *v.* John W. Wingo, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1569, **Misc.** Mack Williams, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1570, **Misc.** Marvin John Piche, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1576, **Misc.** John W. Bailey, petitioner, *v.* Lamont Smith, Warden. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1579, **Misc.** Richard Silva, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1580, **Misc.** Otis Foose, petitioner, *v.* A. T. Rundle, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1583, **Misc.** Gerald Raymond Haynes, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1584, **Misc.** Claude Lee Boone, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1585, **Misc.** Bennett V. Cook, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1586, **Misc.** Henry Clay Tollett, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1587, **Misc.** Robert Lee Hull, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1588, **Misc.** James Eason, petitioner, *v.* Fred R. Dickson, Chairman, Adult Authority of the State of California, et al. Petition for writ of certiorari to the United State Court of Appeals for the Ninth Circuit denied.

No. 1598, **Misc.** Ben Keller, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1600, **Misc.** William Turner Johnson, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1601, **Misc.** Wilber Leo Sears, petitioner *v.* Nebraska, Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1603, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1609, **Misc.** Sam Zimmerman, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1612, **Misc.** John William Rozier, petitioner, *v.* F. W. Fordon, Parole Administrator, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1617, **Misc.** Rex D. Nelson, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1618, **Misc.** Clifton Hall Johnson, Jr., petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1619, **Misc.** Leon G. Schack, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1620, **Misc.** Rodney Craig, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1622, **Misc.** Louis Ludwik Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1630, **Misc.** Leoncio Pagan Cancel, petitioner, *v.* Gerardo Delgado. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1631, **Misc.** Peter R. Rodriguez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1633, **Misc.** Henry Mosden, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1636, **Misc.** Henry Patrick, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1644, **Misc.** Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1645, **Misc.** Louis Ruiz, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1650, **Misc.** Raymond W. Searfoss, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1651, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1660, **Misc.** John Arthur Welsh, petitioner, *v.* Louis S. Nelson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1661, **Misc.** Rex D. Nelson, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1663, *Misc.* Joseph Arthur Carbray, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1688, *Misc.* William W. Winegar, petitioner, *v.* George R. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1758, *Misc.* William McDermott, petitioner, *v.* James F. Maroney, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 852, *Misc.* Walter Woodson Kolomyski, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1706, *Misc.* Larry Fletcher, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida;

No. 1725, *Misc.* John Thomas Hill, petitioner, *v.* Warden, Maryland House of Correction; and

No. 1746, *Misc.* Larry Campbell, petitioner, *v.* Ramsey Clark, Attorney General, et al. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 851, *October Term, 1966.* David J. Miller, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 303, *Misc., Oct. Term, 1966.* Peter Columbus Curry, Jr., petitioner *v.* United States. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 497. Josephine Hanner, petitioner, *v.* Cecil DeMarcus et ux.; and

No. 1185. Gussie Joffe, petitioner, *v.* Sidney H. Joffe. Petitions for rehearing denied.

No. 105. Perry R. Bass et al., petitioners, *v.* Federal Power Commission; and

No. 223. Leo B. Mittelman, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 528. Marion J. Berguido et al., petitioners, *v.* Eastern Airlines, Incorporated. Motion for leave to file second petition for rehearing denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 1163. Virgo Corporation, petitioner, *v.* Ralph M. Paiewonsky, Governor of the Virgin Islands, et al. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from today until Monday, June 17, 1968, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 17, 1968, at 10 o'clock.

×

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Fortas, and Mr. Justice Marshall.

ADMISSIONS TO THE BAR

Harry Toussaint Alexander, of Washington, D.C., Arnold Morton Greenberg, of San Francisco, Calif., Gerard Joseph Callanan, of Baltimore, Md., Martin I. Moylan, of Baltimore, Md., Gilbert F. Schmuff, of Baltimore, Md., David G. Heilbrun, of Southfield, Mich., Edward B. Beis, of St. Louis, Mo., Anthony Orlando Calabrese, Jr., of Cleveland, Ohio, J. Richard Emens, of Columbus, Ohio, Dwight I. Hurd, of Columbus, Ohio, Robert Alan Kates, of Cleveland, Ohio, Constantine D. Lambros, of Ashtabula, Ohio, Richard S. Geiger, of Dallas, Tex., and Mary Neal Sisk, of New York, N.Y., on motion of Mr. Solicitor General Erwin N. Griswold; Thomas H. T. Young, of Honolulu, Hawaii, on motion of Mr. Hiram L. Fong; Thomas B. Forbis, of Roswell, N. Mex., on motion of Mr. George H. Mahon; Anthony Joseph Blaty, of Miami, Fla., on motion of Mr. Dante Fascell; Robert L. Pyle, of Denver, Colo., on motion of Mr. Donald G. Brotzman;

David W. Howell, of Dallas, Tex., on motion of Mr. Brice Wilson Rhyne; John Daniel Hawke, Jr., of Washington, D.C., on motion of Mr. Paul A. Porter; Laurence M. Johnson, of Boston, Mass., on motion of Mr. Charles Horsky; Richard W. Lowery, of Chicago, Ill., and Gene J. Shapiro, of Chicago, Ill., on motion of Mr. I. Martin Leavitt; Cruz Reynose, of El Centro, Calif., on motion of Mr. Charles A. Miller; John Michael Coleman, of Los Angeles, Calif., on motion of Mr. Russell M. Brown; Samuel N. Heesch, of San Diego, Calif., on motion of Mr. David Ferber; Henry Kowalchick, of Norfolk, Va., on motion of Mr. Lester S. Jayson; John Childress Tune, of Nashville, Tenn., on motion of Mr. William G. Allen; Hans F. Loeser, of Cambridge, Mass., on motion of Mr. Charles T. Duncan; Robert T. Gammons, of Natick, Mass., on motion of Mr. James W. Dent; Harold I. Cherness, of Los Angeles, Calif., on motion of Mr. Jess Whitehill;

Ruth W. Duhl, of Washington, D.C., and Durward K. McDaniel, of Washington, D.C., on motion of Mr. Abe W. Weissbrodt; R. Bradley Boal, of New York, N.Y., and Gerald W. Griffin, of New York, N.Y., on motion of Mr. Robert G. McMorrow; Donald S. Manion, of San Francisco, Calif., on motion of Mr. Bernard J. Waters; Leo H. Macdonald, Sr., of St. Louis, Mo., on motion of Mr. Thomas J. Conway;

Robert Bruce Murray, of Colorado Springs, Colo., on motion of Mr. Clayton N. Johnson; Charles Joseph Sullivan, Jr., of College Park, Md., on motion of Mr. James Francis Reilly; Anthony Abbott Vertuno, of Oak Park, Ill., on motion of Mr. Lawrence G. Bohlen; John Templeton Kay, Jr., of Charleston, W. Va., on motion of Mr. William H. Deck, Warren William Koffler, of Washington, D.C., on motion of Mr. Rodolphe A. de Seife; Frank F. Filippone, of Falls Church, Va., on motion of Mr. Francis G. Molinaro; Richard B. Kelley, of Washington, D.C., on motion of Mr. John Francis Doyle; Sylvester B. Billbrough, of Miami, Fla., on motion of Mr. Joseph Kittner;

Robert Gordon King, of Towson, Md., on motion of Mr. Louis H. Peregoff; Jacob Gordon, of Washington, D.C., on motion of Mr. H. Clifford Alder; Jerome Gotkin, of Boston, Mass., on motion of Mr. Edwin M. Zimmerman; William Kay Daines, of Brigham City, Utah, on motion of Mr. Roland Grover Robinson, Jr.; Alan Merlin Reedy, of Newport Beach, Calif., on motion of Mr. Edward A. McCabe; E. Phillip Weeks, of Phoenix, Ariz., and Desmond J. McTighe, of Norristown, Pa., on motion of Mr. P. G. Rosenblatt; Anthony John Ward, of Hawthorne, Calif., on motion of Mr. Frank R. Hammill, Jr.; William C. Parks, of Kansas City, Mo., on motion of Mr. John W. Gray, Jr.; G. Wix Unthank, of Harlan, Ky., on motion of Mr. James R. Phelps; William Peter Smith, Jr., of Sacramento, Calif., on motion of Mr. Louis P. Maniatis; and William Howard January, of Wichita Falls, Tex., on motion of Mr. Charles R. Norberg, were admitted to practice.

OPINIONS

No. 405. Leroy Powell, appellant, *v.* Texas. Appeal from the County Court at Law No. 1 of Travis County, Texas. Judgment affirmed. Mr. Justice Marshall announced the judgment of the Court and delivered an opinion in which Mr. Chief Justice Warren, Mr. Justice Black and Mr. Justice Harlan join. Concurring opinion by Mr. Justice Black with whom Mr. Justice Harlan joins. Opinion by Mr. Justice White concurring in the result. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas, Mr. Justice Brennan and Mr. Justice Stewart join.

No. 797. American Commercial Lines, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. 804. American Trucking Associations, Inc., et al., appellants, *v.* Louisville and Nashville Railroad Company et al.;

No. 808. The American Waterways Operators, Inc., appellant, *v.* Louisville and Nashville Railroad Company et al.; and

No. 809. Interstate Commerce Commission, appellant, *v.* Louisville and Nashville Railroad Company et al. Appeals from the United

States District Court for the Western District of Kentucky. Judgment reversed and cases remanded to the United States District Court for the Western District of Kentucky with directions to enter a judgment affirming the order of the Interstate Commerce Commission. Opinion by Mr. Justice Marshall. Mr. Justice Douglas dissents and would affirm the judgment below for the reasons stated by the District Court in 268 F. Supp. 71. Opinion by Mr. Justice Harlan concurring in the result.

No. 335. The Hanover Shoe, Inc., petitioner, *v.* United Shoe Machinery Corporation; and

No. 463. United Shoe Machinery Corporation, petitioner, *v.* The Hanover Shoe, Inc. On writs of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and cases remanded to the United States District Court for the Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart. Mr. Justice Marshall took no part in the consideration or decision of these cases.

No. 174. Clyde Franklin Lee et al., petitioners, *v.* Florida. On writ of certiorari to the District Court of Appeal of Florida, Fourth District. Judgment reversed and case remanded to the District Court of Appeal of Florida, Fourth District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice White joins.

No. 618. Fortnightly Corporation, petitioner, *v.* United Artists Television, Inc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Fortas. Mr. Justice Douglas and Mr. Justice Marshall took no part in the consideration or decision of this case. Mr. Justice Harlan took no part in the decision of this case.

No. 645. Joseph Lee Jones et ux., petitioners, *v.* Alfred H. Mayer Company et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice White joins.

No. 844. Vincent R. Mancusi, Warden, petitioner, *v.* Frank De-
Forte. On writ of certiorari to the United States Court of Appeals
for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice
Harlan. Dissenting opinion by Mr. Justice Black with whom Mr.
Justice Stewart joins. Dissenting opinion by Mr. Justice White.

No. 755. First Agricultural National Bank of Berkshire County,
appellant, *v.* State Tax Commission. Appeal from the Supreme Judi-
cial Court of Massachusetts. Judgment reversed and case remanded
to the Supreme Judicial Court of Massachusetts for further proceed-
ings not inconsistent with the opinion of this Court. Opinion by Mr.
Justice Black. Dissenting opinion by Mr. Justice Marshall, with whom
Mr. Justice Harlan and Mr. Justice Stewart join. Mr. Justice Fortas
took no part in the consideration or decision of this case.

No. 13. Stephen R. Wainwright, petitioner, *v.* City of New Orleans,
Louisiana. On writ of certiorari to the Supreme Court of Louisiana.
Writ dismissed as improvidently granted. Opinion *per curiam* an-
nounced by Mr. Chief Justice Warren. Concurring opinion by Mr.
Justice Harlan. Concurring opinion by Mr. Justice Fortas with whom
Mr. Justice Marshall joins. Dissentation opinion by Mr. Chief Justice
Warren. Dissenting opinion by Mr. Justice Douglas.

No. 154. Lucille Miller, petitioner, *v.* California. On writ of certi-
orari to the Court of Appeal of California, Fourth Appellate District.
Writ dismissed as improvidently granted. Opinion *per curiam* an-
nounced by Mr. Chief Justice Warren. Dissenting opinion by Mr.
Justice Marshall with whom Mr. Chief Justice Warren, Mr. Justice
Douglas and Mr. Justice Brennan join.

No. 949. Ruben K. King, Commissioner of the State Department
of Pensions and Security, Alabama, et al., appellants, *v.* Sylvester
Smith, individually and on behalf of her minor children, etc., et al.
Appeal from the United States District Court for the Middle Dis-
trict of Alabama. Judgment affirmed. Opinion by Mr. Chief Justice
Warren. Concurring opinion by Mr. Justice Douglas.

The Chief Justice said:

“The other orders of the Court have been certified by the Chief
Justice and filed with the Clerk and will not be announced orally.”

OPINIONS PER CURIAM

No. 559. Sam DeStefano, petitioner, *v.* Joseph I. Woods, Sheriff
of Cook County, Illinois. On petition for writ of certiorari to the
United States Court of Appeals for the Seventh Circuit; and

No. 941. Frank Anthony Carcerano, petitioner *v.* Clarence T. Gladden, Warden. On petition for writ of certiorari to the Supreme Court of Oregon. Petitions for writs of certiorari granted and judgments affirmed. Opinion *per curiam*. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Harlan and Mr. Justice Stewart would deny certiorari for the reasons stated in Mr. Justice Harlan's dissenting opinions in *Duncan v. Louisiana*, No. 410, and *Bloom v. Illinois*, No. 52, decided May 20, 1968.

No. 562. Robert Puentes, appellant, *v.* The Board of Education of Union Free School District No. 21, etc. Appeal from the Court of Appeals of New York. Judgment vacated and case remanded to the Court of Appeals of New York for further consideration in light of *Pickering v. Board of Education*, No. 510, decided June 3, 1968. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that judgment should be reversed. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted and case set for oral argument.

No. 637. Chan Kwan Chung, petitioner, *v.* Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion *per curiam*.

No. 653. Frohman Holland et al., etc., appellants, *v.* Frank S. Hogan, District Attorney, et al. Appeal from the United States District Court for the Southern District of New York. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for further consideration in light of *Gardner v. Broderick*, No. 635 and *George Campbell Painting Corp. v. Reid*, No. 673, both decided June 10, 1968. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted and case set for oral argument.

No. 932. Percy Henry, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted and judgment reversed. Opinion *per curiam*. Mr. Justice Harlan would affirm judgment upon the premises stated in his separate opinion in *Roth v. United States*, 354 U.S. 476, 496, and in his dissenting opinion in *Memoirs v. Massachusetts*, 383 U.S. 413, 455.

No. 997. Lee Art Theatre, Inc., petitioner, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgments reversed, and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice

Stewart base their concurrence in the judgment of reversal upon *Redrup v. New York*, 386 U.S. 767. Dissenting opinion by Mr. Justice Harlan.

No. **1133**. Jack Lopinson, petitioner, *v. Pennsylvania*; and

No. **1095, Misc.** John J. Coyle, petitioner, *v. Pennsylvania*. On petitions for writs of certiorari to the Supreme Court of Pennsylvania, Eastern District; and

No. **1700, Misc.** Robert Leroy Pruett, petitioner, *v. Ohio*. On petition for writ of certiorari to the Supreme Court of Ohio. Motions for leave to proceed in forma pauperis in Nos. **1095, Misc.**, and **1700, Misc.**, granted. Petitions for writs of certiorari granted, judgments vacated and cases remanded to their respective courts for further consideration in light of *Witherspoon v. Illinois*, No. 1015, decided June 3, 1968. Opinion *per curiam*. Mr. Justice Harlan dissents for the reasons stated in Mr. Justice Black's dissenting opinion in *Witherspoon v. Illinois, supra*. Mr. Justice White dissents for the reasons stated in his dissenting opinion in *Witherspoon v. Illinois, supra*. Dissenting opinion by Mr. Justice Black.

No. **1147**. Edgar W. Maxwell, as Tax Assessor of Palm Beach County, Florida, appellant, *v. The Good Samaritan Hospital Association, Inc.* Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that probable jurisdiction should be noted and case set for oral argument.

No. **1188**. Paul E. Sullivan et al., petitioners, *v. Little Hunting Park, Inc., et al.* On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Appeals of Virginia for further consideration in light of *Jones v. Alfred H. Mayer Co.*, No. 645, decided this date. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice Harlan's dissenting opinion in *Jones v. Alfred H. Mayer Co. supra*.

No. **1261**. Lewis P. Goldman, appellant, *v. New York*. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that judgment should be reversed.

No. **1283**. Wilmer Rhodes, appellant, *v. Grant K. Cook*. Appeal from the Supreme Court of Washington. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 1291. John T. Hopper and Joe A. Woodard, petitioners, *v.* Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Louisiana for further consideration in light of *Bruton v. United States*, 391 U.S. —, and *Roberts v. Russell*, No. 920, Misc., decided June 10, 1968. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Harlan and Mr. Justice White dissent for the reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 1401. City of Williamsport et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Middle District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1404. Clark Walter & Sons, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of New Jersey. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Fortas are of the opinion that probable jurisdiction should be noted and case set for oral hearing.

No. 34, Misc. Duane Earl Pope, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice White dissent for the reasons stated in the dissenting opinion of Mr. Justice White in *United States v. Jackson*, *supra*, at 591. Mr. Justice Black dissents for the further reasons stated in his dissenting opinion in *Lopinson v. Pennsylvania*, No. 1133, *Coyle v. Pennsylvania*, No. 1095, Misc., and *Pruett v. Ohio*, No. 1700, Misc., decided this date.

No. 45, Misc. Robert Duane Copas, petitioner, *v.* John C. Burke, Warden. On petition for writ of certiorari to the Supreme Court of Wisconsin. Motion to substitute Wilbur J. Schmidt, Secretary, Wisconsin Department of Health and Social Services, as the party respondent, granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Wisconsin for further consideration in light of *Mempa v. Rhay*, 389 U.S. 128. Opinion *per curiam*.

No. 668, Misc. Joseph M. Houghton, petitioner, *v.* William Scranton, Governor, et al. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted.

Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 759, *Misc.* Joseph Eugene Spence and Glenn O'Neil Williams, petitioners, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina;

No. 1311, *Misc.* Jessie Ellison, petitioner, *v.* Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas; and

No. 1823, *Misc.* Robert Eddie Louis Jackson, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari granted. Judgments vacated and cases remanded to their respective courts of further consideration in light of *Witherspoon v. Illinois*, No. 1015, decided June 3, 1968. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan dissent for reasons stated in Mr. Justice Black's dissenting opinion in *Witherspoon v. Illinois*, *supra*. Mr. Justice White dissents for the reasons stated in his dissenting opinion in *Witherspoon v. Illinois*, *supra*.

No. 830, *Misc.* Wilbur Eugene Streeter, petitioner, *v.* Walter Craven, Warden, et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. —. Opinion *per curiam*.

No. 857, *Misc.* John D. Wade, petitioner, *v.* Howard Yeager, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Bruton v. United States*, 391 U.S. —. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Harlan and Mr. Justice White dissent for reasons stated in Mr. Justice White's dissenting opinion in *Bruton v. United States*, 391 U.S. —, — (1968).

No. 933, *Misc.* Alfred Earl Toles, petitioner, *v.* Ramsey Clark, etc., et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Western District of Washington with directions to dismiss the petition as moot. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 1103, *Misc.* Johnny Harper, appellant, *v.* Michigan. Appeal from the Supreme Court of Michigan. The motion to dismiss is granted

and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. **1127, Misc.** James Alfred West, petitioner, *v.* California. On petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeal of California, Fourth Appellate District, for a hearing as provided in *Sims v. Georgia*, 385 U.S. 538, and *Jackson v. Denno*, 378 U.S. 368. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that certiorari should be granted and case set for oral argument.

No. **1201, Misc.** Lupe Reyes Carrillo, petitioner, *v.* Walter E. Craven, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. ——. Opinion *per curiam*.

No. **1203, Misc.** Donald Eugene Caton, petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. **1208, Misc.** Christoforo Ramon Vialpando, petitioner *v.* Wayne K. Patterson, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Peyton v. Rowe*, 391 U.S. ——. Opinion *per curiam*.

No. **1224, Misc.** Clifford Darrell Carroll, petitioner, *v.* Texas. On petition for writ of certiorari to the Court of Criminal Appeal of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice, Mr. Justice Harlan, and Mr. Justice Stewart, and Mr. Justice White are of the opinion that certiorari should be denied.

No. **1233, Misc.** Don B. Cook, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case

remanded to the United States District Court for the Eastern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan and Mr. Justice Stewart dissent and would deny certiorari.

No. **1301, Misc.** Antonio Nathaniel Wheat, petitioner, *v.* Washington; and

No. **1535, Misc.** Arthur Nathaniel Aiken, petitioner, *v.* Washington. On petitions for writs of certiorari to the Supreme Court of Washington. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari granted. Judgments vacated and cases remanded to the Supreme Court of Washington for further consideration in light of *Bruton v. United States*, 391 U.S. ———, and *Witherspoon v. Illinois*, No. 1015, decided June 3, 1968. Opinion *per curiam*. Mr. Justice Black dissents. Mr. Justice Harlan dissents for the reasons stated in Mr. Justice Black's dissenting opinion in *Witherspoon v. Illinois*, *supra*, and Mr. Justice White's dissenting opinion in *Bruton v. United States*, *supra*. Mr. Justice White dissents for the reasons stated in his dissenting opinions in *Witherspoon v. Illinois*, *supra*, and *Bruton v. United States*, 391 U.S. ———, ———.

No. **1485, Misc.** John W. Singer, petitioner, *v.* David N. Myers, Superintendent. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. **1530, Misc.** Terry Heard, etc., et al., appellants, *v.* Frank Rizzo, etc., et al.; and

No. **1662, Misc.** Richard ^{Traylor}~~Taylor~~ et al., appellants, *v.* Frank Rizzo, etc., et al. Appeals from the United States District Court for the Eastern District of Pennsylvania. The motion to affirm is granted and the judgments are affirmed. Opinion *per curiam*.

No. **1599, Misc.** Dennis McDaniel, petitioner, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of North Carolina for further consideration in light of *Harrison v. United States*, No. 876, decided June 10, 1968. Opinion *per curiam*. Mr. Justice Black dissents for the reasons stated in his dissenting opinion in *Harrison v. United States*, *supra*. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Harrison v. United States*, *supra*. Mr. Justice White dissents for the reasons stated in his dissenting opinion in *Harrison v. United States*, *supra*.

No. **1625, Misc.** Nelson Wilbert Robinson, Jr., petitioner, *v.* Tennessee. On petition for writ of certiorari to the Supreme Court of Tennessee, Western Division. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Tennessee, Western Division, for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice White are of the opinion that certiorari should be denied.

No. **1668, Misc.** Thomas Taggart, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for failure to file the notice of appeal within the time provided by Rule 11. Opinion *per curiam*. Mr. Justice Black is of the opinion that the appeal should be dismissed for want of a substantial federal question. Mr. Justice Douglas dissents.

ORDERS IN PENDING CASES

No. **17, Original.** State of Nebraska, plaintiff, *v.* State of Iowa.

IT IS ORDERED that the Honorable Charles J. Vogel, Senior Judge of the United States Court of Appeals for the Eighth Circuit, be, and he is hereby, appointed Special Master in this case in the place of the Honorable Walter L. Pope, Resigned. The Special Master shall have the 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 Master is directed to submit such reports as he may deem appropriate.

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

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

No. —. William M. Hujus, petitioner, *v.* Washington. The application for a supersedeas bond presented to Mr. Justice Black, and by him referred to the Court, is denied.

No. **73.** In the Matter of John Ruffalo, Jr., petitioner. The judgment heretofore issued in this case on May 28, 1968, is amended to omit the provision therein taxing costs in favor of the petitioner against the Ohio State and Mahoning County Bar Associations. Mr. Justice Stewart took no part in the consideration or decision of this order.

No. 133. Ruby Kolod, et al., petitioners, *v.* United States. The motion of the United States to modify our order of January 29, 1968, 390 U.S. 136, is restored to the calendar for reargument at the 1968 Term. Counsel are requested to include among the issues to be discussed in briefs and oral arguments the following:

(1) Should the records of the electronic surveillance of petitioner Alderisio's place of business be subjected to *in camera* inspection by the trial judge to determine the necessity of compelling the Government to make disclosure of such records to petitioners, and if so to what extent?

(2) If *in camera* inspection is authorized or ordered, by what standards (for example, relevance and considerations of injury to persons or to reputations) should the trial judge determine whether the records are to be turned over to petitioners?

(3) What standards are to be applied in determining whether each petitioner has standing to object to the use against him of the information obtained from the electronic surveillance of petitioner Alderisio's place of business? More specifically, does petitioner Alderisio have standing to object to the use of any or all information obtained from such electronic surveillance whether or not he was present on the premises or party to a particular overheard conversation? Also, does petitioner Alderman have standing to object to the use against him of any or all information obtained from the electronic surveillance of petitioner Alderisio's business establishment?

Mr. Justice Marshall took no part in the consideration or decision of this order.

No. 813. Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, appellant, *v.* Vivian Thompson;

No. 1134. Walter E. Washington et al., appellants, *v.* Clay Mae Legrant et al.; and

No. 1138. Roger A. Reynolds et al., appellants, *v.* Juanita Smith et al. These cases are restored to the calendar for reargument.

No. 950. Brotherhood of Locomotive Firemen and Enginemen et al., appellants, *v.* Chicago Rock Island and Pacific Railroad Company et al.; and

No. 973. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al. The motion for additional time for oral argument is denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 1301. Margaret F. Iaquina, appellant, *v.* New York Employees Retirement System et al. The motion to vacate the order of dismissal and for leave to docket the appeal is denied.

No. 1469. Carmine Vincent Palmieri, petitioner, *v.* Florida. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Phillip Goldman, Esquire, of Miami, Florida, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEALS—JURISDICTION NOTED

No. 688. Sidney Street, appellant, *v.* New York. Appeal from the Court of Appeals of New York. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 1277. United States, appellant, *v.* Joseph Francis Nardello and Isadore Weisberg. Appeal from the United States District Court for the Eastern District of Pennsylvania. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 885. Igor A. Ivanov, petitioner, *v.* United States. Motion to amend petition and petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted, and case placed on the summary calendar; and

No. 1007, Misc. John William Butenko, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case transferred to the appellate docket and placed on the summary calendar. These cases are set for oral argument immediately following the reargument in No. 133. The grants of certiorari in both of these cases are limited to the following questions:

On the assumption that there was electronic surveillance of petitioner or a codefendant which violated the Fourth Amendment,

(1) Should the records of such electronic surveillance be subjected to *in camera* inspection by the trial judge to determine the necessity of compelling the Government to make disclosure of such records to petitioner, and if so to what extent?

(2) If *in camera* inspection is to be authorized or ordered, by what standards (for example, relevance, and considerations of national security or injury to persons or reputations) should the trial judge determine whether the records are to be turned over to the defendant?

(3) What standards are to be applied in determining whether petitioner has standing to object to the use against him of information obtained from such illegal surveillance? More specifically, if illegal surveillance took place at the premises of a particular defendant,

(a) Does that defendant have standing to object to the use against him of any or all information obtained from the illegal surveillance, whether or not he was present on the premises or party to the overheard conversation?

(b) Does a codefendant have standing to object to the use against him of any or all information obtained from the illegal surveillance, whether or not he was present on the premises or party to the overheard conversation?

Mr. Justice Marshall took no part in the consideration or decision of these motions and petitions.

No. 495, Misc. Richard M. Smith, petitioner, *v.* Fred M. Hooey, Judge, Criminal District Court of Harris County, Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Texas granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 753, Misc. George B. Harris, Judge of United States District Court for the Northern District of California, petitioner, *v.* Louis S. Nelson, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 1053, Misc. Ben H. Frank, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 1185, Misc. John Dalmer Benton, petitioner, *v.* Maryland. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Special Appeals of Maryland granted limited to the following questions:

(1) Is the double jeopardy clause of the fifth Amendment applicable to the States through the Fourteenth Amendment?

(2) If so, was the petitioner "twice put in jeopardy" in this case? Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 89. Gloria Stollar, petitioner, *v.* Richard B. Ogilvie, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 402. Joseph F. Lucke, petitioner, *v.* Russell S. Davis, Commissioner of Personnel of the State of Maryland et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 924. Maricopa By-Products, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1160. Yick Chin, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1376. David Milgram and his associates, petitioners, *v.* Old Colony Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1387. Ben Beckham, Jr., petitioner, *v.* Ashton J. Mouton, Collector of Revenue of the State of Louisiana. Petition for writ of certiorari to the Court of Appeal of Louisiana, Second Circuit, and/or Supreme Court of Louisiana denied.

No. 1390. John Paul Jones et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1391. Colorado, petitioner, *v.* Godfrey C. Franc et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1392. Gerald Ronald Guthrie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1394. Levi Swingle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1396. Stevens Industries, Inc., petitioner, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1397. Charles Cater et al., petitioners, *v.* Gordon Transport, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1406. Westward Coach Manufacturing Company, Inc., et al., petitioners, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1410. Midwestern Gas Transmission Company et al., petitioners, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1413. Little River Marine Construction Co., Inc., petitioner, *v.* Albert Flaksa. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1444. American Acceptance Corporation, petitioner, *v.* Edward P. Schoenthaler et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 522. Sanders Lee Lane, petitioner, *v.* Texas. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 857. James Miller, a/k/a Frank James Coppola, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1200. Diana Kearny Powell, petitioner, *v.* Committee on Admissions and Grievances of the United States District Court for the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1364. Commissioner of Internal Revenue, petitioner, *v.* Sugar Daddy, Inc., et al.; and

No. 1389. Adolph Weinberg et ux., petitioners, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of these petitions.

No. 1393. John Nuccio et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 971. Arthur F. Dumaine, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 974. In the Matter of Diana Kearny Powell, petitioner. Motion to stay order of disbarment and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this motion and petition.

No. 1068. Leonard Thompson, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 1090. Aaron Henry, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied without prejudice to the bringing of a proceeding for relief in federal habeas corpus. Neither this disposition, or the proceeding in the Mississippi courts pursuant to our remand, 379 U.S. 443, shall in any way affect petitioner's entitlement to the costs of \$1,367.99 ordered in our mandate of March 2, 1965, to be paid petitioner by the State of Mississippi. See 381 U.S. 908. But the proceedings in that regard initiated in the Mississippi

Supreme Court by petitioner's motion of April 1, 1965, are still pending and our disposition will enable that court to proceed to effectuate our mandate.

Except with reference to the matter of costs, Mr. Justice Harlan and Mr. Justice Stewart would deny certiorari without more.

No. 1154. Hansel Wallace, petitioner, *v. Virginia*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied for the reason that the petition was not timely filed.

No. 1369. Arthur Sonderegger, petitioner, *v. Olive Heiss*. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1386. Sidney Brooks, petitioner, *v. United States*. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1377. Nathan Wechsler et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas dissents.

No. 526, *Misc.* John Thomas Weaver, petitioner, *v. Ward Lane, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 811, *Misc.* Josiah S. Murray, III, etc., petitioner, *v. Raymond McNeill et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 900, *Misc.* Leander Bledsoe, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 921, *Misc.* Wiley I. Blackstone, petitioner, *v. A. L. Oliver, Warden, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 928, *Misc.* Eugene Lamar Jackson, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 929, *Misc.* Charles Blair et al., petitioners, *v. Spurgeon Bell, Chief Justice, et al.* Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 969, *Misc.* Frank Wolff, petitioner, *v. Jay Foley*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1014, *Misc.* Leo F. Feeley, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. **1030, Misc.** Leon E. West, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1040, Misc.** Ruth Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1065, Misc.** Alexander Thorpe, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1088, Misc.** Earl F. Mink, petitioner, *v.* Parke Davis Co. et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **1093, Misc.** Fred Boney, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1112, Misc.** David Lee Davaney, petitioner, *v.* Harold V. Field. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1123, Misc.** Jerry Crane, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **1144, Misc.** Jones C. Allred, petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1191, Misc.** Charles Edward Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1198, Misc.** George Willie Hobbs, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1231, Misc.** Richard Jack, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1262, Misc.** Saul Kozuck et ux., petitioners, *v.* Lal Construction Company. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1273, Misc.** Jimmie Doyle Bear, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1283, Misc.** Tomislav Kordic and Venka Kordic, petitioners, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1288, Misc.** Preston Holloway, petitioner, *v.* Frederick Reincke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1347, Misc.** Anthony Placentia Torres, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. **1350, Misc.** George Baker, petitioner, *v.* Lake F. Russell, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. **1383, Misc.** Arnaldo Octavio Brett, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1397, Misc.** David Finney, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. **1401, Misc.** Doss Jackson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1454, Misc.** Terrance Hogan, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. **1457, Misc.** Clarence Hill, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **1463, Misc.** Jean Philomena Pizzarusso, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1474, Misc.** Travis Truman Lott, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1483, Misc.** Frank R. Del Piano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1546, Misc.** Robert Earl Barnes, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. **1552, Misc.** Elaine Panizzi et al., etc., petitioners, *v.* State Farm Mutual Automobile Insurance Company; and

No. **1553, Misc.** Elaine Panizzi et al., etc., petitioners, *v.* State Farm Mutual Automobile Insurance Company. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1563, *Misc.* Thuman Eugene Stanphill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1573, *Misc.* Cecilio Rivera, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1577, *Misc.* Federico Gomez Hernandez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1591, *Misc.* Gerald Dean Godfrey, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska, denied.

No. 1592, *Misc.* James Francis Mahoney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1596, *Misc.* James Virgil Weston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1597, *Misc.* Willis H. Raymond, petitioner, *v.* Walter E. Craven. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1602, *Misc.* Gilbert Gonzales, petitioner, *v.* Walter E. Craven, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1607, *Misc.* Allen Beverley Lembke, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1608, *Misc.* Wallace Dean Cline, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1613, *Misc.* Walter A. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1614, *Misc.* Nola Elian Chess, petitioner, *v.* Melissa Elizabeth Bunting et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1616, *Misc.* Niels R. J. Ellis, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1623, *Misc.* Orville Wesley Thomas, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1624, *Misc.* Alvin Calloway, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1634, *Misc.* Andrew White, petitioner, *v.* Charles H. Leavitt, City Sergeant. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1635, *Misc.* Dale K. Grassman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1640, *Misc.* Donald A. Winiecki, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1643, *Misc.* Franklin Melvin Archie, petitioner, *v.* New Mexico. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1646, *Misc.* William Randolph Cinnamon, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1647, *Misc.* Raymond Joseph Nowicki, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1648, *Misc.* Charles R. Fox, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1653, *Misc.* Robert Jewell Landman, Sr., petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1654, *Misc.* George W. Halsey, petitioner, *v.* Paul H. Nitze, Secretary of the Navy, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1656, *Misc.* Clarence Jackson, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1659, *Misc.* John Winston Prince, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1666, *Misc.* James W. Kelly and Joseph Isaac, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1669, *Misc.* Robert Newton Gardner, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1671, *Misc.* Allan D. Gold, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1673, *Misc.* John Edward Daugherty, petitioner, *v.* Walter E. Craven, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1676, *Misc.* Lillian Jo McEwen, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1677, *Misc.* John S. Tovrea, petitioner, *v.* City and County of Denver. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1679, *Misc.* Alton Charles, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1680, *Misc.* James Foston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1683, *Misc.* Robert Eugene Higgins, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 1687, *Misc.* Lewis A. Honea, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1691, *Misc.* Ignacio Teran, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1692, *Misc.* Andrew White, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1694, *Misc.* Arthur R. Paine, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1696, *Misc.* Gerald C. Page, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1697, *Misc.* Jasper Rodel Walker, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1698, *Misc.* Saverio DeBonis, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1703, *Misc.* Jimmy Louis Franklin, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1704, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1705, **Misc.** Sam K. Mahi, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1707, **Misc.** Willie Capler, petitioner, *v.* City of Greenville, Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1710, **Misc.** Roy Bland, petitioner, *v.* Albert Nenna, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1713, **Misc.** Oliver Scott, Jr., petitioner, *v.* Louis S. Nelson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1714, **Misc.** William J. Forbes, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1715, **Misc.** Nathaniel A. Deman, petitioner, *v.* Lawrence D. Shubow et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1717, **Misc.** Edward Stanley Miller and Joseph T. Quinones, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1718, **Misc.** Louis Valenzuela, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1719, **Misc.** Toivo Henry Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1720, **Misc.** Marvin John Piche, petitioner, *v.* B. J. Rhay, Superintendent, Washington, State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1722, **Misc.** Jesse Lee X. Adair, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Criminal Court of Baltimore City, Maryland, denied.

No. 1735, **Misc.** Hershell L. Winters, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1736, **Misc.** James Larry Kidwell, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1738, *Misc.* William Harrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1740, *Misc.* Clarence Ray and John Hall, petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1745, *Misc.* Homero Sanchez Pineda, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1771, *Misc.* Virgle Lee Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the ~~District of Columbia~~ Circuit denied.

No. 1821, *Misc.* Ronald Henry Sands, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1861, *Misc.* Lester E. Morford, III, petitioner, *v.* Carl Hocker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1868, *Misc.* Robert Lee Lyons, petitioner, *v.* Larry Fultz, Chief Juvenile Probation Officer, Harris County, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 141, *Misc.* Stuart Carpenter, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 482, *Misc.* Shahid El Hussein Muhammad, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 501, *Misc.* Lewis G. Robinson, petitioner, *v.* Civil Service Commission, City of Cleveland, Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Judicial District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 653, *Misc.* James Dupree, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 683, *Misc.* Robert Brett and Mary Garcia Cruz, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1116, *Misc.* David Lee Cradle, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1267, *Misc.* Fred M. Clark, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1367, *Misc.* Tony Montoya Lara, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1186, *Misc.* Tommie Lee Green, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied. The Chief Justice and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 1242, *Misc.* La Verl Bailey and Charles R. Smith, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and judgment reversed.

No. 1245, *Misc.* Harold Johnson O'Brien, petitioner, *v.* Interstate Commerce Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 1248, *Misc.* Herbert E. Rose, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution. Motion to supplement petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1325, *Misc.* Aaron Bruce Gregory, petitioner, *v.* Warden, U.S. Penitentiary, Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1672, *Misc.* Gerard Cachoian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1547, *Misc.* Thomas Brennan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. The Chief Justice and Mr. Justice Fortas are of the opinion that certiorari should be granted and judgment reversed on authority of *Garrity v. New Jersey*, 385, U.S. 493.

No. **1674, Misc.** Eusebius J. Biggs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. **1665, Misc.** E. L. Cord, petitioner, *v.* Calvin J. Smith et al. Motion for leave to file petition for writ of certiorari, mandamus, and/or prohibition denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. **1331, Misc.** Roosevelt Boone, petitioner, *v.* Roger B. Copinger, Warden;

No. **1684, Misc.** Leonard H. Lundberg, petitioner, *v.* R. J. Buchkoe, Warden;

No. **1819, Misc.** Alfred W. Kohlfuss, petitioner, *v.* Frederick G. Reincke, Warden;

No. **1831, Misc.** Robert A. Meunier, petitioner, *v.* Wisconsin;

No. **1855, Misc.** William Joseph Smith, petitioner, *v.* George Perry Lloyd, Superintendent, California Correctional Institution;

No. **1857, Misc.** Harry R. Neely, petitioner, *v.* Superintendent, State Correctional Institution;

No. **1869, Misc.** Ernest Rodriguez, petitioner, *v.* Louis S. Nelson, Warden, et al.; and

No. **1875, Misc.** Claude Harris, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR MANDAMUS DENIED

No. **1604, Misc.** Donald Wayne Lawrence, petitioner, *v.* Texas et al.;

No. **1627, Misc.** Gerald Glen Boyden, petitioner, *v.* Jesse W. Curtis;

No. **1675, Misc.** Eusebius J. Biggs, petitioner, *v.* William G. Campbell, etc.;

No. **1708, Misc.** Ray S. Bailey, petitioner, *v.* Ellis C. MacDougall, Director, South Carolina Department of Corrections;

No. **1709, Misc.** Harold J. Dailey, petitioner, *v.* Harold J. Smith, Attorney; and

No. **1854, Misc.** Eusebius J. Biggs, petitioner, *v.* John Does et al. Motions for leave to file petitions for writs of mandamus denied.

No. **1638, Misc.** Frank Edward Sepulveda-Casados, petitioner, *v.* Dorwin W. Suttle, Judge. Motion for leave to file petition for writ of mandamus and/or prohibition denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 1724, **Misc.** McLoughlin Manufacturing Corp. et al., petitioners, *v.* J. Skelly Wright et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 410. Gary Duncan, appellant, *v.* Louisiana;

No. 1223. Wilton Ross Thompson, petitioner, *v.* United States;

No. 1275. Walter Butterman et ux., petitioners, *v.* Walston & Co., Inc., et al.;

No. 1276. Elizaveta Danila et al., petitioners, *v.* George Dobra, Executor of the Estate of John Danila;

No. 1298. Athena Cielen, petitioner, *v.* Aetna Life Insurance Company, et al.;

No. 1027, **Misc.** Ralph Spurlin, petitioner, *v.* A. L. Dutton, Warden, et al.;

No. 1404, **Misc.** James K. Kelly, petitioner, *v.* Kansas et al.;

No. 1446, **Misc.** Calvin Winston Jackson, appellant, *v.* Louis S. Nelson, Warden; and

No. 1459, **Misc.** Karl H. Stello, petitioner, *v.* John Strand et al. Petitions for rehearing denied.

No. 715. S. Lawrence Kahn, petitioner, *v.* United States. Motion leave to file petition for rehearing denied. Mr. Justice Douglas is of the opinion that the petition should be granted. Mr. Justice Marshall took no part in the consideration or decision of this motion.

No. 718. Arthur B. Sachs et al., petitioners, *v.* United States. Petition for rehearing denied. Mr. Justice Douglas is of the opinion that the petition should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 906. Rovico, Inc., petitioner, *v.* American Photocopy Equipment Company. Motion for leave to file second petition for rehearing denied.

No. 1392, **Misc.** Claudia Walker, appellant, *v.* California. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

The Chief Justice said:

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term."

Adjourned to the time and place appointed by law.