

OCTOBER TERM, 1961

STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	13	1, 062	1, 510	2, 585
Cases disposed of.....	0	860	1, 297	2, 157
Remaining on dockets.....	13	202	213	428

Cases disposed of—Appellate Docket:

By written opinions.....	100
By per curiam opinions or orders.....	95
By motion to dismiss or per stipulation (merits cases).....	0
By denial or dismissal of petitions for certiorari.....	665

Cases disposed of—Miscellaneous Docket:

By written opinions.....	0
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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

The Chief Justice said.

“Beginning Monday, October 9, 1961, and in the future, the Court will convene at 10:00 a.m. and, on days of argument, will sit until 12:00 noon when we will recess for luncheon. We will reconvene at 12:30 p.m. and sit until 2:30 p.m.”

ADMISSIONS TO THE BAR

Richard L. Goldman, of Arlington, Va., William Jay Howard, of Great Neck, N.Y., Bruce S. Lane, of Cincinnati, Ohio, Bernard R. Hollander, of Cleveland, Ohio, Edward Irwin Gold, of Cleveland, Ohio, William Rush McKelvy, of Seattle, Wash., Paul Pollack, of Miami, Fla., and MacArthur Propp, of Los Angeles, Calif., on motion of Mr. Solicitor General Archibald Cox; Clarence A. Davis, of Washington, D.C., on motion of Mr. Carl T. Curtis; Orba Lee Malone, of El Paso, Tex., on motion of Mr. Arthur C. Perry; James Paul O'Drain, of Richmond, Calif., Robert Joseph Costello, of Redwood City, Calif., and Walter Fred Bebich, of Richmond, Calif., on motion of Mr. Brice Wilson Rhyne; Robert Rundle Thornton, Pasadena, Calif., on motion of Mr. Richard Greeley Wynne; Donald W. Hulmes, of Hollywood, Fla., on motion of Mr. Ralph E. Odum; Joseph A. Galligan, of Burlingame, Calif., on motion of Mr. Thomas H. Wall; Glyn Dial Ellis, of Logan, W. Va., on motion of Mr. Warren E. Miller; Stanley Y. F. Ling, of Honolulu, Hawaii, and Hugh Shearer III, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; Solomon Sandler, of Gloucester, Mass., on motion of Mr. Jules Fink; Julius Weiss, of New York, N.Y., on motion of Mr. Benjamin V. Cohen; Murray C. Fuerst, of New Rochelle, N.Y., on motion of Mr. Ralph E. Becker; William Josiah Neville, of Statesboro, Ga., and Homer Sylvester Durden, Jr., of Swainsboro, Ga., on motion of Mr. Darius N. Brown; Maurice Allen David, of Nashville, Ind., on motion of Mr. William Harold Bennison; Charles Dana Waterman, Jr., of Davenport, Iowa, on motion of Mr. Charles C. Glover III; Malcolm Sparhawk Langford, of Washington, D.C., on motion of Mr. Philip B. Brown; George P. Bowie, of Baltimore, Md., on motion of Mr. Alex Steinhorn; Lynn Edwin Chilcote, of Tyler, Tex., on motion of Mr.

Martin T. Fisher; and Jules Mariash, of New York, N.Y., Joseph Sachter, of New York, N.Y., Sidney S. Kessler, of New York, N.Y., Morton H. Meyer, of New York, N.Y., William Ross, of Brooklyn, N.Y., Salvatore M. Pino, Jr., of New York, N.Y., Reid T. Sheridan, of New York, N.Y., Harold Lee Schwab, of New York, N.Y., and James A. Hillary, of New York, N.Y., on motion of Mr. Moody R. Tidwell, Jr., were admitted to practice.

ASSIGNMENT ORDERS

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 4, 1961, and ending June 30, 1962, 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.

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 2, 1961, and ending June 30, 1962, 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.

An order of the Chief Justice designating and assigning Mr. Justice Burton (retired) to perform judicial duties in the United States Court of Appeals for the District of Columbia Circuit beginning October 12, 1961, and ending June 30, 1962, 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.

ORDER

IT IS ORDERED that paragraph 1 of Rule 4 of the Rules of this Court be amended to read as follows:

“Open sessions of the Court will be held at ten a.m. on the first Monday in October of each year, and thereafter as announced by the Court. When the court is in session to hear arguments, it sits from ten until noon; recesses until half-past twelve; and adjourns for the day at half-past two.”

IT IS FURTHER ORDERED that this amendment to Rule 4 shall take effect on October 9, 1961.

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

The day call for Monday, October 9, will be as follows: Nos. 6, 7, and 14.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Charles L. Dutchess, of Grand Rapids, Mich., Jeremiah J. Hurley, of Boston, Mass., Alexander Richard Roman, of Cleveland, Ohio, Ernest Joseph Howard, of Greenville, S.C., Lehman Adwell Moseley, Jr., of Greenville, S.C., and Robert J. Hall of Olympia, Wash., on motion of Mr. Solicitor General Archibald Cox; Reginald Stille Williams, of Salem, Oreg., on motion of Wayne Lyman Morse; John Kyne Granfield, of Springfield, Mass., on motion of Mr. Charles Fahy; Walkley E. Johnson, of Richmond, Va., on motion of Marvin Jones; Charles Morgan, Jr., of Birmingham, Ala., and George Peach Taylor, of Birmingham, Ala., on motion of Mr. Frederick Bernays Wiener; James H. Wakatsuke, of Honolulu, Hawaii, on motion of Mr. Alfred Laureta; Arthur S. Keyser, of Philadelphia, Pa., and Barton M. Banks, of Philadelphia, Pa., on motion of Mr. Leonard S. Sattler; David N. Harsh, of Memphis, Tenn., on motion of Mr. Walter C. Chandler; Walker T. Tipton, of Covington, Tenn., Albert F. Sloan, of South Pittsburg, Tenn., and Paul M. Sand, of Bismarck, N. Dak., on motion of Mr. George F. McCanless; Edmond H. Heisler, of Haverford, Pa., on motion of Mr. Maurice Francis Biddle; Thomas M. Blackburn, Jr., of Knoxville, Tenn., and Lenox G. Cooper, of Washington, D.C., on motion of Mr. Charles Sylvanus Rhyne; David B. Rothstein, of Chicago, Ill., on motion of Mr. M. Michael Essin; L. Clayton Rivers, Jr., of El Paso, Tex., on motion of Mr. Belford V. Lawson, Jr.; James Petty Garland, of Baltimore, Md., Thomas W. Jamison III, of Baltimore, Md., William J. McCarthy, of Baltimore, Md., and Gerard Wm. Wittstadt, of Dundalk, Md., on motion of Mr. Joseph S. Kaufman; Joseph Ruble Griffin, of Jackson, Miss., on motion of Mr. Martin Ray McLendon; Robert L. O'Connell, of Detroit, Mich., on motion of Mr. Theodore Sachs; Luke G. Galant, of Jacksonville, Fla., on motion of Mr. Ben Paul Noble; Gregory Benjamin Khachadorian, of Arlington, Mass., on motion of Mr. Harold B. Putnam, Jr.; Gerald F. Muldoon, of Boston, Mass., on motion of Mr. John F. McAuliffe; David Norman Burns, of Jackson Hole, Wyo., on motion of Mr. Richard A. Mullens; and Marion Elliott Sherer, of Columbus, Ohio, and Hugh A. Sherer, of Columbus, Ohio, on motion of Mr. C. William O'Neill, 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. 95. Milk Transport, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Minnesota. The motion of W. W. Hughes, etc., for leave to file brief, as *amicus curiae*, is denied. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 117. John W. Soergel et al., appellants, *v.* James E. Allen, Commissioner of Education of the State of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 122. Security-First National Bank of Los Angeles et al., appellants, *v.* Franchise Tax Board of the State of California. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 127. Standard Drug Company, Inc., appellant, *v.* General Electric Company. Appeal from the Supreme Court of Appeals of Virginia. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 176. Alice Masten Spencer, Administratrix et al., appellants, *v.* Hibernia Bank et al. Appeal from the District Court of Appeal of California, First Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 188. W. J. Dillner Transfer Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 215. C. R. Goslin et al., appellants, *v.* Julia Beazley et al. Appeal from the Court of Civil Appeals of Texas, First Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 218. Russell McMahon et al., petitioners, *v.* Milam Manufacturing Company. On petition for writ of certiorari to the Supreme Court of Mississippi. The petition for writ of certiorari is granted. On writ of certiorari, judgment reversed. Opinion *per curiam*.

No. 246. Fay Abelman et al., appellants, *v.* City of Cedar Rapids. Appeal from the Supreme Court of Iowa. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 23, Misc. Oregon ex rel. Ernest LeRoy Smith, appellant, *v.* C. T. Gladden, Warden. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 66, Misc. Raul Leopoldo Cruz, petitioner, *v.* Colorado. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Colorado granted. On writ of certiorari, upon consideration of the entire record and the confession of error of the Attorney General of Colorado, judgment reversed. Opinion *per curiam*.

No. 104, Misc. Nell Lynn, appellant, *v.* Judge J. Russell McElroy et al. Appeal from the United States Court of Appeals for the Fifth Circuit. The appeal is dismissed. Opinion *per curiam*.

No. 105, Misc. Betty Ann Hamilton, also known as Betty Ann Hayden, appellant, *v.* The Superior Court of the State of California, in and for the County of Marin. Appeal from the District Court of Appeal of California, First Appellate District. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 108, Misc. Francisco Cepero, appellant, *v.* Hon. Felisa Rincon de Gautier, etc. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*.

No. 129, Misc. Larry Wayne McLain, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 164, Misc. Francisco Cepero, appellant, *v.* Hon. Government of the Commonwealth of Puerto Rico, et al. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*.

No. 219, Misc. Jose C. Longoria, appellant, *v.* Delaware. Appeal from the Supreme Court of Delaware. The motion to dismiss is

granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 277, Misc. Joseph I. Genco, appellant, *v.* Margie Rozalia Genco. Appeal from the Supreme Court of Ohio. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 307, Misc. Josephine Hubbard, appellant, *v.* The Board of Education of the City of New York. Appeal from the Court of Appeal of New York. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 331, Misc. Leslie LeRoy Johnson and Robert Allen Streit, appellants, *v.* The District Court of Iowa in and for Fayette County. Appeal from the Supreme Court of Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 382, Misc. Francisco Cepero, appellant, *v.* Honorable Government of the Commonwealth of Puerto Rico et al. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 5. Manuel Aristeguieta, etc., petitioner, *v.* First National City Bank of New York et al.; and

No. 43. Manuel Aristeguieta, Consul General of the Republic of Venezuela, etc., petitioner, *v.* First National City Bank of New York et al. The oral argument of these cases is postponed.

No. 6. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. The motions of J. Howard Edmondson, Governor of Oklahoma, and August Scholle for leave to file briefs, as *amicus curiae*, are granted. The motion of J. P. Harris et al. for leave to file brief, as *amici curiae*, is denied.

No. 10. Alden Whitman, petitioner, *v.* United States. The motion of petitioner to dispense with printing the record is granted. The motion of Thurman Arnold for leave to withdraw his appearance as counsel for petitioner is granted. Mr. Justice Brennan took no part in the consideration or decision of these motions.

No. 11. Herman Liveright, petitioner, *v.* United States. The motion of petitioner to dispense with printing the record is granted.

No. 12. William A. Price, petitioner, *v.* United States. The motions of petitioner to dispense with printing the record and for leave to proceed further herein *in forma pauperis* are granted.

No. 13. Chauffeurs, Teamsters and Helpers Local Union No. 795, etc., et al., petitioners, *v.* Yellow Transit Freight Lines, Inc., et al. The motion of American Federation of Labor et al. for leave to file brief, as *amici curiae*, is granted.

No. 26. John Burrell Garner et al., petitioners, *v.* Louisiana;

No. 27. Mary Briscoe et al., petitioners, *v.* Louisiana; and

No. 28. Jannette Hoston et al., petitioners, *v.* Louisiana. The motion of the Committee on the Bill of Rights of The Association of the Bar of the City of New York for leave to file brief, as *amicus curiae*, is granted.

No. 48. Carl Still, petitioner, *v.* Norfolk & Western Railway Company. The motion of The Brotherhood of Railroad Trainmen for leave to file brief, as *amicus curiae*, is granted.

No. 61. United Gas Pipe Line Company, appellant, *v.* Ideal Cement Co., et al. The motion of the City of Mobile for leave to participate in oral argument is granted and fifteen minutes are allotted for that purpose.

No. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. The motion of petitioners to substitute Orville L. Freeman in the place of Ezra Taft Benson as a party respondent is granted.

No. 158. Willard Carnley, petitioner, *v.* H. G. Cochran, Jr., Director of the Division of Corrections. It is ordered that Harold A. Ward, Esquire, of Winter Park, Florida, be, and he is hereby, appointed to serve as counsel for petitioner in this case.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 264. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction is noted.

No. 84. Jesse Turner, appellant, *v.* City of Memphis et al. Appeal from the United States District Court for the Western District of Tennessee. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and the case is transferred to the summary calendar.

No. 90. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 91. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. Appeals from the Supreme Court of Texas. Further consideration of the question of jurisdiction is postponed to the hearing of the cases on the merits. The cases are consolidated and

a total of two hours is allowed for oral argument immediately following No. 84. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 173. United States, appellant, *v.* National Dairy Products Corp. et al. Appeal from the United States District Court for the Western District of Missouri. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

CERTIORARI GRANTED

No. 101. Goldlawr, Inc., petitioner, *v.* Marcus Heiman et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 123. Manual Enterprises, Inc., et al., petitioners, *v.* J. Edward Day, Postmaster General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 124. Creek Nation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted.

No. 144. State Board of Insurance et al., petitioners, *v.* Todd Shipyards Corporation. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, granted.

No. 187. California, petitioner, *v.* Federal Power Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 222. National Labor Relations Board, petitioner, *v.* Benne Katz et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 77. National Labor Relations Board, petitioner, *v.* Walton Manufacturing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 113. Buford Malone, Jr., petitioner, *v.* James A. Bowdoin et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit and transferred to the summary calendar.

No. 166. Marine Engineers Beneficial Association et al., petitioners, *v.* Interlake Steamship Company et al. Petition for writ of certiorari to the Supreme Court of Minnesota granted and case transferred to the summary calendar.

No. 205. J. W. Free, petitioner, *v.* James F. Bland. Petition for writ of certiorari to the Supreme Court of Texas granted and case transferred to the summary calendar.

No. 224. The Hanover Bank, Executor, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the

United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 283. James Victor Salem, petitioner, *v.* United States Lines Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 288. In the Matter of the Determination of Good Moral Character of Michael Zipkin, petitioner. Petition for writ of certiorari to the Supreme Court of Missouri granted and case transferred to the summary calendar.

No. 93. United States, petitioner, *v.* Daniel J. Koenig. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 21 which case is also transferred to the summary calendar.

No. 94. National Labor Relations Board, petitioner, *v.* Florida Citrus Canners Cooperative. Petitioner for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 77.

No. 138. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Thomas E. Rohan et al.; and

No. 180, Misc. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Honorable Alexander Bicks et al., Judges 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 granted in No. 138 and motion for leave to file petition for writ of mandamus in No. 180, Misc. granted. Cases consolidated and a total of two hours allowed for oral argument. Cases set for argument immediately following Nos. 90 and 91.

No. 190. United States, petitioner, *v.* Thomas Crawley Davis et al.; and

No. 268. Thomas Crawley Davis et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Claims granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 241. Sunkist Growers, Inc., et al., petitioners, *v.* Winckler & Smith Citrus Products Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Question 1 presented by the petition which reads as follows:

"1. Where a group of citrus fruit growers form a cooperative organization for the purpose of collectively processing and marketing their fruit, and carry out those functions through the agency of three co-

operative agricultural associations, each of which is basically wholly owned and governed by those growers, and each of which is admittedly entitled to the exemption from the antitrust laws accorded to agricultural cooperatives by the Capper-Volstead Act (7 U.S.C.A., sec. 291)—is an unlawful conspiracy, combination or agreement established under Sections 1 and 2 of the Sherman Act upon proof only that these growers, through the agency of these three cooperatives, agreed among only themselves with respect to the extent of the division of the function of processing between them or with respect to the price they would charge in the open market for the fruit and the by-products thereof processed and marketed by them?"

The case is transferred to the summary calendar.

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. The motions of California Manufacturers Association; National Paint, Varnish and Lacquer Association, Inc.; The National Association of Margarine Manufacturers; Ohio Chamber of Commerce; Illinois State Chamber of Commerce; Institute of Shortening and Edible Oils, Inc.; American Spice Trade Association; Georgia State Chamber of Commerce; The Chamber of Commerce of the City of Cleveland, Ohio; and Chamber of Commerce of the United States for leave to file briefs, as *amicus curiae*, are granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to question (d) presented by the petition which reads as follows:

"(d) Does participation by a Court of Claims judge vitiate the judgment of the Court of Appeals?"

In all other respects the petition for writ of certiorari is denied. The case is transferred to the summary calendar and set for argument immediately following No. 341, Misc.

Pursuant to 28 U.S.C. 2403, the Court hereby certifies to the Attorney General that there is drawn in question in this case the constitutionality of the Act of July 28, 1953, 67 Stat. 226 (28 U.S.C. 171).

No. 255. United States, petitioner, *v.* Don Gilmore et al. Petition for writ of certiorari to the United States Court of Claims granted. Case transferred to the summary calendar and set for argument immediately following Nos. 190 and 268.

No. 256. United States, petitioner, *v.* Talbot Patrick et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

No. 41, Misc. Robert Elmer Gallegos, petitioner, *v.* Colorado. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Colorado granted. Case transferred to the appellate docket.

No. 50, Misc. William Douglas and Bennie Will Meyes, petitioners, *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.

No. 154, Misc. Edward Yellin, 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 Seventh Circuit granted. Case transferred to the appellate docket.

No. 216, Misc. R. Milo Gilbert, 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.

No. 82, Misc. Wong Sun and James Wah Toy, petitioners, *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.

No. 291, Misc. Robert Morales et al., petitioners, *v.* City of Galveston et al. The motion to use the record in No. 167, Misc., October Term, 1960, is granted. 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.

No. 341, Misc. Benny Lurk, petitioner, *v.* United States. The motion to use the record in No. 669, October Term, 1960, is granted. 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.

CERTIORARI DENIED

No. 88. Terminal Construction Co., Inc., et al., petitioners, *v.* Metro Industrial Painting Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 97. Carver Progressive Club, petitioner, *v.* Louis C. Miriami et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 99. Morrison-Knudsen Company, Inc., petitioner, *v.* J. J. O'Leary, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 100. Twentieth Century-Fox Film Corporation, petitioner, *v.* Paul C. Teas et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 102. District of Columbia, petitioner, *v.* Frances C. Lewis, Executrix. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 104. Reliance Picture Frame Company, petitioner, *v.* Coventry Ware, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 106. Arnold George Lauer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 107. Pennsylvania Railroad Company, petitioner, *v.* Gertrude Wooten. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 108. Board of Education of the City of Los Angeles et al., petitioners, *v.* Americal Civil Liberties Union of Southern California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 110. Cleo E. Lovett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 111. Fuller Holt et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 112. James Joseph Cenac, petitioner, *v.* State Board of Law Examineers of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 115. Anthony Passero, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 116. Polaroid Corporation, petitioner, *v.* Polarad Electronics Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 119. Local 19, International Brotherhood of Longshoremen, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 120. John W. Chamberlin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 121. Bauer-Smith Dredging Co., Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 126. Wallace Delaney Mohammed, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 129. Minnie R. DeLay et al., petitioners, *v.* Daniel W. Manes. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 130. Apex Distributing Co., Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 131. Agnes Toomer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 132. Elmer M. Harris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 133. Vulcanized Rubber & Plastics Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 135. Moviecolor Limited, petitioner, *v.* Eastman Kodak Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 136. Pueblo de Pecos et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 137. Pueblo de Isleta, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 139. Rochester and Goddell Engineers, Inc., et al., petitioners, *v.* Florida State Turnpike Authority. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District, denied.

No. 141. Jeanne S. Weed et al., petitioners, *v.* Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 143. Grannis & Sloan, Inc., et al., petitioners, *v.* Renegotiation Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 145. Pacific Employers Insurance Company, et al., petitioners, *v.* Bankers Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 147. Raymond J. Berkley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 148. Anthony D'Alessio, petitioner, *v.* Thomas M. Pederson, District Director of Immigration and Naturalization Service, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 149. Sun Oil Company, petitioner, *v.* United Gas Improvement Company and Public Service Commission of New York. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 150. Thomas E. Snyder Sons Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 151. Local 164, Local 1287, and Local 1010, each affiliated with the International Brotherhood of Painters, Decorators, and Paperhangers of America, AFL-CIO, 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.

No. 152. Lucas County Farm Bureau Cooperative Association, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 153. Lewis S. Travis and Jean S. Travis, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 155. Vapor Blast Manufacturing 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. 156. Morrow Radio Manufacturing Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 160. John Deauville, petitioner, *v.* Don Hall, Walt Disney Prods. Petition for writ of certiorari to the Supreme Court of California denied.

No. 161. Federal Trade Commission, petitioner, *v.* Evis Manufacturing Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 162. D. H. Roe et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 163. Joseph Mook et al., petitioners, *v.* Samuel S. Berger et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 164. Chicopee Manufacturing Corporation, petitioner, *v.* Kendall Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 165. Homard P. Dorsey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 168. Partenreederei "Wallschiff", etc., et al., petitioners, *v.* Steamer Pioneer et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 169. Pacific Electric Railway Company, petitioner, *v.* Ernest H. Thayer. Petition for writ of certiorari to the Supreme Court of California denied.

No. 170. E. F. Drew & Co., Inc., petitioner, *v.* Hartford National Bank and Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 171. City of Miami Beach et al., petitioners, *v.* County of Dade. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 172. Quality Molding Company, petitioner, *v.* American National Fire Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 174. O. Henry Tent & Awning Company, petitioner, *v.* Commonwealth Insurance Company of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 175. Biltmore Homes, Inc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 177. Dagny Plum, petitioner, *v.* Tampax, Inc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 179. Saverio Nasta et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 180. Gustave B. Garfield, petitioner, *v.* Edmund Palmieri. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 181. Finn Equipment Company, petitioner, *v.* John Tracy. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 182. Geuder, Paeschke & Frey Co., petitioner, *v.* John R. Clark et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 185. Midessa Television Company, Inc., petitioner, *v.* Motion Pictures for Television, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 186. Bankers Life and Casualty Company, petitioner, *v.* Belanca Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 189. Samuel Rappaport et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 192. Morris C. Goldberg etc., petitioner, *v.* A. Arthur Tracy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 193. Verlin Baxter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 194. Paul F. Myers 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. 195. A. C. Willingham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 197. Jay Street Connecting Railroad et al., petitioners, *v.* William Meyers et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 198. Gulf, Colorado and Sante Fe Railway Company, petitioner, *v.* R. B. Pittman. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, denied.

No. 199. Jones & Laughlin Steel Corporation, petitioner, *v.* J. R. Clark Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 201. Central Ice Cream Company, petitioner, *v.* Goldenrod Ice Cream Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 202. Mrs. Walter E. von Kalinowski, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 203. Mrs. Clifford Raymond Schlichter, petitioner, *v.* Port Arthur Towing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 204. George Chrisos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 207. Robert E. Miller, petitioner, *v.* Carl Weller et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 208. General Drivers Allied Automotive and Petroleum Local Union No. 498, etc., et al., petitioners, *v.* Floyd M. Higgins et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 211. Local No. 11 of the International Association of Bridge, Structural and Ornamental Iron-Workers, AFL-CIO, petitioner, *v.* Henry Hughes. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 212. Loring J. Whiteside, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 216. St. Helena Parish School Board et al., petitioners, *v.* Lawrence Hall, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 217. Louisiana State Board of Education et al., petitioners, *v.* Samuel Allen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 219. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* The State Tax Commission of Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 220. Joan Schnauder et al., petitioners, *v.* Peerless Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 221. Finelen's, petitioner, *v.* Alamance Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 223. Allied Reserve Life Insurance Company, petitioner, *v.* Hubert Morgan Cragg, Jr., a Minor, etc. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 225. Lewin Wethered, Trustee, etc., petitioner, *v.* Alban Tractor Company, Inc. et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 226. East Baton Rouge Parish School Board et al., petitioners, *v.* Clifford Eugene Davis, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 228. National Union Fire Insurance Company of Pittsburgh et al., petitioners, *v.* Theodore Britton, Deputy Commissioner, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 229. Lar Daly, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 230. 40 Cases, more or less, of Six One-Gallon Cans, etc., et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 231. United States Lines Company, petitioner, *v. Julio Diniero*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 233. Donald M. Posegate et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 235. Edward Valves, Inc., et al., petitioners, *v. Cameron Iron Works et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 240. Local 483, International Brotherhood of Boilermakers, Iron Ship Builders, etc., AFL-CIO, et al., petitioners, *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. 247. J. M. Falkner, etc., petitioner, *v. National Bank of Commerce of San Antonio, Texas, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 249. Union Railroad Company, petitioner, *v. Robert C. Imm, Sr.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 251. Maurice F. O'Connell et al., petitioners, *v. James E. Allen, Commissioner of Education of the State of New York, et al.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 253. Franklin W. Durgin et al., petitioners, *v. W. R. Stoffel et al.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 254. Guy F. Cannatella, petitioner, *v. Virginia*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 258. Le Dans, Ltd., et al., petitioners, *v. Lanvin Parfums, Inc.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 259. Tinnerman Products, Inc., petitioner, *v. George K. Garrett Company, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 260. Local 239, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v. National Labor Relations Board*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 261. Joe Bradley Smith et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 262. Stoy Decker et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 265. Noel Bryant James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 266. Merritt-Chapman & Scott Corporation, petitioner, *v.* Bernice M. Frazier. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 267. Adam Bagdasian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 269. Morris W. Lipp et al., petitioners, *v.* National Screen Service Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 270. Edward T. Hulson et al., petitioners, *v.* Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 274. Leo Cafferata, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 276. Emmett Gray, petitioner, *v.* Edwin E. Johansson et al.; and

No. 277. G. & H. Towing Company, petitioner, *v.* Edwin E. Johansson et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 280. Otis Harrison, Trustee, petitioner, *v.* David S. Phillips. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 281. Arthur Murray, Inc., petitioner, *v.* Joseph H. Ricciardi. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 285. Kendall H. Shoyer et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 329. Virgil Wiseman, petitioner, *v.* Sinclair Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 374. Gertrude Lancaster, petitioner, *v.* W. Gwynn Gardiner, et al., etc. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 92. John Van Allen, 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 certiorari should be granted.

No. 96. Walter L. Morgan 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 Douglas is of the opinion certiorari should be granted.

No. 98. Benjamin Blier, petitioner, *v.* United States Lines Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 105. Raymond Everett Hackler, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 109. J. C. Thomas et al., petitioners, *v.* George D. Patterson, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 125. Vincent James Finazzo, 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 certiorari should be granted.

No. 134. Commander Ralph Porges, petitioner, *v.* George C. Schiele, Tax Commissioner. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 140. Samuel Renny Damon et al., petitioners, *v.* Territory of Hawaii, etc. Petition for writ of certiorari to the Supreme Court of Hawaii denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 196. Sanford J. Moore 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 Douglas is of the opinion certiorari should be granted.

No. 209. El Hoss Engineering & Transport Co., Ltd., petitioner, *v.* American Independent Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 103. Mildred C. Trivette, petitioner, *v.* New York Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 114. Mid-South Distributors et al., petitioners, *v.* Federal Trade Commission. The motion of Southwest Automotive Distributors, Inc., et al. for leave to file brief, as *amici curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 178. Tuskegee Institute, petitioner, *v.* Bank of New York, Trustee, et al. The petitioner's motion for leave to file lower court briefs is granted. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 263. Wayne K. Patterson, Warden of the Colorado State Reformatory et al., petitioners, *v.* Ellsworth Medberry. The respondent's motion for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Harlan has filed the following memorandum:

The denial of certiorari in this federal *habeas corpus* proceeding, which involves the conditional release of a state prisoner from a life sentence imposed upon him more than twenty-one years ago, justifies a brief comment. The action taken below was predicated on Colorado's alleged unconstitutional denial to petitioner, an asserted indigent, of a free transcript of the trial proceedings in connection with a 1940 appeal from his conviction.

I find in this situation two important issues which, in my view, are or may be deserving of this Court's plenary consideration: (1) Was the Federal District Court entitled to re-examine the determination of the Colorado Supreme Court that petitioner was not indigent at the time a trial transcript was denied him, see *Medberry v. Patterson*, 142 Col. 180, 350 P. 2d 571, 575, and to make new findings that petitioner was then indigent? See *Brown v. Allen*, 344 U.S. 443, at 458, 463-464, 506; (2) Does the decision of this Court in *Eskridge v. Washington State Board*, 357 U.S. 214, require or justify retrospective application of the rule of *Griffin v. Illinois*, 351 U.S. 12, in circumstances where the State, without fault on its part, is now unable to supply petitioner with a trial transcript, or otherwise to satisfy the *Griffin* rule?

Although the first of these questions is presently ripe for consideration by this Court, it can be said that the second question is prematurely tendered, in that, while it is not disputed that the

State for reasons beyond its control is no longer able to furnish petitioner with a trial transcript, it does not yet appear that the State is unable to furnish petitioner with other means of perfecting an adequate appeal record. In these circumstances I acquiesce in the Court's denial of certiorari because such action will not, of course, preclude the State from showing below, if it can, that without fault on its part, it is now unable to afford, petitioner other adequate means of appeal, and from further recourse to this Court if necessary, with respect to either or both of the above questions. See *Brown v. Allen, supra*, at 456-457, 488-497.

No. 279. Highlander Folk School, petitioner, *v. Tennessee ex rel. A. F. Sloan*, District Attorney General, 18th Judicial District. Petition for writ of certiorari to the Supreme Court of Tennessee denied. Mr. Justice Black took no part in the consideration or decision of this application.

No. 289. Public Service Television, Inc., petitioner, *v. Federal Communications Commission et al.* Motion for damages and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 13, Misc. Alexander McAllister, petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 14, Misc. Alexander L. Piascik, petitioner, *v. Robert A. Heinze*, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 15, Misc. Edward O'Neal, petitioner, *v. Richard A. McGee*, Director of the Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 16, Misc. Hubert Creighton, petitioner, *v. North Carolina*. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 18, Misc. Oliver Robinson, alias Hiram Robinson, petitioner, *v. W. Frank Smyth, Jr.*, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 19, Misc. Joseph O'Leary, petitioner, *v. City of Akron*, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 22, Misc. Robert Lee Gatewood, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 24, Misc. Leslie Wigand, petitioner, *v. J. C. Taylor*, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 31, Misc. Eddie G. Javor, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 32, Misc. Burl Dotson, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 34, Misc. John D. Duncan, petitioner, *v.* Maine. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 40, Misc. Matthew Jackson, petitioner, *v.* Richard A. McGee, Director of Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 43, Misc. Calvin Jackson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 44, Misc. William Tyrone Harris, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 45, Misc. Arthur Lee Hurst, petitioner, *v.* Richard A. McGee, Director, California Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 46, Misc. Daniel E. Wells, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 47, Misc. Clayton Rankins, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 48, Misc. Rafael Fernandez, etc., petitioners, *v.* Flint Board of Education, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 49, Misc. S. D. Huntington, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 54, Misc. Luther Spratt, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 55, Misc. John Pollock, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 56, Misc. Julius Fuller, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 57, Misc. LaVern DeMarrias, petitioner, *v.* South Dakota. Petition for writ of certiorari to the Supreme Court of South Dakota denied.

No. 58, **Misc.** John Bradley, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 59, **Misc.** Charles Larsen, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 61, **Misc.** Russell Walters, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 62, **Misc.** Sandy Brown, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 63, **Misc.** Booker W. Davidson, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 65, **Misc.** William D. Rine, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 67, **Misc.** Calvin Williams, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 70, **Misc.** Walter F. Munsey, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 72, **Misc.** Charles Wesley Johnson, petitioner, *v.* John C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 73, **Misc.** Eugene Garner, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 76, **Misc.** John Wesley Cheeseboro, petitioner, *v.* Warden, Maryland Penitentiary, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 77, **Misc.** Richard Allen, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 78, **Misc.** Monroe Delane, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 80, **Misc.** John Buono, petitioner, *v.* Frank F. Kenton, Warden, etc. petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 81, **Misc.** Barney A. Dennis, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 84, **Misc.** Eugene Horn, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 85, **Misc.** Charles E. Taylor, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 86, **Misc.** Henry Murphy, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 87, **Misc.** Brice J. Utt, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 88, **Misc.** Richard Arice Harvell and Lawrence Grey Allgood, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 91, **Misc.** Frank DeGennaro, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 94, **Misc.** Harry L. Buckles, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 95, **Misc.** Henry R. Washington, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 96, **Misc.** Allen Gailes and James B. Faison, petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 97, **Misc.** Robert C. Hardt, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 98, **Misc.** Delage Larry Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 99, **Misc.** William Stafford Johnston, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 100, **Misc.** Roland Chester Pitts, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 101, **Misc.** Jean Capece, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 102, **Misc.** Marvin Aron Hammond et al., petitioners, *v.* William J. Kirby, Judge. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 106, **Misc.** Ruben Dario Sanchez, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 111, **Misc.** Jose Baca Lucero, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 114, **Misc.** Leslie F. Narum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 115, **Misc.** Elmer Hoover, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 116, **Misc.** Frank Luzzi, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 117, **Misc.** William J. Edell, Bankrupt, petitioner, *v.* John Nicholas, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 118, **Misc.** Pherne N. Miller, petitioner, *v.* Katherine S. Thorn, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 119, **Misc.** Benjamin Franklin Wyatt, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 121, **Misc.** William Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 122, **Misc.** Leonard Ewing Scott, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 124, **Misc.** George Alford, Jr., Brannon Epps, and Clifford Johnson, petitioners, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 126, **Misc.** Fred S. Borowy, petitioner, *v.* City of Detroit, etc., et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 127, **Misc.** Ernest Cornes, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 128, *Misc.* Cassell Ritchie, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 130, *Misc.* Rev. Harrison Parker, petitioner, *v.* Patrick A. O'Boyle et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 131, *Misc.* Frederick F. Carpenter, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 132, *Misc.* Robert A. Chick, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 134, *Misc.* Auville C. Branum, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Circuit Court of Alabama, Montgomery County, denied.

No. 136, *Misc.* Charles Lee Oliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 139, *Misc.* Bernard Francis Doerflein, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 140, *Misc.* Lloyd Carl Cummings, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 142, *Misc.* John Collins, petitioner, *v.* Fred Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 143, *Misc.* Johnnie Solomon, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 145, *Misc.* William Thomaston, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 146, *Misc.* Richard John Adamson, 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. 148, *Misc.* Roy Helwig, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 155, *Misc.* Mark Tinsley, petitioner, *v.* Maurice Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 157, Misc. Mellott Faust, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 158, Misc. Isadore Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 159, Misc. Roger S. Bandy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 160, Misc. Laurence Frederick Anthony, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 161, Misc. Allen G. Rader, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 162, Misc. Lonnie S. Larson, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 165, Misc. Sims Daniels, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 167, Misc. Lawrence A. Trumblay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 168, Misc. Milton George, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 170, Misc. United States *ex rel.* Henry Stevens, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 171, Misc. Henry Lee Hines, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 172, Misc. John Lawrence Lewis, petitioner, *v.* District Court of Linn County, Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 175, Misc. Fred J. Odell, petitioner, *v.* John C. Burke. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 176, Misc. John Brinson, petitioner, *v.* B. C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 177, Misc. Robert Burd, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 178, Misc. Loren Linn Bledsoe, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 179, Misc. Ernest D. Brinkley, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 182, Misc. Gordon Fink, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 184, Misc. Robert Coulton, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 185, Misc. Clarence L. Butler, petitioner, *v.* Curtis Reid, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 186, Misc. Richard Allen, petitioner, *v.* Paul L. Adams, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 189, Misc. Benjamin Franklin Overstreet, petitioner, *v.* O. B. Ellis. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 190, Misc. Mark S. Holley, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 194, Misc. Daniel Moore, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 195, Misc. Saul Maldonado, petitioner, *v.* Superior Court, Los Angeles County, California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 201, Misc. Robert W. R. Baker, 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. 203, Misc. William G. Rich, Jr., petitioner, *v.* James P. Mitchell, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 204, Misc. Gordon Lee Cooper, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 207, Misc. Joseph Gernie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 208, Misc. Bert Eugene Ferrell, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 209, **Misc.** Ronald Dean, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 210, **Misc.** Albert Edward Deutschmann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 211, **Misc.** Mark Coppedge, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 213, **Misc.** Robert Goodlet, Jr., and Charles Bernard Shaw, petitioners, *v.* George F. Goodman, Warden. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 214, **Misc.** Manuel M. Renteria, petitioner, *v.* Superior Court, Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 218, **Misc.** George Ellis, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Will County of Illinois denied.

No. 221, **Misc.** Paul N. Sharp, petitioner, *v.* R. B. Eckle, superintendent, London Prison Farm. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 222, **Misc.** Boyd Augustine Willis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 224, **Misc.** Willie Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 225, **Misc.** William Foy Turpin, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 226, **Misc.** Donald Lee Schreiner, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 228, **Misc.** Frank T. Hernandez, petitioner, *v.* Superior Court, Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 230, **Misc.** Peter Calitri, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 231, **Misc.** Irvin Pinckney, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 233, **Misc.** Elmer Johnson, petitioner, *v.* R. B. Eckles, Superintendent, London Prison Farm. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 234, 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.

No. 235, Misc. Roger S. Bandy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 236, Misc. Nealy McCown, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 239, Misc. George Georges, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 241, Misc. Robert B. Gholston, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 242, Misc. Junius L. Mason, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 244, Misc. William Archie Reed, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 249, Misc. James Beecher George, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 250, Misc. Billy Joe Wright, petitioner, *v.* Superior Court, Trinity County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 251, Misc. Theodore Robinson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 252, Misc. Guillermo Serna Jasso, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 253, Misc. L. C. Lee, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 256, Misc. Hugh E. Benford, petitioner, *v.* Superior Court, Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 257, Misc. Donald W. Fleischer, petitioner, *v.* Superior Court, Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 259, Misc. Nick George Montos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 260, *Misc.* George J. Ody, Sr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 263, *Misc.* Hardy Johnson, petitioner, *v.* Theodore Britton, Deputy Commissioner, Bureau of Employees' Compensation, United States Department of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 265, *Misc.* William E. Bradley, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 269, *Misc.* Henry Moore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 270, *Misc.* Teresa M. Smith, petitioner, *v.* Industrial Accident Commission, etc., et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 271, *Misc.* Arthur C. Zavala, petitioner, *v.* Superior Court, Los Angeles County, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 272, *Misc.* Julius Ciehala, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 273, *Misc.* Mario Lopez Covarrubias, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 276, *Misc.* Jack Eslinger, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 278, *Misc.* Edward Gordon (Scottaline), petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 280, *Misc.* Samuel Kessler, as Administrator of the Estate of Rodma Lewis Osman, petitioner, *v.* National Airlines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 282, *Misc.* Dewey Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 283, *Misc.* Sylvester Lockhart, Jr., petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 284, **Misc.** Chris M. Weber, petitioner, *v.* Superior Court, Solano County, California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 285, **Misc.** Clinton Boyd Tuttle, petitioner, *v.* Superior Court, Humboldt County, California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 286, **Misc.** Ernest A. Mokus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 287, **Misc.** Elmer Samuel Chapman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 288, **Misc.** Andrew J. Taylor, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 293, **Misc.** James H. Antipas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 295, **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.

No. 296, **Misc.** Jack C. Massengale, petitioner, *v.* Cincinnati Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 298, **Misc.** Clifford Hubert Holloway, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 299, **Misc.** George M. Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 300, **Misc.** Bennie Mae Green, petitioner, *v.* Superior Court of the State of California, in and for the County of Los Angeles, Appellate Department, et al. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 301, **Misc.** Lillard James Gibbs, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 302, **Misc.** Paul R. Bailleaux et al., petitioners, *v.* Mark O. Hatfeld, Governor of the State of Oregon, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 303, *Misc.* Charles Worth, petitioner, *v.* Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 304, *Misc.* Leslie R. Glass, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 306, *Misc.* Earl Fernando Matlock, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 308, *Misc.* Eugene Strasburg, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 309, *Misc.* Frank McLaughlin, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 310, *Misc.* Sylvester English, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 315, *Misc.* Claude Francis (Dyke) Swingle, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 316, *Misc.* Donald E. DeGroat, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 318, *Misc.* Gary Lee Tompa, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 320, *Misc.* James David Green, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 322, *Misc.* Ray Slechta, petitioner, *v.* Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 324, *Misc.* Lawrence R. Braun, Jr., petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 327, *Misc.* C. J. Williams, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 328, *Misc.* Pedro Jose Martinez, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 329, **Misc.** Robert Roberts, 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. 330, **Misc.** Edward Jackson and Vivian Jackson, petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 332, **Misc.** Charles F. Hanovich, petitioner, *v.* Beryle C. Sacks, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 333, **Misc.** Fred Sturdivant, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 334, **Misc.** Beverly K. Moses, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 335, **Misc.** Clarence Elwood Kent, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 337, **Misc.** Willie Powers, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 338, **Misc.** Stephen J. Carter, 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. 343, **Misc.** Richard D. Miller, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 348, **Misc.** Jesse L. Ferguson et al., petitioners, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 349, **Misc.** Darrell Graham, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 353, **Misc.** Raymond Burge, 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. 354, **Misc.** Morrell Walker, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 355, **Misc.** Martin Sostre, 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. 357, **Misc.** Bernard Francis Doerflein, petitioner, *v.* Iowa et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 358, **Misc.** Marcellus Levy, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 360, **Misc.** Louis B. Frey, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 361, **Misc.** Charles James Reeves, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 362, **Misc.** Joseph B. Lynch, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 366, **Misc.** Rudolph Wright, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 369, **Misc.** Edwin F. Lark, petitioner, *v.* Vernon E. West, Chairman, et al., Committee on Admissions and Grievances. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 372, **Misc.** David T. Cochran, petitioner, *v.* Edward J. Hendrick, Superintendent, Philadelphia Prisons. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 373, **Misc.** Clark Sumner Cummings, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the District Court of Lee County, Iowa, denied.

No. 374, **Misc.** Chester Root, petitioner, *v.* Richard A. McGee, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 376, **Misc.** John Wesley Elliott, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 377, **Misc.** John J. McGinty, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 381, **Misc.** Warren W. Schoel, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 385, **Misc.** Joseph McGuire, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 386, *Misc.* Emery L. Bales, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 389, *Misc.* Norio Kiyama and Miyoko Kiyama, petitioners, *v.* Dean Rusk, Secretary of State. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 404, *Misc.* Luis Manuel Rosario, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 407, *Misc.* Juan Pineiro-Lopez, petitioner, *v.* Robert F. Kennedy, 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. 425, *Misc.* Shedney Robinson, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 446, *Misc.* Joe Cephas Singleton, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 21, *Misc.* William French, petitioner, *v.* J. L. Downie, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied in light of the representations of the State Attorney General as to the adequacy of state remedies.

No. 30, *Misc.* William Vitoratos, a/k/a William Victor, petitioner, *v.* Ohio. Petition for writ of certiorari and for other relief to the Supreme Court of Ohio denied.

No. 262, *Misc.* Lawrence Morrison, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Fifth Circuit denied.

No. 107, *Misc.* Leonard Hall, Jr., petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 112, *Misc.* Lowell Lee Andrews, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 206, *Misc.* Herman Rucker, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 240, **Misc.** Richard Benton Fulcher, 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 certiorari should be granted.

No. 254, **Misc.** Kelly Moss, petitioner, *v.* William L. Jones, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 258, **Misc.** Francis Henry Bloeth, 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 certiorari should be granted.

No. 279, **Misc.** Ray Landy Young, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 344, **Misc.** Clyde Kennard, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 346, **Misc.** Lester Newton, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 33, **Misc.** J. C. Dean, petitioner, *v.* Florida; and

No. 418, **Misc.** Darrell Eugene Copenhaver, petitioner, *v.* Iowa. Motions for leave to file petitions for writs of certiorari denied.

No. 401, **Misc.** In re Oscar Del Campo, petitioner. 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. 202, **Misc.** Billy Jack Phillips, petitioner, *v.* United States Attorney General et al.;

No. 215, **Misc.** Malcolm R. Schlette, petitioner, *v.* Robert A. Heinze, Warden;

No. 232, **Misc.** Anthony Mona, petitioner, *v.* George F. Goodman, Principal Keeper, New Jersey State Prison;

No. 274, **Misc.** Dallas Lavergne, petitioner, *v.* Jack Fogliani, Warden;

No. 297, **Misc.** Billy Gene Webb, petitioner, *v.* New Mexico;

No. 312, **Misc.** William Vitoratos, a/k/a William Victor, petitioner, *v.* Beryle C. Sacks, Warden, et al.;

No. 314, *Misc.* Willie B. Brooks, petitioner, *v.* Texas;

No. 326, *Misc.* Harry Hackworth, petitioner, *v.* Warden, United States Penitentiary;

No. 342, *Misc.* Isadore Smith, petitioner, *v.* Russell O. Settle, Warden;

No. 359, *Misc.* Sam J. Chavez and Pat D. Romero, petitioners, *v.* Utah;

No. 371, *Misc.* Harry Harold Chereton, petitioner, *v.* United States;

No. 408, *Misc.* Joseph Gambino, petitioner, *v.* Ross V. Randolph, Warden;

No. 426, *Misc.* Joseph Orby Smith, Jr., petitioner, *v.* R. O. Settle, Warden; and

No. 428, *Misc.* Walter S. McCary, petitioner, *v.* Tracy A. Hand, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 25, *Misc.* Mason McCoy, petitioner, *v.* Lawrence L. Crawford, Sheriff of Harrison County, West Virginia;

No. 268, *Misc.* William L. Hogge, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary;

No. 290, *Misc.* Grady C. Hayes, petitioner, *v.* California et al.;

No. 397, *Misc.* James C. Burleson, petitioner, *v.* New Mexico et al.; and

No. 415, *Misc.* Ex parte Augustine M. Hill, petitioner. 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. 90, *Misc.* Retail Clerks Union Local 324 and Retail Clerks Union Local 770, both affiliated with Retail Clerks International Association, AFL-CIO, petitioners, *v.* Honorable Leon R. Yankwich, Judge of the United States District Court for the Southern District of California;

No. 200, *Misc.* Sebron Dandy, petitioner, *v.* William J. Banmiller, Warden; and

No. 375, *Misc.* Charles Coakley, petitioner, *v.* Clifford O'Sullivan, Circuit Judge, etc., et al. Motions for leave to file petitions for writs of mandamus denied.

No. 109, *Misc.* Roy Wilford Adams, petitioner, *v.* United States Penitentiary, Leavenworth, Kansas, et al. Motion for leave to file petition for writ of mandamus and for other relief denied.

REHEARINGS DENIED

No. 28. **October Term, 1960.** Raphael Konigsberg, petitioner, *v.* State Bar of California et al.;

No. 36. **October Term, 1960.** Two Guys from Harrison-Allentown, Inc., appellant, *v.* Paul A. McGinley, District Attorney, County of Lehigh, Pennsylvania, et al.;

No. 58. **October Term, 1960.** In re George Anastaplo, petitioner;

No. 60. **October Term, 1960.** Paul Poe et al., appellants, *v.* Abraham S. Ullman, State's Attorney; and

No. 61. **October Term, 1960.** C. Lee Buxton, appellant, *v.* Abraham S. Ullman, State's Attorney;

No. 67. **October Term, 1960.** Abraham Braunfeld et al., appellants, *v.* Albert N. Brown, Commissioner of Police of the City of Philadelphia, et al.;

No. 97. **October Term, 1960.** Cafeteria and Restaurant Workers Union, Local 473, AFL-CIO, et al., petitioners, *v.* Neil H. McElroy et al.;

No. 257. **October Term, 1960.** H. K. Porter Company, Inc. et al., appellants, *v.* Central Vermont Railway, Inc., et al.; and

No. 258. **October Term, 1960.** Interstate Commerce Commission, appellant, *v.* Central Vermont Railway, Inc., et al.; and

No. 266. **October Term, 1960.** United States, appellant, *v.* Central Vermont Railway, Inc., et al.;

No. 288. **October Term, 1960.** American Automobile Association, petitioner, *v.* United States;

No. 329. **October Term, 1960.** United States, etc., et al., petitioners, *v.* Oregon;

No. 478. **October Term, 1960.** Emmett Horton, petitioner, *v.* Liberty Mutual Insurance Company;

No. 486. **October Term, 1960.** Dante Edward Gori, petitioner, *v.* United States;

No. 552. **October Term, 1960.** Estate of Edward A. Cunha, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 724. **October Term, 1960.** Lee Roy Hazelton, Administrator, petitioner, *v.* City of San Diego et al.;

No. 868. **October Term, 1960.** F. Otway Denny et al., appellants, *v.* Earl Benjamin Bush et al.;

No. 870. **October Term, 1960.** Richard E. Holekamp et al., appellants, *v.* Holekamp Lumber Co., et al.;

No. 893. **October Term, 1960.** Peter Licavoli, petitioner, *v.* United States;

No. 920. **October Term, 1960.** Max Millet et al., petitioners, *v.* United States;

No. 927. **October Term, 1960.** Julian G. Rogers et al., petitioners, *v.* United States;

No. 928. **October Term, 1960.** Milwaukee & Suburban Transport Corporation, petitioner, *v.* Commissioner of Internal Revenue;

No. 948. **October Term, 1960.** Irene Smith Cliett, petitioner, *v.* Mamie Scott Hammonds et al.; and

No. 959. **October Term, 1960.** Air Line Pilots Association, Internatioinal et al., petitioners, *v.* Elwood R. Quesada, etc. Petitions for rehearing denied.

No. 12. **October Term, 1960.** Communist Party of the United States of America, petitioner, *v.* Subversive Activities Control Board. The motion of issuance of mandate in addition to certified copy of judgment is granted. Petition for rehearing denied.

No. 180. **October Term, 1960.** Harry Joseph Payne, petitioner, *v.* Paul J. Madigan, Warden; and

No. 184. **October Term, 1960.** Thomas E. Young, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Frankfurter took no part in the consideration or decision of this application.

No. 200. **October Term, 1960.** Trayton L. Lathrop, appellant, *v.* Joseph D. Donohue. Petition for rehearing and for other relief denied.

No. 236. **October Term, 1960.** Dollree Mapp, etc., appellant, *v.* Ohio. The motion of National District Attorneys' Association for leave to file brief, as *amicus curiae*, is granted. Petition for rehearing denied.

No. 629. **October Term, 1960.** Commissioner of Internal Revenue, petitioner, *v.* Mark E. Schlude et al. Petition for rehearing denied. The *per curiam* order heretofore entered herein is amended to read as follows: "Per Curiam: The petition for writ of certiorari is granted. The judgment is vacated and the case is remanded for further consideration in the light of American Automobile Association *v.* United States, No. 288, **October Term, 1960**, decided this day. Mr. Justice Douglas dissents."

No. 731. **October Term, 1960.** Anthony Carminati, petitioner, *v.* United States. Motions to dispense with printing the petition for rehearing and for leave to supplement the petition for rehearing granted. Petition for rehearing denied.

No. 918. **October Term, 1960.** Great Lakes Airlines, Inc. et al., petitioners, *v.* Civil Aeronautics Board. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 979. **October Term, 1960.** Brotherhood of Railroad Trainmen, et al., petitioners, *v.* Denver & Rio Grande Western Railroad Company. The motion of Railway Labor Executives' Association for leave to file brief, as *amicus curiae*, is granted. Petition for rehearing denied.

No. 736, **Misc. October Term, 1960.** Robert Hartford, petitioner, *v.* Dr. Samuel Wick, Director, Arizona State Hospital, et al.;

No. 874, **Misc. October Term, 1960.** Juan Jose Medrano, petitioner, *v.* United States;

No. 929, **Misc. October Term, 1960.** William J. Killilea, John H. Chambers, Anthony Barbanti and James J. McLean, petitioners, *v.* United States;

No. 930, **Misc. October Term, 1960.** Mary L. Nicol, petitioner, *v.* National Savings and Trust Co.;

No. 949, **Misc. October Term, 1960.** Francis J. Hilderbrand, petitioner, *v.* United States;

No. 984, **Misc. October Term, 1960.** John Daniel Byars, petitioner, *v.* United States;

No. 1002, **Misc. October Term, 1960.** John R. Bayless, petitioner, *v.* United States;

No. 1110, **Misc. October Term, 1960.** Robert P. Shorter, petitioner, *v.* United States;

No. 1111, **Misc. October Term, 1960.** Joseph I. Genco, petitioner, *v.* Margie Rozalia Genco;

No. 1113, **Misc. October Term, 1960.** William Howard Harden, petitioner, *v.* United States;

No. 1138, **Misc. October Term, 1960.** George Edward Bensing, *v.* William F. Steiner, Warden.

No. 1158, **Misc. October Term, 1960.** Frank M. DeFino, petitioner, *v.* Robert S. McNamara, Secretary of Defense, et al.; and

No. 1194, **Misc. October Term, 1960.** Dugar T. Taylor, petitioner, *v.* Franklin Floete, Director, General Services Administration, et al. Petitions for rehearing denied.

No. 325, **Misc. October Term, 1960.** George H. Hornbeck, petitioner, *v.* Walter H. Wilkins, Warden, et al.;

No. 666, **Misc. October Term, 1960.** James J. Walker, petitioner, *v.* Paul D. McGinnis, Commissioner, et al.; and

No. 925, Misc. October Term, 1960. Jesus Garcia Adames, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

ORAL ARGUMENT

No. 6. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. Three and one half hours allowed for oral argument. Reargued by Mr. Charles S. Rhyne and Mr. Z. T. Osborn, Jr., for the appellants, by Mr. Jack Wilson for the appellees, and by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 10, will be as follows: Nos. 7, 14, 19, and 20.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Douglas E. O'Neil, of Greenfield, Mass., Donald B. Shortridge, of Phoenix, Ariz., and John Joseph Briare, of San Francisco, Calif., on motion of Mr. Bruce J. Terris; William R. Foley, of Alexandria, Va., on motion of Mr. Will Shafroth; Frank Davison, of Boise, Idaho, on motion of Mr. Abe Goff; Robert Sherwood Stubbs II, of Fayette, Ala., and Andrew Bruce Moritz, of San Diego, Calif., on motion of Mr. William H. Bennison; Delmar Ison, of Arlington, Va., Charles Robert Sarver, of Charleston, W. Va., and Russell Wood Cunningham, of Morgantown, W. Va., on motion of Mr. Jerome M. Alper; Ronald S. Supena, of Cicero, Ill., on motion of Mr. Peter David Ehrenhaft; David Skory, of Fort Wayne, Ind., on motion of Mr. William B. Jones; Daniel C. George, of Miami, Fla., on motion of Mr. Thomas B. Scott; Edward G. Hough, of Portland, Maine, on motion of Mr. Robert Hale; Edward Michael White, of Chicago, Ill., and Houston T. Eddens, of Birmingham, Ala., on motion of Mr. Barnard D. Levinson; Gordon A. Madsen, of Salt Lake City, Utah, on motion of Mr. Harold Steele Harrison; and Edward T. Wright, of Brentwood, Mo., on motion of Mr. Gordon F. Harrison, were admitted to practice.

ORAL ARGUMENT

No. 7. John Joseph Killian, petitioner, *v.* United States. Argued by Mr. David B. Rothstein and Mr. Basil R. Pollitt for the petitioner and by Mr. Kevin T. Maroney for the respondent.

No. 14. Harold Beck Kesler, appellant, *v.* Department of Public Safety, Financial Responsibility Division, State of Utah. Argued by Mr. E. J. Skeen for the appellant and by Mr. Gordon A. Madsen for the appellee. Memoranda to come.

No. 19. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. Argument commenced by Mr. Oscar H. Davis for the appellant and continued by Mr. Thomas R. Davis for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 11, will be as follows: Nos. 19, 20, 13, and 23 (and 24).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Evans Mealing Bunch, Jr., of Conway, S.C., and Waddell Byrd, of Marion, S.C., on motion of Mr. C. Aubrey Gasque; James Joseph Reilly, of Valley Falls, N.Y., on motion of Mr. Eugene J. Kaplan; Joseph M. Sanders, of Bluefield, W. Va., on motion of Mr. I. Martin Leavitt; William L. Peterson, Jr., of Oklahoma City, Okla., on motion of Mr. Charles R. Iden; George Howard Mitchell, of Charleston, W. Va., on motion of Mr. Belford V. Lawson, Jr.; William J. Collingsworth, of Fort Worth, Tex., on motion of Mr. Fritz R. Kahn; Roy M. Harrop, of Omaha, Nebr., on motion of Mr. Alan D. McArthur; David M. Naiman, of Denver, Colo., on motion of Mr. Alexander E. Finger; Carl Richard Boehlert, of Oneida, N.Y., on motion of Mr. Henry H. Pike; and Charles J. Kelly, Jr., of New York, N.Y., on motion of Mr. H. Donald Kistler, were admitted to practice.

ORAL ARGUMENT

No. 19. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez. Argument concluded by Mr. Thomas R. Davis for the appellee.

No. 20. Dean Rusk, Secretary of State, appellant, *v.* Joseph Henry Cort. One and one-half hours allowed for oral argument. Argued by Mr. Oscar H. Davis for the appellant and by Mr. Leonard B. Boudin for the appellee.

No. 13. Chauffeurs, Teamsters and Helpers Local Union No. 795, etc., et al., petitioners, *v.* Yellow Transit Freight Lines, Inc., et al. Argued by Mr. David Previant for the petitioners and by Mr. Malcolm Miller for the respondents.

No. 23. United States et al., appellants, *v.* Henry E. Drum et al.; and

No. 24. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* Henry E. Drum et al. Argument commenced by Mr. Robert W. Ginnane for the appellants in No. 23.

Adjourned until tomorrow at 10 o'clock.

The day call from Thursday, October 12, will be as follows: Nos. 23 (and 24), 15, and 16.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Keith Upham Martin, of Mission, Kans., Howard E. Payne, of Olathe, Kans., and Gilbert M. Westa, of Denver, Colo., on motion of Mr. Robert F. Ellsworth; Timothy J. May, of Washington, D.C., on motion of Mr. Dean G. Acheson; Morris P. Skinner, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; Francisco Ponsa Feliu, of San Juan, P.R., on motion of Mr. Philip F. Herrick; William K. Archibald, of Sheridan, Wyo., Thomas Y. Awalt, Jr., of Haleiwa, Hawaii, Earl O'Bannon, Jr., of Louisville, Ky., and Roger G. Welcher, of Miami, Fla., on motion of Mr. Ralph W. Wofford; Russell John Borden, of Philadelphia, Pa., Joseph H. Reiter, of Philadelphia, Pa., Herman R. Testan, of Philadelphia, Pa., and Karl W. Kabeiseman, of Yankton, S. Dak., on motion of Mr. Bruce M. Docherty; Rex Rowland, of Pittsburgh, Pa., on motion of Mr. John G. Buchanan; Robert B. Huffaker, of Bartow, Fla., on motion of Mr. Harry S. Wender; Stanley Godofsky, of New York, N.Y., on motion of Mr. Kinsey Thomas James; John B. Doukas, of Kalamazoo, Mich., and James Thomas Sloan, Jr., of Kalamazoo, Mich., on motion of Mr. Guy M. Meadows; James B. Murphy, of Baltimore, Md., on motion of Mr. Eugene Gressman; Homer R. Zink, of Princeton, N.J., on motion of Mr. Wallace L. Schubert; J. Donald Lysaught, of Kansas City, Kans., on motion of Mr. Kenneth C. McGuinness; Ronald Hoffman Cohen, of New York, N.Y., on motion of Mr. Paul N. Pfeiffer; George J. Skivington, Jr., of Rochester, N.Y., on motion of Mr. John Charles Reid; and Samuel Mayer Laipson, of Worcester, Mass., Bruno J. Di Cicco, of Worcester, Mass., John J. O'Connell, of Worcester, Mass., Aram Garabedian, of Worcester, Mass., Burton F. Berg, of Worcester, Mass., Jacob Y. Young, of Worcester, Mass., John F. Killeen, of Worcester, Mass., Charles J. Buckley, of Worcester, Mass., William T. Buckley, of Worcester, Mass., John C. Burns, of Worcester, Mass., Nunziato Fusaro, of Worcester, Mass., Frank Howard, of Worcester, Mass., James J. Joyce, of Worcester, Mass., Ernest S. Hayeck, of Worcester, Mass., John B. Manning of Worcester, Mass., Oswald L. Jordan, of Boston, Mass., Arnold L. Slavet, of Boston, Mass., Rosemary C. McAuliffe, of Boston, Mass., Benjamin Goldman, of Boston, Mass., Meyer Harold Goldman, of Boston, Mass.,

Leslie A. Pike, of Boston, Mass., Israel Grossman, of Boston, Mass., Eli Y. Krovitsky, of Boston, Mass., William A. Dacey, of Boston, Mass., Michael DeMarco, of Boston, Mass., Thomas E. Cargill, Jr., of Boston, Mass., Ralph E. D. Lavalle, of Boston, Mass., Daniel J. Ryan, of Boston, Mass., Vincent M. Germani, of Attleboro, Mass., Henry Rotenberg, of Attleboro, Mass., Ernest Rotenberg, of Attleboro, Mass., Charles J. Abizaid, of Medford, Mass., Stephen Gougian, of Watertown, Mass., Joseph S. Virostek, of Douglas, Mass., David Rosen, of Milford, Mass., Robert Edward Kubicek, of East Longmeadow, Mass., Morris T. Silverstein, of Everett, Mass., Jeremiah Joseph Sullivan, of Cambridge, Mass., James Cornelius Doyle, of Arlington, Mass., Dennis M. Cronin, of West Newton, Mass., Efrem A. Gordon, of Springfield, Mass., Andrew L. Benson, of Winthrop, Mass., James E. Shaw, of Dunstable, Mass., and James Cardono, of Cumberland, R.I., on motion of Mr. Edward M. Dangel, were admitted to practice.

ORAL ARGUMENT

No. 23. United States et al., appellants, *v.* Henry E. Drum et al.; and

No. 24. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* Henry E. Drum et al. Argument continued by Mr. Robert W. Ginnane for the appellants in No. 23, by Mr. Roland Rice for the appellant in No. 24, by Mr. William L. Peterson, Jr., and Mr. Charles R. Iden for the appellees in both cases and concluded by Mr. Robert W. Ginnane for the appellants in No. 23.

No. 15. Western Union Telegraph Company, appellant, *v.* Pennsylvania, by Sidney Gottlieb, Escheator. Argued by Mr. John G. Buchanan, Jr., for the appellant, by Mrs. Ruth Kessler Toch for the State of New York, as *amicus curiae*, and by Mr. A. Jere Creskoff for the appellee.

No. 16. William J. Roper, petitioner, *v.* United States et al. Argument commenced by Mr. Sidney H. Kelsey for the petitioner.

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

The day call for Monday, October 16, will be as follows: Nos. 16, 72, 25, 30, and 32.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Douglas A. Kahn, of Washington, D.C., Richard K. Berg, of Washington, D.C., Donald E. O'Brien, of Sioux City, Iowa, and Brockman Adams, of Seattle, Wash., on motion of Mr. Solicitor General Archibald Cox; Jack N. Little, of Big Spring, Tex., on motion of Mr. George H. Mahon; Ernest George Simon, of West Palm Beach, Fla., on motion of Mr. Frank J. Wideman, Jr.; Janet Lee Roberts, of Indianapolis, Ind., and Sherwood Blue, of Indianapolis, Ind., on motion of Mr. James J. Lenihan; Robert A. Hall, of Dallas, Tex., on motion of Mr. Carl L. Phinney; Leon S. Gillin, of Chicago, Ill., on motion of Mr. Charles J. Owens; John F. Ward, Jr., of Baton Rouge, La., on motion of Mr. Howard Cecil Kilpatrick; Martin Andreas Aelmore, of Greensburg, Kans., on motion of Mr. Robert C. Londerholm; Max O. Bagby, of Kansas City, Mo., on motion of Mr. F. L. Hagaman; Peter DeWitt Hyman, of Florence, S.C., David Walker Harwell, of Florence, S.C., and E. Lee Morgan, Jr., of Florence, S.C., on motion of Mr. Hubert Henry Finzell; and Jerome Camillus Byrne, of Los Angeles, Calif., on motion of Miss Helen F. Humphrey, 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. 200. Jack P. F. Gremillion et al., appellants, *v.* United States. 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. 299. Roosevelt Raceway, Inc., appellant, *v.* George P. Monaghan, Commissioner of Harness Racing, etc. 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 Harlan would note probable jurisdiction.

No. 60, Misc. Glenn Dale Castle, 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. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to remit to the District Court for resentencing in accordance with the opinion of this Court. Opinion *per curiam*.

No. 281, Misc. Richard Goodman, also known as Dick Goodman, petitioner, *v.* United States and O. Gordon Delk, Acting Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the District Court to permit the United States to file an appropriate motion in that court to withdraw its prior application for an order directing petitioner to testify. Opinion *per curiam*.

No. 427, Misc. Mary M. Riley, appellant, *v.* Pennsylvania Reading Seashore Lines. Appeal from the Supreme Court of Pennsylvania, Eastern District. The appeal is dismissed. 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. 66. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. The motion of the Solicitor General for leave to participate in oral argument is granted and thirty minutes are allotted for that purpose.

No. 87. Managed Funds, Incorporated, petitioner, *v.* J. John Brouk et al. The motion of the Solicitor General for leave to participate in oral argument is granted and thirty minutes are allotted for that purpose.

CERTIORARI GRANTED

No. 282. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted.

No. 244. Dairy Queen, Inc., petitioner, *v.* Hon. Harold K. Wood, Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 206. Mrs. Robert F. Callaway et al., petitioners, *v.* W. L. Garber and United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 213. United Mine Workers of America, petitioner, *v.* William G. Gilchrist, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 232. George Markos, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 238. Samuel Kowalsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 271. Marietta Page, petitioner, *v.* Telford Work et al.; and

No. 272. C. A. Page Publishing Co., Inc., petitioner, *v.* Telford Work et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 284. Ellerman Lines, Ltd., et al., petitioners, *v.* Leighton Beard. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 292. Port Angeles and Western Railway Company et al., petitioners, *v.* Arthur A. Arnhold et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 293. Fannie Alexander et al., petitioners, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 294. Robbins Coal Company, Inc., petitioner, *v.* Firemen's Insurance Company of Newark, New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 295. Rutland Railway Corporation, petitioner, *v.* Thomas M. Debevoise, Attorney General of Vermont, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 296. Chrysler Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 302. Thomas J. Hyland et al., petitioners, *v.* Robert Watson et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 305. Mississippi Valley Barge Line Company, petitioner, *v.* Inland Waterways Shippers Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 307. Ben Lewis, otherwise called Ben Erlich, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 308. Thomas Eistrat, petitioner, *v.* Northern Lumber Company, etc. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 227. Glen William Ziemer, 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 certiorari should be granted.

No. 250. O. B. Ellis, Director, Texas Board of Corrections, petitioner, *v.* Edward Morgan MacKenna. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 273. Lee Henslee, Superintendent of the Arkansas State Penitentiary, petitioner, *v.* Luther Bailey. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 306. State Farm Mutual Automobile Insurance Company, petitioner, *v.* W. Terrill Morris et al. The motion of petitioner for leave to add to the record is granted. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 38, Misc. Gene Alvin Krupnick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 120, Misc. John Donald Schwertfeger, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 133, Misc. Donald Bishop, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 144, Misc. Walker Stigler, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 156, Misc. Leo D. Gallagher, petitioner, *v.* Beryle C. Sacks, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 191, Misc. Wesley Wright, petitioner, *v.* Paul D. McGinnis, Commissioner of Correction of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 199, Misc. Homer R. Clinton, petitioner, *v.* James V. Bennett, Director, Bureau of Prisons, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 229, Misc. William Kuhn, petitioner, *v.* Otto C. Boles, Warden. Petition or writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 261, **Misc.** Donald D. Owens, petitioner, *v.* O. B. Ellis, Director, Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 289, **Misc.** Donald E. DeGroat, petitioner, *v.* Raymond J. Mino, District Attorney of Ulster County, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 325, **Misc.** Charles X. Burger, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 336, **Misc.** J. Paul Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 352, **Misc.** Robert Thompson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 367, **Misc.** Edwin Pearson, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 370, **Misc.** Robert L. Ramsour, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 378, **Misc.** Anthony Scarnato, 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. 383, **Misc.** Joseph Savage, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 393, **Misc.** Wayne Gerald Richer, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 394, **Misc.** Carmine DiPaolo, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 398, **Misc.** Laurie J. Carpenter, petitioner, *v.* Dr. Ulysses Shutzer, Director, Binghampton State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 399, **Misc.** Ralph Melvin Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 403, **Misc.** Nathaniel Arnold, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 412, Misc. Joseph Cohen, petitioner, *v.* Warden, Baltimore City Jail. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 414, Misc. Charles Hunter, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 416, Misc. John L. Hart, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 419, Misc. Raymond James Camp, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 420, Misc. Donald B. Nickerson, 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. 422, Misc. Arthur Beverly Garnett, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 432, Misc. Glenn Roy Miller, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 434, Misc. Espedit Oblatore, petitioner, *v.* United States and American Stevedores, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 435, Misc. Louis Grubbs, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 436, Misc. William Wells, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Will County of Illinois denied.

No. 437, Misc. Helen M. Converse, petitioner, *v.* Ploma C. Joslin, an Alleged Incompetent, by her Special Guardian, Department of Mental Hygiene. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 438, Misc. Pennsylvania ex rel. Edward J. Whalen, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 445, Misc. Murray Dulberg, petitioner, *v.* Scovill Manufacturing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 455, Misc. Frank Finley, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 463, **Misc.** Frank Edward Sepulveda, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 464, **Misc.** Charles T. Russell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 469, **Misc.** William Anthony Azeria, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 471, **Misc.** Charles E. Freeman, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 481, **Misc.** Leslie D. Green, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 519, **Misc.** Vernon Sides, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 527, **Misc.** William Hable, petitioner, *v.* A. Frank Lee, Commissioner of the Board of Corrections, et al. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 220, **Misc.** Joe Edward Smith, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 246, **Misc.** Winston M. Reynolds, 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 certiorari should be granted.

No. 424, **Misc.** Waverly Leroy Payne, 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 certiorari should be granted.

No. 255, **Misc.** William B. Sullivan, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Ninth Circuit denied.

No. 442, **Misc.** Earl C. Weldon, petitioner, *v.* Iowa et al. Petition for writ of certiorari and for other relief to the Supreme Court of Iowa denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 468, **Misc.** Albert L. Riley, petitioner, *v.* Ohio et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 205, Misc. Truman Lloyd, petitioner, *v.* Fred R. Dickson, Warden;

No. 470, Misc. Marvin Miller, petitioner, *v.* E. J. Oberhauser, Superintendent of California Institution for Men; and

No. 477, Misc. Eugene E. Mallonee, petitioner, *v.* Sidney Lanier, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 305, Misc. Ex parte Charlie Jackson, petitioner. 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.

REHEARINGS DENIED

No. 76. October Term, 1960. Bargaintown, U.S.A., Inc., et al., appellants, *v.* James R. Whitman, District Attorney of the County of Lebanon, Pennsylvania, et al.; and

No. 955. October Term, 1960. Joseph Lloyd Thomas, petitioner, *v.* United States. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, October 23, until Monday, November 6.

ORAL ARGUMENT

No. 16. William J. Roper, petitioner, *v.* United States et al. Argument continued by Mr. Sidney H. Kelsey for the petitioner, by Mr. Leavenworth Colby for the respondent, United States of America, and concluded by Mr. Sidney H. Kelsey for the petitioner.

No. 72. David Walton Cramp, Jr., appellant, *v.* Board of Public Instruction of Orange County, Florida. Argued by Mr. Tobias Simon for the appellant and by Mr. J. R. Wells for the appellee.

No. 25. Federal Land Bank of Wichita, petitioner, *v.* Board of County Commissioners of the County of Kiowa, State of Kansas, et al. Argued by Mr. J. William Doolittle for the petitioner and by Mr. Robert C. Londerholm for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 17, will be as follows: Nos. 30, 32, and 17 (and 18).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

David Bradford Isbell, of Arlington, Va., and Stephen John Pollak, of Washington, D.C., on motion of Mr. Dean G. Acheson; Elizabeth Ann Nolan, of Iowa City, Iowa, and Marvin S. Cohen, of Tucson, Ariz., on motion of Mr. Frank J. Barry; Robert S. Thompson, of Klamath Falls, Oreg., on motion of Mr. Maurice Francis Biddle; Edward Blau, of Los Angeles, Calif., on motion of Mr. Elliot Bredhoff; Thomas Marshall Miller, of Atlanta, Ga., on motion of Mr. Richard S. Maurer; Arthur Lee Quinn, of Washington, D.C., on motion of Mr. Arthur L. Quinn; Paul F. Sullivan, of Washington, D.C., Joseph W. Durden, of Fort Smith, Ark., and Huth T. Matthews, Jr., of Dallas, Tex., on motion of Mr. Roland Rice; Edwin Leo Ryan, Jr., of Chicago, Ill., on motion of Mr. Amos M. Mathews; and Joseph G. Kronick, of North Adams, Mass., John N. Alberti, of North Adams, Mass., James W. Lilly, of North Adams, Mass., Joan Keyes Scott, of Williamstown, Mass., Emil Ober, of Williamstown, Mass., Leonard A. Turgeon, of Adams, Mass., Alexander A. Cwalinski, of Adams, Mass., Arthur H. Gregory, of Pittsfield, Mass., Donald J. Shaker, of Pittsfield, Mass., Santino C. Cornelio, of Pittsfield, Mass., Paul B. Abkowitz, of Pittsfield, Mass., Anthony D. Tagliente, of Pittsfield, Mass., Bernard H. Starr, of Pittsfield, Mass., Paul A. Tamburello, of Pittsfield, Mass., Charles R. Alberti, Jr., of Pittsfield, Mass., Arthur Stein, of Pittsfield, Mass., Richard F. Claffie, of Dalton, Mass., Francis G. Claffie, of Dalton, Mass., and William P. Murtagh, of Great Barrington, Mass., on motion of Mr. Silvio O. Conte, were admitted to practice.

ORAL ARGUMENT

No. 30. Keith Martin, appellant, *v.* Herbert Walton, as Probate Judge of Johnson County, Kansas. Argued by Mr. Howard E. Payne for the appellant and by Mr. J. Donald Lysaught for the appellee.

No. 32. Charles Clarence Hamilton, petitioner, *v.* Alabama. Argued by Mrs. Constance B. Motley for the petitioner and by Mr. George D. Mentz for the respondent.

No. 17. Interstate Commerce Commission, appellant, *v.* J-T Transport Company, Inc., et al.; and

No. 18. U.S.A.C. Transport, Inc., et al., appellants, *v.* J-T Transport Company, Inc., et al. Two and one-half hours allowed for oral argument. Argument commenced by Mr. B. Franklin Taylor, Jr., for the appellant in No. 17.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 18, will be as follows: Nos. 17 (and 18), 49 (53 and 54), and 26 (27 and 28).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Geo. M. Sonfield, of Beaumont, Tex., on motion of Mr. Charles J. Zinn; Charles Denton Wheeler, of Decatur, Ga., on motion of Mr. John Wilson Ellis; Robert Kenny Boland, of Reading, Pa., and Gordon Cologne, of Indio, Calif., on motion of Mr. Daniel M. Friedman; Johnnie Anderson Jones, of Baton Rouge, La., on motion of Mr. Alexander P. Tureaud; Leon Leong Mung Chun, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; William F. Swindler, of Williamsburg, Va., on motion of Mr. Arthur B. Hanson; Thorwald John Husfeld, of Deland, Fla., on motion of Mr. William Amory Underhill; and Joseph Samuel Gullo, of Washington, D.C., on motion of Mr. G. Thomas Montgomery, were admitted to practice.

ORAL ARGUMENT

No. 17. Interstate Commerce Commission, appellant, *v.* J-T Transport Company, Inc., et al.; and

No. 18. U. S. A. C. Transport, Inc., et al., appellants, *v.* J-T Transport Company, Inc., et al. Argument continued by Mr. B. Franklin Taylor, Jr., for the appellant in No. 17, by Mr. Roland Rice for the appellants in No. 18, by Mr. Richard A. Solomon for appellee, The United States, in both cases and concluded by Mr. James W. Wrape for appellee, J-T Transport Company, Inc., in both cases.

No. 49. Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* Elvin L. Reddish et al.;

No. 53. Interstate Commerce Commission, appellant, *v.* Elvin L. Reddish et al.; and

No. 54. Arkansas-Best Freight System, Inc., et al., appellants, *v.* Elvin L. Reddish et al. Two hours allowed for oral argument. Argued by Mr. Robert W. Ginnane for the appellant in No. 53, by Mr. Roland Rice for the appellants in Nos. 49 and 54, by Mr. Richard A. Solomon for appellee, The United States, in all three cases, and by Mr. A. Alvis Layne for the remaining appellees in all three cases.

No. 26. John Burrell Garner et al., petitioners, *v.* Louisiana;
No. 27. Mary Briscoe et al., petitioners, *v.* Louisiana; and
No. 28. Jannette Hoston et al., petitioners, *v.* Louisiana. Three
hours allowed for oral argument. Argument commenced by Mr.
Jack Greenberg for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 19, will be as follows: Nos. 26,
(27 and 28), 31, and 48.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Moody Brickett, of Butte, Mont., Mitchell M. Goldman, of Miami, Fla., Joseph Pardo, of Miami, Fla., and Richard Elwood Conner, of New Smyrna Beach, Fla., on motion of Mr. Solicitor General Archibald Cox; Reagan Houston Legg, of Midland, Tex., on motion of Mr. William Ramsey Clark; Charles C. Garner, of Dallas, Tex., on motion of Mr. Arthur C. Perry; Daniel Devon Mast, of Toledo, Ohio, and William J. Holcomb, of Toledo, Ohio, on motion of Mr. Gideon Franklin Rothwell IV; Irwin Frederick Deutsch, of Washington, D.C., on motion of Mr. Frederick Zazove; Carl B. Ray, of Oklahoma City, Okla., on motion of Mr. Alexander E. Finger; William Berger, of San Francisco, Calif., on motion of Mr. Benito Gaguine; Adrian Sidney Bacon, of St. Petersburg, Fla., and John A. Hanley 3d, of St. Petersburg, Fla., on motion of Mr. William Trueman McInarney; Charles Jay Hardee, Jr., of Tampa, Fla., on motion of Mr. Herbert B. Ehrmann; Leonard Paul Prusak, of Chatham, N.J., John Beriont, of Linden, N.J., William E. Hedges, of Westfield, N.J., Charles Arthur Harris, of Westfield, N.J., and Harold Haidt, of Metuchen, N.J., on motion of Mr. George Raymond Jones, Jr.; Frederick A. Babson, Jr., of Washington, D.C., on motion of Mr. John R. Turney; David Pierce Ogden, of Los Angeles, Calif., on motion of Mr. Francis E. Blake; Fenton F. Harrison, of Williamsville, N.Y., on motion of Mr. Arthur J. Phelan; Alvin I. Goldberg, of Washington, D.C., on motion of Mr. William Wesley Roberts; and Frank B. Francis, of Wilmington, Del., on motion of Mr. Joseph A. Necrelli, were admitted to practice.

ORAL ARGUMENT

No. 26. John Burrell Garner et al., petitioners, *v.* Louisiana;

No. 27. Mary Briscoe et al., petitioners, *v.* Louisiana; and

No. 28. Jannette Hoston et al., petitioners, *v.* Louisiana. Argument continued by Mr. Jack Greenberg for the petitioners, by Mr. John F. Ward, Jr., for the respondent and concluded by Mr. Jack Greenberg for the petitioners.

No. 31. Gwendolyn Hoyt, appellant, *v.* Florida. Argued by Mr. Herbert B. Ehrmann for the appellant and by Mr. George R. Georgieff for the appellee.

No. 48. Carl Still, petitioner, *v.* Norfolk & Western Railway Company. Argued by Mr. Sidney S. Sachs for the petitioner and by Mr. Joseph M. Sanders for the respondent.

Adjourned until Monday, October 23, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

CERTIORARI DENIED

No. 629, Misc. Arthur Grover Schuck, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

I. Stephen Brent, of Encino, Calif., William E. Mealman, of Leawood, Kans., Harry Robert Halper, of Washington, D.C., George Miron, of Arlington, Va., C. L. Ray, Jr., of Marshall, Tex., Abraham H. Carchman, of Newark, N.J., Richard J. Medalie, of Washington, D.C., and Roland J. DeMarco, of Mount Carmel, Ill., on motion of Mr. Solicitor General Archibald Cox; George Edward Hutchinson, of Washington, D.C., on motion of Mr. James R. Browning; Hulon C. Hall, of Navasota, Tex., and James Alexander Williams, of Dallas, Tex., on motion of Mr. William Ramsay Clark; Darrell B. Hester, of Harlingen, Tex., on motion of Mr. Thurman Arnold; Morris Wolf, of Wyncote, Pa., on motion of Mr. Robert B. Wolf; Rolon W. Reed, of New York, N.Y., and William J. Manning of New York, N.Y., on motion of Mr. F. Trowbridge vom Baur; Louis Ossinsky, Jr., of Daytona Beach, Fla., and Max Irwin Ossinsky, of Daytona Beach, Fla., on motion of Mr. Louis Ossinsky, Sr.; William Hampton Stewart, of Poplarville, Miss., on motion of Mr. A. Alvis Layne; Morton B. Spero, of Petersburg, Va., on motion of Mr. Arthur Christopher, Jr.; Alvin J. Riddles, of Tuckahoe, N.Y., Francis J. Thomas, of Scarsdale, N.Y., and James D. Stokes, Jr., of Washington, D.C., on motion of Mr. Gideon Franklin Rothwell IV; P. Basil Lambros, of Los Angeles, Calif., on motion of Mr. George C. Vournas; John L. Wilson, of Washington, D.C., on motion of Mr. Harvey J. Shoemaker; Paul A. St. Amour, of Pawtucket, R.I., on motion of Mr. Edward A. Dragon; and Fred E. Jones, of Lebanon, Ohio, and Marvin E. Young, of Lebanon, Ohio, on motion of Mr. Charles R. Richey, 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. 146. Joseph Chobot, appellant, *v.* Wisconsin. Appeal from the Supreme Court of Wisconsin. The motion to dismiss is granted

and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 298. Harry Katz et al., appellants, *v.* Gus Singerman et al. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 301. American Chicle Company, appellant, *v.* State Tax Commission of the State of 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*.

No. 303. National Association for the Advancement of Colored People, petitioner, *v.* MacDonal Gallion, Attorney General of Alabama, et al. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to direct the District Court to proceed with the trial of the issues in this action unless within a reasonable time, no later than January 2, 1962, the State of Alabama shall have accorded to petitioner an opportunity to be heard on its motion to dissolve the state restraining order of June 1, 1956, and upon the merits of the action in which such order was issued. Pending the final determination of all proceedings in the state action, the District Court is authorized to retain jurisdiction over the federal action and to take such steps as may appear necessary and appropriate to assure a prompt disposition of all issues involved in, or connected with, the state action. *Truax v. Corrigan*, 257 U.S. 312, 331-334. Opinion *per curiam*. Mr. Justice Stewart took no part in the consideration or decision of this case.

No. 315. Ruth E. Tinsley, appellant, *v.* City of Richmond, Virginia. Appeal from the Supreme Court of Appeals of 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. 326. Claude W. Anderson et al., appellants, *v.* Virgil Ball, County Treasurer. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 237, Misc. Hugo DeGregory, appellant, *v.* Attorney General of New Hampshire. Appeal from the Supreme Court of New Hamp-

shire. The judgment is affirmed. Opinion *per curiam*. The Chief Justice, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan dissent.

ORDERS IN PENDING CASES

No. 357. October Term, 1960. United States, petitioner, *v.* Consolidated Edison Company of New York, Inc. The motion of A. Chauncey Newlin for leave to file petition for rehearing, as *amicus curiae*, is denied.

No. 42. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al. The motion of the Solicitor General for leave to participate in oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose.

No. 46. Maurice A. Hutcheson, petitioner, *v.* United States. The motion of M. Joseph Matan for leave to withdraw his appearance as counsel for petitioner is granted.

No. 66. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. The motion of Society of Corporate Secretaries for leave to file brief, as *amicus curiae*, is granted.

No. 74. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. The motion of respondent to remove this case from the summary calendar is granted.

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. The motion of the United States for leave to intervene is granted.

APPEALS—JURISDICTION NOTED

No. 2. Metlakatla Indian Community, Annette Island Reserve, appellant, *v.* Egan, Governor of Alaska, et al.; and

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. Appeals from the Supreme Court of Alaska. In these cases probable jurisdiction is noted. The cases are consolidated and a total of three hours is allowed for oral argument. One hour is allotted to the appellants; thirty minutes to the United States, as *amicus curiae*, and one hour and thirty minutes to the appellees.

CERTIORARI GRANTED

No. 234. Marie Benz, petitioner, *v.* New York State Thruway Authority. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 278. William Presser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 304. Continental Ore Company et al., petitioners, v. Union Carbide and Carbon Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Questions 2, 5, and 6 presented by the petition which read as follows:

"2. Whether an Appellate Court can take away from a jury the question of causal effect concerning an injury by a 100% two-company monopoly (admittedly achieved pursuant to an intent to monopolize) when the question of violation is confessed and the issue of measurement of damages is more than sufficiently supported by relevant economic data and where the destruction of the plaintiff company (petitioners herein) was admitted to be, by a chief executive officer of a defendant, an important goal of the monopolists?

"5. Whether petitioners, an American company, can claim damages under the anti-trust laws for injury caused by their elimination from the Canadian market when it was shown that two other American companies had entered into a conspiracy to eliminate all competition and to monopolize the industry and when it is shown that as part of this conspiracy one of the American companies utilized its domination and control over a wholly owned Canadian subsidiary, which had been given a discretionary power by the Canadian government to allocate the importation of vanadium into Canada during the war, to exclude the exports of petitioners (competitors) from entering Canada for sale to petitioners' Canadian customers and when it is shown that the refusal of the Canadian subsidiary to allocate vanadium to petitioners' Canadian customers was directed by its American parent company pursuant to the overall conspiracy to eliminate all competition and specifically to eliminate petitioners. This issue was erroneously decided against petitioners on the Court of Appeals' manifest misapplication of this Court's recent opinion in *Eastern Railroad Pres. Conf. v. Noerr Motor Frgt., Inc.* (1961), 365 U.S. 127, 81 S. Ct. 523.

"6. Whether petitioners, against whom a directed verdict was ordered by the Appellate Court, were deprived of a trial by jury by the Appellate Court below which weighed the evidence, made factual rulings on the sufficiency of evidence of causation, did not view the evidence as a whole, did not allow petitioners the benefit of all their evidence, did not allow petitioners the benefit of all inferences and presumptions to be drawn from the evidence and did not resolve all conflicts in the evidence in favor of petitioners in direct conflict with this Court's opinion in *Beacon Theatres, Inc., v. Westover*, 359 U.S. 500 (1959)."

No. 323. Clifford Vaughn, petitioner, *v.* N. J. Atkinson, etc., et al. The motion to dispense with printing the petition for writ of certiorari is granted. The petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 167. Roy A. Oakley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 184. Floyd A. Firestone, petitioner, *v.* Aluminum Company of America et al.; and

No. 316. Aluminum Company of America et al., petitioners, *v.* Sperry Products, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 210. Philip A. Foley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 291. Cecil Dunlap et al., petitioners, *v.* Theodore Spilka, Trustee in Bankruptcy. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 309. Dora Mayer et al., petitioners, *v.* Zim Israel Navigation Co., Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 310. Virginia Metal Products, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 311. Samuel B. Franklin & Co., petitioner, *v.* Securities & Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 313. Jean E. Kirkland et al., petitioners, *v.* Charles E. Johnson et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 319. Wolfies Rest, Inc., petitioner, *v.* Lincoln Restaurant Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 320. Nathan Greenberg, petitioner, *v.* Panama Transport Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 321. Iva Lux, petitioner, *v.* Illinois ex rel. Harlow Miller, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 324. Elgin, Joliet & Eastern Railway Company, petitioner, *v.* Ralph Borrero et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 314. Kinnear-Weed Corporation, petitioner, *v.* Humble Oil and Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied; and

No. 103, Misc. Kinnear-Weed Corporation, petitioner, *v.* The United States Court of Appeals for the Fifth Circuit and the Honorable Judges thereof, et al. Motion for leave to file petition for writ of certiorari and/or mandamus and/or prohibition denied.

No. 318. Great Lakes Airlines, Inc., et al., petitioners, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 327. The New York Central Railroad Company, petitioner, *v.* Interstate Commodities, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 418. Paul E. Tegarden, petitioner, *v.* Criminal Court of Marion County, etc., et al. The application for stay presented to Mr. Justice Clark, and by him referred to the Court, is denied. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 323, Misc. Raymond G. Alexander, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 417, Misc. Calvin Williams, petitioner, *v.* Thomas Bell, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 461, Misc. Joseph Nicolas Crisafi, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

ORDER

It is ordered that John F. Davis be appointed Clerk of this Court to succeed James R. Browning effective at the commencement of business October 23, 1961, and that he take the oath of office and give bond as required by statute and the order of this Court entered November 22, 1948.

Adjourned until Monday, November 6, at 10 o'clock.

The day call for Monday, November 6, will be as follows: Nos. 46, 36 (and 55), and 52.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Jay Joseph Levit, of Washington, D.C., Erwin I. Grant, of Los Angeles, Calif., Fred H. Kronos, of New York, N.Y., Thomas D. Westfall, of Adelphi, Md., Fletcher D. Thompson, of Washington, D.C., Edwin J. Schafer, of Washington, D.C., Bruno Alexander Ristau, of Cleveland, Ohio, Arthur C. Meier, of Minneapolis, Minn., and Reginald Gordon Hearn, of San Francisco, Calif., on motion of Mr. Solicitor General Archibald Cox; Guenter S. Cohn, of Minneapolis, Minn., on motion of Mr. Charles Zinn; Robert P. Dickinson, of Portland, Oreg., on motion of Mr. William Berg, Jr.; George C. Denney, Jr., of Washington, D.C., on motion of Mr. Monroe Leigh; Joseph B. Sherrard, of Detroit, Mich., on motion of Mr. H. William Butler; Sonia Pressman, of Washington, D.C., on motion of Mr. Dominick Manoli; Cyrus G. Minkler, of Detroit, Mich., on motion of Mr. Allen Kirkpatrick III; Milan C. Miskovsky, of Washington, D.C., and Robert C. Watson, of Arlington, Va., on motion of Mr. Charles Gurley Williamson, Jr.; David Lazar, of Chicago, Ill., on motion of Mr. John R. Wilkins; Dan Reaugh, of Seattle, Wash., on motion of Mr. Lionel Charles Epstein; Jack McLaughlin Miller, of Salem, Oreg., on motion of Mr. Charles H. Heltzel; and James Lawrence Hawkins, of St. Louis, Mo., and Robert E. Joyner, of Memphis, Tenn., on motion of Mr. David Claudius Murchison, were admitted to practice.

OPINIONS

No. 16. William J. Roper, petitioner, *v.* United States et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed and case remanded to the United States District Court for the Eastern District of Virginia. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black concur.

No. 30. Keith Martin, appellant, *v.* Herbert Walton, as Probate Judge of Johnson County, Kansas. Appeal from the Supreme Court of Kansas. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Chief Justice Warren concurs in the result. Dissenting

opinion by Mr. Justice Douglas with whom Mr. Justice Black concurs. Mr. Justice Whittaker 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. 245. Department of Revenue of the State of Illinois et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment vacated and case remanded to the District Court for further consideration in the light of developments which have occurred since the injunction was issued, without prejudice to consideration by that court of any application by appellees for such temporary equitable relief as they may request pending the further proceedings hereby ordered. Opinion *per curiam*.

No. 345. Bruno Pepe, appellant, *v.* Delaware. Appeal from the Supreme Court of Delaware. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 352. Ponca Wholesale Mercantile Company, appellant, *v.* Rocky Mountain Wholesale Company, Inc. Appeal from the Supreme Court of New Mexico. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 357. John Schroeder et al., appellants, *v.* Margaret A. Williams et al. Appeal from the Supreme Court of Nebraska. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 362. William Murphy et al., appellants, *v.* The Waterfront Commission of New York Harbor. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 373. Twentieth Century-Fox Film Corporation, appellant, *v.* Lawrence E. Gerosa, as Comptroller of the City of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. 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. 93, Misc. George H. Winkle, petitioner, *v.* William H. Bannan, Warden. On petition for writ of certiorari to the Supreme Court of Michigan. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Mapp v. Ohio*, 367 U.S. 643. Opinion *per curiam*.

No. 339, Misc. Doris Coates, appellant, *v.* Guy M. Walters, M.D., etc. 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. 506, Misc. Donald D. Owens, appellant, *v.* O. B. Ellis, Director of Texas Department of Corrections, et al. Appeal from the Court of Criminal Appeals of Texas. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 511, Misc. Clark Sumner Cummings, appellant, *v.* W. L. Huiskamp, Judge, Lee County District Court, et al. Appeal from the United States District Court for the Southern District of Iowa. The appeal is dismissed. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 8, Original. State of Arizona, plaintiff, *v.* State of California et al. The joint request for allotment of and division of time for oral argument is approved. The case is set for argument on Monday, January 8, 1962, and a total of sixteen hours is allotted for that purpose to be apportioned as follows:

State of California.—Five and one-half hours for opening and rebuttal.

State of Arizona.—Five and one-half hours.

United States.—Three hours.

State of Nevada.—One and one-quarter hours.

State of Utah.—Fifteen minutes.

State of New Mexico.—Thirty minutes.

The Chief Justice took no part in the consideration or decision of this case.

No. 2. Metlakatla Indian Community, Annette Island Reserve, appellant, *v.* Egan, Governor of Alaska et al.; and

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. The motion of appellants to dispense with printing the record is granted. The motions to accelerate the filing of briefs and to set the cases for early hearing are granted and the cases are set for argument on Wednesday, December 13, 1961. The

briefs of the appellants and the brief of the United States, as *amicus curiae*, are to be filed on or before November 17, 1961, and the briefs of the appellees are to be filed on or before December 6, 1961.

No. 26. John Burrell Garner et al., petitioners, *v. Louisiana*;

No. 27. Mary Briscoe et al., petitioners, *v. Louisiana*; and

No. 28. Jannette Hoston et al., petitioners, *v. Louisiana*;

No. 32. Charles Clarence Hamilton, petitioner, *v. Alabama*;

No. 85. John Thomas Avent et al., petitioners, *v. North Carolina*;

No. 86. James A. Fox et al., petitioners, *v. North Carolina*; and

No. 248. Raymond B. Randolph, Jr., et al., petitioners, *v. Virginia*.

The motions of Thurgood Marshall for leave to withdraw his appearances as counsel for petitioners are granted.

No. 71. Dale H. Drews et al., appellants, *v. Maryland*;

No. 84. Jesse Turner, appellant, *v. City of Memphis et al.*; and

No. 315. Ruth E. Tinsley, appellant, *v. City of Richmond, Virginia*. The motions of Thurgood Marshall for leave to withdraw his appearances as counsel for appellants are granted.

No. 78. Herbert W. Goldblatt et al., appellants, *v. Town of Hempstead*. The motion of National Crushed Stone Association for leave to file brief, as *amicus curiae*, is granted.

APPEAL—JURISDICTION NOTED

No. 286. United States, appellant, *v. Diebold, Incorporated*. Appeal from the United States District Court for the Southern District of Ohio. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

CERTIORARI GRANTED

No. 312. In the Matter of the Petition for a Writ of Habeas Corpus for Merritt W. Green II, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio granted.

No. 358. Laureano Maysonet Guzman, petitioner, *v. Ramon Ruiz Pichirilo*. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted.

No. 369. James I. Wood, petitioner, *v. Georgia*. Petition for writ of certiorari to the Court of Appeals of Georgia granted.

CERTIORARI DENIED

No. 290. American-Foreign Steamship Corporation, petitioner, *v. United States*;

No. 332. Stockard Steamship Corporation et al., petitioners, *v. United States*; and

No. 438. United States, petitioner, *v.* Stockard Steamship Corporation et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 322. U. S. Health Club, Inc., petitioner, *v.* William Major, Postmaster, Bergenfield, New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 330. Sheet Metal Workers' International Association, AFL-CIO, 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.

No. 333. Charles Colle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 335. Cia. de Nav. San George, S.A., et al., petitioner, *v.* Ioannis Koufopantelis et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 338. AAA Motor Lines, Inc., petitioner, *v.* Alabama Public Service Commission et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 339. American President Lines, Ltd., petitioner, *v.* Honorable Richard H. Levet, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 340. Burgermeister Brewing Corporation, petitioner, *v.* Richard C. Lindstrom et al. Petition for writ of certiorari to the Superior Court of California, County of San Francisco, denied.

No. 341. George Herman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 343. Peter T. Dana et al., petitioners, *v.* William Goldman Theatres, Inc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 344. Radio Corporation of America, petitioner, *v.* Association of Professional Engineering Personnel et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 347. Fine Fashions, Inc., petitioner, *v.* Chris L. Gross, District Director of Internal Revenue for the District of Camden, New Jersey, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 348. Howard R. Marshall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 350. Fiat Motor Company, Inc., petitioner, *v.* Alabama Imported Cars, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 351. Virgie Cook, petitioner, *v.* State Farm Insurance Company. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 354. The County of Los Angeles et al., petitioners, *v.* Scandinavian Airlines System, Inc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 355. Mannie Goldberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 356. Robert Burks, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 363. The O Liquidating Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 364. Lester Ramsey et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 367. City of Long Beach et al., petitioners, *v.* National Development Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 368. Michigan Gas and Electric Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 371. Blaise D'Antoni & Associates, Inc., et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 372. Horace Hart, petitioner, *v.* United States Fidelity and Guaranty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 375. Great American Indemnity Company et al., petitioners, *v.* Theodore Britton, Deputy Commissioner, Bureau of Employees' Compensation, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 376. Five Boro Construction Corporation, petitioner, *v.* Arthur J. Goldberg, Secretary of Labor, etc. Petition for writ of certiorari to United States Court of Appeals for the First Circuit denied.

No. 377. John J. Rogers et al., petitioners, *v.* Alaska Steamship Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 380. Elof Hansson, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 331. The Shell Petroleum Co., Ltd., as Owner of the M/S *Lembulus*, petitioner, *v.* Charles Peschken. The motion of The American Waterways Operators, Inc., for leave to file brief, as *amicus curiae*, is granted. The motion of Seaway Excursion Lines, Inc., for leave to file brief, as *amicus curiae*, is denied. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 334. Alfred J. Heinecke, 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 Black and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 342. Pattie L. Hilliard, petitioner, *v.* Tennessee. The motion of respondent for leave to supplement the record is granted. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 353. William E. Hilbert et al., etc., petitioners, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Brennan are of the opinion certiorari should be granted.

No. 359. Arthur J. Goldberg, Secretary of Labor, United States Department of Labor, petitioner, *v.* Wade Lahar Construction Co. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 365. Robert F. Nolan, Administrator, et al., petitioners, *v.* Transocean Air Lines. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 370. Mae Poss, petitioner, *v.* Abraham A. Ribicoff, Secretary of Health, Education, and Welfare. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 17, Misc. In the Matter of the Application of Herman Wilson, petitioner. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 27, **Misc.** Oscar Walden, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 51, **Misc.** Palmer Giles, petitioner, *v.* State of Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 52, **Misc.** Willie Smith and Lonnie Payne, petitioners, *v.* Charles S. Dougherty, Paul A. Hansen, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 69, **Misc.** Celestino Briones et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 123, **Misc.** Robert J. Mulligan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 137, **Misc.** Edgar Clay Morrow, petitioner, *v.* David L. Davis, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 138, **Misc.** William Dunlap, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 166, **Misc.** Franklin Warren, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 173, **Misc.** Robert B. Ruble, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 174, **Misc.** Clarence Duke McGann, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 181, **Misc.** Byron G. Lamos, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 188, **Misc.** Charles Ross, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 192, **Misc.** Walter J. Hammil, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 198, **Misc.** Edward Thomas Benavidez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 245, **Misc.** Raymond John Wagner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 313, *Misc.* Thomas Hills, petitioner, *v.* John C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 317, *Misc.* Gerald F. Davis, petitioner, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 321, *Misc.* Harry Lindsey, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 340, *Misc.* Stanley Pitchcuskie, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 350, *Misc.* George Sterling, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 351, *Misc.* John D. Duncan, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 363, *Misc.* Anthony Palumbo, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 380, *Misc.* Gilberto Barza Vela, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 384, *Misc.* John Daniel Byars, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 387, *Misc.* Farris Egbert Morris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 391, *Misc.* Fred Rush, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 409, *Misc.* William Reece Johnston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 410, *Misc.* Walter M. Block, petitioner, *v.* Ruth Betten Block. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 421, *Misc.* Edward Richard Connor, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 429, Misc. William Carl Auth, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 453, Misc. Robert D. Perry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 456, Misc. James O'Leary, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 457, Misc. James Edward Reed, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 467, Misc. Robert John Rickerson, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 484, Misc. Levi Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 485, Misc. Richard Norris, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 486, Misc. Charles Isle, petitioner, *v.* Ralph Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 488, Misc. Kenneth Barton, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 674, Misc. George James Barnard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 494, Misc. Ronald Lee Wolfe, petitioner, *v.* Missouri et al. Petition for writ of certiorari to the Supreme Court of Missouri denied without prejudice to the petitioner's habeas corpus proceeding now pending in the United States District Court for the Western District of Missouri.

REHEARINGS DENIED

No. 92. John Van Allen, petitioner, *v.* United States;

No. 104. Reliance Picture Frame Company, petitioner, *v.* Coventry Ware, Inc.;

No. 108, Misc. Francisco Cepero, appellant, *v.* Hon. Felisa Rincon de Gautier, etc.;

No. 164, Misc. Francisco Cepero, appellant, *v.* Hon. Government of the Commonwealth of Puerto Rico et al.;

No. 194, Misc. Daniel Moore, petitioner, *v.* J. C. Taylor, Warden;

No. 203, **Misc.** William G. Rich, Jr., petitioner, *v.* James P. Mitchell, Secretary of Labor;

No. 224, **Misc.** Willie Robinson, petitioner, *v.* United States; and

No. 382, **Misc.** Francisco Cepero, appellant, *v.* Honorable Government of the Commonwealth of Puerto Rico et al. Petitions for rehearing denied.

No. 902. **October Term, 1960.** Mohegan International Corporation, appellant, *v.* City of New York et al. Motion for leave to file petition for rehearing denied.

ORDER

An order is entered approving the bond of the Clerk of this Court and directing that it be recorded.

ORAL ARGUMENT

No. 46. Maurice A. Hutcheson, petitioner, *v.* United States. Argued by Mr. Frederick Bernays Wiener for the petitioner and by Mr. Solicitor General Cox for the respondent.

No. 36. Public Affairs Associates, Inc., etc., petitioner, *v.* Vice Admiral Hyman G. Rickover; and

No. 55. Vice Admiral Hyman G. Rickover, petitioner, *v.* Public Affairs Associates, Inc., etc. Argument commenced by Mr. Harry N. Rosenfield for the petitioner in No. 36 and for the respondent in No. 55 and continued by Mr. Joseph A. McDonald for the respondent in No. 36 and for the petitioner in No. 55.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 7, will be as follows: Nos. 36 (and 55), 52, 33, and 50.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

George C. West, of Augusta, Maine, Richard A. Foley, of Augusta, Maine, and Thomas Wulfinf Tavenner, of Freeport, Maine, on motion of Mr. Frank E. Hancock; William Garbose, of Athol, Mass., on motion of Mr. William Humphrey Tucker, Jr.; William A. Cain, of Chicago, Ill., and Thomas P. Cernek, of Chicago, Ill., on motion of Mr. Robert Christopher Heeney; John Purinton Dunn of Worcester, Mass., on motion of Mr. George H. Mason; Francis E. Marshall, of Philadelphia, Pa., on motion of Mr. K. Norman Diamond; James Stephen McAuliffe, Jr., of Bethesda, Md., and Richard S. Kolakoski, of Washington, D.C., on motion of Mr. John F. McAuliffe; David Krueger, of Chicago, Ill., on motion of Mr. Kenneth G. Heisler; Eugene J. Adams, of Santa Cruz, Calif., and Allan Franklin Conwill, of New York, N.Y., on motion of Mr. Henry Geller; Edwin Roy Schneider, Jr., of Washington, D.C., on motion of Mr. Robert A. Marmet; and Owen J. Ooms, of Chicago, Ill., on motion of Mr. William T. Stephens, were admitted to practice.

ORAL ARGUMENT

No. 36. Public Affairs Associates, Inc., etc., petitioner, *v.* Vice Admiral Hyman G. Rickover; and

No. 55. Vice Admiral Hyman G. Rickover, petitioner, *v.* Public Affairs Associates, Inc., etc. Argument concluded by Mr. Joseph A. McDonald for the respondent in No. 36 and for the petitioner in No. 55.

No. 52. United States, petitioner, *v.* Union Central Life Insurance Company. Argued by Mr. I. Henry Kutz for the petitioner and by Mr. H. William Butler for the respondent. Memoranda to come.

No. 33. Charles Dowd Box Co., Inc., petitioner, *v.* John F. Courtney et al., etc. Argued by Mr. George H. Mason for the petitioner and by Mr. David E. Feller for the respondents.

No. 50. Local 174, Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner *v.* Lucas Flour Company. Argument commenced by Mr. Francis Hoague for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 8, will be as follows: Nos. 50, 44, and 41.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Donald McEachern Tolmie, of Philadelphia, Pa., and Ronald B. Sladon, of Fort Lauderdale, Fla., on motion of Mr. Hyman Neil Garson; Barbara R. Evans, of Washington, D.C., and James G. Evans, Jr., of Alexandria, Va., on motion of Mr. Kurt Frank Korf; Wilbur Kenneth Wilson, of Portland, Oreg., on motion of Mr. Francis W. Hill, Jr.; John Baker, of Hazard, Ky., and Walter B. Early, of Williamsburg, Ky., on motion of Mr. Kenneth H. Tuggle; E. Terrell Wortman, of North Little Rock, Ark., on motion of Mr. Arch B. Brown; James R. Bruner, of Harlan, Ky., on motion of Mr. William John McMahon, and Louis M. Kaplan, of Silver Spring, Md., on motion of Mr. Michael Francis Xavier Dolan, were admitted to practice.

ORAL ARGUMENT

No. 50. Local 174, Teamsters, Chauffeurs, Warehousemen & Helpers of America, petitioner, *v.* Lucas Flour Company. Argument continued by Mr. Francis Hoague for the petitioner, by Mr. Stuart G. Oles for the respondent and concluded by Mr. Francis Hoague for the petitioner.

No. 44. National Association for the Advancement of Colored People, etc., petitioner, *v.* Frederick T. Gray, Attorney General of Virginia, et al. Argued by Mr. Robert L. Carter for the petitioner and by Mr. Henry T. Wickham for the respondents.

No. 41. A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al. Argument commenced by Mr. Edward B. Hayes for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 9, will be as follows: Nos. 41, 47, and 58.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Charles L. Moushey, of Alliance, Ohio, John F. Gwin, of Alliance, Ohio, and Michael A. Tangi, of Alliance, Ohio, on motion of Mr. Solicitor General Archibald Cox; William Dill Rogers, of Alexandria, Va., on motion of Mr. Dennis G. Lyons, and Douglas Wesson Hawes, of New York, N.Y., on motion of Mr. Horace R. Lamb, were admitted to practice.

ORAL ARGUMENT

No. 41. *A. L. Mechling Barge Lines, Inc., et al., appellants, v. United States et al.* Argument continued by Mr. Edward B. Hayes for the appellants, by Mr. Daniel M. Friedman for appellees, the United States and the Interstate Commerce Commission, by Mr. Donald M. Tolmie for appellees, the Intervening Railroads, and concluded by Mr. Edward B. Hayes for the appellants. Memorandum by appellees, the United States and the Interstate Commerce Commission, to come.

No. 47. *St. Regis Paper Company, petitioner, v. United States.* Argued by Mr. Horace R. Lamb for the petitioner and by Mr. Solicitor General Cox for the respondent.

Adjourned until Monday, November 13, at 10 o'clock.

The day call for Monday, November 13, will be as follows: Nos. 58, 45, and 40.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Charles Coleman Bernstein, of Phoenix, Ariz., Mortimer M. Caplin, of Charlottesville, Va., Harry L. Pliskow, of Detroit, Mich., Edward Aaron Rothschild, of Louisville, Ky., Sidney Baer, of Louisville, Ky., Joel Asmund Cameron Rindal, of Seattle, Wash., Austin C. Furbee, of St. Clairsville, Ohio, Robert Stanley Kersch, of Minneapolis, Minn., James Edward Kennedy, of Seattle, Wash., and Robert H. Newman, of Miami, Fla., on motion of Mr. Solicitor General Archibald Cox; Edgar D. Crumpacker, of Honolulu, Hawaii, on motion of Mr. Cyril Francis Damon, Jr.; Lajos Schmidt, of Chicago, Ill., on motion of Mr. Walter A. Slowinski; Seymour Kurland, of Philadelphia, Pa., Maurice Freedman, of Philadelphia, Pa., and Mitchell E. Panzer, of Philadelphia, Pa., on motion of Mr. Morris Wolf; John B. Orr, Jr., of Miami Beach, Fla., on motion of Mr. Frank D. Reeves; Conrad J. Morgenstern, of Cleveland, Ohio, on motion of Mr. Jacob W. Rosenthal; Rita Charmatz Davidson, of Silver Spring, Md., on motion of Miss Ruth Weyand; Gresham Hughel Harrison, of Atlanta, Ga., on motion of Mr. Denmark Grooves, Jr.; Charles E. Temko, of New York, N.Y., on motion of Mr. Harvey L. Korzim; Rosemary R. Flemington, of Kansas City, Mo., and Austin B. Speers, of Kansas City, Mo., on motion of Mrs. Mary Redmond Day; Aubrey Russell Bowles III, of Richmond, Va., on motion of Mr. Aubrey Russell Bowles, Jr.; Michael H. Egnal, of Philadelphia, Pa., Joseph R. Ritchie, Jr., of Norristown, Pa., and Edward J. Wisniewski, of Cynwyd, Pa., on motion of Mr. Michael Joseph Stack, Jr.; and Joseph J. Rey, of El Paso, Tex., on motion of Mr. Robert V. Shirley, were admitted to practice.

OPINIONS

No. 32. Charles Clarence Hamilton, petitioner, *v.* Alabama. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 48. Carl Still, petitioner, *v.* Norfolk & Western Railway Company. On writ of certiorari to the Supreme Court of Appeals of West Virginia. Judgment reversed and case remanded for proceed-

ings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Frankfurter concurring in the judgment. Dissenting opinion by Mr. Justice Whittaker.

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."

OPINION PER CURIAM

No. 385. Bernard Oxenberg, appellant, *v.* Alaska. Appeal from the Supreme Court of Alaska. The appeal is dismissed. 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. 80. Beatrice Lynum, petitioner, *v.* Illinois. Consideration of the petition for certiorari is deferred to accord counsel for petitioner opportunity to secure a certificate from the Supreme Court of Illinois as to whether the judgment herein was intended to rest on an adequate and independent state ground, or whether decision of the federal claim, identified in respondent's second response as having been asserted by the petitioner at pages 66-67 in her brief in the Supreme Court of Illinois, was necessary to the judgment rendered. Cf. *Loftus v. Illinois*, 334 U.S. 804; *Herb v. Pitcairn*, 324 U.S. 117.

Mr. Justice Frankfurter dissenting:

Petitioner was tried and convicted for the unlawful sale, dispensing, and possession of narcotics, and her conviction was affirmed, 21 Ill. 2d 63, 171 N.E. 2d 17. She seeks certiorari to review the judgment of the Illinois Supreme Court, on the ground that incriminating statements drawn from her by threats and promises were used against her at trial in contravention of the Due Process Clause of the Fourteenth Amendment. 28 U.S.C. Sec. 1257.

Rule 23(f) of this Court requires that a petitioner seeking review of a state court decision shall "specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised . . ." There is no such specification in the present petition; it is merely asserted that the Supreme Court of Illinois "overlooked the fact" that involuntary admissions are not competent evidence.

Respondent argues that certiorari should be denied for failure to comply with this Rule. Discovering that petitioner had invoked the Due Process Clause in her brief before the Illinois Supreme Court,

this Court requested a response to this from Illinois. Respondent now urges that the Due Process Clause was not cited until appeal, that the Illinois Supreme Court does not determine constitutional questions unless they have been specifically raised at trial, and that the judgment was accordingly based on an adequate and independent ground of state law.

The opinion of the Illinois Court does not mention the claim of involuntary admissions. It expressly rejects a claim that petitioner was surprised by their introduction without proper statutory notice, and concludes with an omnium-gatherum clause, "We have examined numerous other allegations of error and find that they are of insufficient merit to justify further discussion. Suffice it to say that, on the entire record, the defendant received a fair trial and was proved guilty beyond a reasonable doubt." A petition for rehearing, assigning the admission of the statements as error and citing *Brown v. Mississippi*, 297 U.S. 278, was denied without opinion. An abstract of the trial court record indicates that the admissions were objected to a trial but does not show whether the Due Process Clause was invoked. This Court today defers consideration of the petition pending clarification by the Illinois Court whether its disposition of the due process issue was based on its merits or on an independent state ground.

The constitutional basis for this Court's review of state court judgments derives from the Supremacy Clause of Article VI, statutorily enforced by the famous Sec. 25 of the First Judiciary Act, 1 Stat. 73, 85 (1789), now 28 U.S.C. Sec. 1257. Accordingly, if a state judgment rests on an adequate, independent ground of state law, this Court is without power to review the judgment, since its decision of the federal issue could not affect the result. *Murdock v. Memphis*, 20 Wall. 590, 632, 634-635; *Herb v. Pitcairn*, 324 U.S. 117, 125-126. Since Judicial opinions are not mathematically formulated and the dubieties of language are what they are, a particular opinion of a state court sometimes raises a solid doubt whether a judgment does rest on an adequate, independent state ground and whether the disposition of a federal claim was not necessary to the challenged judgment. Lest a federal right properly reviewable here be lost through such ambiguity, this Court has utilized the procedure of holding a case here until opportunity has been afforded for an appropriate certificate by the state court for clarification of the ambiguity, i.e., to make unambiguously clear that its judgment has not adjudicated a federal claim but rests on an independent state ground. See *Herb v. Pitcairn*, *supra*, 324 U.S., at 128; *Loftus v. Illinois*, 334 U.S. 804. Instead of awaiting this Court's initiation of such a procedure, in some jurisdictions counsel on their own initiative secure a certificate from

their state tribunal in order to leave no doubt before the case is brought here that it does turn on a claim of a federal right. See *Herb v. Pitcairn*, *supra*, 324 U.S., at 127; *Honeyman v. Hanan*, 300 U.S. 14, 18; *Whitney v. California*, 274 U.S. 357, 360-361.

In either case, however, such a procedure for clarification does not come into play when the state court opinion in the case sought to be reviewed does not mention the federal ground, when counsel make no assertion that the judgment was based on a determination of the federal issue, and when state law affords an adequate ground for the disposition below. On full canvass of our jurisdiction in this class of cases, the Court not so long ago made this authoritative pronouncement:

“Before we may undertake to review a decision of the court of a State it must appear affirmatively from the record, not only that the federal question was presented for decision to the highest court of the State having jurisdiction but that its decision of the federal question was necessary to the determination of the cause.” *Honeyman v. Hanan*, 300 U.S. 14, 18 (1937).

Thus, when the state court writes no opinion and from the record it cannot be said that its judgment was not based on an adequate non-federal ground, this Court will not take jurisdiction. *Woods v. Nierstheimer*, 328 U.S. 211, 214-216; *White v. Ragen*, 324 U.S. 760, 765-767. In this case the Supreme Court of Illinois wrote an opinion, but it did not so much as advert to the issue raised by the petition. It cited only Illinois cases; nowhere in the opinion was there a reference to the Federal Constitution or to any decision of this Court. It is not evident from the papers filed here that the issue was raised in the trial court. There is not the faintest indication that the judgment was not based on the Illinois rule that in order that an issue be reviewable by the State Supreme Court, it must have been explicitly tendered at trial. *Orton Crane & Shovel Co. v. Federal Reserve Bank*, 409 Ill. 285, 288-289, 99 N.E. 2d 14; *People v. Cosper*, 405 Ill. 543, 92 N.E. 2d 173.

It is not our business—indeed it interferes with the effective use of our time for the conduct of our business—to be excavating records in order to find out whether a federal question somehow or other lurks in a record although counsel, as required by our own Rule, has not called our attention to the place in the record where it is unequivocally set forth. In these circumstances, I see no reason for asking the Supreme Court of Illinois to clarify something that does not call for clarification. This constrains me not to join in the Court's order.

No. 476. William Douglas and Bennie Will Meyes, petitioners, *v. California*. The motion for appointment of counsel is denied.

APPEAL—JURISDICTION POSTPONED

No. 400. Central Railroad Company of Pennsylvania, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle District. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits.

CERTIORARI GRANTED

No. 384. Commissioner of Internal Revenue, petitioner, *v.* Sally L. Bilder, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case transferred to the summary calendar.

No. 396. C. J. D. Rudolph et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 67. Alonzo McKnight, petitioner, *v.* N. M. Paterson & Sons, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 378. Leo Shaffer et al., petitioners, *v.* United States; and

No. 379. Philip Share et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 381. John C. Abbott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 383. Peter Ying et al., petitioners, *v.* Robert F. Kennedy, 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. 386. F. L. McClanahan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 387. Philip J. Khuri, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 388. Village of Espanola, New Mexico, petitioner, *v.* Your Food Stores, Inc. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 389. Jim Simmons, petitioner, *v.* Union Terminal Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 390. Newbold Morris, as Commissioner of Parks of the City of New York, petitioner, *v.* George L. Rockwell. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 391. Charles E. Leggett et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 392. L. O. Bell, petitioner, *v.* F. W. Woolworth Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 397. Beulah L. Baxter, etc., petitioner, *v.* Wilmer C. Rogers. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 399. Shell Oil Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 402. Brown Telecasters, Inc., petitioner, *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. 403. Alvin B. Sawyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 360. Arnold Namrow et al., 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 Douglas is of the opinion certiorari should be granted.

No. 393. Robert B. Baker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 398. C. A. Randolph, petitioner, *v.* Missouri Bar Advisory Committee. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 592, Misc. In the Matter of the Petition of Joseph Ernst, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 669, Misc. Richard Arlen Lindsey, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

REHEARINGS DENIED

No. 171. City of Miami Beach et al., petitioners, *v.* County of Dade;
No. 98, Misc. Delage Larry Smith, petitioner, *v.* United States;
No. 239, Misc. George Georges, petitioner, *v.* United States;
No. 246, Misc. Winston M. Reynolds, petitioner, *v.* United States;
No. 286, Misc. Ernest A. Mokus, petitioner, *v.* United States;
No. 296, Misc. Jack C. Massengale, petitioner, *v.* Cincinnati Bar Association;
No. 320, Misc. James David Green, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections; and
No. 425, Misc. Shedney Robinson, petitioner, *v.* New York Central Railroad Company. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, November 20, until Monday, December 4.

ORAL ARGUMENT

No. 58. John E. Hodges, petitioner, *v.* United States. Argued by Mr. Quinn O'Connell for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 45. Lou Poller, petitioner, *v.* Columbia Broadcasting System, Inc., et al. Argument commenced by Mr. Morris Wolf for the petitioner and continued by Mr. Samuel I. Rosenman for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 14, will be as follows: Nos. 45, 40, 42, and 59.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Milton Bordwin, of Boston, Mass., on motion of Mr. Daniel M. Friedman; Thomas W. Simmons, of Portland, Oreg., on motion of Mr. Raymond Ward Bergan; Roy Hewson Davies, of San Francisco, Calif., on motion of Mr. James P. Burns; Stanton M. Levy, of Fresno, Calif., on motion of Mr. Lawrence Speiser; Melvin F. Pierce, of Oklahoma City, Okla., on motion of Mr. Fred M. Mock; John Howland Buttler, of Portland, Oreg., on motion of Mr. Robert B. Gaston; Chapman L. Sanford, of Baton Rouge, La., on motion of Mr. Julian P. Freret; Morton Richard Dworken, of Cleveland, Ohio, on motion of Mr. Bernard Koteen; J. Robert Arkush, of Los Angeles, Calif., on motion of Mr. Alvin L. Newmeyer; Linward Paul Shivers, of Austin, Tex., on motion of Mr. Jerome M. Alper; and Joseph Arthur Sharp, of Tulsa, Okla., on motion of Mr. Truman B. Rucker, were admitted to practice.

ORAL ARGUMENT

No. 45. Lou Poller, petitioner, *v.* Columbia Broadcasting System, Inc., et al. Argument continued by Mr. Samuel I. Rosenman for the respondents and concluded by Mr. Morris Wolf for the petitioner.

No. 40. David D. Beck, petitioner, *v.* Washington. Argued by Mr. Charles S. Burdell for the petitioner and by Mr. James E. Kennedy for the respondent.

No. 42. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al. Argument commenced by Mr. G. Hughel Harrison for the appellants and continued by Mr. Homer S. Durden, Jr., for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 15, will be as follows: Nos. 42, 59, 60, 37, and 74.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Dwain Erwin, of Austin, Tex., Vernon O. Teofan, of Austin, Tex., and P. Joseph Trimble, of Austin, Tex., on motion of Mr. William Ramsay Clark; Leonard W. Burka, of Washington, D.C., and Dexter M. Kohn, of Washington, D.C., on motion of Mr. Sherman Louis Cohn; David I. Sindell, of Cleveland, Ohio, on motion of Mr. Jules Fink; Arthur S. K. Fong, of Honolulu, Hawaii, on motion of Mr. Abraham Krash; Gerald S. Vitamvas, of Lincoln, Nebr., on motion of Mr. Alan D. McArthur; John R. Ewbank, of Southampton, Pa., on motion of Mr. Martin T. Fisher; Samuel E. Dyer, of Decatur, Ga., on motion of Mr. Wallace T. Ward; Richmond F. Allan, of Billings, Mont., on motion of Mr. Howard O. Sigmond; William Clark Kennedy, of Phoenix, Ariz., on motion of Mr. Richard J. Medalie; Ben Blum, of Houston, Tex., on motion of Mr. J. Ronald Trost; Sidney J. Karbel, of Detroit, Mich., on motion of Mr. Elliott H. Moyer; Seymour M. Liebowitz of New York, N.Y., and Edward Lee, of New York, N.Y., on motion of Mr. J. Harold Kilcoyne; and Joseph S. Marcus, of Homestead, Fla., Stanley F. Kava, of Homestead, Fla., Howard Kirby Smith, of Miami, Fla., Wallace Irving Garrick, of Miami, Fla., Glen Edward Smith, of Miami Fla., Francis A. Majewski, of Miami, Fla., Aaron Jay Edelstein, of Miami Beach, Fla., James Patrick Friel, Jr., of Coral Gables, Fla., Morrie Benson, of Tampa, Fla., James Edward Applegate of Cincinnati, Ohio, Dennis M. O'Shea, of Great Falls, Mont., Dirk Larsen, of Great Falls, Mont., James Andrew Johnson, of Chester, Mont., William E. Hunt, of Chester, Mont., Walker N. Metcalf, of Lubbock, Tex., James McClellan Wassell, of Lubbock, Tex., William D. Townson, of Lubbock, Tex., John Foray, of North Arlington, N.J., Alfred G. Damron of Nashville, Tenn., Lee Bearmon, of Minneapolis, Minn., Richard Arnold Brown, of Los Angeles, Calif., Raymond R. Childers, of Denver, Colo., Louis V. di Donato, of Alliance, Ohio, Leo Edward Heymann, of New Orleans, La., Robert Gene Zimmerman, of Valparaiso, Ind., John Cooper Kimbrough, of Memphis, Tenn., and Paul Breen, of Philadelphia, Pa., on motion of Mr. Maurice Francis Biddle, were admitted to practice.

ORAL ARGUMENT

No. 42. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al. Argument continued by Mr. Homer S. Durden, Jr., for the appellees, by Mr. Sherman Cohn for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. Denmark Groover, Jr., for the appellants.

No. 59. Suzanne Thomas Richards, etc., et al., petitioners, *v.* United States et al. Argued by Mr. Truman B. Rucker for the petitioners, by Mr. Richard J. Medalie for the respondent, United States, and by Mr. W. B. Patterson for the respondent, American Airlines, Inc.

No. 60. Grover D. Turnbow et al., petitioners, *v.* Commissioner of Internal Revenue. Argument commenced by Mr. Francis N. Marshall for the petitioners and continued by Mr. Wayne G. Barnett for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 16, will be as follows: Nos. 60, 37, 74, 56 (and 57), and 63.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Marshall Kaplan, of Chicago, Ill., on motion of Mr. Solicitor General Archibald Cox; Donald Hoyt Zarley, of Des Moines, Iowa, on motion of Mr. Martin T. Fisher; Ernest M. Lever, of Beverly Hills, Calif., on motion of Mr. Melvin Richter; Gene A. Lowenthal, of Chicago, Ill., and Irving E. Hollobow, of Chicago, Ill., on motion of Mr. Seymour S. Guthman; Edward S. Jaffry, of Tallahassee, Fla., on motion of Mr. Irwin A. Seibel; Bernard I. Rosen, of Akron, Ohio, on motion of Mr. James V. Barbuto; Earl D. Ruetz, of Massillon, Ohio, on motion of Mr. Gerald Gideon Schulsinger; Charles S. Conley, of Montgomery, Ala., on motion of Mr. Arthur Kinoy; Roy Walter Scholl, Jr., of Birmingham, Ala., on motion of Mr. Daniel John Meador; and Maurice S. Weigle, of Chicago, Ill., Harold A. Rosenstein, of Chicago, Ill., Bernard G. Sang, of Chicago, Ill., Lawrence Kasakoff, of Chicago, Ill., Henry E. Saks, of Chicago, Ill., Milton Lucow, of Detroit, Mich., Bernard Goldstone, of Sharon, Pa., Charles S. Beller, of New York, N.Y., Frank S. Greene, of Flushing, N.Y., Samuel Sanders, of Woodmere, N.Y., Jerald Stanley Schutzbank, of Beverly Hills, Calif., Abraham Ogman, of Peabody, Mass., Basil L. Kaufmann, of St. Joseph, Mo., Solbert M. Wasserstrom, of Kansas City, Mo., and Meyer P. Frank, of Milwaukee, Wis., on motion of Mr. Abraham J. Multer, were admitted to practice.

ORAL ARGUMENT

No. 60. Grover D. Turnbow et al., petitioners, *v.* Commissioner of Internal Revenue. Argument continued by Mr. Wayne G. Barnett for the respondent and concluded by Mr. Francis N. Marshall for the petitioners.

No. 37. National Labor Relations Board, petitioner, *v.* Ochoa Fertilizer Corporation et al. Argued by Mr. Solicitor General Cox for the petitioner. No appearance for the respondents.

No. 74. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. Argued by Mr. Solicitor General Cox for the petitioner and by Mr. Frederick M. Rowe for the respondent.

The Chief Justice said:

"The Court at this time wishes to take notice of the death today of the Honorable Sam Rayburn, Speaker of the House of Representatives. We, in common with all Americans, I am sure, are saddened by the passing of this great American, who served in the Congress of the United States since 1913 and as Speaker for 17 years, which is longer than the service of any other Speaker in history. We honor his memory, and in recognition of that fact the Court now adjourns."

Adjourned until Monday, November 20, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Whittaker.

ADMISSIONS TO THE BAR

John E. Thorne, of San Jose, Calif., Avra N. Pershing, Jr., of Greensburg, Pa., Judith Bleich Kahn, of Washington, D.C., Daniel J. Snyder, of Greensburg, Pa., Jim McDonald, of Homestead, Fla., Robert L. Durning, Jr., of Louisville, Ky., and Joseph Herbert Kaplan, of Miami, Fla., on motion of Mr. Oscar H. Davis; Josiah G. Holland, of Denver, Colo., on motion of Mr. Will Shafroth; Richard Alan Freling, of Dallas, Tex., on motion of Mr. Raymond C. Cushwa; Walter J. Landry, of New Orleans, La., and Leonard Albert Jaskiewicz, of Washington, D.C., on motion of Mr. Earl R. Stanley; Otto Lowe, Jr., of Cape Charles, Va., on motion of Mr. Otto Lowe, Sr.; Keith P. Johnson, of Butte, Mont., on motion of Mr. Boyd Leedom; Everett W. Gross, of Helena, Mont., on motion of Mr. Paul E. Hadlick; Leon B. Polsky, of New York, N.Y., on motion of Mr. Richard T. Conway; Ward Dunphy, of Milwaukee, Wis., on motion of Mr. Charles E. Pledger, Jr.; Palmer Hutcheson, Jr., of Houston, Tex., on motion of Mr. Cecil A. Beasley, Jr., Joseph Oliver Rock, of Adelphi, Md., on motion of Mr. Edward A. McCabe; Hosea T. Lockard, of Memphis, Tenn., on motion of Mr. Herbert O. Reid; Richard L. Freeman, of Philadelphia, Pa., on motion of Mr. Leonard J. Emmerglick; Thomas John Dailey, of Burlington, Iowa, on motion of Mr. Vernon X. Miller; Theodore Polydoroff, of McLean, Va., on motion of Mr. John Pinckney Torpats; William F. Potter, of Smethport, Pa., and John Franklin Potter, of Smethport, Pa., on motion of Mr. E. G. Potter; and William Boys Harman, Jr., of Arlington, Va., on motion of Mr. Ashley Sellers, were admitted to practice.

OPINION

No. 31. Gwendolyn Hoyt, appellant, *v.* Florida. Appeal from the Supreme Court of Florida. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas concur in the result.

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. 410. Garland "Bud" McLemore, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed. Treating the papers thereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 419. David Fruhling, appellant, *v.* Amalgamated Housing Corporation 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*.

ORDERS IN PENDING CASES

No. 8, **Original**. State of Arizona, plaintiff, *v.* State of California et al. The motion of the Navajo Tribe of Indians of the Navajo Reservation of Arizona, New Mexico and Utah for leave to intervene is denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 740, **Misc**. In the Matter of the Disbarment of Lowell M. Birrell. It is ordered that Lowell M. Birrell of New York, New York, be suspended from the practice of the 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 the law in this Court.

APPEAL—JURISDICTION NOTED

No. 444, **Misc**. Lawrence Robinson, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. 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. 236. Harry Lanza, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 422. William Link, petitioner, *v.* Wabash Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 118. Food Machinery and Chemical Corporation, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 243. Johnny Albert et al., petitioners, *v. Louisiana*. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 382. Granville George Hudson et al., petitioners, *v. P. A. Esperdy*, as District Director of the Immigration and Naturalization Service, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 404. Salvatore Annunziato, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 405. Satiris G. Fassoulis, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 406. Anna J. McDowell, petitioner, *v. Abraham A. Ribicoff*, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 407. L. B. Binion, petitioner, *v. United States Marshal for the District of Nevada*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 408. Fred K. Wagoner et al., petitioners, *v. Consolidated Fairview School District No. 5 et al.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 409. Estate of William P. Cooper, etc., et al., petitioners, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 411. Myrtle Tweedy, etc., petitioner, *v. Esso Standard Oil Company*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 412. Angelo Inciso, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 413. Douglas Darrell Carlyon, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeals of California, Fourth Appellate District, denied.

No. 415. Harold M. Ekberg et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 416. American News Co. et al., petitioners, *v.* King-Size Publications, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 420. Ruth E. Turner, Administratrix, et al., petitioners, *v.* Tidmore Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 423. Firedoor Corporation of America, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 424. W. B. Cherry et al., petitioners, *v.* Hattie Brazier. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 426. Koninklijke Luchtvaart Maatschappij N. V., etc., et al., petitioners, *v.* Gertrude Owen Tuller, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 428. Morris Narcisse, Jr., petitioner, *v.* The American Sugar Refining Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 238, Misc. Nathaniel Nelson, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 593, Misc. Salvatore Agron, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 598, Misc. Mack Merrill Rivenburgh, Jr., petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 608, Misc. Wilbert Augustine, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

REHEARINGS DENIED

No. 126. Wallace Delaney Mohammed, petitioner *v.* United States;

No. 178. Tuskegee Institute, petitioner, *v.* Bank of New York, Trustee, et al.;

No. 263. Wayne K. Patterson, Warden of the Colorado State Reformatory, et al., petitioners, *v.* Ellsworth Medberry;

No. 276. Emmett Gray, petitioner, *v.* Edwin E. Johansson et al.;

No. 277. G. & H. Towing Company, petitioner, *v.* Edwin E. Johansson et al.,

No. 19, Misc. Joseph O'Leary, petitioner, *v.* City of Akron, Ohio;

No. 48, Misc. Rafael Fernandez, etc., petitioner, *v.* Flint Board of Education, etc., et al.;

No. 254, Misc. Kelly Moss, petitioner, *v.* William L. Jones, Warden;

No. 262, Misc. Lawrence Morrison, petitioner, *v.* David M. Heritage, Warden;

No. 307, Misc. Josephine Hubbard, appellant, *v.* The Board of Education of the City of New York;

No. 427, Misc. Mary M. Riley, appellant, *v.* Pennsylvania Reading Seashore Lines; and

No. 428, Misc. Walter S. McCary, petitioner, *v.* Tracy A. Hand, Warden. Petitions for rehearing denied.

No. 21, Misc. William French, petitioner, *v.* J. L. Downie, Superintendent. Motion for leave to file petition for rehearing and for other relief denied.

No. 965. October Term, 1960. John Sing et al., petitioners, *v.* Florida. Motion to supplement the record granted. Petition for rehearing denied.

Adjourned until Monday, December 4, 1961.

Call for Monday, December 4, will be as follows: Nos. 56 (and 57), 63, and 70.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Mark R. Hawes, of St. Petersburg, Fla., Wm. Peyton Marin, of New York, N.Y., and Ronald L. Goldfarb, of Englewood, N.J., on motion of Mr. Solicitor General Archibald Cox; George W. Morris, of Conroe, Tex., Joseph Robert Liles, of Conroe, Tex., J. V. Price, of Groveton, Tex., and E. Clayton Malone, of Livingston, Tex., on motion of Mr. William Ramsay Clark; George L. Russell, Jr., of Baltimore, Md., on motion of Mr. Curtis P. Mitchell; Milton D. Goldman, of New York, N.Y., and Wilfred R. Caron, of New York, N.Y., on motion of Mr. Samuel H. Moerman; William S. Riley, of Frankfort, Ky., and Hunter Byrd Whitesell, of Frankfort, Ky., on motion of Mr. S. White Rhyne, Jr.; Olin P. McWhirter, of Greenville, Tex., on motion of Mr. C. Edward Leasure; Claude Vibart Worrell, of Los Angeles, Calif., on motion of Mr. Herbert O. Reid; Melvin L. Wulf, of New York, N.Y., and Robert R. Granucci, of San Francisco, Calif., on motion of Mr. David Ginsburg; Bernard Berman, of North Miami Beach, Fla., and Stanley Wolfman, of Miami Beach, Fla., on motion of Mr. Irving L. Chasen; and Mildred A. Johnson, of Silver Spring, Md., on motion of Mr. Homer S. Carpenter, were admitted to practice.

OPINIONS

No. 17. Interstate Commerce Commission, appellant, *v.* J-T Transport Company, Inc., et al.; and

No. 18. U.S.A.C. Transport, Inc., et al., appellants, *v.* J-T Transport Company, Inc., et al. Appeals from the United States District Court for the Western District of Missouri; and

No. 49. Atchison, Topeka and Santa Fe Railway Company, et al., appellants, *v.* Elvin L. Reddish et al.;

No. 53. Interstate Commerce Commission, appellant, *v.* Elvin L. Reddish et al.; and

No. 54. Arkansas-Best Freight System, Inc., et al., appellants, *v.* Elvin L. Reddish et al. Appeals from the United States District Court for the Western District of Arkansas. Judgments affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Frankfurter in Nos. 17 and 18 with whom Mr. Justice Harlan and

Mr. Justice Stewart join. Separate opinion, concurring in part, by Mr. Justice Frankfurter in Nos. 49, 53, and 54 with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 15. Western Union Telegraph Company, appellant, *v.* Pennsylvania, by Sidney Gottlieb, Escheator. Appeal from the Supreme Court of Pennsylvania, Middle District. Judgment reversed and case remanded to the Supreme Court of Pennsylvania, Middle District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Memorandum of Mr. Justice Stewart joining in the judgment.

No. 58. John E. Hodges, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black 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. 448. Union Cartage Company, appellant, *v.* United States 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*. Mr. Justice Black and Mr. Justice Brennan are of the opinion that probable jurisdiction should be noted.

No. 26, Misc. Howard Vinton Linnabery and Delbert Weldy, appellants, *v.* Iowa. Appeal from the Supreme Court of Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 169, Misc. Leonard Warner Bowne, appellant, *v.* Utah. Appeal from the Supreme Court of Utah. The motion to dismiss is granted and the appeal is dismissed for want of a substantial Federal question. Opinion *per curiam*.

No. 319, Misc. Burton Junior Post, petitioner, *v.* Otto C. Boles, Warden. On petition for writ of certiorari to the Supreme Court of Appeals of West Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded for a hearing in the light of *Uveges v. Pennsylvania*, 355 U.S. 437, and *Herman v. Claudy*, 350 U.S. 116. Opinion *per curiam*.

No. 347, Misc. Sylvester Johnson et al., appellants, *v.* New Jersey. Appeal from the Supreme Court of New Jersey. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. The motion of Dairymen's League Cooperative Association, Inc., et al., for leave to file brief, as *amici curiae*, is granted.

No. 93. United States, petitioner, *v.* Daniel J. Koenig. The motion of respondent for leave to proceed *in forma pauperis* is granted.

APPEAL—JURISDICTION NOTED

No. 439. United States, appellant, *v.* The Borden Company et al. Appeal from the United States District Court for the Northern District of Illinois. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 468. Steven I. Engel et al., petitioners, *v.* William J. Vitale, Jr., et al. Petition for writ of certiorari to the Court of Appeals of New York granted.

No. 436. Frank Grumman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 477.

No. 454. Bernard Silber, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the summary calendar and set for argument immediately following No. 436.

No. 464. National Labor Relations Board, petitioner, *v.* Washington Aluminum Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case transferred to the summary calendar.

No. 469. Inces Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. Petition for writ of certiorari to the Court of Appeals of New York granted and case set for argument immediately following No. 166.

CERTIORARI DENIED

No. 401. National Labor Relations Board, petitioner, *v.* Celanese Corporation of America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 414. Joe Conforte, petitioner, *v. Nevada*. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 417. National Labor Relations Board, petitioner, *v. Sylvania Electric Products, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 429. Gibraltor Amusements, Ltd., petitioner, *v. The Wurlitzer Company et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 433. Cameron Iron Works, Inc., petitioner, *v. Lodge No. 12, District No. 37, International Association of Machinists.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 435. In the Matter of Union Leader Corporation, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 437. Leonard D. Goduto et al., petitioners, *v. Illinois.* Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 440. Robert Borum, petitioner, *v. Industrial Commission of Wisconsin et al.* Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 441. Robert E. Wyngaard, petitioner, *v. Robert F. Kennedy, 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. 442. William Chae-Sik Lee et al., petitioners, *v. Robert F. Kennedy, 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. 443. Will Wilson, Attorney General of Texas, et al., petitioners, *v. Charles D. Stuart et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 444. Lon Massey, petitioner, *v. Koster & Wythe.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 445. Stella C. Davis, petitioner, *v. National Bank of Mattoon et al.* Petition for writ of certiorari to the Circuit Court of Coles County of Illinois denied.

No. 446. Marvin Dayan, petitioner, *v. California.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 449. Luis Oscar Irizarry, Sr., petitioner, *v. Isabel Blondet Armour.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 450. Eastern Air Lines, Inc., petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 451. A. Ronald Perkins, Administrator, petitioner, *v.* Waukesha National Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 452. Charles Goldstein et al., petitioners, *v.* Megerdich Dabavian et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 453. Mary Chapman, Deceased, etc., et al., petitioners, *v.* Lehigh Valley Railroad Company. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 456. United States Cold Storage Corporation, petitioner, *v.* Minute Maid Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 457. Richard Zilky et al., petitioners, *v.* Lake Superior Court, Room 1, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 459. Robert C. Sears et al., petitioners, *v.* Karen Austin. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 460. New York et al., petitioners, *v.* John M. Andrews et al. Petition for writ of certiorari to the Court of Claims of New York denied.

No. 461. Police Benevolent Association of the New York State Police, Inc., et al., petitioners, *v.* Robert J. Trainor, District Attorney of Westchester County, N.Y., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 463. Solomon Dehydrating Company, Inc., petitioner, *v.* Clarence R. Guyton et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 465. Elizabeth N. Graham, etc., petitioner, *v.* Fannie K. Hertz. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 466. Edward Browder, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 467. Thomas C. Schmidt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 470. Albin C. Halquist et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 471. John J. Burke, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 473. Milton Margoles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 474. Levon A. Akopiantz, petitioner, *v.* Board of Medical Examiners of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 483. Douglas Anderson et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 484. Robert J. Blauner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 485. Alabama State Board of Education et al., petitioners, *v.* St. John Dixon et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 487. Dehydrating Process Company, petitioner, *v.* A. O. Smith Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 361. Darryl Thomas Kemp, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice and Mr. Justice Douglas are of the opinion certiorari should be granted on Question 3.

No. 432. Empire State Highway Transportation Association, Inc., petitioner, *v.* United States et al. The motion of American Export Lines, Inc., et al. to be named parties respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 458. Empire State Express, Inc., petitioner, *v.* Truck Drivers and Helpers Local Union No. 728, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 462. Seidenbach's, petitioner, *v.* Bland Terry Shoe Corporation. The motion to supplement the petition is granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 53, Misc. Harold R. Brown, petitioner, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 79, Misc. Domenick L. Bonomi, petitioner, *v.* Massachusetts et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 83, **Misc.** Burnell Williams, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 113, **Misc.** Homer D. Ellis, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 135, **Misc.** Leonard Frank Hogue, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 147, **Misc.** Sylvester Johnson, Stanley Cassidy and Wayne Godfrey, petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 197, **Misc.** William Cunningham, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 356, **Misc.** George Lee Szopenke, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 364, **Misc.** David Petillo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 390, **Misc.** Samuel J. Macon, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 431, **Misc.** Curtis Ray Lloyd, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 433, **Misc.** William Thomas Shields, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 439, **Misc.** Isaac Gressette, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 440, **Misc.** Elijah Ellison Gilmer, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 441, **Misc.** David Preis, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 443, **Misc.** William M. Watson, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 450, **Misc.** Joseph Calhoun, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 451, **Misc.** Charles Blair, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 452, **Misc.** Michael Serra, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 458, **Misc.** Joseph Clark, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 459, **Misc.** Leonard Wallach, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 462, **Misc.** Mary Doyle, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 465, **Misc.** Melvin Vaughn, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 487, **Misc.** Eddie Lee White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 498, **Misc.** Thomas E. Timmons, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 413, **Misc.** Clarence Stewart, Jr., petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 150, **Misc.** Chester Louis Edgerton, petitioner, *v.* North Carolina. Motion for leave to file petition for writ of habeas corpus denied.

No. 406, **Misc.** Edwin Lotz, petitioner, *v.* Beryle C. Sacks, Warden, et al. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

REHEARINGS DENIED

No. 110. Cleo E. Lovett, petitioner, *v.* United States;

No. 146. Joseph Chobot, petitioner, *v.* Wisconsin;

No. 167. Roy A. Oakley, petitioner, *v.* United States;

No. 274. Leo Cafferata, petitioner, *v.* Ohio;

No. 314. Kinnear-Weed Corporation, petitioner, *v.* Humble Oil and Refining Company;

No. 318. Great Lakes Airlines, Inc., et al., petitioners, *v.* Civil Aeronautics Board;

No. 324. Elgin, Joliet & Eastern Railway Company, petitioner, *v.* Ralph Borrero et al.;

No. 445, Misc. Murray Dulberg, petitioner, *v.* Scovill Manufacturing Company et al.;

No. 463, Misc. Frank Edward Sepulveda, petitioner, *v.* Colorado; and

No. 506, Misc. Donald D. Owens, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections, et al. Petitions for rehearing denied.

ORAL ARGUMENT

No. 56. James O. Oyler, petitioner, *v.* Otto C. Boles, Warden; and

No. 57. Paul H. Crabtree, petitioner, *v.* Otto C. Boles, Warden. Argued by Mr. David Ginsburg for the petitioners and by Mr. George H. Mitchell for the respondent.

No. 63. Morgan C. Chewning, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Argument commenced by Mr. Daniel J. Meador for the petitioner and continued by Mr. Reno S. Harp III for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 5, will be as follows: Nos. 63, 70, 68, 69, and 4.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

George E. Morse, of Gulfport, Miss., and William E. Logan, of Gulfport, Miss., on motion of Mr. Will Shafroth; Curtis R. Reitz, of Philadelphia, Pa., on motion of Mr. S. White Rhyne, Jr.; Milton Welsh Schober, of Shreveport, La., on motion of Mr. Martin L. Friedman; W. L. Hadley Griffin, of St. Louis, Mo., Henry N. Ess III, of New York, N.Y., Dennis Curtis Mahoney, of New York, N.Y., and Hamilton Fish Potter, Jr., of New York, N.Y., on motion of Mr. Arthur H. Dean; Hyman Shapiro, of Bethesda, Md., and Frederick Orr Loudon, of Bethesda, Md., on motion of Mr. Leonard W. Burka; and Milton Feinerman, of Beverly Hills, Calif., on motion of Mr. Robert Feinerman, were admitted to practice.

ORAL ARGUMENT

No. 63. Morgan C. Chewning, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Argument continued by Mr. Reno S. Harp III for the respondent and concluded by Mr. Daniel J. Meador for the petitioner.

No. 70. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee. Argued by Mr. Robert L. Carter for the petitioner and by Mr. Mark R. Hawes for the respondent.

No. 68. James Francis Hill, petitioner, *v.* United States. Argued by Mr. Curtis R. Reitz for the petitioner and by Mrs. Julia P. Cooper for the respondent.

No. 69. John Machibroda, petitioner, *v.* United States. Argued by Mr. Curtis R. Reitz for the petitioner and by Mrs. Julia P. Cooper for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 6, will be as follows: Nos. 4, 9, and 8.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Helen M. Pate, of Little Rock, Ark., on motion of Mr. George John Rabil; Daniel W. McNabb, of Palos Verdes Estates, Calif., on motion of Mr. William Merrill Whitman; Robert F. Haynes, Jr., of Rockville, Md., on motion of Mr. William Howard Payne; Morton H. Kinzler, of New York, N.Y., on motion of Mr. Denis G. McInerney; and Alfred A. Green, of New York, N.Y., on motion of Mr. Robert D. Brooks, were admitted to practice.

ORAL ARGUMENT

No. 4. Brown Shoe Company, Inc., appellant, *v.* United States. Three hours allowed for oral argument. Argued by Mr. Arthur H. Dean for the appellant and by Mr. Solicitor General Cox for the appellee. Memoranda to come.

No. 9. Robert Shelton, petitioner, *v.* United States. Argument commenced by Mr. Joseph L. Rauh, Jr., for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 7, will be as follows: Nos. 9, 8, 10, 11, and 12.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Richard L. Thomas, of Dallas, Tex., Jay H. Topkis, of New York, N.Y., and Howard H. Jewel, of San Francisco, Calif., on motion of Mr. Bruce J. Terris; Raymond J. Rasenberger, of Washington, D.C., on motion of Mr. Harry A. Bowen; Hugh Valentine Plunkett, Jr., of Austin, Minn., and Thomas J. Skutt, of Omaha, Nebr., on motion of Mr. Mac Asbill, Jr.; Jack Lyle Estep, of Atlanta, Ga., on motion of Mr. John B. Letterman; Arthur Leland Sparks, of Kansas City, Mo., on motion of Mr. Harold D. Brown; Clarence J. Wagner, of Minneapolis, Minn., and Donald Vincent Bailey, of Minneapolis, Minn., on motion of Mr. Robert I. Rudolph; J. Blake Lowe, Jr., of New York, N.Y., on motion of Mr. George William Willis; Robert Craig Garber, of Silver Spring, Md., and Norman Miller, of Chicago, Ill., on motion of Mr. John Howard Lewis, Jr.; John Howard Zerbe, of Akron, Ohio, and Sal Germano, of Akron, Ohio, on motion of Mr. Norman A. Flaningam; and Ross G. Macaulay, of Baltimore, Md., Harry Leonard Smith, of Baltimore, Md., Joseph P. Alcarese, of Baltimore, Md., V. Keith Young, of Orlando, Fla., William Donald Roberson, of Washington, D.C., William Martin Joyce, of Brooklyn, N.Y., and Julian C. Renfro, of Winter Park, Fla., on motion of Mr. Clark Crane Vogel, were admitted to practice.

ORAL ARGUMENT

No. 9. Robert Shelton, petitioner, *v.* United States. Argument continued by Mr. Bruce J. Terris for the respondent and concluded by Mr. Joseph L. Rauh, Jr., for the petitioner.

No. 8. Norton Anthony Russell, petitioner, *v.* United States. Argued by Mr. Joseph A. Fanelli for the petitioner and by Mr. Kevin T. Maroney for the respondent. Memorandum to come.

No. 10. Alden Whitman, petitioner, *v.* United States. Argument commenced by Mr. Gerhard P. Van Arkel for the petitioner and continued by Mr. J. William Doolittle for the respondent.

Adjourned until Monday, December 11, at 10 o'clock.

The day call for Monday, December 11, will be as follows: Nos. 10, 11, 12, 128, and 157.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Jerome K. Heilbron, of Washington, D.C., Stuart Bernstein, of Chicago, Ill., Bernard J. Schoenberg, of New York, N.Y., and Arnold Fisher, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Donald R. Holtman, of Bristol, Conn., and Stanley Ebner, of New Haven, Conn., on motion of Mr. Ramon S. Lelli; George E. Stone, Jr., of Mobile, Ala., on motion of Mr. E. Dixie Beggs; Don E. Hollingshead, of Stroud, Okla., on motion of Mr. Charles David Ablard; Jerome Garfinkel, of New York, N.Y., and Thomas A. Muntsinger, of Marion, Ohio, on motion of Mr. Alfonso Everette MacIntyre; Edwin J. Curran, Jr., of Mobile, Ala., and Hardy Bolton Smith, of Mobile, Ala., on motion of Mr. Marion R. Vickers; Charles H. Weier, of Houston, Tex., on motion of Mr. John C. White; Louis Handwerger, of Providence, R.I., on motion of Mr. James Henry Duffy; Virgil F. Carmichael, of Cleveland, Tenn., on motion of Mr. William M. Burkhalter; Betty Jane Southard, of Columbus, Ohio, on motion of Mr. William A. Roberts; Patricia A. Carson, of San Francisco, Calif., on motion of Mrs. Kitty Blair Frank; Gerald Franklin White, of Elizabeth City, N.C., on motion of Mr. Albert Brick; Waggoner Carr, of Lubbock, Tex., on motion of Mr. Walter E. Rogers; and William Robert Lauten, of Mobile, Ala., on motion of Mr. Charles Sylvanus Rhyne, were admitted to practice.

OPINIONS

No. 72. David Walton Cramp, Jr., appellant, *v.* Board of Public Instruction of Orange County, Florida. Appeal from the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Mr. Justice Black and Mr. Justice Douglas join in the Court's judgment and opinion, but also adhere to the view expressed in their dissents in *Adler v. Board of Education*, 342 U.S. 485, 496, 508; *Garner v. Los Angeles Board*, 341 U.S. 716, 730, 731; *Barenblatt v. United States*, 360 U.S. 109, 134; and to their concurrences in *Wieman v. Updegraff*, 344 U.S. 183, 192.

No. 7. John Joseph Killian, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Illinois for further proceedings consistent with the opinion of this Court. Opinion by Mr. Justice Whittaker. Dissenting opinion by Mr. Justice Black with an addendum by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join. Dissenting opinion by Mr. Justice Brennan.

No. 47. St. Regis Paper Company, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Whittaker and Mr. Justice Stewart join.

No. 25. Federal Land Bank of Wichita, petitioner, *v.* Board of County Commissioners of the County of Kiowa, State of Kansas, et al. On writ of certiorari to the Supreme Court of Kansas. Judgment reversed and case remanded to the Supreme Court of Kansas for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Black concurs in the result.

No. 26. John Burrell Garner et al., petitioners, *v.* Louisiana;

No. 27. Mary Briscoe et al., petitioners, *v.* Louisiana; and

No. 28. Jannette Hoston et al., petitioners, *v.* Louisiana. On writs of certiorari to the Supreme Court of Louisiana. Judgments reversed and cases remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Frankfurter. Concurring opinion by Mr. Justice Douglas. 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. 486. Bill Herron, appellant, *v.* Portland Stages, Inc., et al. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 490. Lenoir Finance Company, appellant, *v.* W. A. Johnson, Commissioner of Revenue, State of North Carolina. Appeal from the Supreme Court of North Carolina. The motion to dismiss is

granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 503. Staten Island Mental Health Society, Inc., appellant, *v.* Richmond County Society for the Prevention of Cruelty to Children et al. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed. 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. 244. Dairy Queen, Inc., petitioner, *v.* Hon. Harold K. Wood, Judge, et al. The motion of Donald M. Bowman for leave to withdraw his appearance as counsel for the petitioner is granted.

CERTIORARI GRANTED

No. 430. Samuel M. Atkinson et al., petitioners, *v.* Sinclair Refining Company; and

No. 434. Sinclair Refining Company, petitioner, *v.* Samuel M. Atkinson et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Cases consolidated and a total of two hours allowed for argument.

No. 493. J. L. Enochs, District Director of Internal Revenue, petitioner, *v.* Williams Packing & Navigation Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case transferred to the summary calendar.

No. 498. In the Matter of Criminal Contempt of Thomas C. McConnell, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case transferred to the summary calendar.

No. 549, Misc. Harry Clifford Porter, petitioner, *v.* Aetna Casualty and Surety Company. 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. 489. Tak Trak, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 492. Albert L. Adelman et al., petitioners, *v.* St. Louis Fire and Marine Insurance Company. Petition for writ of certiorari to

the United States Court of Appeals for the District of Columbia Circuit denied.

No. 494. Freida Mandel et al., petitioners, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 495. Truck Drivers Local Union No. 299, etc., et al., petitioners, *v.* Arthur J. Goldberg, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 497. Estate of Helen Davison, Deceased, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 499. Chung Wing Ping et al., petitioners, *v.* Robert F. Kennedy et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 501. Dyke Water Co., petitioner, *v.* Public Utilities Commission of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 502. Wisconsin Bankers Association et al., petitioners, *v.* Albert J. Robertson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 507. Maryland Casualty Company, petitioner, *v.* First National Bank in Yonkers et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 508. Woodland Terrace, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 509. Borg-Warner Corporation, petitioner, *v.* York-Shipley, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 510. Leonard J. Sachs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 512. Scott Publishing Co., Inc., petitioner, *v.* Columbia Basin Publishers, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 515. Carl H. Root, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 516. Borne Chemical Company, Inc., et al., petitioners, *v.* Charles A. McClure et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 518. Board of Education of the City School District of the City of New Rochelle et al., petitioners, *v.* Leslie Taylor et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 427. Virginia Petroleum Jobbers Association, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

Mr. Justice Black, with whom Mr. Justice Douglas concurs, dissenting:

This case raises a very important question which I think we should grant certiorari to settle. That question is whether the Federal Power Commission has authority to refuse to summon a witness to testify to relevant facts in a hearing before it on the ground that the party summoning that witness refuses to compensate him as an expert witness over and above the amount authorized to be paid witnesses in courts under 28 U.S.C. Sec. 1821.

The issue before the Federal Power Commission was the economic feasibility of a project of the Blue Ridge Gas Company to supply natural gas to Harrisonburg, Virginia. The witness desired was an engineer who had previously prepared a study of the project for Blue Ridge¹ and who had reported to it that the economic feasibility of the project was highly doubtful. The subpoena requested was for the engineer to appear and bring the papers and documents he had already prepared and used in his previous report. This would have been offered to rebut the evidence of Blue Ridge, favorable to the project, given by a second engineer who had been hired by Blue Ridge after the first engineer had given his unfavorable report. Since this evidence was heavily relied on by the Commission in finding that the project was feasible, there can be no doubt that the witness desired, the first engineer, could have given evidence highly relevant to a proper decision of the question before the Commission. Nevertheless, and in spite of the fact that Sec. 6(c) of the Administrative Procedure Act, 5 U.S.C. Sec. 1005(c), provides that agency subpoenas "shall be issued to any party upon request . . . upon a statement or showing of general relevance and reasonable scope of the evidence sought," the Commission refused to summon the witness on the ground that petitioner "should arrange for compensation to be paid to him as an expert witness, and for his voluntary attendance at the hearing." 21 F.P.C. 901,

¹ At that time Blue Ridge was known as Consumers Utility Company.

902. This petition seeks certiorari to review the decision of the Court of Appeals, — F. 2d —, upholding the Commission.

Since petitioner was willing to pay the fees prescribed for witnesses by Congress in 28 U.S.C. Sec. 1821, the issue presented here seems to be substantially the same as that in *Henkel v. Chicago, St. Paul, Minneapolis, & Omaha R. Co.*, 284 U.S. 444. There the plaintiff, Henkel, who had recovered a judgment against the railroad under the FELA, asked the court for an order allowing fees above the amounts provided in 28 U.S.C. Sec. 1821 for ordinary witnesses in order to give extra compensation to expert witnesses who had testified in his behalf. This Court, in an opinion by Mr. Chief Justice Hughes, unanimously held that the only fees to expert witnesses allowable as costs in the federal courts were those provided for in Sec. 1821. Since that time this Court has never modified or criticized in any way its statement that:

“The Congress has dealt with the subject comprehensively and has made no exception of the fees of expert witnesses. Its legislation must be deemed controlling and excludes the application in the federal courts of any different state practice.” *Id.*, at 447.²

Even so the Government seeks to justify enforced payment of extra fees by petitioner on two grounds: (1) that the Federal Power Commission acted within a discretion allowed it, and (2) that the error of the Commission, if any, in refusing to subpoena the witness was harmless. But administrative agencies, no more than courts, have inherent powers of discretion to nullify the mandatory provisions of 28 U.S.C. Sec. 1821, and the Commission has pointed to no statute which gives it power to compel the payment of greater fees to expert witnesses than are paid to witnesses who testify in the courts. As for the Commission's argument that the error was harmless, I can find nothing in this record to justify such a contention. The witness the Commission refused to summon had a broad knowledge of the economic feasibility of the gas project under consideration—his unfavorable report apparently being chiefly responsible for the dropping of the project once before. To sustain the Commission's contention of harmless error in this case would be to assume that no evidence could possibly have been introduced that would have changed the Commission's mind or altered the result of judicial review of the Commission's order by the Court of Appeals. I am not willing to make any such assumption, nor am I willing

² See *In re Hayes*, 200 N.C. 133, 156 S.E. 791, for a general discussion of compelled testimony of expert witnesses.

to leave unchallenged the decision in this case which suggests that administrative agencies have a broad discretion in matters involving large public interests such as here to force parties before administrative agencies to pay burdensome expert witness fees in order to present admittedly relevant evidence to them. It is for that reason that I am expressing my objection to the denial of certiorari in this case.

No. 431. Parmelee Transportation Company, petitioner, *v.* John L. Keeshin et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion certiorari should be granted.

No. 455. Curtis Allen 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 Whittaker is of the opinion certiorari should be granted.

No. 496. Louis Fiano, petitioner, *v.* United States. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 89, Misc. Acie Estelle, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 379, Misc. Modesto Cotto Torres, petitioner, *v.* Gerardo Delgado, Warden. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 449, Misc. Kenneth James, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 466, Misc. B. H. Glass, petitioner, *v.* Missouri Pacific Railroad Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fourth Supreme Judicial District, denied.

No. 625, Misc. John Francis Butler, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

REHEARINGS DENIED

No. 30. Keith Martin, appellant, *v.* Herbert Walton, as Probate Judge of Johnson County, Kansas. Petition for rehearing denied. Mr. Justice Whittaker took no part in the consideration or decision of this application.

No. 117, Misc. William J. Edell, Bankrupt, petitioner, *v.* John Nicholas, Trustee; and

No. 410, Misc. Walter M. Block, petitioner, *v.* Ruth Betten Block. Petitions for rehearing denied.

ORDER

It is ordered that Edmund P. Cullinan be, and he hereby is, appointed Chief Deputy Clerk of this Court.

RECESS ORDER

The Court will take a recess from Monday, December 18, until Monday, January 8, 1962.

ORAL ARGUMENT

No. 10. Alden Whitman, petitioner, *v.* United States. Argument continued by Mr. J. William Doolittle for the respondent and concluded by Mr. Gerhard P. Van Arkel for the petitioner.

No. 11. Herman Liveright, petitioner, *v.* United States. Argued by Mr. Harry I. Rand for the petitioner and by Mr. J. William Doolittle for the respondent.

No. 12. William A. Price, petitioner, *v.* United States. Argued by Mr. Leonard B. Boudin for the petitioner and by Mr. J. William Doolittle for the respondent.

No. 128. John T. Gojack, petitioner, *v.* United States. Argued by Mr. Frank J. Donner for the petitioner and continued by Mr. Kevin T. Maroney for the respondent. Petitioner's reply brief to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 12, will be as follows: Nos. 128, 157, 66, and 61.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

O. Ralph Matousek, of Homestead, Fla., on motion of Mr. Bruce Terris; Alva Jerry Butler, of Salt Lake City, Utah, on motion of Mr. James Thaddeus Clark; Claude Rader Breese, of Lenox, Mass., on motion of Mr. George Blow; Oliver W. Schneider, of Clayton, Mo., on motion of Mr. Edward William Garnholz; Thomas W. Hill, Jr., of New York, N.Y., on motion of Mr. Morton Lloyd Janklow; and William Edward Murane, of Denver, Colo., on motion of Mr. James Lawrence White, were admitted to practice.

ORAL ARGUMENT

No. 128. John T. Gojack, petitioner, *v.* United States. Argument concluded by Mr. Kevin T. Maroney for the respondent.

No. 157. Mark Coppedge, Jr., petitioner, *v.* United States. Argued by Mr. Bennett Boskey for the petitioner and by Mr. Carl W. Belcher for the respondent.

No. 66. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. Three hours allowed for oral argument. Argument commenced by Mr. Morris J. Levy for the petitioner and continued by Mr. Allan F. Conwill for the Securities and Exchange Commission, as *amicus curiae*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 13, will be as follows: Nos. 66, 61, 62, and 2 (and 3).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Saunders Gregg, of Shreveport, La., on motion of Mr. E. Dixie Beggs; Robert Stocks Hope, of Washington, D.C., and Walter B. Martin, Jr., of Norfolk, Va., on motion of Mr. T. S. L. Perlman; Jerome M. Johnson, of Seattle, Wash., on motion of Mrs. Virginia M. Tomasulo; Harold W. Swope, of Harrisburg, Pa., on motion of Mr. Willis F. Daniels; Homer John Penn, of Washington, D.C., on motion of Mr. George B. Michum III; Leonard N. Bebhick, of Washington, D.C., on motion of Mr. David Ginsburg; Edward C. Adkins, of Cleveland, Ohio, on motion of Mr. Clinton M. Horn; William W. Fairbanks, of Natick, Mass., on motion of Mr. Kenneth G. Heisler; Frederick B. Ziesenheim, of Pittsburgh, Pa., on motion of Mr. Spencer B. Michael; and Claron Chipman Spencer, of Washington, D.C., on motion of Mr. Glen A. Wilkinson, were admitted to practice.

ORAL ARGUMENT

No. 66. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. Argument continued by Mr. Allan F. Conwill for the Securities and Exchange Commission, as *amicus curiae*, by special leave of Court, by Mr. Whitney North Seymour for the respondents and concluded by Mr. Morris J. Levy for the petitioner.

No. 61. United Gas Pipe Line Company, appellant, *v.* Ideal Cement Co., et al. One and one-half hours allowed for oral argument. Argued by Mr. E. Dixie Beggs for the appellant, by Mr. Charles S. Rhyne for the City of Mobile, Alabama, as *amicus curiae*, by special leave of Court, and by Mr. James Lawrence White for appellee, Ideal Cement Company. Submitted on brief by Mr. S. P. Gaillard, Jr., and Mr. Hardy B. Smith for appellee, Scott Paper Company.

No. 62. Paul Seymour, petitioner, *v.* Merle E. Schneekloth, Superintendent of Washington State Penitentiary. Argued by Mr. Glen A. Wilkinson for the petitioner and by Mr. Stephen C. Way for the respondent.

No. 2. Three hours allowed for oral argument. Metlakatla Indian Community, Annette Island Reserve, appellant, *v.* Egan, Governor of Alaska, et al.; and

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. Argument commenced by Mr. Richard Schifter for the appellant in No. 2.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 14, will be as follows: Nos. 2 (and 3), 75, and 79.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart:

ADMISSIONS TO THE BAR

Harry L. Grubbs, Jr., of Washington, D.C., and Hugh M. Steinberger, of Washington, D.C., on motion of Mr. Francis W. McInerny; David J. Mountan, Jr., of New York, N.Y., on motion of Mr. William B. Jones; James H. Knapp, of Arlington, Tex., Stewart W. DeVore, of Arlington, Tex., Robert Nolan Reeves, of Arlington, Tex., Wm. L. Bagby, Jr., of Arlington, Tex., and Clyde Robert Ashworth, of Arlington, Tex., on motion of Mr. Charles M. Noone; Kenneth Alexander Barwick, of Lemon Grove, Calif., on motion of Mr. Hayden C. Covington; and Roland Ephraim Shaine, of Boston, Mass., on motion of Mr. Mitchell J. Cooper, were admitted to practice.

ORAL ARGUMENT

No. 2. Metlakatla Indian Community, Annette Island Reserve, appellant, *v.* Egan, Governor of Alaska, et al.; and

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. Argument continued by Mr. Richard Schifter for the appellant in No. 2, by Mr. John W. Cragun for the appellants in No. 3, by Mr. Oscar H. Davis for the United States, as *amicus curiae*, in both cases, by special leave of Court. Leave granted Mr. Avrum M. Gross to appear and present oral argument for the appellees in both cases, *pro hac vice*, on motion of Mr. Ralph E. Moody. Argument continued by Mr. Avrum M. Gross for the appellees in both cases, *pro hac vice*, by special leave of Court, by Mr. Ralph E. Moody for the appellees in both cases and concluded by Mr. John W. Cragun for the appellants in No. 3.

No. 75. Carlin Constantine Venus, petitioner, *v.* United States. Argued by Mr. Hayden C. Covington for the petitioner and by Mr. Jerome M. Feit for the respondent.

Adjourned until Monday, December 18, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Ben Neidlinger, of Toledo, Ohio, Caleb Foote, of Philadelphia, Pa., Walter Meyer, of New York, N.Y., Hugh Nugent, of Kansas City, Mo., and Jay Goldberg, of Brooklyn, N.Y., on motion of Mr. Solicitor General Archibald Cox; William Howard Townsend, of Columbia, S.C., Taylor B. Rion, Jr., of Columbia, S.C., Dalton R. Stokes, of Columbia, S.C., William Cannon Matthews, of Columbia, S.C., Troy L. Hyatt, of Columbia, S.C., T. Eston Marchant, of Columbia, S.C., John B. Butler, Jr., of Columbia, S.C., Edward M. Woodward, of Columbia, S.C., Joe E. Berry, Jr., of Columbia, S.C., Donald D. Aaron, of Columbia, S.C., Clarke W. McCants, Jr., of Columbia, S.C., Walter F. Going, Jr., of Columbia, S.C., James C. Cordell, of Columbia, S.C., Vance Brabham Drawdy, of Greenville, S.C., Charles Wesley Marchbanks, of Greenville, S.C., Johnnie McKeiver Walters, of Greenville, S.C., Harmon Hugh Rogers, of Lexington, S.C., Homer Virgil Sandifer, of Lexington, S.C., Phillip K. Wingard, of Lexington, S.C., M. M. Weinberg, Jr., of Sumter, S.C., Perry M. Weinberg, of Sumter, S.C., Hugh Witherspoon Cannon, of Hartsville, S.C., and I. M. Goldberg, of Charleston, S.C., on motion of Mr. Olin D. Johnston; Clark MacGregor, of Plymouth, Minn., on motion of Mr. Herbert John Miller, Jr.; Morris King Udall, of Tucson, Ariz., on motion of Mr. Henry F. Ashurst; James Miller Russell, of Washington, D.C., on motion of Mrs. Annie V. Russell; Sidney J. Dockser, of Boston, Mass., on motion of Mr. Robert N. Katz; John William Karr, of Washington, D.C., on motion of Mr. Jackson Brodsky; Kenneth Pearson, of Stamford, Conn., on motion of Mr. Peter L. Costas; Alexander Tar Schmidt, of New York, N.Y., on motion of Mr. Bynum E. Hinton, Jr.; Alan J. White, of Philadelphia, Pa., on motion of Mr. Max C. Louis; and Joseph S. Mead, of Birmingham, Ala., and Robert D. Norman, of Birmingham, Ala., on motion of Mr. Paul F. Dougherty, were admitted to practice.

OPINIONS

No. 60. Grover D. Turnbow et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice Whittaker. Mr. Justice Harlan concurs in the result.

No. 37. National Labor Relations Board, petitioner, *v.* Ochoa Fertilizer Corporation 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 that a judgment be entered which affirms and enforces the Board's order. Opinion by Mr. Justice Brennan. Mr. Justice Douglas dissents.

No. 41. A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Missouri. Order of the District Court dismissing the complaint modified to provide that the proceedings are remanded to the Interstate Commerce Commission with direction to vacate and set aside Order 19059. Case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Douglas join.

No. 42. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al. Appeal from the United States District Court for the Southern District of Georgia. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Whittaker concurs in the result. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

No. 52. United States, petitioner, *v.* Union Central Life Insurance Company. On writ of certiorari to the Supreme Court of Michigan. Judgment reversed and case remanded to the Supreme Court of Michigan for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas dissents.

No. 75. Carlin Constantine Venus, 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 with instructions to dismiss the indictment. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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. —. Samuel Bailey et al., appellants, *v.* Joe T. Patterson et al. This is a motion for an injunction to stay the prosecution of a number of criminal cases in the courts of Mississippi pending an appeal to this Court from the judgment of a three-judge Federal District Court. A federal injunction to stay state criminal proceedings is an extraordinary remedy. Cf. *Douglas v. City of Jeannette*, 319 U.S. 157; *Ex parte Young*, 209 U.S. 123. In addition to the considerations normally attending an application for such relief, a serious question of standing is presented on this motion, in that it appears that the movants themselves are not being prosecuted in the Mississippi courts. On the record before us the motion for a stay injunction pending appeal is denied. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Frankfurter concur in the denial of a stay solely on the ground that the three movants are not themselves being prosecuted or threatened with prosecutions in Mississippi and they therefore reach no other questions.

No. 325. Crest Finance Co., Inc., 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. On writ of certiorari judgment vacated and case remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 500. W. N. Moorehouse et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Nebraska. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 527. Robert V. Rafter, appellant, *v.* D. Hays et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 533. James W. Dutton, et al., appellants, *v.* J. Millard Tawes, etc. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed. 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. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. The motion of the Lawson Milk Company for leave to file brief, as *amicus curiae*, is granted.

APPEAL—JURISDICTION NOTED

No. 488. United States, appellant, *v.* Raymond J. Wise. Appeal from the United States District Court for the Western District of Missouri. In this case probable jurisdiction is noted and case transferred to the summary calendar.

CERTIORARI GRANTED

No. 142. Shotwell Manufacturing Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 532. C. D. Calbeck, Deputy Commissioner, etc., et al., petitioners, *v.* Travelers Insurance Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

CERTIORARI DENIED

No. 300. V. A. Gomez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 521. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 522. American Employers Insurance Company, petitioner, *v.* John Zablosky. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 524. Raymond I. Smith, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 525. Herbert E. Saier, petitioner, *v.* State Bar of Michigan et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 526. Shell Oil Company, petitioner, *v.* Public Service Commission of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 528. Willie Bruner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 529. Loffland Brothers Company et al., petitioners, *v.* Willie J. Teichman et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 534. American Research Council, Inc., et al., petitioners, *v.* Attorney General of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 535. Roosevelt Moore, petitioner, *v.* Jack P. Hennessy Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 536. Caroline Moss, a/k/a Gigi Martine, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles denied.

No. 539. Peoples Bank of Haverstraw, petitioner, *v.* David E. Feldman, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 584. James Quentin Anderson, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 243, **Misc.** James N. Lewis and Theodore Simms, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 694, **Misc.** Nathan Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 707. **Misc.** Benjamin Reid, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

REHEARINGS DENIED

No. 302. Thomas J. Hyland et al., petitioners, *v.* Robert Watson et al.;

No. 348. Howard R. Marshall, petitioner, *v.* United States; and

No. 353. William E. Hilbert et al., etc., petitioners, *v.* The Pennsylvania Railroad Company. Petitions for rehearing denied.

No. 229. Lar Daly, petitioner, *v.* United States et al. Motion to dispense with printing petition granted. Motion for leave to file petition for rehearing denied.

No. 470, **Misc.** Marvin Miller, petitioner, *v.* E. J. Oberhauser, Superintendent of California Institution for Men. Motion for leave to file petition for rehearing denied.

Adjourned until Monday, January 8, 1962, at 10 o'clock.

The day call for Monday, January 8, will be as follows: No. 8, **Original.**

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Robert A. Peterson, of Miami Beach, Fla., on motion of Mr. Solicitor General Archibald Cox; Roger D. Foley, of Carson City, Nev., on motion of Mr. Alan Bible; David O. Partain, of Van Buren, Ark., and Fines F. Batchelor, Jr., of Van Buren, Ark., on motion of Mr. James W. Trimble; C. Max Killian, of Mesa, Ariz., on motion of Mr. John J. Rhodes; Dudley E. Cornell, of Albuquerque, N. Mex., Claud S. Mann, of Albuquerque, N. Mex., and Earl E. Hartley, of Sante Fe, N. Mex., on motion of Mr. Thomas O. Olson; Richard W. Kasperon, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Ralph Hamill, of Indianapolis, Ind., and John P. Price, of Indianapolis, Ind., on motion of Mr. George N. Craig; Orville Gilbert Calhoun, Jr., of Greenville, S.C., on motion of Mr. Thomas H. King; Ashby I. Lohse, of Tucson, Ariz., and W. H. Roberts, of Coolidge, Ariz., on motion of Mr. John E. Madden; Shirley M. Hufstedler, of Los Angeles, Calif., Seth Martin Hufstedler, of Los Angeles, Calif., Burton J. Gindler, of Los Angeles, Calif., and Jerome Christian Muys, of Washington, D.C., on motion of Mr. Northcutt Ely; and James H. Carter, of El Centro, Calif., on motion of Mr. Reginald L. Knox, Jr., 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. 482. New York Central Railroad Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 517. Save Way Northern Blvd., Inc., 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*.

No. 546. Janice Bonner, appellant, *v.* City of Indianapolis; and
No. 547. Jacque Durham, appellant, *v.* City of Indianapolis. Appeals from the Supreme Court of Indiana. The motion to dismiss is granted and the appeals are dismissed. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 8, **Original**. State of Arizona, plaintiff, *v.* State of California et al. The motion by Navajo Indian Tribe for reconsideration of its motion for leave to intervene and for order to United States to show cause why it should not be ordered to account to the Court as to the adequacy of its representation of Navajo interests is denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 61. United Gas Pipe Line Company, appellant, *v.* Ideal Cement Co. et al. The motion of Stone Container Corporation for leave to file brief, as *amicus curiae*, is granted.

No. 138. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Thomas E. Rohan et al. The motion to substitute Robert E. Doyle, John C. Hart, and Benjamin H. Balcom in the place of Grant F. Daniels, Thomas E. Rohan, and Samuel M. Birnbaum as parties respondent is granted.

No. 282. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., et al. The motion of The National Association of Stevedores for leave to file brief, as *amicus curiae*, is granted.

APPEALS—JURISDICTION NOTED

No. 513. John F. McNeill, Superintendent of Matteawan State Hospital, appellant, *v.* John J. Carroll. Appeal from the United States Court of Appeals for the Second Circuit. In this case probable jurisdiction is noted.

No. 336. Burlington Truck Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 337. General Drivers and Helpers Union, Local 554, etc., appellant, *v.* United States et al. Appeals from the United States District Court for the Southern District of Illinois. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allowed for oral argument.

CERTIORARI GRANTED

No. 491. Hewitt-Robins Incorporated, petitioner, *v.* Eastern Freight-Ways, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 548. Lenore Foman, petitioner, *v.* Elvira A. Davis, Executrix. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 505. A. L. Wirin, petitioner, *v.* Harold J. Ostly, County Clerk of the County of Los Angeles, California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 519. Bebry Bedding Corporation et al., petitioners, *v.* Castro Convertible Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 523. Union Equity Cooperative Exchange, Inc., petitioner, *v.* Oklahoma State Board of Equalization. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 530. Independent Ice & Cold Storage Company, Inc., et al., petitioners, *v.* Arthur J. Goldberg, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 537. Harry Monfred et al., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 538. Clinton Watch Company et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 540. WES Chapter, Flight Engineers' International Association, AFL-CIO, 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. 543. Michael Monica, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 545. William J. McClure, petitioner, *v.* McCausland Motors, Inc. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 549. Drivers and Chauffeurs Local Union No. 816, etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

orari to the United States Court of Appeals for the Second Circuit denied.

No. 550. Anthony Marchitto, petitioner, *v.* Waterfront Commission of New York Harbor. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 551. Fetzer Television, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 552. Estate of Leo M. Gartland, Deceased, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 558. Mayo S. Levenson, petitioner, *v.* Peter Mills, United States Attorney. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 560. Ralph H. Traher et al., petitioners, *v.* De Havilland Aircraft of Canada, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 561. Kenneth L. Hostetler et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 563. Manuel Cedillo et al., petitioners, *v.* Standard Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 565. Aris Gloves, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 566. Russell Glenwood Fulton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 568. Charles Edward Anderson Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 570. Albert Gordon MacRae et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 572. Harold Marshall Copeland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 578. Hearst Consolidated Publications, Inc., et al., petitioners, *v.* Frederick H. Hope. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 514. Billie Charline Guess, Administratrix, petitioner, *v.* Geoffrey Stewart Read. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 531. UNA Chapter, Flight Engineers' International Association, AFL-CIO, petitioner, *v.* National Mediation Board et al. The motion of Railway Labor Executives' Association for leave to file brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 544. Arthur H. Shaffer et al., Trustees, petitioners, *v.* C. Gordon Anderson, etc. The motion to correct and amend title to show The Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 28, Misc. William W. Burns, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 217, Misc. James L. Presley, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 275, Misc. Sidoro Agnello, petitioner, *v.* James R. Bryant, etc., et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 365, Misc. Leonard Green Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 400, Misc. Virgil V. Lampe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 411, Misc. William J. Miles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 478, Misc. Alvin R. Drew, petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution at Graterford. Petition for writ of certiorari to the Supreme Court of Pennsylvania denied.

No. 479, Misc. Charles Campisi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 483, Misc. Albert B. Jackovick, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 489, *Misc.* Louise Orebo, petitioner, *v.* United States; and
No. 490, *Misc.* Tom Gore, Jr., petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 492, *Misc.* Thomas C. Reed, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 493, *Misc.* George Albanese, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 495, *Misc.* F. L. Shuttlesworth, petitioner, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 497, *Misc.* Alexander Bisno and Sally Bisno, petitioners, *v.* Marvin F. Hyde. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 500, *Misc.* J. S. Phifer, petitioner, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 501, *Misc.* Thomas J. McLain, petitioner, *v.* Carolina Power & Light Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 502, *Misc.* Ernest Holley, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 503, *Misc.* Alfred Player, petitioner, *v.* William F. Steiner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 507, *Misc.* Thomas Henry Hopkins, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 508, *Misc.* Edgar J. Murdaugh, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 512, *Misc.* Raymond L. Kasey, petitioner, *v.* E. R. Goodwyn, Jr., Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 513, *Misc.* Fred R. Chandler and Clifton Franks, petitioners, *v.* T. W. Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 514, *Misc.* Cornelius Walker, Jr., petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 516, *Misc.* William Hensler, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 517, *Misc.* Walter Johnson, Jr., petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 518, *Misc.* Robert E. Kehl, petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 520, *Misc.* Thomas Edward Lewis, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 543, *Misc.* Charlene E. Erving, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 560, *Misc.* Philip N. McAbee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 567, *Misc.* Miguel Pons, petitioner, *v.* Republic of Cuba. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 600, *Misc.* Frank P. Laurelli, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 618, *Misc.* George Ershin Poindexter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 619, *Misc.* Fay Albert Carrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 620, *Misc.* Melvin Glen Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 641, *Misc.* Philip S. Branson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 187, *Misc.* Ferdinand Baumgart, petitioner, *v.* Walter B. Martin, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

No. 292, **Misc.** Herbert Treat, petitioner, *v.* B. C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion certiorari should be granted.

REHEARINGS DENIED

No. 378. Leo Shaffer et al., petitioners, *v.* United States;

No. 379. Philip Share et al., petitioners, *v.* United States;

No. 433, **Misc.** William Thomas Shields, petitioner, *v.* United States; and

No. 466, **Misc.** B. H. Glass, petitioner, *v.* Missouri Pacific Railroad Company. Petitions for rehearing denied.

No. 551. **October Term, 1960.** Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al. Motion for leave to file supplemental brief granted. Petition for rehearing of motion to vacate order denying certiorari denied.

No. 370. Mae Poss, petitioner, *v.* Abraham A. Ribicoff, Secretary of Health, Education, and Welfare. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 15, **Misc.** Edward O'Neal, petitioner, *v.* Richard A. McGee, Director of the Department of Corrections, et al.; and

No. 255, **Misc.** William B. Sullivan, petitioner, *v.* Fred R. Dickson, Warden. Motions for leave to file petitions for rehearing denied.

ORAL ARGUMENT

No. 8, **Original.** State of Arizona, complainant, *v.* State of California et al. Sixteen hours allowed for oral argument. Argument commenced by Mr. Stanley Mosk for defendant, State of California, and continued by Mr. Northcutt Ely for defendant, State of California.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 9, will be as follows: No. 8, **Original.**

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Ray R. Goldie, of San Bernardino, Calif., on motion of Mr. Solicitor General Archibald Cox; Ottmar Antonius Neumann, of Arlington, Va., on motion of Mr. Albert M. Kuhfeld; Richard E. Moot, of Buffalo, N.Y., on motion of Mr. James Thaddeus Clark; Alan M. Firestone, of San Diego, Calif., on motion of Mr. Northcutt Ely; Lawrence A. Gollomp, of Washington, D.C., on motion of Mr. John Clarke Mason; Robert O. Hedges, of Marshall, Ill., on motion of Mr. Robert F. Klepinger; Francis D. Thomas, Jr., of Chevy Chase, Md., on motion of Mr. William Wallace Cochran; Richard Stanley Friedman, of Washington, D.C., and Armin Richard St. George of Washington, D.C., on motion of Mr. Paul Leonard O'Brien; and Walter Augustus Newport, Jr., of Davenport, Iowa, on motion of Mr. William Lawrence McGovern, were admitted to practice.

ORAL ARGUMENT

No. 8, Original. State of Arizona, complainant, *v.* State of California et al. Argument continued by Mr. Northcutt Ely for defendant, State of California, and by Mr. Mark Wilmer for the complainant. Memorandum for the Complainant to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 10, will be as follows: No. 8, **Original.**

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

William T. Willey, of Phoenix, Ariz., Henry M. Kittleson, of Bartow, Fla., Edward Brodsky, of New York, N.Y., James B. White, of New York, N.Y., and Vincent L. Broderick, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Arnold Cooper, of Portland, Maine, on motion of Mr. Robert Hale; and William Sutton Potter, of Washington, D.C., on motion of Mr. B. Jenkins Middleton, were admitted to practice.

ORAL ARGUMENT

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. Argument continued by Mr. Charles H. Reed for the complainant and by Mr. Solicitor General Cox for intervener, The United States.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 11, will be as follows: No. 8, **Original**.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Edward V. Alfieri, of Sands Point, N.Y., and Robert E. Herman, of Great Neck, N.Y., on motion of Mr. Steven B. Derounian; Harold Zucker, of New York, N.Y., on motion of Mr. John V. Lindsay; Charles H. Morin, of Boston, Mass., on motion of Mr. Stanley R. Tupper; Nathan O. Freedman, of Northridge, Calif., and Gilmore Tillman, of Los Angeles, Calif., on motion of Mr. Northcutt Ely; and Robert L. Slater, Jr., of Chicago, Ill., on motion of Mr. Gideon Franklin Rothwell, IV, were admitted to practice.

ORAL ARGUMENT

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. Argument continued by Mr. Solicitor General Cox for intervener, The United States, by Mr. R. P. Parry for intervener, State of Nevada, by Mr. Dennis McCarthy for impleaded defendant, State of Utah, by Mr. Earl E. Hartley and Mr. Claude S. Mann for impleaded defendant, State of New Mexico, and concluded by Mr. Northcutt Ely for defendant, State of California. Memorandum for intervener, The United States, to come.

Adjourned until Monday, January 15, at 10 o'clock.

The day call for Monday, January 15, will be as follows: Nos. 159, 78, 81, and 64 (and 65).

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Merritt W. Green, of Toledo, Ohio, Merritt W. Green II, of Toledo, Ohio, Max G. Halliday, of Orange, Calif., Robert E. Eastman, of Santa Ana, Calif., William I. Randall, of Framingham, Mass., Joseph L. McQuade, of Framingham, Mass., Arthur M. Mason, of Framingham, Mass., Walter F. Sullivan, of Framingham, Mass., Daniel B. Hunter, of San Diego, Calif., Ashton C. Miller, Jr., of Charlottesville, Va., and George Allen Burwell, of Warrenton, N.C., on motion of Mr. Solicitor General Archibald Cox; Clarold E. Rogers, of Percival, Iowa, on motion of Mr. Jack R. Miller; Dale Austin, of Oceanside, Calif., on motion of Mr. James B. Utt; William S. Smith, of Waterloo, Iowa, on motion of Mr. Maurice Francis Biddle; William A. Blair, of Pittsburgh, Pa., David Blakley Fawcett, of Pittsburgh, Pa., and Stephen E. Nash, of Pittsburgh, Pa., on motion of Mr. D. Malcolm Anderson; James W. Ingles, of Indianapolis, Ind., on motion of Mr. Freeman Bradford; and Hobard Richey, of Washington, D.C., on motion of Mr. Joseph H. Sheppard, were admitted to practice.

OPINIONS

No. 74. Federal Trade Commission, petitioner, *v.* Henry Broch and Company. 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 direction to affirm the order of the Federal Trade Commission. Opinion by Mr. Justice Brennan. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Whittaker with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

No. 23. United States et al., appellants, *v.* Henry E. Drum et al.; and

No. 24. Regular Common Carrier Conference of American Trucking Associations, Inc., appellant, *v.* Henry E. Drum et al. Appeals from the United States District Court for the Western District of Oklahoma. Judgment reversed and cases remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice

Douglas with whom Mr. Justice Black joins. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Whittaker joins.

No. 62. Paul Seymour, petitioner, *v.* Merle E. Schneckloth, Superintendent of Washington State Penitentiary. 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.

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. 35. National Labor Relations Board, petitioner, *v.* Brandman Iron Company. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Court of Appeals with directions that a judgment be entered which affirms and enforces the Board order. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 38. National Labor Relations Board, petitioner, *v.* Las Vegas Sand & Gravel Corp. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. Petition for certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Court of Appeals with directions that a judgment be entered which affirms and enforces the Board order. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 39. National Labor Relations Board, petitioner, *v.* Local 476, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO, et al. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. Petition for certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Court of Appeals with directions that a judgment be entered which affirms and enforces the Board order after restoring these deleted provisions. Opinion *per curiam*.

No. 149, Misc. Kenneth Lee Hodge, appellant, *v.* Iowa. Appeal from the Supreme Court of Iowa. The motion to dismiss is granted and the appeal is dismissed. 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 certiorari should be granted.

ORDERS IN PENDING CASES

No. 439. United States, appellant, *v.* The Borden Company et al. The motions of The Borden Company and Bowman Dairy Company that separate records be printed are denied. In so far as the motions request the filing of separate briefs and separate hearings on the merits, the motions are granted. A total of three hours is allowed for oral argument.

No. 643. Samuel Bailey et al., appellants, *v.* Joe T. Patterson et al. The motion for order limiting the time permitted to file motion to dismiss or affirm, etc., is denied.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 511. Los Angeles Meat and Provision Drivers Union, Local 626, et al., appellants, *v.* United States. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 557. Florida Lime and Avocado Growers, Inc., et al., appellants, *v.* Charles Paul, Director of Department of Agriculture of California, et al. Appeal from the United States District Court for the Northern District of California. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 599. Charles Paul, Director of Department of Agriculture of California, et al., appellants, *v.* Florida Lime and Avocado Growers, Inc., et al. Appeal from the United States District Court for the Northern District of California. In this case probable jurisdiction is noted. The case is transferred to the summary calendar and set for argument immediately following No. 557.

No. 239. Charles Paul, Director of Agriculture of California, et al., appellants, *v.* United States. Appeal from the United States District Court for the Northern District of California. Further consideration of the question of jurisdiction is postponed until a hearing of the case on the merits. Counsel are requested to brief and argue, in addition to the merits, the question of this Court's jurisdiction on direct appeal under 28 U.S.C. Sec. 1253; see 28 U.S.C. Sec. 2281. Mr. Justice Black and Mr. Justice Douglas would note jurisdiction since none of the parties has raised the question concerning the propriety of convening a three-judge court in this case and since the convening of a three-judge court was not palpably erroneous.

No. 257. Pan American World Airways, Inc., appellant, *v.* United States. Appeal from the United States District Court for the Southern District of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and the case is transferred to the summary calendar.

No. 583. United States, appellant, *v.* Pan American World Airways, Inc., et al. Appeal from the United States District Court for the Southern District of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. The case is transferred to the summary calendar and set for argument immediately following No. 257.

CERTIORARI GRANTED

No. 639. A. J. Simler, petitioner, *v.* Leslie L. Conner. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

CERTIORARI DENIED

No. 447. Estate of Thalia E. Graff Smith, Deceased, 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. 472. John O'C. FitzGerald, petitioner, *v.* Michael L. Igoe, as Judge etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 541. Sparton Corporation, petitioner, *v.* Evans Products Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 577. Leroy Alphonso Haith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 580. Anthony Joseph Fiorello, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 581. An-Son Offshore Drilling Company, petitioner, *v.* Hon. Richard H. Levet, United States District Judge 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. 585. N. Sims Organ & Co., Inc., et al., petitioners, *v.* Securities & Exchange Commission. Petition for writ of certiorari to the United State Court of Appeals for the Second Circuit denied.

No. 74, Misc. Louis Sammarco, 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. 75, Misc. George A. Willis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 141, Misc. James X. Crawford, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 264, Misc. John R. Beggs, Jr., petitioner, *v.* O. B. Ellis, Director, Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 402, Misc. Charles Robert Chapman, petitioner, *v.* H. E. Moore, Warden, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 475, Misc. Kearney Grace, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 476, Misc. Wallace L. Gugely, petitioner, *v.* Frank L. Riley, Justice, etc., et al. Petition for writ of certiorari to the Superior Court of Massachusetts, Suffolk County, denied.

No. 504, Misc. Nicholas Silia, Jr., petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 505, Misc. Nona R. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 515, Misc. Julius E. Kern, petitioner, *v.* The Prudential Insurance Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 522, Misc. Jerome Dyson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 523, Misc. Walter Keys, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 524, Misc. Jimmie Hanz, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 525, Misc. Thomas A. Marshall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 526, Misc. Fortunato Aurigemma, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 528, Misc. Willie Givens, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 529, Misc. Paul Frank Boland, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 532, Misc. George Edward Cook, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 534, Misc. Howard T. Miller, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 536, Misc. Harry W. Becker, petitioner, *v.* Webcor, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 537, Misc. Daniel Morgan, a/k/a L. A. Harris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 551, Misc. Jacob Wissenfeld, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 553, Misc. Archie A. White, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 555, Misc. Wilburn Rollo Mansfield, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 556, Misc. Richard Talbert, petitioner, *v.* William H. Bannan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 558, Misc. Francis E. Dec, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 559, Misc. William S. McDonald, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 561, Misc. Howard Martin, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 563, Misc. In the Matter of Ray Carlton Johnson, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 564, Misc. James Charles Butcher, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 565, Misc. William A. Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 566, Misc. George Leslie Miller, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 571, Misc. John Ray, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 572, Misc. Edward A. Garlock, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States of Claims denied.

No. 573, Misc. Charles Henry Snebold, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 575, Misc. William C. Admire, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 576, Misc. James Monroe, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 577, Misc. Guy C. Hunt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 578, Misc. Clarence Mahurin, petitioner, *v.* J. O. Swink, Judge, etc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 580, Misc. Roy Abney, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 125, Misc. Joseph Wilfred Biloche, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied without prejudice to future certiorari proceedings to review the further actions of the courts below on petitioner's application to appeal his conviction *in forma pauperis* as suggested by the Solicitor General.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 552, Misc. Frank Thomas, petitioner, *v.* United States. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 550, Misc. Joseph L. Lunsford, petitioner, *v.* Sheriff of Hansford County, Texas, et al. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 499, *Misc.* John O'C. FitzGerald, petitioner, *v.* The United States District Court, Northern District of Illinois, Eastern Division, et al. Motion for leave to file petition for writ of mandamus denied.

No. 778, *Misc.* An-Son Offshore Drilling Company, petitioner, *v.* Honorable Richard H. Levet, United States District Judge for the Southern District of New York. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 47. St. Regis Paper Company, petitioner, *v.* United States;

No. 431. Parmelee Transportation Company, petitioner, *v.* John L. Keeshin et al.;

No. 135, *Misc.* Leonard Frank Hogue, petitioner, *v.* United States;

No. 459, *Misc.* Leonard Wallach, petitioner, *v.* United States; and

No. 625, *Misc.* John Francis Butler, petitioner, *v.* Pennsylvania. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, January 22, until Monday, February 19.

ORAL ARGUMENT

No. 159. Frederick C. Lynch, petitioner, *v.* Winfred Overholser, Superintendent, St. Elizabeths Hospital. Argued by Mr. Richard Arens for the petitioner and by Mr. Burke Marshall for the respondent. Memorandum to come.

No. 78. Herbert W. Goldblatt et al., appellants, *v.* Town of Hempstead. Argument commenced by Mr. Milton I. Newman for the appellants and continued by Mr. William C. Mattison for the appellee.

The day call for Tuesday, January 16, will be as follows: Nos. 78, 81, 64 (and 65), 21, and 93.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Fred A. Granata, of Portland, Oreg., on motion of Mr. Solicitor General Archibald Cox; Edgar J. Keating, of Kansas City, Mo., on motion of Mr. Morgan M. Moulder; Joseph P. Manners, of Miami, Fla., on motion of Mr. Bruce J. Terris; Martin E. Gerel, of Silver Spring, Md., on motion of Mr. John F. Cooney; and John Wesley Weldon, of Jacksonville, Fla., Albert Bernice Russ, Jr., of Jacksonville, Fla., Roderick MacLatchie Nicol, of Jacksonville, Fla., David Emerson Wells, of Jacksonville, Fla., Jack Irving Wilkerson, of Jacksonville, Fla., James Ellis Williams, of Jacksonville, Fla., Virginia Quinlivan Beverly, of Jacksonville, Fla., Philip Cavnar Beverly, of Jacksonville, Fla., and Leonard G. Anderson, of Jacksonville, Fla., on motion of Mr. Prime F. Osborn III, were admitted to practice.

ORAL ARGUMENT

No. 78. Herbert W. Goldblatt et al., appellants, *v.* Town of Hempstead. Argument continued by Mr. William C. Mattison for the appellee and concluded by Mr. Milton I. Newman for the appellants.

No. 81. Thomas N. Griggs, petitioner, *v.* County of Allegheny. Argued by Mr. William A. Blair for the petitioner and by Mr. Maurice Louik for the respondent. Leave granted to file supplemental citations to petitioner's brief and reply brief.

No. 64. Fong Foo et al., petitioners, *v.* United States; and

No. 65. Standard Coil Products Co., Inc., petitioner, *v.* United States. Argued by Mr. Arthur Richenthal for the petitioners and by Mr. Solicitor General Cox for the respondent.

No. 21. Mario DiBella, petitioner, *v.* United States. Argument commenced by Mr. Jerome Lewis for the petitioner and continued by Mr. Bruce J. Terris for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 17, will be as follows: Nos. 21, 93, 73, and 79.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Thomas W. Murphy, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Robert Webster Oliver, of New York, N.Y., on motion of Mr. William R. Foley; William King Robbins, Jr., of Baytown, Tex., on motion of Mr. Jesse H. Foster, Jr.; James W. McCartney, of Houston, Tex., on motion of Mr. Francis W. Wozencraft; John J. Tormey, of New York, N.Y., on motion of Mr. Joseph P. Addabbo; John Benjamin Carroll, of Syracuse, N.Y., on motion of Mr. Willis F. Daniels; Russell Specter, of Washington, D.C., on motion of Mr. Tim L. Bornstein; Sydney Berde, of St. Paul, Minn., on motion of Mr. Max M. Kampelman; John E. Angle, of Chicago, Ill., Spencer E. Irons, of Chicago, Ill., David N. McBride, of Chicago, Ill., Ralph Aubrey Mantynband, of Chicago, Ill., and William Lawson Culver, of St. Joseph, Mo., on motion of Mr. Glenn Earl Baird; and Robert E. Boyer, of Fort Smith, Ark., Donald Bruce Smith, of Lexington, Ky., Joe Pat Casey, of Joplin, Mo., Francis Robert Buckley, of Glen Cove, N.Y., Ross Millard Goddard, Jr., of Decatur, Ga., Elizabeth R. Smith, Jr., of Irvine, Ky., John Francis Thomas Murray, of Elmhurst, N.Y., Paul E. Beckman, of Sacramento, Calif., Melburn N. Washburn, of Mountain Grove, Mo., Robert McClellan Mummey, of Chillicothe, Ohio, Gilbert J. Ginsburg, of Chicago, Ill., James D. Wilder, of Cleveland, Ohio, Alton Harris Harvey, of McComb, Miss., Brunn Wall Roysden, of Norman, Okla., and Peter Hollingshead-Cook, of Charlottesville, Va., on motion of Mr. Nathan J. Roberts, were admitted to practice.

ORAL ARGUMENT

No. 21. Mario DiBella, petitioner, *v.* United States. Argument continued by Mr. Bruce J. Terris for the respondent and concluded by Mr. Jerome Lewis for the petitioner.

No. 93. United States, petitioner, *v.* Daniel J. Koenig. Argued by Mr. Bruce J. Terris for the petitioner and by Mr. Joseph P. Manners for the respondent.

No. 73. Retail Clerks International Association, Local Unions Nos. 128 and 633, petitioners, *v.* Lion Dry Goods, Inc., et al. Argued by Mr. S. G. Lippman for the petitioners and by Mr. Merritt W. Green for the respondents.

No. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. Argument commenced by Mr. Willis F. Daniels for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 18, will be as follows: Nos. 79 and 83.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Pauline B. Heller, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Lewis E. Kitchens, of Norwood, Ga., and Arnold Harris Pollock, of North Miami, Fla., on motion of Mr. Maurice Francis Biddle; Alexander Foreman, Jr., of Mobile, Ala., and Edward Douglas Means, Jr., of Washington, D.C., on motion of Mr. Charles Sylvanus Rhyne; Winston Churchill, of Boise, Idaho, and J. Charles Blanton, of Boise, Idaho, on motion of Mr. Thomas H. Wall; William John Reinhart, of Detroit, Mich., and Lowden Sammis, of San Francisco, Calif., on motion of Mr. John Tilden Rogers; Howard W. Dixon, of Miami, Fla., on motion of Mr. Lawrence Speiser; Joseph F. McGoldrick, of New York, N.Y., on motion of Mr. Francis E. Marshall; David Nickerson Barus, of Washington, D.C., on motion of Mr. Ashley Sellers; Walter Logan Fry, of West Richfield, Ohio, on motion of Mr. Lindsey E. Martin; Norman Redlich, of New York, N.Y., on motion of Mr. Marvin Lyon; Irvine Hodes, of San Francisco, Calif., on motion of Mr. Herman Cooper; James M. Leonard, of New York, N.Y., on motion of Mr. Martin J. McHugh; and Joseph A. Vassallo, of Harrison, N.Y., on motion of Mr. F. Murray Callahan, were admitted to practice.

ORAL ARGUMENT

No. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States et al. Argument continued by Mr. Willis F. Daniels for the petitioners, by Mr. Alan S. Rosenthal for the respondents and concluded by Mr. Willis F. Daniels for the petitioners.

No. 83. Hattiebelle O. Simonson, Trustee in Bankruptcy, etc., et al., petitioners, *v.* R. C. Granquist, District Director of Internal Revenue, et al. Argued by Mr. Donald A. Schmechel and Mr. Fred A. Granata for the petitioners and by Mr. Richard J. Medalie for the respondents.

Adjourned until Monday, January 22, at 10 o'clock.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Norene Mary Beach, of Alexandria, Va., and Loren E. Beach, of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; Charles Edward Springer, of Reno, Nev., on motion of Mr. Alan Bible; Edward Brekke, of Portland, Oreg., on motion of Mr. Henry M. Jackson; John Daniel Clouse, of Evansville, Ind., and Russell S. Armstrong, of Evansville, Ind., on motion of Mr. Winfield K. Denton; Anthony M. Cerasani, of Teaneck, N.J., Arthur Kamine, of Fair Lawn, N.J., Gerald M. Freundlich, of Paterson, N.J., Sol Rosenberg, of Paterson, N.J., Joseph John Vanecek, of Paterson, N.J., and Sidney H. Reiss, of Passaic, N.J., on motion of Mr. Charles S. Joelson; Richard H. Ichord, of Houston, Mo., on motion of Mr. Frank M. Karsten; John C. McHose, of Los Angeles, Calif., on motion of Mr. C. Aubrey Gasque; Manus McHugh, of Philadelphia, Pa., on motion of Mr. James P. McGranery; Samuel H. Shapiro, of Kankakee, Ill., on motion of Mr. Seymour Guthman; Joel B. Dickinson, of Baton Rouge, La., on motion of Mr. Bailey Walsh; Pete White, of Dallas, Tex., on motion of Mr. Carl L. Phinney; Charles L. Black, Jr., of New Haven, Conn., on motion of Mr. William G. Symmers; Walter L. Oblinger, of Springfield, Ill., on motion of Mr. Peter N. Chumbris; Ralph P. Katz, of New York, N.Y., on motion of Mr. Armand I. Robinson; William V. Roth, Jr., of Wilmington, Del., and Philip D. Saxon, of Wilmington, Del., on motion of Miss Janet Dunham Saxon; Neil M. Rose, of Chicago, Ill., on motion of Mr. George R. Clark; Charles Windsor Singer, of Chicago, Ill., on motion of Mr. William J. Lippman; Thomas F. Scully, of Chicago, Ill., on motion of Mr. Perry Smith Patterson; Paul E. McNamara, of Rochester, N.Y., on motion of Mr. Wilmer Mechlin; and Livingston S. Jennings, of New York, N.Y., on motion of Mr. John J. Carmody, were admitted to practice.

OPINIONS

No. 68. James Francis Hill, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Brennan concur.

No. 66. Isadore Blau, etc., petitioner, *v.* Robert Lehman et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren joins. Mr. Justice Stewart 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. 571. Howard L. Nostrand et al., appellants, *v.* Herbert S. Little et al. 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*. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Black also dissents.

No. 448, Misc. Harold R. Mitchell, 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 certiorari granted. On writ of certiorari, judgment vacated and case remanded to the District Court for a hearing upon petitioner's motion, treated as a motion for a new trial on the ground of newly discovered evidence. Opinion *per curiam*. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join.

ORDERS IN PENDING CASES

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. The motion of Francis M. Shea for leave to participate in oral argument on behalf of the United States Court of Claims, as *amicus curiae*, is granted.

No. 479. Wong Sun and James Wah Toy, petitioners, *v.* United States. It is ordered that Edward Bennett Williams, 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 petitioners in this case.

APPEALS—JURISDICTION NOTED

No. 553. United States, appellant, *v.* Loew's Incorporated, et al.;

No. 555. Loew's Incorporated et al., appellants, *v.* United States; and

No. 556. C & C Super Corp., appellant, *v.* United States. Appeals from the United States District Court for the Southern District of New York. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allowed for oral argument.

CERTIORARI GRANTED

No. 617. George D. Ker et al., petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, granted.

No. 574. Southern Construction Company, Inc., et al., petitioners, *v.* Samuel J. Pickard, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 591. Federal Power Commission, petitioner, *v.* Tennessee Gas Transmission Company et al.; and

No. 605. City of Pittsburgh, Pennsylvania, petitioner, *v.* Tennessee Gas Transmission Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 598. Drake Bakeries Incorporated, petitioner, *v.* Local 50, American Bakery & Confectionery Workers International, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the summary calendar and set for argument immediately following Nos. 430 and 434.

CERTIORARI DENIED

No. 506. Willmut Gas and Oil Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 564. Amerada Petroleum Corporation, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 579. United States, petitioner, *v.* McCrory Holding Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 590. Chesapeake & Ohio Railway Company, petitioner, *v.* Louisville & Nashville Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 592. Charles R. Jordan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 597. Rubber Corporation of California, petitioner, *v.* National Sponge Cushion Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 603. Milwaukee & Suburban Transport Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 573. John L. Lewis et al., petitioners, *v.* F. Arnold Lowry, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Brennan are of the opinion certiorari should be granted.

No. 593. Fred Bernard DeGillio et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion certiorari should be granted.

No. 392, Misc. Joe Brown, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 472, Misc. Calvin Tyson, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 473, Misc. Harold Kimble, petitioner, *v.* Lawrence P. Keenan, Superintendent of Allegheny County Workhouse. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 539, Misc. Alva F. Castle, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 579, Misc. Jimmy Argo, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 587, Misc. Fred Williams, petitioner, *v.* Walter A. Sahli, District Director of Immigration and Naturalization Service at Detroit, Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 589, Misc. Mike John Koury, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 591, Misc. Mike Morelos, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 594, Misc. Ulysses Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 597, *Misc.* David Wright, petitioner, *v.* Warden, Maryland State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 599, *Misc.* James Wilson, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 601, *Misc.* Charles Cooper Rau, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 603, *Misc.* Cornelius Joseph Cruz, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 604, *Misc.* William Harris, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution at Graterford. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 605, *Misc.* Stanley Eugene Tranowski, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 611, *Misc.* Otis Loper, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 706, *Misc.* Oran Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 800, *Misc.* Douglas Cleo Thorne, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 612, *Misc.* John W. Featheringham, Sr., petitioner, *v.* Ohio et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 606, *Misc.* Elic Morgan Easter, petitioner, *v.* Illinois. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS DENIED

No. 609, *Misc.* John Sayad, petitioner, *v.* Hon. Walter V. Schaefer, Chief Justice of the Illinois Supreme Court, et al. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 391. Charles E. Leggett et al., petitioners, *v.* United States;

No. 427. Virginia Petroleum Jobbers Association, petitioner, *v.* Federal Power Commission et al.;

No. 502. Wisconsin Bankers Association et al., petitioners, *v.* Albert J. Robertson et al.;

No. 536. Caroline Moss, a/k/a Gigi Martine, petitioner, *v.* California; and

No. 707, Misc. Benjamin Reid, petitioner, *v.* Mark S. Richmond, Warden. Petitions for rehearing denied.

No. 7. John Joseph Killian, petitioner, *v.* United States. Petition for rehearing and motion for leave to file petition for rehearing from limitation on order granting certiorari denied.

Adjourned until Monday, February 19, at 10 o'clock.

The day call for Monday, February 19, will be as follows: Nos. 76, 244, and 282.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

William G. Simon, of Los Angeles, Calif., James Brewster Hallett, of West Hartford, Conn., Bennett Willis, Jr., of Washington, D.C., Philip Augustus Webb III, of Jacksonville, Fla., Wilson Bucher, of Columbia, Pa., Robert L. Littenberg, of Washington, D.C., and Dale Edward Anderson, of Salt Lake City, Utah, on motion of Mr. Solicitor General Archibald Cox; Matthew Poliakoff, of Spartanburg, S.C., on motion of Mr. Olin D. Johnston; Frederick E. Hollingsworth, of West Palm Beach, Fla., on motion of Mr. Paul J. Rogers; John T. Knox, of Richmond, Calif., John A. O'Connell, of San Francisco, Calif., and Walter Ray Phillips, of Atlanta, Ga., on motion of Mr. Will Shafroth; Kenneth Bing, of Freeport, Tex., and Edwin Stanton Stone, Jr., of Freeport, Tex., on motion of Mr. Arthur C. Perry; William J. Rooney, of Chicago, Ill., and Edgar Lee McHugh, of Houston, Tex., on motion of Mr. Nathan J. Roberts; Joseph H. Sharlitt, of Washington, D.C., on motion of Mr. Armand Robinson; Robert Thomas Thompson, of Atlanta, Ga., on motion of Mr. Alexander E. Wilson, Jr.; Michael J. Muscarella, of Fair Lawn, N.J., and Morris Dobrin, of Fair Lawn, N.J., on motion of Mr. Carl Shipley; Paul D. Summers, Jr., of Charlottesville, Va., on motion of Mr. Robert W. Berry; Yale B. Bernstein, of Philadelphia, Pa., on motion of Mr. Michael H. Egnal; Neil M. Ruge, of Los Altos, Calif., on motion of Mr. Lynn N. Paterson; Judith P. Vladeck, of New York, N.Y., on motion of Mr. Stephen C. Vladeck; John W. Ennis, Jr., of Philadelphia, Pa., on motion of Mr. Mark D. Alspach; Harold Thomas Kay, Jr., of Honolulu, Hawaii, on motion of Mr. Norment Custis; Thomas Wm. Lynch, of Rutland, Vt., on motion of Mr. Donald Lloyd Wallace; and John W. Meyer, of Sauk Centre, Minn., on motion of Mr. Harold P. Green, were admitted to practice.

OPINIONS

No. 69. John Machibroda, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Ohio for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice

Stewart. Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan concur in the Court's judgment and opinion except as to Part I, from which they dissent for the reasons set out in their dissent in *Hill v. United States*, No. 68, decided this term. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Frankfurter and Mr. Justice Harlan join.

No. 33. Charles Dowd Box Co., Inc., petitioner, *v.* John F. Courtney et al., etc. On writ of certiorari to the Superior Court of Massachusetts, Worcester County. Judgment affirmed. Opinion by Mr. Justice Stewart. Mr. Justice Black concurs in the result.

No. 56. James W. Oyler, petitioner, *v.* Otto C. Boles, Warden; and

No. 57. Paul H. Crabtree, petitioner, *v.* Otto C. Boles, Warden. On writs of certiorari to the Supreme Court of Appeals of West Virginia. Judgments affirmed. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan in Nos. 56 and 57, and concurring in the result in No. 63. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Brennan join.

No. 45. Lou Poller, petitioner, *v.* Columbia Broadcasting System, Inc., et al. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter, Mr. Justice Whitaker, and Mr. Justice Stewart join.

No. 63. Morgan C. Chewing, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. For concurring opinion in the result by Mr. Justice Harlan, see Nos. 56 and 57, *supra*.

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. 586. St. Helena Parish School Board et al., appellants, *v.* Lawrence Hall 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. 615. Grant V. Kavanagh, appellant, *v.* Robert B. Stenhouse. Appeal from the Supreme Court of Rhode Island. 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 further consideration of the question of jurisdiction should be postponed to a hearing of the case on the merits.

No. 700, Misc. Harry E. Johnson, appellant, *v.* Garrie Horton. Appeal from the Supreme Court of Missouri. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 733, Misc. In the Matter of Samuel Kelley, appellant. Appeal from the United States District Court for the Eastern District of Virginia. The appeal is dismissed. Opinion *per curiam*.

No. 762, Misc. Judy Kay Quinton et al., appellants, *v.* Howard A. Matthews et al. Appeal from the Supreme Court of Alaska. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 805, Misc. Belle Shapiro, appellant, *v.* Herman Josephson and Josephson's, Inc. Appeal from the Court of Appeals of New York. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 835, Misc. Jack Rainsberger, appellant, *v.* W. E. Leypoldt, Sheriff of Clark County. Appeal from the Supreme Court of Nevada. The motion to dismiss is granted and the appeal is dismissed. 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. 663. October Term, 1959. Paul Ginsburg, petitioner, *v.* Hon. Wallace S. Gourley, Chief Judge, United States District Court for the Western District of Pennsylvania. The motion for leave to file supplemental appendix is denied.

No. 22. August Scholle, appellant, *v.* James M. Hare, Secretary of State of Michigan, et al. The motion of Melvin Nord et al. for leave to file brief, as *amici curiae*, is granted.

No. 257. Pan American World Airways, Inc., appellant, *v.* United States; and

No. 583. United States, appellant, *v.* Pan American World Airways, Inc., et al. The motion to advance is denied.

No. 468. Steven I. Engel et al., petitioners, *v.* William J. Vitale, Jr., et al. The motion of the American Jewish Committee et al. for leave to file brief, as *amici curiae*, is granted.

No. 740, Misc. In the Matter of Disbarment of Lowell M. Birrell. Lowell M. Birrell, Esquire, of New York, New York, 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. The rule to show cause heretofore issued is discharged.

APPEAL—JURISDICTION NOTED

No. 542. Gilbertville Trucking Co., Inc., et al., appellants, v. United States et al. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 611. Raymond R. Best et al., petitioners, v. Humboldt Placer Mining Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 629. Federal Trade Commission, petitioner, v. Sun Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 632. Michael Cleary, petitioner, v. Edward Bolger. 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 granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 191. Leo L. Lowy, petitioner, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 504. Scripture Press Foundation, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 562. Harry and Amanda Schroeder, petitioners, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 587. Leo B. Mittelman, petitioner, v. United States;

No. 588. Worth Pettit, Jr., petitioner, v. United States; and

No. 589. Eugene Meredith, petitioner, v. United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 596. Johnina, Inc., petitioner, v. May Spach, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 607. Greater Baton Rouge Port Commission 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.

No. 610. Lyle T. Soule, petitioner, *v.* Mildred Soule. Petition for writ of certiorari to the Supreme Court of California denied.

No. 613. Wardell Jackson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 616. G. S. Sinclair et al., petitioners, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 618. James H. Quarles, petitioner, *v.* The State Bar of Texas et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 622. Ralph D. Abernathy et al., petitioners, *v.* John Patterson, Individually and as Governor of Alabama, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 624. John R. Hendrickson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 625. The Honorable Archie O. Dawson, United States District Judge for the Southern District of New York, petitioner, *v.* The Lummus Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 626. United States ex rel. Carter-Schneider-Nelson, Inc., petitioner, *v.* Jack T. Campbell, Doing Business as Campbell Construction and Equipment Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 630. Luther Spiers, petitioner, *v.* Consolidated Companies, Inc., et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 631. Robert Murray McIntosh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 634. Paul Ginsburg, petitioner, *v.* Horace Stern et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 636. Abraham Teitelbaum, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 637. Underwriters at Lloyd's, London, etc., et al., petitioners, *v.* Adele L. Rand. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 640. Swanee Paper Corporation, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 641. Robert Lucas et al., petitioners, *v.* L. S. Hamm et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 642. Western Conference of Teamsters, petitioner, *v.* Dairy Distributors, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 644. George Casey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 645. John B. Kemmel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 646. Manuel Sanchez Gallegos et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 647. Jack Anthony Gullo, petitioner, *v.* Miriam Anne Gullo. Petition for writ of certiorari to the Circuit Court of Fairfax County, Virginia, denied.

No. 658. In re Estate of Harrison N. Overmyer, petitioner. Petition for writ of certiorari to the Court of Appeals of Ohio, Lucas County, denied.

No. 662. August J. Woerner, Remonstrator, et al., petitioners, *v.* City of Indianapolis. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 664. Mrs. Virginia Kelly et al., petitioners, *v.* Hartford Accident & Indemnity Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 667. Jean O. Richardson, etc., et al., petitioners, *v.* Moore-McCormack Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 575. American Surety Company of New York, petitioner, *v.* Sundberg & Sons et al. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr. Justice Douglas and Mr. Justice Whittaker are of the opinion that certiorari should be granted.

No. 576. William Williams et al., petitioners, *v.* Hon. Carman F. Ball, District Attorney of Erie County. 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. 627. Vincent D. Todisco, 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. 649. Margaret Layne, Executrix, 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. 248, **Misc.** Commodore Reed, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 395, **Misc.** Frank R. Dryman, a/k/a Frank R. Valentine, petitioner, *v.* Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 430, **Misc.** Philip Orlando, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 454, **Misc.** Forest Orville Buchanan, petitioner, *v.* Richard A. McGee, Director, Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 460, **Misc.** Vernon R. Stockman, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 538, **Misc.** Paul Handy Nunley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 541, **Misc.** Anthony Baerchus, petitioner, *v.* David N. Myers, Superintendent of State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 542, **Misc.** Daniel Curry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 545, **Misc.** Edward M. Hector, petitioner, *v.* Fred R. Dickson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 546, **Misc.** John Schaming, Jr., 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. 547, **Misc.** Elza Hazel, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 548, **Misc.** Louis Torzillo, petitioner, *v.* Hon. Judge Sidney Goldmann et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 615, **Misc.** John D. Brooks, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 617, **Misc.** Bennerd James Craig, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 621, **Misc.** Samuel Laytham, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 622, **Misc.** Roger E. Jones, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 623, **Misc.** Charles Benton Russell, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 626, **Misc.** Frederick Gene Bell, petitioner, *v.* Warden, Maryland State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 630, **Misc.** James C. White and James H. Childs, petitioners, *v.* Donald Clemmer, Director, District of Columbia Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 631, **Misc.** Richard Lane, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 633, **Misc.** Archibald Lyles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 635, **Misc.** Willis Levi Stanmore, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 637, **Misc.** Otto Johnson, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 642, **Misc.** James Gilbert Glass, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 643, **Misc.** Mark Lee Overman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 645, Misc. Richard Junior Wilson, petitioner, *v. Lee County District of Iowa et al.* Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 646, Misc. Willard J. Foster, petitioner, *v. Kentucky.* Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 649, Misc. Everett Stewart, petitioner, *v. O. B. Ellis, Director of Texas Department of Corrections.* Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 651, Misc. George Fletcher, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 657, Misc. Elesano John Troiani, petitioner, *v. New York.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 659, Misc. Henry Sliva, petitioner, *v. Pennsylvania et al.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 661, Misc. Lawrence Ferran, petitioner, *v. Illinois Central Railroad Company and Falstaff Brewing Corporation.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 662, Misc. Leroy Carter, petitioner, *v. New York.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 664, Misc. Robert A. Herr, petitioner, *v. B. J. Rhay, Superintendent of Washington State Penitentiary.* Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 665, Misc. Harold Forte, petitioner, *v. Victor G. Walker, Warden, et al.* Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 666, Misc. Thomas Smith, petitioner, *v. B. J. Rhay, Superintendent of Washington State Penitentiary.* Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 667, Misc. Sam Naylor, petitioner, *v. Victor G. Walker, Warden, et al.* Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 668, Misc. Olington Mitchell, petitioner, *v. O. B. Ellis, Director, Texas Department of Corrections, et al.* Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 670, Misc. Isadore Smith, petitioner, *v. Dr. Russell O. Settle, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 672, **Misc.** Gus Oster, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 676, **Misc.** Irving Ellington, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 677, **Misc.** Albert D. Burkett, petitioner, *v.* Tracy A. Hand, Warden, et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 679, **Misc.** LeRoy Burton, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 680, **Misc.** James Bunkley, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 681, **Misc.** Harold J. Sharpe, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 683, **Misc.** William Kirsch, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 684, **Misc.** Willie Charles Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 685, **Misc.** Monroe Robinson, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 689, **Misc.** Homer Fletcher Neal, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 692, **Misc.** Pete Washington, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 693, **Misc.** James A. Raburn, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 695, **Misc.** Ralph Darling, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 697, **Misc.** George V. Baxter, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 698, **Misc.** Royal Bryant, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 699, **Misc.** Leonard Ewing Scott, petitioner, *v.* Superior Court of the County of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 701, **Misc.** Preston Lavern Howard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 702, **Misc.** Harold E. Nance, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 703, **Misc.** James Walker, a/k/a James B. Walker, Jr., et al., petitioners, *v.* Bruicie Walker et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 710, **Misc.** Lionel L. Cains, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 711, **Misc.** Claude C. Barde, petitioner, *v.* Michigan et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 717, **Misc.** Jeff Hawkins, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 720, **Misc.** Cleveland Roy Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 723, **Misc.** Fonie Bly, petitioner, *v.* Richard A. McGee, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 724, **Misc.** Oscar E. Schneider, petitioner, *v.* South Carolina et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 726, **Misc.** Eddie G. Javor, petitioner, *v.* Walter Dunbar, Director of Corrections. Petition for writ of certiorari to the Supreme Court of California denied.

No. 727, **Misc.** Charles Burnett, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 730, **Misc.** Ervin Louis Mitchell, petitioner, *v.* Richard A. McGee, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 732, **Misc.** Thomas Devore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 734, *Misc.* Richard H. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 735, *Misc.* Joseph Gaito and Frank M. Gaito, petitioners, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District denied.

No. 736, *Misc.* Orville Brown, petitioner, *v.* David L. Davis, Warden, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 739, *Misc.* William Rupert Bennett, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 742, *Misc.* Eugene Andrew Williams, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 744, *Misc.* John D. Duncan, petitioner, *v.* Maine et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 746, *Misc.* Robert A. Hensley, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 747, *Misc.* Willie Butler, petitioner, *v.* Howard Yeager, Principal Keeper, New Jersey State Prison. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 748, *Misc.* George Fredericks, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 749, *Misc.* Milton R. Dusky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 750, *Misc.* Fred Lee Davis, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 752, *Misc.* In the Matter of the Disbarment of Julio Mejias Santana, petitioner. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 753, *Misc.* Anthony Joseph Cambiano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 755, *Misc.* James E. Bailey, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 756, **Misc.** Harry C. Knowles, petitioner, *v.* Clarence T. Glad-den, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 757, **Misc.** Theophilus Ward, petitioner, *v.* New York. Peti-tion for writ of certiorari to the Court of Appeals of New York denied.

No. 758, **Misc.** Stacy P. Lloyd, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 759, **Misc.** Otis Joseph Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 761, **Misc.** George Grant, petitioner, *v.* United States. Peti-tion for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 764, **Misc.** William H. Jackson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 765, **Misc.** Clyde G. Newlon, petitioner, *v.* The District Court of Pottawattamie County, Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 767, **Misc.** Willie M. James, petitioner, *v.* California. Peti-tion for writ of certiorari to the Supreme Court of California denied.

No. 768, **Misc.** Nathan Jerry Ellis, petitioner, *v.* Robert R. Raines, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 769, **Misc.** William Kirsch, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 770, **Misc.** Theodore R. Krzywosz, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Su-preme Court of New York, Fourth Judicial Department, denied.

No. 771, **Misc.** Charles Jordan, petitioner, *v.* United States. Peti-tion for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 772, **Misc.** Chester R. Morris, petitioner, *v.* Tom E. Johnson. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 774, **Misc.** Pete Lee Barnett, petitioner, *v.* Judge, Marion County Criminal Court, etc. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 775, **Misc.** Julian Potter, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 776, **Misc.** Peter Corso, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 779, **Misc.** Vincent Mummiani, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 781, **Misc.** Robert Saunders, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 783, **Misc.** Herman Pelke, petitioner, *v.* Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 788, **Misc.** Earl Henson, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 789, **Misc.** Bill W. Bateman, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 790, **Misc.** Arthur Eugene Allen, petitioner, *v.* Alabama et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 791, **Misc.** Sidney R. Hale, Jr., petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 794, **Misc.** Arturo Rodriguez petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 795, **Misc.** James R. Snyder, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 796, **Misc.** Stephen Kalec, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 798, **Misc.** John G. Hanley, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 799, **Misc.** John R. Lipari, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 804, **Misc.** Gordon Laine Daniels, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 809, **Misc.** John L. Steele, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 816, **Misc.** Rudy J. Enriquez and Ignacio Solorzano, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 819, **Misc.** Leonard Ewing Scott, petitioner, *v.* Citizens National Trust & Savings Bank of Los Angeles et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 820, **Misc.** Gene Gordon Davenport, petitioner, *v.* Superior Court of California, in and for the County of Los Angeles, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 822, **Misc.** John E. Kirby, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 824, **Misc.** James Williams, petitioner, *v.* Maryland. Petition for writ of certiorari to the Circuit Court for Prince George's County of Maryland denied.

No. 826, **Misc.** James W. Satterfield, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 827, **Misc.** George W. Taylor, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court of Baltimore County of Maryland denied.

No. 829, **Misc.** Glenn Haynes, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 830, **Misc.** Paul Louis Lockhart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 831, **Misc.** Elesano John Troiani, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 833, **Misc.** Robert M. Lee, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 838, **Misc.** Edward Beadle, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 839, **Misc.** Albert Dixon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 840, **Misc.** William Barnes, Jr., petitioner, *v.* Director of the Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 842, **Misc.** Earl T. Sorensen, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 846, **Misc.** James Finley, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 847, Misc. Curtis Harold Link, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 850, Misc. Clifford Earl Hazel, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 852, Misc. Marvin Roth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 892, Misc. Ruth Morris, petitioner, *v.* John C. Wilson et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 715, Misc. John Hammonds, petitioner, *v.* O. B. Ellis, Director of Texas Department of Corrections. The motion to substitute Jack Heard in the place of O. B. Ellis as the party respondent is granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 737, Misc. Irwin William Anderten, petitioner, *v.* United States. The motion for leave to amend petition is granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 751, Misc. John F. Lankford, petitioner, *v.* International Brotherhood of Electrical Workers AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black, took no part in the consideration or decision of this application.

No. 825, Misc. William Earl Leach and Joe Smith, petitioners, *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. 934, Misc. Vincent Ciucci, Sr., petitioner, *v.* Frank G. Sain, Sheriff of Cook County, 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.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 616, Misc. Gordon Clayton, petitioner, *v.* California. 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. 652, Misc. Wilhelm J. Muhlenbroich, petitioner, *v.* Robert A. Heinze, Warden;

No. 655, *Misc.* Bernard Thomas O'Rourke, petitioner, *v.* New York;

No. 673, *Misc.* Ex parte Malcolm R. Schlette, petitioner;

No. 690, *Misc.* Raymond Dwight Jackson, petitioner, *v.* Robert A. Heinze, Warden;

No. 696, *Misc.* Harry S. Barnes, petitioner, *v.* E. L. Maxwell, Warden;

No. 708, *Misc.* Charles L. Yarbrough, petitioner, *v.* Ohio et al.;

No. 777, *Misc.* Milton Carl Justus, petitioner, *v.* New Mexico;

No. 803, *Misc.* James H. Antipas, petitioner, *v.* Dr. W. Overholser, Superintendent, St. Elizabeth's Hospital;

No. 808, *Misc.* Billy Jack Phillips, petitioner, *v.* J. C. Taylor, Warden;

No. 813, *Misc.* Stanley Raymond, petitioner, *v.* Ross V. Randolph et al.;

No. 823, *Misc.* Reuben H. Harrell, Jr., petitioner, *v.* Curtis Reid, Superintendent, D. C. Jail;

No. 845, *Misc.* George J. Furman, petitioner, *v.* Department of Public Safety of Illinois et al.;

No. 865, *Misc.* Richard A. Rinkes, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary, et al.;

No. 904, *Misc.* Richard J. Schmitt, petitioner, *v.* Wisconsin et al.; and

No. 946, *Misc.* Harry D. Smith, petitioner, *v.* New Mexico. Motions for leave to file petitions for writs of habeas corpus denied.

No. 614, *Misc.* Ralph G. Bishop, petitioner, *v.* Dr. R. E. Cooper, Superintendent. The motion to substitute Dr. A. A. Birzgalis in the place of Dr. R. E. Cooper as the party respondent is granted. Motion for leave to file petition for writ of habeas corpus denied.

No. 628, *Misc.* Gene Autry Pendleton, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections, et al. The motion to substitute Jack F. Heard in the place of O. B. Ellis as a party respondent is granted. Motion for leave to file petition for writ of habeas corpus denied.

No. 656, *Misc.* Dock Perry Glenn, petitioner, *v.* Robert F. Kennedy. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 718, *Misc.* Clarence V. Ferguson, petitioner, *v.* Ernie L. Maxwell, Warden. Motions for leave to file petition and supplemental petition for writ of habeas corpus denied.

No. 544, *Misc.* James W. Taylor, Jr., petitioner, *v.* W. K. Cunningham, Jr., superintendent of Virginia State Penitentiary;

No. 636, *Misc.* Robert Saulsbury, petitioner, *v.* Ohio;

No. 639, *Misc.* Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al.; and

No. 647, *Misc.* Raymond Lorentzen, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. 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.

No. 821, *Misc.* Leonard H. Lundberg, petitioner, *v.* R. J. Buchkoe, Warden, et al. Motion for leave to file petition for writ of habeas corpus and for other relief 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. 731, *Misc.* International Association of Machinists et al., petitioners, *v.* W. H. Duckworth et al.;

No. 754, *Misc.* John Bradley, petitioner, *v.* Fred W. Kaess, United States District Judge;

No. 787, *Misc.* Samuel H. Johnson, petitioner, *v.* Court of Common Pleas of Cuyahoga County, Ohio, et al.;

No. 793, *Misc.* Arstell Young, petitioner, *v.* Talbot Smith, United States District Judge; and

No. 810, *Misc.* Charles Henry Snebold, petitioner, *v.* Sherrill Halbert, Judge, United States District Court for the Northern District of California. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 42. Phil Campbell, Commissioner of Agriculture of the State of Georgia, et al., appellants, *v.* William Hussey, Jr., et al.;

No. 521. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company, etc., et al.;

No. 552. Estate of Leo M. Gartland, Deceased, etc., petitioner, *v.* Commissioner of Internal Revenue;

No. 568. Charles Edward Anderson Berry, petitioner, *v.* United States;

No. 570. Albert Gordon MacRae et al., petitioners, *v.* Commissioner of Internal Revenue;

No. 558, *Misc.* Francis E. Dec, petitioner, *v.* New York; and

No. 567, *Misc.* Miguel Pons, petitioner, *v.* Republic of Cuba. Petitions for rehearing denied.

ORDER

It is ordered that Rodolph deB. Waggaman be, and he hereby is, appointed a Deputy Clerk of this Court.

ORAL ARGUMENT

No. 76. Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. Argued by Mr. George N. Leighton for the petitioner and by Mr. Edward J. Hladis for the respondents. Memoranda to come.

No. 244. Dairy Queen, Inc., petitioner, *v.* Hon. Harold K. Wood, Judge, et al. Argument commenced by Mr. Michael H. Egnal for the petitioner and continued by Mr. Owen J. Ooms for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 20, will be as follows: Nos. 244, 282, 158, and 481.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Elmer T. Bourque, of Manchester, N.H., on motion of Mr. Solicitor General Archibald Cox; Albert B. Jones, of Athens, Ga., on motion of Mr. Robert Grier Stephens, Jr.; H. Edward Dunkelberger, Jr., of Washington, D.C., Alfred Henry Moses, of Washington, D.C., Gordon D. Henderson, of Washington, D.C., and William H. Allen, of Washington, D.C., on motion of Mr. Dean G. Acheson; Ronald Victor DeBona, of Detroit, Mich., on motion of Mr. Wilber M. Brucker; Harry W. Asquith, of Knoxville, Tenn., William Garrison Allen, of Dixon Springs, Tenn., and Benton Hooper Jones, of Knoxville, Tenn., on motion of Mr. J. Horace L. Flurry; Richard Springer Hawley, of Washington, D.C., on motion of Mr. Charles G. Williamson; William Pearl, of Franklin Square, N.Y., on motion of Mr. Ray R. Murdock; Robert Douglas Colman, of Kalamazoo, Mich., on motion of Mr. Richard L. Walsh; Joseph H. Guttentag, of Washington, D.C., on motion of Mr. Michael Mitchell Gould; Leonard J. Kerpelman, of Baltimore, Md., on motion of Mr. Joseph Forer; Harold A. Ward III, of Winter Park, Fla., on motion of Mr. Arthur D. Holzman; Thomas Harrington Pope, of Newberry, S.C., on motion of Mr. Earl E. Eisenhart, Jr.; and John Krikor Najarian, of Providence, R.I., on motion of Mr. Russell Morton Brown, were admitted to practice.

ORAL ARGUMENT

No. 244. Dairy Queen, Inc., petitioner, *v.* Hon. Harold K. Wood, Judge, et al. Argument continued by Mr. Owen J. Ooms for the respondents and concluded by Mr. Michael H. Egnal for the petitioner.

No. 282. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., et al. Argued by Mr. Francis E. Marshall for the petitioner, by Mr. Martin J. McHugh for the National Association of Stevedores, as *amicus curiae*, and by Mr. Thomas E. Byrne, Jr., for the respondents. Memorandum to come.

No. 158. Willard Carnley, petitioner, *v.* H. G. Cochran, Jr., Director of the Division of Corrections. Leave granted Mr. James G. Mahorner to appear and present oral argument for the respondent,

pro hac vice, on motion of Mr. Harold A. Ward. Argument commenced by Mr. Harold A. Ward for the petitioner and continued by Mr. James G. Mahorner for the respondent, *pro hac vice*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 21, will be as follows: Nos. 158, 481, and 242.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Harold Wallace Kay, of North Platte, Nebr., on motion of Mr. Roman L. Hruska; Andrew B. Riddle, Jr., of Ardmore, Okla., on motion of Mr. Edmond A. Edmondson, Jr.; Sam A. Crow, of Topeka, Kans., on motion of Mr. Robert J. Dole; Charles G. Moerdler, of New York, N.Y., on motion of Mr. John H. Pickering; Lynwood A. Maddox, of Atlanta, Ga., and Kermit Charles Bradford, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Leo Patrick McGowan, of Barrington, R.I., on motion of Mr. Benjamin Feld; James E. Gowen, of San Pablo, Calif., on motion of Mr. Robert L. Condon; Emery David Doane, Jr., of Boise, Idaho, on motion of Mr. Raymond W. Miller; Peter Spyros Sarelas, of Chicago, Ill., on motion of Mr. Martin Emilius Carlson; Milton I. Lewis, of Washington, D.C., on motion of Mr. Elphege Desgres; Thomas L. Young, of Detroit, Mich., on motion of Mr. Douglas Wilber Metz; Enoch O'D. Woodhouse II, of Boston, Mass., on motion of Mr. Belford Lawson; James B. Hamilton, of Owatonna, Minn., on motion of Mr. William E. Stewart, Jr.; David Monroe Marsh, of Chevy Chase, Md., on motion of Mr. Richard S. T. Marsh; and Daniel Green Joyce, of Silver Spring, Md., Herbert Jerome Scheinberg, of New York, N.Y., H. Walter Croskey, of Los Angeles, Calif., Richard H. Mundy, of Houston, Tex., William S. Hagar, of Tulsa, Okla., Donald Paul Blinn, of Lawrence, Kans., and Thomas Bennett McNeill, of Winnetka, Ill., on motion of Mr. Maurice Francis Biddle, were admitted to practice.

ORAL ARGUMENT

No. 158. Willard Carnley, petitioner, *v.* H. G. Cochran, Jr., Director of the Division of Corrections. Argument concluded by Mr. James G. Mahorner for the respondent, *pro hac vice*, by special leave of Court.

No. 481. Benny Lurk, petitioner, *v.* United States. Argued by Mr. Eugene Gressman for the petitioner, by Mr. Solicitor General Cox for the respondent and by Mr. Roger Robb for the United States Court of Customs and Patent Appeals, as *amicus curiae*, by special leave of Court.

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. Argument commenced by Mr. Chester Bordeau for the petitioner.

Adjourned until Monday, February 26, at 10 o'clock.

The day call for Monday, February 26, will be as follows: Nos. 242, 123, 224, and 84.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

George H. Proctor, of Klamath Falls, Oreg., William J. Roberts, of Tallahassee, Fla., Harold Abrahamson, of Hammond, Ind., and Erwin Morse, of Los Angeles, Calif., on motion of Mr. Solicitor General Archibald Cox; James A. C. Stillman, of Bellows Falls, Vt., and Edward Jewett Tenney II, of Bellows Falls, Vt., on motion of Mr. Norris Cotton; James W. Steinsiek, of Blytheville, Ark., on motion of Mr. E. C. Gathings; Robert H. Royer, of Abilene, Kans., on motion of Mr. Garner E. Shriver; Charles F. McCoy, of Tulsa, Okla., on motion of Mr. Marshall McDonald; Eugene W. Hiatt, of Topeka, Kans., on motion of Mr. Robert F. Ellsworth; Mary Marguerite Merman, of Pittsburgh, Pa., on motion of Mr. William S. Moorehead; Hipolito Marcano, of San Juan, P.R., on motion of Mr. Philip F. Herrick; Hubert D. Johnson, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Leonard Comegys, of Los Angeles, Calif., and James Gregg Evans, of Los Angeles, Calif., on motion of Mr. George E. McMurray, Jr.; Everett H. Krueger, of Columbus, Ohio, on motion of Mr. Austin L. Roberts; William E. Cureton, of Waco, Tex., on motion of Mr. Cecil C. Rotsch; Daniel Goldstein, of New York, N.Y., on motion of Mr. Julius L. Goldstein; David Alter, of New York, N.Y., and Robert Abelow, of New York, N.Y., on motion of Mr. Theodore Tannenwald, Jr.; Francis D. Morrissey, of Chicago, Ill., on motion of Mr. Walter A. Slowinski, Jr.; William Wilson Lanigan, of Township of Bridgewater, N.J., on motion of Mr. Marvin Sherk Sloman; John G. Cardinal, of Cleveland, Ohio, and Robert E. Freed, of Cleveland, Ohio, on motion of Mr. Edwin Knachel; Louis B. Scheinman, of Woodbourne, N.Y., on motion of Mr. Morris Kanfer; and John M. Heiskell, of Memphis, Tenn., on motion of Mr. Francis B. Gianotti, were admitted to practice.

OPINIONS

No. 73. Retail Clerks International Association, Local Unions Nos. 128 and 633, petitioners, *v.* Lion Dry Goods, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Suggestion of mootness is overruled and petitioners' motion to add

Local Union No. 954 as a party petitioner is granted. Judgment reversed and case remanded to the United States District Court for the Northern District of Ohio for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Frankfurter.

No. 59. Suzanne Thomas Richards, etc., et al., petitioners, *v.* United States et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren.

No. 643. Samuel Bailey et al., appellants, *v.* Joe T. Patterson et al. Appeal from the United States District Court for the Southern District of Mississippi. Judgment vacated and case remanded to the District Court for expeditious disposition of appellant's claims of right to unsegregated transportation service. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 1073, Misc. In the Matter of the Application of F. L. Shuttlesworth, petitioner. On motion for leave to file petition for writ of habeas corpus. Treating the papers submitted as a petition for writ of certiorari, certiorari to the United States Court of Appeals for the Fifth Circuit granted. On writ of certiorari, order vacated and case remanded to the United States District Court for the Northern District of Alabama for proceedings in conformity with the opinion of this Court. Judgment shall issue forthwith. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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. 623. Eastern Express, Inc., et al., appellants, *v.* United States et al. Appeal 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*.

No. 868, Misc. Steven L. Strellich, appellant, *v.* Robert A. Heinze, Warden, et al. Appeal from the Supreme Court of California. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 884, Misc. Johnny Harper, appellant, *v.* William H. Bannan, Warden. Appeal from the Supreme Court of Michigan. The appeal is dismissed. 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. 634. Paul Ginsburg, petitioner, *v.* Horace Stern et al. The motion to stay issuance of order denying certiorari presented to Mr. Justice Brennan, and by him referred to the Court, is denied.

CERTIORARI GRANTED

No. 656. International Association of Machinists, AFL-CIO, et al., petitioners, *v.* Central Airlines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 663. Barbara D. Ford, petitioner, *v.* Herman A. Ford. Petition for writ of certiorari to the Supreme Court of South Carolina granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 600. Ard E. Richardson, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 601. Ray C. Ballantyne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 602. Leonra Sherlock, Executrix, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 608. Ella Shure Cahen Trust, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 635. Abraham Kabot, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 653. Lavere Redfield, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 657. Kentucky Home Mutual Life Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 661. John C. Webb et al., petitioners, *v.* John E. Oxley. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 665. Woodmar Realty Company, petitioner, *v.* Walter A. McLean, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 666. Leroy Alphonso Haith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 668. Donald J. Garrison et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 594. United States, petitioner, *v.* Republic of France et al.; and

No. 595. Texas City Terminal Railway Company, petitioner, *v.* Republic of France et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 212, Misc. Homer R. Clinton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 496, Misc. George Diblin, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 531, Misc. Luther Poindexter, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 540, Misc. Nick Tsimpides and Stavroula Drufakos, petitioners, *v.* Honorable Robert C. Giles, Judge, etc. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 574, Misc. William Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 713, Misc. Freddie Glasper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 745, Misc. Ezel Velisco Hopkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 786, Misc. Robert Oliver Slater, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 806, Misc. Hezekiel Moore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 837, Misc. John G. Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 853, **Misc.** Calvin W. Pruitt, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 854, **Misc.** Dewey Deuel Hamlin, petitioner, *v.* Jewel A. Hamlin. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 855, **Misc.** Emanuel Gary, petitioner, *v.* Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 856, **Misc.** Floyd Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 858, **Misc.** Edward Smith, 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. 859, **Misc.** Robert James Goslee, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 860, **Misc.** Philip Gardner, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 862, **Misc.** James G. Davis, petitioner, *v.* West Virginia et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 866, **Misc.** Leonard Ewing Scott, petitioner, *v.* Superior Court of Los Angeles County. Petition for writ of certiorari to the Supreme Court of California denied.

No. 872, **Misc.** Jesse James Yarber, petitioner, *v.* Jack F. Heard, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 873, **Misc.** Vernell Franklin, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 874, **Misc.** Harold Goff, petitioner, *v.* Montana and Warden Floyd E. Powell. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 876, **Misc.** Allen Carroll Pruitt, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 877, **Misc.** Lindell Shoemake, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 878, **Misc.** Jewell Holt, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 879, *Misc.* William Lupo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 881, *Misc.* Thomas E. Goslee, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 882, *Misc.* Alfred Lewis, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 883, *Misc.* Cuthbert Eastman, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 885, *Misc.* Homer D. Ellis, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 886, *Misc.* John Louis Mullenix, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 888, *Misc.* Lee E. Turner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 893, *Misc.* Robert Fletcher, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 894, *Misc.* Charles Blair, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 896, *Misc.* Robert L. Borage, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 898, *Misc.* George Harold Outing, Jr., petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 905, *Misc.* Sigmund Pollack, petitioner, *v.* Post Office Inspector Norman A. Myers et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 906, *Misc.* Ernest Leroy White, petitioner, *v.* Jack Heard, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 922, *Misc.* Leo R. Heath and William Walter, petitioners, *v.* Walter Dunbar, Director of Corrections of California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 935, *Misc.* Theodore Burrell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 968, *Misc.* John McGrath, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 897, **Misc.** James Jack Braden, petitioner, *v.* Joseph W. Hickman and Charles T. Randolph; and

No. 909, **Misc.** Robert D. Miller, petitioner, *v.* John E. Bennett, Warden. Motions for leave to file petitions for writs of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 554, **Misc.** Robert D. Gordon, petitioner, *v.* North Carolina. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 910, **Misc.** Joseph Ferlito, petitioner, *v.* Immigration and Naturalization Service. Motion for leave to file petition for writ of mandamus denied.

No. 901, **Misc.** Bernard M. Shotkin, petitioner, *v.* Warren Olney III, etc., et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 68. James Francis Hill, petitioner, *v.* United States; and

No. 497, **Misc.** Alexander Bisno and Sally Bisno, petitioners, *v.* Marvin F. Hyde. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, March 5, until Monday, March 19.

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. Argument continued by Mr. Chester Bordeau for the petitioner, by Mr. Morris Shapiro for the respondents, by Mr. Solicitor General Cox for the United States, as intervener, by Mr. Francis M. Shea for the United States Court of Claims, as *amicus curiae*, by special leave of Court, and concluded by Mr. Chester Bordeau for the petitioner.

No. 123. Manual Enterprises, Inc., et al., petitioners, *v.* J. Edward Day, Postmaster General of the United States. Argument commenced by Mr. Stanley M. Dietz for the petitioners and continued by Mr. J. William Doolittle for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 27, will be as follows: Nos. 123, 224, 84, and 90 (and 91).

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Lemuel E. DeBerry, of Richmond, Va., and Michael W. Moncure III, of Richmond, Va., on motion of Mr. J. Vaughan Gary; Peter B. Wilson, of Bonners Ferry, Idaho, on motion of Mr. Abe Goff; Lucio L. Russo, of Atlanta, Ga., on motion of Mr. J. William Doolittle, Jr.; Norman Joseph Smith, of St. Cloud, Fla., and William M. Cease, Jr., of Jacksonville, Fla., on motion of Mr. George N. Anderson; Harry A. Rachlin, of Buffalo, N.Y., on motion of Mr. Lauren David Rachlin; Thomas J. Hogan, of Terre Haute, Ind., and John S. Fessenden, of Washington, D.C., on motion of Mr. Roland Rice; Robert A. Barlow, of Lincoln, Nebr., on motion of Mr. Alan D. McArthur; Thomas Clark Matthews, Jr., of Washington, D.C., on motion of Mr. Ray S. Donaldson; Sanford H. Markham, of New York, N.Y., on motion of Mr. S. David Rubenstein; and Stuart H. Johnson, Jr., of Oyster Bay, N.Y., on motion of Mr. Charles H. Tuttle, were admitted to practice.

CERTIORARI DENIED

No. 1084, Misc. Kelly Moss, petitioner, *v.* William L. Jones, Warden. Application for stay of execution and petition for writ of certiorari to the Court of Appeals of Kentucky denied. Mr. Justice Douglas is of the opinion that the application for stay and the petition for certiorari should be granted.

ORAL ARGUMENT

No. 123. Manual Enterprises, Inc., et al., petitioners, *v.* J. Edward Day, Postmaster General of the United States. Argument continued by Mr. J. William Doolittle for the respondent and concluded by Mr. Stanley M. Dietz for the petitioners.

No. 224. The Hanover Bank, Executor, et al., petitioners, *v.* Commissioner of Internal Revenue. Argued by Mr. Theodore Tannenwald, Jr., for the petitioners and by Mr. Stephen J. Pollak for the respondent.

No. 84. Jesse Turner, appellant, *v.* City of Memphis et al. Argued by Mrs. Constance Baker Motley for the appellant, by Mr. Frank B. Gianotti, Jr., for the appellee, City of Memphis, and by Mr. John M. Heiskell for appellees, Dobbs Houses, Inc., and W. S. Haverfield.

No. 90. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 91. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. Argument commenced by Mr. Hubert D. Johnson for the appellants and continued by Mr. Quentin Keith for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 28, will be as follows: Nos. 90 (and 91), 138 (and 180, Misc.), and 234.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Robert Meredith Lucy, of Parma, Mo., on motion of Mr. Edward V. Long; E. M. Murray, of Tacoma, Wash., on motion of Mr. Thor C. Tollefson; Herbert William Christenberry, Jr., of New Orleans, La., Albert Lawrence Sklar, of Baltimore, Md., and Robert Lee Sullivan, Jr., of Baltimore, Md., on motion of Mr. Albert E. Arent, were admitted to practice.

ORAL ARGUMENT

No. 90. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 91. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. Argument continued by Mr. Quentin Keith for the appellee, by Mr. W. E. Cureton for the appellee and concluded by Mr. Neth L. Leachman for the appellants.

No. 138. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Martin C. Epstein et al.; and

No. 180, Misc. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Honorable Alexander Bicks et al., Judges of the United States District Court for the Southern Dist. of New York. Argued by Mr. Charles H. Tuttle for the petitioner and by Mr. Julius L. Sackman for the respondents.

No. 234. Marie Benz, petitioner, *v.* New York State Thruway Authority. Argument commenced by Mr. Lauren D. Rachlin for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 1, will be as follows: Nos. 234 and 187.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Jules D. Barnett, of Los Angeles, Calif., and James E. Jones, Jr., of Santa Rosa, Calif., on motion of Mr. Solicitor General Archibald Cox; Franklin Charles Douglas, of Denver, Colo., on motion of Mr. Byron G. Rogers; John Cooper Blankenship, of Dallas, Tex., on motion of Mr. Brackley Shaw; Hugh Hafer, of Seattle, Wash., on motion of Mr. Florian J. Bartosic; J. Manning Poliakoff, of Aiken, S.C., on motion of Mr. Hugh H. Finzell; Margaret A. Re, of Brooklyn, N.Y., and Joseph T. Tinnelly, of Brooklyn, N.Y., on motion of Mr. Edward D. Re; and J. Max Harding, of Lincoln, Nebr., on motion of Mr. Monte M. Taylor, were admitted to practice.

ORAL ARGUMENT

No. 234. Marie Benz, petitioner, *v.* New York State Thruway Authority. Argument continued by Mr. Julius L. Sackman for the respondent and concluded by Mr. Lauren D. Rachlin for the petitioner.

No. 187. California, petitioner, *v.* Federal Power Commission et al. Three hours allowed for oral argument. Argued by Mr. William M. Bennett for the petitioner, by Mr. Solicitor General Cox for respondent, Federal Power Commission, and by Mr. Arthur H. Dean for respondent, El Paso Natural Gas Company.

Adjourned until Monday, March 5, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Whittaker, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Nathaniel Rogovoy, of Millville, N.J., Paul R. Porreca, of Millville, N.J., Jerome Eugene Okoniewski, of Millville, N.J., Harvey G. Schneider, of St. Louis, Mo., Louis H. Orkin, of Cleveland, Ohio, Abe A. Schreiber, of Oklahoma City, Okla., and M. Harvey Smedley, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Thomas A. Cooke, of Reno, Nev., on motion of Mr. Alan Bible; Robert LaFollette Sucher, of Madison, Wis., Richard L. Callaghan, of Washington, D.C., and Clayton R. Herron, of Helena, Mont., on motion of Mr. Lee Metcalf; Burt J. Fulton, of Cleveland, Ohio, and Emanuel William Greenblatt, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Ralph Tippet Smith, of Bemidji, Minn., and Jerome Donald Meeker, of Jamestown, N. Dak., on motion of Mr. Ralph Herrod; Charles H. Volz, Jr., of Montgomery, Ala., on motion of Mr. Lewis Guy Odom, Jr.; Edward T. Boywid, of Memphis, Tenn., Robert C. Vondrasek, of Omaha, Nebr., Glenn Rogan Morton, of Batavia, N.Y., Walter Donald Hasset, of Pittsfield, Ill., and Hubert Allyn Irwin, of Jacksonville, Fla., on motion of Mr. Robert Davis Powers, Jr.; Robert Palkovitz, of McKeesport, Pa., and Jack Palkovitz, of Pittsburgh, Pa., on motion of Mr. Donald H. Dalton; Jerry D. Anker, of Washington, D.C., on motion of Mr. Elliot Bredhoff; Earl Keyes, of Jackson, Miss., on motion of Mr. C. Arthur Sullivan; Warren M. Davison, of Washington, D.C., on motion of Mr. Harry M. Plotkin; Hugh Donald McNew, of St. Louis, Mo., on motion of Mr. Lambert H. Miller; Walter Lyall Milde, of Cleveland, Ohio, and David Aldrich Nelson, of Cleveland, Ohio, on motion of Mr. Samuel Hanenberg; William V. Cuddy, of White Plains, N.Y., on motion of Mr. Arthur F. Gaynor; Wendell Y. Blanning, of Washington, D.C., on motion of Mr. James A. Murray; Harold Coleman Calhoun, of Atlanta, Ga., on motion of Mr. Albert B. Jones; Louis Shapiro, of New York, N.Y., and Joseph G. Gubman, of New York, N.Y., on motion of Mr. David L. Shapiro; Joseph N. Tilem, of Los Angeles, Calif., on motion of Mr. Kenneth G. McGuiness; and Thaddeus L. Kowalski, of Chicago, Ill., Walter Jaroszewski, of Chicago, Ill., Raymond W. Rysztogi, of Chicago, Ill., Andrew J. Pach, of Chicago,

Ill., Bernard Benjamin Kash, of Chicago, Ill., Vincent Walter Tondryk, Jr., of Chicago, Ill., Edward Peter Skorka, of Chicago, Ill., Adam Peter Stach, of Glenview, Ill., Stanley R. Koy, of Chicago, Ill., Thad. Niemira, of Chicago, Ill., and William J. Nowak, of Calumet City, Ill., on motion of Mr. Mitchell S. Kilanowski, were admitted to practice.

OPINIONS

No. 50. Local 174, Teamsters, Chauffeurs, Warehousemen & Helpers of America, petitioner, *v.* Lucas Flour Company. On writ of certiorari to the Supreme Court of Washington. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black.

No. 81. Thomas N. Griggs, petitioner, *v.* County of Allegheny. On writ of certiorari to the Supreme Court of Pennsylvania, Western District. Judgment reversed and case remanded to the Supreme Court of Pennsylvania, Western District, for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Frankfurter concurs.

No. 2. Metlakatla Indian Community, Annette Island Reserve, appellant, *v.* Egan, Governor of Alaska, et al. Appeal from the Supreme Court of Alaska. Judgment vacated and case remanded to the Supreme Court of Alaska to be held to give ample opportunity for the Secretary of the Interior with all reasonable expedition to determine, prior to 1963 salmon fishing season, what, if any, authority he chooses to exercise in light of this opinion. Should the Secretary fail so to act, the parties may apply to the Alaska Court for further proceedings not inconsistent with the opinion of this Court. The stay granted by Mr. Justice Brennan, and continued by the Court, will remain in force until the end of the 1962 salmon fishing season, as defined in the regulations issued by the Secretary of the Interior. Opinion by Mr. Justice Frankfurter.

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. Appeal from the Supreme Court of Alaska. Judgment affirmed. However, in view of all the circumstances and in order to avoid hardship, the stay granted by Mr. Justice Brennan, and continued by the Court, will remain in force until the end of the 1962 salmon fishing season, as defined in the regulations issued by the Secretary of the Interior. Opinion by Mr. Justice Frankfurter. Mr. Justice Douglas, while joining in the opinion of the Court, dissents from an extension of the stay for reasons to be stated in a separate opinion.

No. 83. Hattiebelle O. Simonson, Trustee in Bankruptcy, etc., et al., petitioners, *v.* R. C. Granquist, District Director of Internal Revenue, et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgments reversed and cases remanded to the United States District Court for the District of Oregon and the United States District Court for the Western District of Washington for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins.

No. 36. Public Affairs Associates, Inc., etc., petitioner, *v.* Vice Admiral Hyman G. Rickover; and

No. 55. Vice Admiral Hyman G. Rickover, petitioner, *v.* Public Affairs Associates, Inc., etc. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment vacated and cases remanded to the United States District Court for the District of Columbia for disposition consistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Whitaker concurs. 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."

OPINION PER CURIAM

No. 654. Illinois Central Railroad Company, appellant, *v.* City of Shively, Kentucky. Appeal from the Court of Appeals of Kentucky. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 47. St. Regis Paper Company, petitioner, *v.* United States. The motion of petitioner to recall and amend or correct the judgment is denied.

No. 468. Steven I. Engel et al., petitioners, *v.* William J. Vitale, Jr., et al. The motion of Synagogue Council of America et al. for leave to file brief, as *amici curiae*, is granted. The motion of the The American Ethical Union for leave to file brief, as *amicus curiae*, is granted.

CERTIORARI GRANTED

No. 674. Weyerhaeuser Steamship Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 660, Misc. John R. Jones, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted limited to the question of "mootness". Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 614. Airline Stewards and Stewardesses Association, International, 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. 621. The Coral Gables First National Bank et al., petitioners, *v.* Constructors of Florida, Inc., et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 672. Joseph Poretto et al., petitioners, *v.* Chester A. Usry, Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 675. Joseph H. Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 677. Charles O. Morgan, etc., et al., petitioners, *v.* Presbytery of the Everglades et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 684. Amana Refrigeration, Inc., petitioner, *v.* Columbia Broadcasting System, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 676. John C. Starnes, petitioner, *v.* Pennsylvania Railroad Company. 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. 680. The Contractors Association of Philadelphia and Eastern Pennsylvania et al., petitioners, *v.* National Labor Relations Board. 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. 405, Misc. Owen Walter Swepston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 714, Misc. William C. Coleman, 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 Brennan and Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 864, Misc. Leon Davis, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for writ of certiorari to the Supreme Court of Georgia denied. The Chief Justice, with whom Mr. Justice Douglas joins, has filed the following memorandum:

While it is not our custom to state reasons when denying a writ of certiorari, there are occasions when the gravity of the allegations in a petition makes it appropriate to state what the denial does not mean* in order to give assurance that this Court is not insensible to charges of egregious violations of constitutional rights.

The denial of a writ of certiorari does not mean that this Court approves the decision below nor, in state criminal cases, that the petitioner is necessarily precluded from obtaining relief in some other appropriate proceeding. Both state and federal courts have an equally binding obligation to uphold the Constitution, and when a state court fails to vindicate rights guaranteed by the Constitution in a criminal proceeding upon a proper demand, the federal courts are open to an aggrieved petitioner.

In this case the state courts refused to grant a hearing to the petitioner on procedural grounds. However, a life is at stake, and unless some court, state or federal, entertains his petition, this petitioner will be executed without a hearing on charges that strike at the very foundation of American justice. He contends that, under a statute recently declared unconstitutional by this Court, he was denied the right to be a witness in his own defense or even to testify that the confession used against him was coerced during a two-month period of illegal detention. He also claims that he was denied the right to trial by jury of his peers under a valid indictment through the systematic exclusion of members of his race from the jury lists, a practice which has often been condemned as unconstitutional by this Court and which Congress has made criminal.

No man should ever be imprisoned—let alone executed—in this country if such charges can be substantiated.

*See, e.g., *English v. Cunningham*, 361 U.S. 905; *Sheppard v. Ohio*, 352 U.S. 910; *Rosenberg v. United States*, 344 U.S. 889; *Bondholders, Inc. v. Powell*, 342 U.S. 921; *Maryland v. Baltimore Radio Show*, 338 U.S. 912.

No. 899, **Misc.** William Ralph, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

REHEARINGS DENIED

No. 506. Willmut Gas and Oil Company, petitioner, *v.* Federal Power Commission et al.; and

No. 573. John L. Lewis et al., petitioners, *v.* F. Arnold Lowry, etc. Petitions for rehearing denied.

Adjourned until Monday, March 19, at 10 o'clock.

The day call for Monday, March 19, will be as follows: Nos. 101, 283, 77, and 94.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Sharon L. King, of Fort Wayne, Ind., Bernard A. Bridgewater, Jr., of Tulsa, Okla., John L. Harvey, of Alexandria, Va., Scott J. Werner, of Denver, Colo., Lawrence G. Stimatz, of Butte, Mont., Herbert August Goldsmith, Jr., of Salem, Oreg., Francis G. Rearick, of Orlando, Fla., and Paul David Keller, of Chicago, Ill., on motion of Mr. Solicitor General Archibald Cox; Benjamin F. Overton, of St. Petersburg, Fla., on motion of Mr. Spessard L. Holland; Francis C. Whelan, of Los Angeles, Calif., on motion of Mr. Clair Engle; Eugene Clyde Brooks, Jr., of Durham, N.C., on motion of Mr. Samuel J. Ervin, Jr.; William Buford Mitchell, of Forsyth, Ga., on motion of Mr. John J. Flynt; Rodman N. Myers, of Detroit, Mich., on motion of Mr. John D. Dingell; Kenneth H. Burns, of Austin, Tex., on motion of Mr. Arnold H. Olsen; George S. Wilson, Jr., of Owensboro, Ky., on motion of Mr. Will Shafrath; Robert Klonsky, of Brooklyn, N.Y., and Herman Norman Rabson, of New York, N.Y., on motion of Mr. Philip F. DiCostanzo; Samuel Woden Gralnick, of Dayton, Ohio, on motion of Mr. Thomas P. Kerester; Joseph Carroll Roesser, of Olney, Md., on motion of Mr. George N. Anderson; Morris L. Weisberg, of Philadelphia, Pa., and Goncer M. Krestal, of Philadelphia, Pa., on motion of Mr. Edwin P. Rome; Charles R. Vickery, Jr., of Houston, Tex., on motion of Mr. Edmund L. Jones; Barry Lewis Kroll, of Chicago, Ill., on motion of Mr. Robert M. Lichtman; Seymour J. Spelman, of Washington, D.C., on motion of Mr. George Kaufmann; Thomas Pryor Smith, of Detroit, Mich., on motion of Mr. Chester James Antieau; Charles E. Englert, of Boston, Mass., on motion of Mr. Clarence G. Pechacek; Frances Eve Bilmes, of Pine Bush, N.Y., and Murray Bilmes, of Pine Bush, N.Y., on motion of Mr. John S. Stillman; William J. Curtin, of Washington, D.C., on motion of Mr. J. Louis Monarch; and Albert W. Kennon, of Durham, N.C., Charles Ward White, of Durham, N.C., R. Bruce White, Jr., of Durham, N.C., Lillard Hand Mount, of Durham, N.C., William Marshall Smith, of Chapel Hill, N.C., Thomas Duncan Cooper, Jr., of Burlington, N.C., Fred Darlington III, of Burlington, N.C., William Marcus Short, of Greensboro, N.C., M. Glenn Pickard, of Burlington, N.C., B. F. Wood,

of Graham, N.C., Clarence Ross, of Graham, N.C., C. Kitchin Josey, of Greensboro, N.C., Cyrus Clifford Frazier, Jr., of Greensboro, N.C., Perry N. Walker, of Greensboro, N.C., Leonidas Herbin, Jr., of Greensboro, N.C., Philip R. Craver, of Lexington, N.C., Edwin Willys Hooper, of Thomasville, N.C., Edward Neal Post, of High Point, N.C., Robert M. Martin, Jr., of High Point, N.C., William B. Byerly, Jr., of High Point, N.C., and Robert Emery Bencini, Jr., of High Point, N.C., on motion of Mr. Horace Robinson Kornegay, were admitted to practice.

OPINIONS

No. 21. Mario DiBella, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 93. United States, petitioner, *v.* Daniel J. Koenig. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment in case No. 21 vacated and cause remanded to the Court of Appeals with instructions to dismiss the appeal. Judgment in case No. 93 affirmed. Opinion by Mr. Justice Frankfurter. Mr. Chief Justice Warren, Mr. Justice Black, and Mr. Justice Stewart concur in the result. Mr. Justice Whittaker took no part in the consideration or decision of these cases.

No. 61. United Gas Pipe Line Company, appellant, *v.* Ideal Cement Co. et al. Appeal from the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of Alabama to permit a construction of the License Code of the City of Mobile, so far as relevant to this litigation, to be sought with every expedition in the state courts. Opinion *per curiam* announced by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 64. Fong Foo et al., petitioners, *v.* United States; and

No. 65. Standard Coil Products Co., Inc., petitioner *v.* United States. On writs of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and cases remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark. Mr. Justice Whittaker took no part in the consideration or decision of these cases.

No. 234. Marie Benz, petitioner, *v.* New York State Thruway Authority. On writ of certiorari to the Court of Appeals of New York. Writ dismissed as improvidently granted. Opinion *per curiam* an-

nounced by Mr. Chief Justice Warren. Mr. Justice Black dissents. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 3. Organized Village of Kake et al., appellants, *v.* Egan, Governor of Alaska. Separate opinion by Mr. Justice Douglas in case previously decided on March 5, 1962.

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. 513. John F. McNeill, Superintendent of Matteawan State Hospital, appellant, *v.* John J. Carroll. Appeal from the United States Court of Appeals for the Second Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of New York with directions to dismiss the cause as moot. Opinion *per curiam*. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 609. New York Mobile Homes Association et al., appellants, *v.* Thomas B. Steckel, etc., 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*. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 5, Misc. William E. Harding, appellant, *v.* Tracy A. Hand, Warden. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 7, Misc. James Harvey, alias Berkely McCargo, petitioner, *v.* W. Frank Smyth, Jr., Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion to substitute W. K. Cunningham, Jr., in the place of W. Frank Smyth, Jr., as the party respondent granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Whittaker took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 551. **October Term, 1960.** Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg et al. The motion for reconsideration of petition for rehearing is denied.

No. 394. Michael Vincent Geagan et al., petitioners, *v.* John A. Gavin, Superintendent, Massachusetts Correctional Institution. The motion of Robert J. DeGiacomo for leave to withdraw his appearance as counsel for petitioner, Maffie, is granted.

No. 532. C. D. Calbeck, Deputy Commissioner, etc., et al., petitioners, *v.* Travelers Insurance Co. et al. The motion of Isabell Scott McGuyer for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 659. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI DENIED

No. 633. General Gas Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670. Association for the Preservation of Freedom of Choice, Inc., et al., petitioners, *v.* James M. Power et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 679. Barrow Manufacturing Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 682. George Spector, petitioner, *v.* David L. Ladd, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 685. State of Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 686. Maria Luisa Cruz de Orona, petitioner, *v.* Angela Orona, Administratrix, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 690. G. C. Nunn, Receiver, et al., petitioners, *v.* R. L. Feltinton et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 691. Dominic Alaimo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 692. Club Ramon, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 693. Esther Frank, petitioner, *v.* Frederick Levy, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 695. Minnie Whitefoot, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 696. Aaron Rosenzweig, petitioner, *v.* General Services Administration of the United States, Bernard L. Boutin, Administrator. Petition for writ of certiorari to the United States Emergency Court of Appeals denied.

No. 697. United Fruit Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 698. H. Gordon Howard, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 699. Atlas Life Insurance 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. 700. Harry H. Hallatt et al., petitioners, *v.* Maryland Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 702. Rapid Transit Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 704. Craig Siegfried, etc., petitioner, *v.* The Kansas City Star Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 706. Albert Bloom, petitioner, *v.* Charles Lundburg, Trooper. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 707. E. Totonelly Sons, Inc., petitioner, *v.* Town of Fairfield. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 712. John D. Greco, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 650. Joseph Sherman, petitioner, *v.* James A. Hamilton, Jr., District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 681. The Miami Herald Publishing Co., petitioner, *v.* Dorothy M. Brautigam, Administratrix, etc. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 688. John T. Davis, petitioner, *v.* Louisville and Nashville Railroad Company and Chicago and Eastern Illinois Railroad Company. Petition for writ of certiorari to the Appellate Court of Indiana denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 1, **Misc.** Curtis F. Akers, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 3, **Misc.** William H. DeLong, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 4, **Misc.** William B. Bevelhymmer, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 6, **Misc.** Lee Scalf, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 11, **Misc.** Ernest L. Yowell, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 12, **Misc.** Michael Kilgallen, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Supreme Court of New York, Clinton County, denied.

No. 20, **Misc.** Arley C. Browning, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 37, **Misc.** James H. Phillips, alias Arthur Osborne Phillips, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 64, **Misc.** Franklin Beckett, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 71, **Misc.** Elmer Tichnell, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 152, **Misc.** Walter E. Nolan, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 153, **Misc.** Gordon Mercer, petitioner, *v.* Kentucky, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 196, **Misc.** Tommy Lee Colbert, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 266, **Misc.** Vester McCoy, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 482, **Misc.** William Lupo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 491, **Misc.** Bennie Doster, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 533, **Misc.** Julius H. Rodriguez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 562, **Misc.** Elkin Daniels and Joseph H. Fletcher, petitioners, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 582, **Misc.** Charles Robert Chapman, petitioner, *v.* Court of Criminal Appeals of Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 586, **Misc.** Leo Tafarella, petitioner, *v.* Tracy A. Hand, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 663, **Misc.** Philip Vita, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 688, **Misc.** Thomas E. McKoy, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 716, **Misc.** James Peter Van Eyk, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 719, **Misc.** William Bender, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Macoupin County, Illinois, denied.

No. 721, **Misc.** Edward A. Mouldsdales, petitioner, *v.* Director of Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 741, **Misc.** Wallace Robinson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 780, *Misc.* Lewis F. MacGregor, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 784, *Misc.* Harry N. Link, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 801, *Misc.* Isadore Smith, petitioner, *v.* Richard M. Duncan, United States District Judge for the Western District of Missouri. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 811, *Misc.* Arthur William Ladson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 844, *Misc.* John Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 891, *Misc.* Larry C. Glouser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 908, *Misc.* Robert Roberts, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 911, *Misc.* Epifanio R. Renteria, petitioner, *v.* California State Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 912, *Misc.* Walter Castedy, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 913, *Misc.* Raymond Cline, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 914, *Misc.* Joseph Dean, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 915, *Misc.* Walter S. Nerwinski, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 918, *Misc.* Lee Lewis, petitioner, *v.* Tracy H. Hand, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 919, *Misc.* William H. Brown, petitioner, *v.* Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 988, *Misc.* Lloyd Eldon Miller, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1007, Misc. James Rodney Buck, petitioner, *v. Ohio*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1053, Misc. David Coleman, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 2, Misc. Elbert Copley, petitioner, *v. D. E. Adams, Warden*. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 8, Misc. Elwood V. McClure, petitioner, *v. D. E. Adams, Warden*. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 10, Misc. Robert Clark, petitioner, *v. D. E. Adams, Warden*. The motion to substitute Otto C. Boles in the place of D. E. Adams as the party respondent is granted. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 763, Misc. R. E. Lipscomb, petitioner, *v. United States of American Board of Parole*. Petition for writ of certiorari of the United States Court of Appeals for the District of Columbia Circuit and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 678, Misc. Louis C. De Shore, petitioner, *v. California et al.* Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 704, Misc. Thomas B. Womack, petitioner, *v. E. L. Maxwell, Warden*;

No. 1008, Misc. James J. Price, petitioner, *v. Ohio*; and

No. 1014, Misc. Warren G. Myers, petitioner, *v. Joseph R. Blacklock, Superintendent of Southwestern State Hospital*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 658, Misc. Roger S. Bandy, petitioner, *v. United States*. Motion for leave to file petition for writ of habeas corpus denied.

Mr. Justice Douglas dissenting:

We remanded this petitioner's case to the Court of Appeals for the Eighth Circuit on December 5, 1960, for a hearing on questions admittedly not "frivolous" within the meaning of Rule 46(a)(2) of the Federal Rules of Criminal Procedure. 364 U.S. 477. But as of the date of this application the appeal had not been disposed of. Meanwhile Bandy had spent two years in jail, time not credited on any sen-

tence he may ultimately serve. I would therefore treat this application as one for release on personal recognizance and grant the relief for the reasons stated in my opinion as Circuit Justice in *Bandy v. United States*, 82 Sup. Ct. 11.

No. 1002, Misc. Judith Morgan, petitioner, *v.* John F. McNeill, Superintendent of Matteawan 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.

No. 1081, Misc. Ex parte Huey R. Lee, petitioner. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Black took no part in the consideration or decision of this application.

REHEARINGS DENIED

No. 634. Paul Ginsburg, petitioner, *v.* Horace Stern et al.;

No. 542, Misc. Daniel Curry, petitioner, *v.* United States;

No. 670, Misc. Isadore Smith, petitioner, *v.* Dr. Russell O. Settle, Warden;

No. 703, Misc. James Walker, a/k/a James B. Walker, Jr., et al., petitioners, *v.* Bruicie Walker et al.; and

No. 803, Misc. James H. Antipas, petitioner, *v.* Dr. W. Overholser, Superintendent, St. Elizabeths Hospital. Petitions for rehearing denied.

No. 96. Walter L. Morgan et al., petitioners, *v.* Commissioner of Internal Revenue. Motion for leave to file petition for rehearing denied.

Mr. Justice Whittaker took no part in the consideration or decision of cases in which orders are this day announced.

ORAL ARGUMENT

No. 101. Goldlawr, Inc., petitioner, *v.* Marcus Heiman et al. Argued by Mr. Edwin P. Rome for the petitioner and by Mr. C. Russell Phillips for respondents, Select Operating Corporation and United Booking Office, Inc., and by Mr. Aaron Lipper for respondent, Morgan Guaranty Trust Company of New York, Executor of the Estate of Marcus Heiman, Deceased.

No. 283. James Victor Salem, petitioner, *v.* United States Lines Company. Argued by Mr. Robert Klonsky for the petitioner and by Mr. Walter X. Connor for the respondent.

No. 77. National Labor Relations Board, petitioner, *v.* Walton Manufacturing Company et al. Argued by Mr. Norton J. Come for the petitioner and by Mr. Robert T. Thompson for the respondents.

No. 94. National Labor Relations Board, petitioner, *v.* Florida Citrus Canners Cooperative. Argument commenced by Mr. Norton J. Come for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 20, will be as follows: Nos. 94, 113, 400, and 173.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

J. Edward Roush, of Huntington, Ind., Joe S. Hatfield, of Evansville, Ind., and Leon D. Cline, of Columbus, Ind., on motion of Mr. Winfield K. Denton; William G. Hagen, of Los Angeles, Calif., on motion of Mr. Clyde Gilman Doyle; Bernard D. Meltzer, of Chicago, Ill., on motion of Mr. Oscar H. Davis; Sheridan Morgan, of Kansas City, Mo., on motion of Mr. William Ramsey Clark; Warren S. Gritzmacher, Jr., of Atlanta, Ga., Alfred L. Harston, of New York, N.Y., Johnny R. Kolenda, of Houston, Tex., and Stanley V. Gardiner, of Lakeland, Fla., on motion of Mr. Maurice Francis Biddle; John Mason Harding, of New York, N.Y., on motion of Mr. J. William Doolittle; Jean Engstrom, of Chicago, Ill., Richard Wellington McLaren, of Chicago, Ill., and James A. Rahl, of Chicago, Ill., on motion of Mr. John T. Chadwell; William Bennett Borthwick, of Honolulu, Hawaii, on motion of Mr. John J. Schlick; John William Larson, of Kennebec, S. Dak., on motion of Mr. Joseph A. O'Connell; Mark Peyser Friedlander, Jr., of McLean, Va., on motion of Mr. Mark P. Friedlander, Sr.; Thomas James McCoy, Jr., of New York, N.Y., on motion of Mr. William A. Sutherland; Victor W. Palmer, of Baltimore, Md., on motion of Mr. Richard Neal Potts; Irvin Dagen, of Clayton, Mo., on motion of Mr. Sol Elson; Robert M. Shafton, of Los Angeles, Calif., and Maxwell E. Greenberg, of Los Angeles, Calif., on motion of Mr. Stephen Pollak; John P. Whitesell, of Iowa Falls, Iowa, on motion of Mr. John H. Midlen; Eli S. Silberfeld, of New York, N.Y., on motion of Mr. John Justin Pajak; Robert Alan Feltnier, of New York, N.Y., on motion of Mr. C. William Tayler; Theodore Lawrence Jones, of Austin, Tex., on motion of Mr. Robert E. Giles; and John Michael Provenzano, of Los Angeles, Calif., Rob R. Schuyler, of Los Angeles, Calif., Allan E. Cone, of Los Angeles, Calif., David Bernard, of Los Angeles, Calif., Robert E. Walker, of Los Angeles, Calif., James B. White, Jr., of Los Angeles, Calif., Bernard M. Avidan, of Los Angeles, Calif., Edward Lincoln McLarty, of Los Angeles, Calif., Milnor Earl Gleaves, of Los Angeles, Calif., Samuel Mordo Dana, of Los Angeles, Calif., James Stotter II, of Los Angeles, Calif., Mitchell A. Zitlin, of Los Angeles, Calif., Paul Stephen Turner, of Los Angeles, Calif., Charles A. Scott, of Los

Angeles, Calif., Allen Wesley Steuart, of Los Angeles, Calif., George G. Gregory, of Los Angeles, Calif., J. Patrick Conroy, of La Mirada, Calif., Richard L. Riemer, of La Mirada, Calif., Donald J. Drew, of Palos Verdes Estates, Calif., Harold Edward Heinly, of Santa Ana, Calif., Robert M. Short, of Beverly Hills, Calif., Clarence Lester Hancock, of South Pasadena, Calif., Arthur T. Jones, of Glendale, Calif., Robert William Dubeau, of South San Gabriel, Calif., David William Halpin, of Encino, Calif., and Frederick W. Barber, of South Gate, Calif., on motion of Mr. Nathan J. Roberts, were admitted to practice.

ORAL ARGUMENT

No. 94. National Labor Relations Board, petitioner, *v.* Florida Citrus Canners Cooperative. Argument continued by Mr. Norton J. Come for the petitioner and concluded by Mr. O. R. T. Bowden for the respondent.

No. 113. Buford Malone, Jr., petitioner, *v.* James A. Bowdoin et al. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. William Buford Mitchell for the respondents.

No. 400. Central Railroad Company of Pennsylvania, appellant, *v.* Pennsylvania. Argued by Mr. Roy J. Keefer for the appellant and by Mr. George W. Keitel for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 21, will be as follows: Nos. 173, 144, 205, and 241.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Edward Moses Frye, of Oklahoma City, Okla., and Jules R. Teitler, of Brooklyn, N. Y., on motion of Mr. Solicitor General Archibald Cox; Harry V. Cheshire, Jr., of Los Angeles, Calif., on motion of Mr. Thomas H. Kuchel; Fred B. Werkenthin, of Austin, Tex., and Bob Eric Shannon, of Austin, Tex., on motion of Mr. William Ramsey Clark; Hollie G. McClain, of Gilmer, Tex., and Franklin M. Depew, of New York, N. Y., on motion of Mr. W. Graham Claytor, Jr.; Harry Alvan Baird, of Williamsport, Pa., on motion of Mr. I. Martin Leavitt; Castle William Jordan, of Coral Gables, Fla., on motion of Mr. David Grant Macdonald; Robert Coleman Gay III, of Austin, Tex., on motion of Mr. Monroe H. Freedman; James O. Hewitt, of San Diego, Calif., on motion of Mr. Lee I. Park; Kenneth W. Green, of Minneapolis, Minn., on motion of Mr. Lawrence C. Merthan; William D. Spears, of Onida, S. Dak., on motion of Mr. Segurd Anderson; and Richard Keshian, of Arlington, Mass., on motion of Mr. Paul St. Amour, were admitted to practice.

ORAL ARGUMENT

No. 173. United States, appellant, *v.* National Dairy Products Corp. et al. Argued by Mr. Solicitor General Cox for the appellant and by Mr. John T. Chadwell for the appellees.

No. 144. State Board of Insurance et al., petitioners, *v.* Todd Shipyards Corporation. Argued by Mr. Bob E. Shannon and Mr. Fred B. Werkenthin for the petitioners and by Mr. Charles R. Vickery, Jr., for the respondent.

No. 205. J. W. Free, petitioner, *v.* James F. Bland. Argued by Mr. W. Graham Claytor, Jr., for the petitioner and by Mr. Olin P. McWhirter for the respondent.

No. 241. Sunkist Growers, Inc., et al., petitioners, *v.* Winckler & Smith Citrus Products Co. et al. Argument commenced by Mr. Herman F. Selvin for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 22, will be as follows: Nos. 241, 222, 323, and 278.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Irving Kator, of Washington, D.C., Peter H. Behr, of San Francisco, Calif., Solomon Papperman, of Washington, D.C., Harvey B. Nachman, of San Juan, P.R., and Franklin S. Chalmers, of Atlanta, Ga., on motion of Mr. James H. Falloon, Jr.; Edward A. Rauscher, of Seattle, Wash., and N. Richard Smith, of San Francisco, Calif., on motion of Mr. Harold I. Baynton; Robert E. Burns, of New York, N.Y., on motion of Mr. Dwight D. Taylor; George John Phocas, of New York, N.Y., on motion of Mr. Frederick Riley Blackwell; and Glen Paschall, of Washington, D.C., and Eugene Albert Ross, of Washington, D.C., on motion of Mr. Thomas P. Kerester, were admitted to practice.

ORAL ARGUMENT

No. 241. Sunkist Growers, Inc., et al., petitioners, *v.* Winckler & Smith Citrus Products Co. et al. Argument continued by Mr. Herman F. Selvin for the petitioners and by Mr. William C. Dixon for the respondents and concluded by Mr. Herman F. Selvin for the petitioners.

No. 222. National Labor Relations Board, petitioner, *v.* Benne Katz et al. Argued by Mr. Solicitor General Cox for the petitioner and by Mr. Sidney O. Raphael for the respondents.

No. 323. Clifford Vaughan, petitioner, *v.* N. J. Atkinson, etc., et al. Argued by Mr. Jacob L. Morewitz for the petitioner and by Mr. Walter B. Martin, Jr., for the respondents.

No. 278. William Presser, petitioner, *v.* United States. Argument commenced by Mr. John G. Cardinal for the petitioner.

Adjourned until Monday, March 26, at 10 o'clock.

The day call for Monday, March 26, will be as follows: Nos. 278, 264, and 358.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Frank F. Chuman, of Los Angeles, Calif., Harry Brisacher, Jr., of Los Angeles, Calif., and Lawrence Ripes, of Chicago, Ill, on motion of Mr. Solicitor General Archibald Cox; Thomas Stephen Foley, of Spokane, Wash., and Stanton Pavian Sender, of Seattle, Wash., on motion of Mr. Henry M. Jackson; Ruth I. Abrams, of Newton, Mass., on motion of Mr. Richard J. Medalie; Walter Emmett Perry, Jr., of Birmingham, Ala., on motion of Mr. Wiley S. Messick; Louis Wilson Cook, of Beverly Hills, Calif., on motion of Mr. Fulton M. Brylawski; Donald J. Bradshaw, of Inverness, Fla., on motion of Mr. Gordon G. Oldham, Jr.; William W. Halper, of Miami Beach, Fla., on motion of Mr. Morris Kanfer; Emmett E. Batson, of Baton Rouge, La., on motion of Mr. Chapman L. Sanford; Raymond T. Munsell, of New York, N.Y., and Thomas Tilley Adams, of New York, N.Y., on motion of Mr. Kenneth Wm. Greenawalt; Tom F. Phillips, of Baton Rouge, La., on motion of Mr. Benjamin Brown Taylor, Jr.; E. Arthur Thompson, of Philadelphia, Pa., on motion of Mr. William P. MacCracken, Jr.; and Emory C. Risley, of Newark, N.J., Burtis W. Horner, of Newark, N.J., and Arthur C. Dwyer, of Newark, N.J., on motion of Mr. Harry Tyson Carter, were admitted to practice.

OPINIONS

No. 6. Charles W. Baker et al., appellants, *v.* Joe C. Carr et al. Appeal from the United States District Court for the Middle District of Tennessee. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 14. Harold Beck Kesler, appellant, *v.* Department of Public Safety, Financial Responsibility Division, State of Utah. Appeal from the United States District Court for the District of Utah.

Judgment affirmed. Opinion by Mr. Justice Frankfurter. Opinion by Mr. Justice Stewart concurring in part. Dissenting opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Mr. Justice Whittaker took no part in the consideration or decision of this case.

No. 84. Jesse Turner, appellant, *v.* City of Memphis et al. Appeal from the United States District Court for the Western District of Tennessee. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit prior to judgment, certiorari is granted. On writ of certiorari to to the Court of Appeals, judgment of the District Court vacated and case remanded to that Court with directions to enter a decree granting appropriate injunctive relief against the discrimination complained of. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Whittaker 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."

ORDER IN PENDING CASE

No. 469. Inces Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. The motion of The Republic of Liberia for leave to file brief, as *amicus curiae*, is granted.

CERTIORARI GRANTED

No. 89. Doyle Smith, petitioner, *v.* Evening News Association. Petition for writ of certiorari to the Supreme Court of Michigan granted. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI DENIED

No. 660. Texaco Puerto Rico, Inc., petitioner, *v.* Justino V. Armaiz et al. Petition for writ of certiorari to the Supreme Court and the Superior Court of Puerto Rico denied.

No. 673. Margaret Nugent, petitioner, *v.* Yellow Cab Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 689. Joseph P. Lewis and William C. Murray, Jr., etc., et al., petitioners, *v.* Thomas J. Fitzgerald, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 708. Montour Railroad Company, Inc., petitioner, *v.* Louis E. Zimmerman. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 709. B. Nathaniel Richter et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 713. Edwin Murray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 718. The Eagle-Picher Company, petitioner, *v.* Myra Haynes et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 719. S. Harvey Klein, petitioner, *v.* Irving Herman. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 724. John P. Andrews et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 736. Whitefish Lumber Co., petitioner, *v.* Industrial Supply Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 559. Choctawhatchee Electrical Co-Operative, Inc., petitioner, *v.* Ray E. Green, Comptroller of the State of 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. 652. E. E. R. Shapiro et al., petitioners, *v.* Commissioner of Internal Revenue. 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. 717. Paul Crump, petitioner, *v.* Frank G. Sain, Sheriff. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 744. Union Leader Corporation, etc., petitioner, *v.* Roger H. Chagnon, etc. Petition for writ of certiorari to the Supreme Court of New Hampshire denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 480, Misc. Thomas M. McCallum, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 509, Misc. Henry R. Anderson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 705, *Misc.* Clifford Valentine, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 812, *Misc.* Miles Raymond Baggett, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 815, *Misc.* Ex parte Everett J. Blakely, Jr., petitioner. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 836, *Misc.* Robert M. Wolfe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 863, *Misc.* Robert Roy Peters, petitioner, *v.* New Mexico et al. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 869, *Misc.* Walter Spencer, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 871, *Misc.* Manuel Ramirez, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 925, *Misc.* Earl Henry Turnbaugh, petitioner, *v.* Ross V. Randolph, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 930, *Misc.* Roosevelt Lipscomb, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 932, *Misc.* Thomas C. Springer, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Superior Court of Connecticut denied.

No. 933, *Misc.* William F. Flowers, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Superior Court of Connecticut denied.

No. 848, *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 Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1078, *Misc.* Eddie Lee White, petitioner, *v.* J. C. Taylor, Warden. Motion for leave to file petition for writ of habeas corpus denied.

No. 1021, Misc. Stanley Marsh, petitioner, *v.* William H. Bannan, Warden. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

REHEARINGS DENIED

- No. 647. Jack Anthony Gullo, petitioner, *v.* Miriam Anne Gullo;
No. 212, Misc. Homer R. Clinton, petitioner, *v.* United States;
No. 574, Misc. William Banks, petitioner, *v.* United States;
No. 659, Misc. Henry Sliva, petitioner, *v.* Pennsylvania et al.;
No. 699, Misc. Leonard Ewing Scott, petitioner, *v.* Superior Court of the County of Los Angeles;
No. 819, Misc. Leonard Ewing Scott, petitioner, *v.* Citizens National Trust & Savings Bank of Los Angeles et al.; and
No. 835, Misc. Jack Rainsberger, appellant, *v.* W. E. Leypoldt, Sheriff of Clark County. Petitions for rehearing denied.

Mr. Justice Whittaker took no part in the consideration or decision of cases in which orders are this day announced.

ORAL ARGUMENT

No. 278. William Presser, petitioner, *v.* United States. Argument continued by Mr. John G. Cardinal for the petitioner, by Mr. Richard J. Medalie for the respondent, and concluded by Mr. John G. Cardinal for the petitioner.

No. 264. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana. Argument commenced by Mr. Benjamin B. Taylor, Jr., for the appellant.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 27, will be as follows: Nos. 264, 358, 255, and 256.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Norman E. Green, of Tucson, Ariz., on motion of Mr. Estes Kefauver; Joseph Raymond Siener, of Chattanooga, Tenn., Harold Eugene Brown, of Chattanooga, Tenn., and Joe Van Derveer, of Chattanooga, Tenn., on motion of Mr. James B. Frazier, Jr.; Marion T. Key, of Lubbock, Tex., on motion of Mr. George H. Mahon; Heywood H. Davis, of Kansas City, Mo., on motion of Mr. Robert F. Ellsworth; Orville I. Wright, of San Francisco, Calif., on motion of Mr. Charles Sylvanus Rhyne; Cameron I. Kay, of New York, N.Y., on motion of Mr. Robert Reed Gray; Roger Frederick Bley, of Milligan College, Tenn., on motion of Mr. Rudolph S. Bley; William I. McCullough, Jr., of Washington, D.C., on motion of Mr. Laurence P. Johnson; Edward J. Hammer, of Kohler, Wis., on motion of Mr. Lyman C. Conger; and Patrick M. Westfeldt, of Denver, Colo., on motion of Mr. Guy Farmer, were admitted to practice.

ORAL ARGUMENT

No. 264. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana. Argument continued by Mr. Benjamin B. Taylor, Jr., for the appellant, by Mr. Chapman L. Sanford for the appellee, and concluded by Mr. Benjamin B. Taylor, Jr., for the appellant.

No. 358. Laureano Maysonet Guzman, petitioner, *v.* Ramon Ruiz Pichirilo. Argued by Mr. Harvey B. Nachman for the petitioner and by Mr. Seymour P. Edgerton for the respondent.

No. 255. United States, petitioner, *v.* Don Gilmore et al. Argument commenced by Mr. Wayne G. Barnett for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 28, will be as follows: Nos. 255, 256, 190 (and 268), 288, and 369.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

John Roger Bissett, of Reno, Nev., on motion of Mr. Alan Bible; Richard F. Broz, of Seattle, Wash., on motion of Mr. Thor C. Tollefson; Paul J. Gnau, of Cleveland, Ohio, on motion of Mr. William E. Minshall; George W. Beatty, of Washington, D.C., on motion of Mr. Bruce J. Terris; Daniel J. Harnett, of Los Angeles, Calif., and Raymond A. LaFazia, of Providence, R.I., on motion of Mr. Alan Y. Cole; Martin D. Cohen, of Newark, N.J., on motion of Mr. Louis J. Cohen; and John J. Cotter, of Bridgeport, Conn., on motion of Mr. Paul R. Dean, were admitted to practice.

ORAL ARGUMENT

No. 255. United States, petitioner, *v.* Don Gilmore et al. Argument continued by Mr. Wayne G. Barnett for the petitioner, by Mr. Eli Freed for the respondents, and concluded by Mr. Wayne G. Barnett for the petitioner. Memorandum to come.

No. 256. United States, petitioner, *v.* Talbot Patrick et al. Argued by Mr. Wayne G. Barnett for the petitioner and by Mr. Robert M. Ward for the respondents.

No. 190. United States, petitioner, *v.* Thomas Crawley Davis et al.; and

No. 268. Thomas Crawley Davis et al., petitioners, *v.* United States. Argued by Mr. I. Henry Kutz and Mr. Harold C. Wilkenfeld for the petitioner in No. 190 and for the respondent in No. 268 and by Mr. Converse Murdoch for the respondents in No. 190 and for the petitioners in No. 268.

No. 288. In the Matter of the Determination of Good Moral Character of Michael Zipkin, petitioner. Argument commenced by Mr. Heywood H. Davis for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 29, will be as follows: Nos. 288, 369, 384, and 479.

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

John M. Seus, of Washington, D.C., on motion of Mr. Wayne Lyman Morse; Jack C. Caldwell, of Franklin, La., on motion of Mr. Stuart B. Johnson, Jr.; James Irwin Wood, of Macon, Ga., and Charles Edward Wood, of Atlanta, Ga., on motion of Mr. Milton Kramer; Wolf Haber, of Alexandria, Va., on motion of Mr. Arthur D. Holzman; David Arvid Sutherland, of Washington, D.C., on motion of Mr. Peter T. Beardsley; Nelson E. Kimmelman, of Philadelphia, Pa., on motion of Mr. George Speigel; Frederick William Hess, of Altadena, Calif., on motion of Mr. Daniel F. Boone; and Allen Sharp, of Williamsport, Ind., on motion of Mr. Earl W. Kintner, were admitted to practice.

ORAL ARGUMENT

No. 288. In the Matter of the Determination of Good Moral Character of Michael Zipkin, petitioner. Argument continued by Mr. Richmond C. Coburn for the respondent and concluded by Mr. Heywood H. Davis for the petitioner.

No. 369. James I. Wood, petitioner, *v.* Georgia. Argued by Mr. Milton Kramer for the petitioner and by Mr. E. Freeman Leverett for the respondent.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* Sally L. Bilder, etc. Argued by Mr. Stephen J. Pollak for the petitioner and by Mr. Martin D. Cohen for the respondent.

No. 479. Wong Sun and James Wah Toy, petitioners, *v.* United States. Argument commenced by Mr. Edward Bennett Williams for the petitioners.

Adjourned until Monday, April 2, at 10 o'clock.

The day call Monday, April 2, will be as follows: Nos. 479, 236, 468, and 396.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

The Chief Justice said:

"With the concurrence of all my colleagues, I announce with regret the retirement from this Court of Mr. Justice Whittaker, effective April 1, 1962, in accordance with the provisions of Section 372 (a) of Title 28, United States Code.

"In the past five years he has worked to the point of physical exhaustion, and his doctors have advised him that continued service on the Court would seriously impair his health. He and we bow to the necessity of the situation in the hope and expectation that complete rest and relaxation will restore his vigor.

"Justice Whittaker leaves the Court with the affection of all his colleagues, and I am sure with the satisfaction that flows from the years of diligent and patriotic service he has given to the Nation.

"Our appreciation of that service and our friendship for him are more adequately expressed in a letter to him in response to his letter of retirement, both of which will be spread upon the Minutes of the Court."

ORDER

It is ordered by the Court that the accompanying correspondence between members of the Court and Mr. Justice Whittaker upon his retirement as an Associate Justice of the Court be this day spread upon the record, and that it also be printed in the reports of this Court.

SUPREME COURT OF THE UNITED STATES

WASHINGTON 25, D.C.

MARCH 29, 1962

CHAMBERS OF

JUSTICE CHARLES E. WHITTAKER

MY DEAR BRETHREN:

This is in confirmation of my retirement from regular active service as an Associate Justice of this Court, pursuant to the provisions of Section 372 (a) of Title 28, United States Code, effective April 1, 1962. I have taken this action with regret but in accordance with competent medical advice and with a desire to serve the best interests of all concerned.

I deeply appreciate the privilege which has been mine of serving the people of the United States upon the Federal Judiciary for nearly eight years, the last five as a member of this Court, to the best of my ability. I also wish to express my most cordial regards and genuine affection for every member of the Court with whom I have served and to thank each of them and all members of the Court staff for uniformly courteous and helpful cooperation.

I will always be warmly interested in the welfare of every member of the Court and shall endeavor in every way possible to serve its best interest.

Very sincerely,

CHARLES E. WHITTAKER

THE CHIEF JUSTICE
MR. JUSTICE BLACK
MR. JUSTICE FRANKFURTER
MR. JUSTICE DOUGLAS
MR. JUSTICE CLARK
MR. JUSTICE HARLAN
MR. JUSTICE BRENNAN
MR. JUSTICE STEWART

SUPREME COURT OF THE UNITED STATES
WASHINGTON 25, D.C.
MARCH 30, 1962

CHAMBERS OF
THE CHIEF JUSTICE

HONORABLE CHARLES E. WHITTAKER,
Associate Justice of the Supreme Court,
Washington, D. C.

DEAR JUSTICE WHITTAKER:

It is with the utmost reluctance that we bow to the necessity of your retirement as an Associate Justice of this Court.

As you know, we had hoped it could have been otherwise, and that to regain your strength you would permit us to absorb amongst ourselves your work for the remainder of the Term. Your doctors have decided that this would not be consistent with your future well-being, that excessive work is responsible for your physical exhaustion, and that only complete rest and relaxation can restore your vigor. We submit, as you properly did, to that advice. In fairness to your family, neither you nor we have the right to insist that you continue to do that which would seriously impair your health.

Our five years of association with you have been in the finest traditions of the Court. No Justice could have worked harder or in more complete harmony with his Brethren. We shall miss your kindly

advice, but absence from our conference table cannot affect our attachment to you. That we will retain always.

We wish for you a complete restoration of health and the many years of happiness to which your conscientious service to your country so justly entitles you.

Sincerely,

EARL WARREN
 HUGO L. BLACK
 FELIX FRANKFURTER
 W. O. DOUGLAS
 TOM C. CLARK
 JOHN M. HARLAN
 WILLIAM J. BRENNAN, JR.
 POTTER STEWART

ADMISSIONS TO THE BAR

William D. Kloss, of Columbus, Ohio, Lewis A. Ondis, of Indianapolis, Ind., John F. Doherty, of Arlington, Va., Kenneth Edward Tone, of Sandusky, Ohio, Stuart L. Simon, of Miami, Fla., David James Sharpe, of Washington, D.C., Robert Livingston, of Washington, D.C., Douglas Clyde Stone, of Columbus, Miss., John Donald Harnishfeger, of Lima, Ohio, James Torke Locke, of Milwaukee, Wis., Corliss V. Jensen, of Medford, Wis., Robert O. Donnelly, of New York, N.Y., Thomas A. Diskin, of New York, N.Y., Willard W. Cass, Jr., of Jamestown, N.Y., Charles E. Pealer, of Warren, Ohio, Bernard E. Reisman, of Warren, Ohio, Edward L. Fairbanks, of Warren, Ohio, John W. Titoras, of Warren, Ohio, Albert W. Marowitz, of Warren, Ohio, Robert Alexander Nader, of Warren, Ohio, Melvin James Woodford, of Warren, Ohio, John Masternick, of Warren, Ohio, Donald J. DelBene, of Warren, Ohio, Bernard Wayne Rosenberg, of Warren, Ohio, Robert Montgomery Platt, Sr., of Warren, Ohio, Charles F. Atkinson, of Warren, Ohio, David M. Sieman, of Warren, Ohio, Bert Whitman, of Warren, Ohio, John Richard Spain, of Warren, Ohio, Paul George Nader, of Warren, Ohio, James George Annos, of Warren, Ohio, Steven Peter Yashnik, of Warren, Ohio, Fully R. Spain, of Warren, Ohio, Joseph M. Saker, Jr., of Warren, Ohio, Dominick J. LaPolla, of Niles, Ohio, and Mitchell F. Shaker, of Niles, Ohio, on motion of Mr. Solicitor General Archibald Cox; John W. Armagost, of Washington, D.C., on motion of Mr. John Lord O'Brian; Virginia Hash, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Jack McManus, of Madison, Wis., on motion of Mr. Robert W. Kastenmeier; Jefferson Lewis, of Petersburg, Ill., on motion of Mr. William Lee Springer; Frank O. House, of Birmingham, Ala., on mo-

tion of Mr. Maurice Francis Biddle; David Noah Fields, of New York, N.Y., on motion of Mr. Morton E. Yohalem; William J. Vitale, Jr., of New Hyde Park, N.Y., on motion of Mr. Bertram B. Daiker; George T. Schilling, of Lafayette, Ind., and John F. Bodle, of Lafayette, Ind., on motion of Mr. Earl W. Kintner; Donald A. Scott, of Philadelphia, Pa., on motion of Mr. William W. Ross; Milton N. Sherman, of Los Angeles, Calif., on motion of Mr. John L. Flynn; Sylvia Copaken, of Kansas City, Mo., on motion of Mr. Albert Copaken; Tom Bark Kretsinger of Kansas City, Mo., on motion of Mr. Carll V. Kretsinger; Charles R. Larouche, of Boston, Mass., on motion of Mr. Maurice C. Goodpasture; Irving Lang, of New York, N.Y., Robert Popper, of New York, N.Y., Barbara A. Lindemann, of New York, N.Y., Carl A. D'Angelo, of New York, N.Y., Norman G. Sade, of New York, N.Y., and Peter J. O'Connor, of New York, N.Y., on motion Mr. H. Richard Uviller; Agnes Folk Nolan, of New York, N.Y., and Richard Edward Nolan, of New York, N.Y., on motion of Mr. Porter R. Chandler; David Kuechle, of Wausau, Wis., on motion of Mr. Raymond Miller; and Joseph A. Baum, of Flushing, N.Y., Ralph L. Pliskin, of Flushing, N.Y., Stanley Shaw, of Flushing, N.Y., William L. Thoma, of Flushing, N.Y., Harold L. Sokoloff, of Flushing, N.Y., Howard Stephen Dorris, of Flushing, N.Y., Franklin Miller, of Flushing, N.Y., Peter Kaiser, of Flushing, N.Y., Franklin F. Regan, Jr., of Flushing, N.Y., Robert E. Sparrow, of Flushing, N.Y., Sidney M. Spero, of Jamaica, N.Y., Morris Carl Schneidkraut, of Jamaica, N.Y., John D. Sakona, of Jamaica, N.Y.; Justin L. Cooper, of Jamaica, N.Y., Charles I. Okrent, of Jamaica, N.Y., Lawrence L. Hammer, of Bayside, N.Y., Kenneth Koopersmith, of Bayside, N.Y., Thomas P. Schnitzler, of Bayside, N.Y., Paul Ira Auerbach, of Bronx, N.Y., Harry W. Turkel, of Bronx, N.Y., Herbert Morton Jacobowitz, of Far Rockaway, N.Y., William Katz, of Far Rockaway, N.Y., Jacob S. Schulman, of Kew Gardens Hills, N.Y., Melvin C. Schwartz, of Kew Gardens Hills, N.Y., Bert Vladimir, of Kew Gardens, N.Y., Jules J. Haskel, of Kew Gardens, N.Y., Howard L. Greenberger, of Kew Gardens, N.Y., Stanley R. Schulman, of Queens Village, N.Y., Solomon L. Levine, of Queens Village, N.Y., Martin Rodell, of Queens Village, N.Y., Edwin Kassoff, of Little Neck, N.Y., Sidney G. Sparrow, of Little Neck, N.Y., Martha K. Zelman, of Holliswood, N.Y., Marilyn P. Zeitlan, of Forest Hills, N.Y., Max L. Alpern, of Fresh Meadows, N.Y., Joseph Trachtenberg, of Brooklyn, N.Y., Edward John Quinlan, of Astoria, N.Y., Marcus E. Powers, of Spring Valley, N.Y., Malachy J. Wade, of Middle Village, N.Y., and Jacob Gold, of Long Island City, N.Y., on motion of Mr. George J. Balbach, were admitted to practice.

OPINIONS

No. 20. Dean Rusk, Secretary of State, appellant, *v.* Joseph Henry Cort. Appeal from the United States District Court for the District of Columbia. The order of the District Court denying the motion to dismiss is affirmed. With respect to the other issues presented by this appeal, the case is set for reargument during the October Term, 1962, to follow No. 19. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Frankfurter and Mr. Justice Clark join.

No. 282. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Harlan concurs in the result. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Frankfurter 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. 288. In the Matter of the Determination of Good Moral Character of Michael Zipkin, petitioner. On writ of certiorari to the Supreme Court of Missouri. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam*. The Chief Justice and Mr. Justice Douglas dissent.

No. 297. Luther F. Grant et al., petitioners, *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. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to dismiss the appeal. Opinion *per curiam*.

No. 317. James Murphy et al., petitioners, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to dismiss the appeal. Opinion *per curiam*. Mr. Justice Black dissents.

No. 425. William H. "Bill" Cross et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. Appeal dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 687. A. Cheney Greene et al., petitioners, *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. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals with instructions to dismiss the appeal. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 19. Robert F. Kennedy, Attorney General of the United States, appellant, *v.* Francisco Mendoza-Martinez;

No. 44. National Association for the Advancement of Colored People, etc., petitioner, *v.* Frederick T. Gray, Attorney General of Virginia, et al.;

No. 70. Theodore R. Gibson, petitioner, *v.* Florida Legislative Investigation Committee; and

No. 76. Charles Townsend, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, et al. These cases are restored to the calendar for reargument.

No. 90. Mercantile National Bank at Dallas, appellant, *v.* C. H. Langdeau, Receiver; and

No. 91. Republic National Bank of Dallas, appellant, *v.* C. H. Langdeau, Receiver. These cases are restored to the calendar for reargument and are placed on the summary calendar. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 173. United States, appellant, *v.* National Dairy Products Corp., et al.;

No. 255. United States, petitioner, *v.* Don Gilmore et al.:

No. 256. United States, petitioner, *v.* Talbot Patrick et al.;

No. 264. Halliburton Oil Well Cementing Company, appellant, *v.* James S. Reily, Collector of Revenue, State of Louisiana; and

No. 278. William Presser, petitioner, *v.* United States. These cases are restored to the calendar for reargument and placed on the summary calendar.

APPEAL—JURISDICTION NOTED

No. 735. United States, appellant, *v.* Ralph L. Sampson et al. Appeal from the United States District Court for the Northern District of Georgia. The motion to remand is denied. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 739. Irving J. Wolf et al., petitioners, *v.* Arnold A. Weinstein et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 366. H. P. Dugan et al., petitioners, *v.* Everett G. Rank et al.; and

No. 606. City of Fresno, petitioner, *v.* California et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit granted. The Chief Justice took no part in the consideration or decision of these applications.

CERTIORARI DENIED

No. 34. George Saba et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 51. United Gas Pipe Line Company, petitioner, *v.* Ideal Cement Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 701. William Othar Kitchens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 725. Freddie Regaldo Torres, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 731. Citizens Utilities Co., petitioner, *v.* Charles S. Prouty et al. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 732. Arthur Athens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 733. Paul De Lucia, petitioner, *v.* Wilbor T. Flagg. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 737. Northern Virginia Sun Publishing Company, etc., 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.

No. 742. Tony Campos Mejia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 727. Washington State Board against Discrimination et al., petitioners, *v.* John J. O'Meara et al.; and

No. 730. Robert L. Jones et al., petitioners, *v.* John J. O'Meara et al. Petitions for writs of certiorari to the Supreme Court of Washington denied. The Chief Justice and Mr. Justice Stewart are of the opinion that certiorari should be granted, the judgment vacated and the cases remanded to the Supreme Court of Washington to ascertain whether such judgment was based upon a nonfederal ground adequate to support it.

No. 734. Delaware Valley Marine Supply Company, petitioner, *v.* The America Tobacco Company 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. 474, **Misc.** Joseph Harrell, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 510, **Misc.** Edward Muza, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 596, **Misc.** George R. Barber, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 671, **Misc.** Myles Washington, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 921, **Misc.** Storewest J. Flournoy, 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. 924, **Misc.** Grover Sweeney, petitioner, *v.* Illinois. Petition writ for certiorari to the Circuit Court Morgan County of Illinois denied.

No. 936, **Misc.** Robert Cleggett, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 937, **Misc.** Douglas L. Burt, petitioner, *v.* William Keating. Petition for writ of certiorari to the Supreme Court of California denied.

No. 938, **Misc.** Harry Edwards, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution at Graterford. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 939, **Misc.** Lawrence Mills, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 941, **Misc.** Debs Crawford, petitioner, *v.* Jack F. Heard, Director, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 942, *Misc.* Harvey Leroy Baker, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 943, *Misc.* Jesse C. Stinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 944, *Misc.* Joseph Sumpter, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 945, *Misc.* Donald W. Fleischer, petitioner, *v.* District Court of Appeals, Third Appellated District. Petition for writ of certiorari to the Supreme Court of California denied.

No. 947, *Misc.* Eddie Lee Turner, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 948, *Misc.* John Williams, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 949, *Misc.* Clem W. Walker, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 953, *Misc.* Curtis W. Allen, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 29, *Misc.* Oby Burks, 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. 521, *Misc.* Ernest Joseph Mills, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 581, *Misc.* Robert William Crawford, petitioner, *v.* Circuit Court of Kalamazoo 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, the judgment vacated and the case remanded to the District Court for a hearing on the issue of the alleged illegal search and seizure.

No. 1085, *Misc.* Adrian Johnson, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. 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 limited to the question of the alleged coerced confession.

REHEARINGS DENIED

No. 616. G. S. Sinclair, et al., petitioners, *v.* California et al.;

No. 624. John R. Hendrickson, petitioner, *v.* United States;

No. 636. Abraham Teitelbaum, petitioner, *v.* Commissioner of Internal Revenue;

No. 635, *Misc.* Willis Levi Stanmore, petitioner, *v.* Colorado;

No. 655, *Misc.* Bernard Thomas O'Rourke, petitioner, *v.* New York;

No. 700, *Misc.* Harry E. Johnson, appellant, *v.* Garrie Horton;

No. 866, *Misc.* Leonard Ewing Scott, petitioner, *v.* Superior Court of Los Angeles County; and

No. 901, *Misc.* Bernard M. Shotkin, petitioner, *v.* Warren Olney III, etc., et al. Petitions for rehearing denied.

No. 714, *Misc.* William C. Coleman, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Douglas is of the opinion that a response to the petition should be requested under Rule 58 (3).

ORDER

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices 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, Felix Frankfurter, 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, Tom C. Clark, Associate Justice,

For the Eighth Circuit, Tom C. Clark, Associate Justice,

For the Ninth Circuit, William O. Douglas, Associate Justice,

For the Tenth Circuit, William O. Douglas, Associate Justice.

RECESS ORDER

The Court will take a recess from Tuesday, April 3, until Monday, April 9.

ORAL ARGUMENT

No. 479. Wong Sun and James Wah Toy, petitioners, *v.* United States. Argument continued by Mr. Edward Bennett Williams for the petitioners, by Mr. Solicitor General Cox for the respondent and concluded by Mr. Edward Bennett Williams for the petitioners.

No. **236**. Harry Lanza, petitioner, *v.* New York. Argued by Mr. Leo Pfeffer and Mr. Jacob D. Fuchsberg for the petitioner and by Mr. H. Richard Uviller for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 3, will be as follows: Nos. **468**, **396**, **422**, and **604**.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

H. Herschel Hunt, of Youngstown, Ohio, on motion of Mr. Edward G. Hudon; Richard Whittington Whitlock, of Washington, D.C., on motion of Mr. John L. Laskey; Arthur Harold Bernstein, of Miami, Fla., on motion of Mr. David G. Macdonald; Irving M. Tuller, Jr., of Washington, D.C., on motion of Mr. George Raymond Jones; John C. Emery, Jr., of Birmingham, Mich., on motion of Mr. John Holt Myers; John Baker Bamberg, of Orlando, Fla., on motion of Mr. William T. McInarnay; and John A. Ward III, of Villanova, Pa., on motion of Mr. Robert E. May, were admitted to practice.

ORAL ARGUMENT

No. 468. Steven I. Engel et al., petitioners, *v.* William J. Vitale, Jr., et al. Argued by Mr. William J. Butler for the petitioners, by Mr. Bertram B. Daiker for the respondents, William J. Vitale, Jr., et al., constituting the Board of Education of Union Free School District Number Nine, New Hyde Park, New York, and by Mr. Porter R. Chandler for intervenors-respondents, Henry Hollenberg et al.

No. 396. C. J. D. Rudolph et al., petitioners, *v.* United States. Argued by Mr. Richard A. Freling for the petitioners and by Mr. John B. Jones, Jr., for the respondent.

No. 422. William Link, petitioner, *v.* Wabash Railroad Company. Argued by Mr. Jay E. Darlington for the petitioner and by Mr. John F. Bodle for the respondent.

Adjourned until Monday, April 9, at 10 o'clock.

The day call for Monday, April 9, will be as follows: Nos. 312, 475, 478.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Harry Friberg, of Toledo, Ohio, Paul B. Pressman, of Hawthorne, Calif., and Frank W. Elliott, Jr., of Austin, Tex., on motion of Mr. Solicitor General Archibald Cox; Robert Steel, of Nashville, Ark., on motion of Mr. John L. McClellan; Harry Pregerson, of Van Nuys, Calif., on motion of Mr. James C. Corman; J. F. Brauer, of Arvada, Colo., on motion of Mr. Will Shafroth; James Clifton Barton, of Birmingham, Ala., on motion of Mr. Wiley S. Messick; Patrick C. O'Donoghue, of Washington, D.C., and Joseph J. Endres, Jr., of Albany, N.Y., on motion of Mr. William J. Hughes, Jr.; Alan G. Hurth, of Pelham, N.Y., on motion of Mr. James H. Pipkin; Arthur Karma, of Los Angeles, Calif., on motion of Mr. Lenox G. Cooper; Frank J. Healy, of Salem, Oreg., and Bernard G. Lonctot, of Olympia, Wash., on motion of Mr. Charles H. Heltzel; Edward H. Weeby, of Highland Park, Mich., on motion of Mr. William John McMahan; Ivan Eugene Lawrence, of Los Angeles, Calif., on motion of Mr. Robert W. Barker; John Nelson Washburn, of Washington, D.C., on motion of Mr. Herbert K. Reis; Richard H. Riddell, of Seattle, Wash., on motion of Mr. Daniel M. Gribbon; George E. Joannides, of Washington, D.C., on motion of Mr. George James Charles; Bernard J. Beazley, of York, Pa., on motion of Mr. Kelley Edward Griffith; and Daniel Robert Minnick, of Scranton, Pa., on motion of Mr. William A. Kehoe, Jr., were admitted to practice.

OPINION

No. 77. National Labor Relations Board, petitioner, *v.* Walton Manufacturing Company et al.; and

No. 94. National Labor Relations Board, petitioner, *v.* Florida Citrus Canners Cooperative. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Frankfurter with whom Mr. Justice Harlan 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.

OPINION PER CURIAM

No. 29. Kerr Steamship Company, Inc., et al., petitioners, *v.* United States 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. On writ of certiorari, judgment vacated and case remanded to that Court with instructions to dismiss the petition for review as moot. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 142. Shotwell Manufacturing Company et al., petitioners, *v.* United States. The motion of petitioners to postpone oral argument is granted.

CERTIORARI DENIED

No. 683. Raul Pinto et al., petitioners, *v.* States Marine Corporation of Delaware et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 720. Gulf Bottlers, 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. 738. Melville Harris, as Trustee in Bankruptcy, etc., petitioner, *v.* Standard Accident and Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 745. Order of Railway Conductors and Brakemen, etc., et al., petitioners, *v.* Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 746. Graziano Diminich, petitioner, *v.* P. A. Esperdy, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 752. Dai Ming Shih et al., petitioners, *v.* Robert F. Kennedy, 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. 703. Bert Franklin Mooring 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 is of the opinion that certiorari should be granted.

No. 570, **Misc.** Charles E. Martin, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 583, **Misc.** William M. Woodbury, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 682, **Misc.** Kenneth Wayne Etherton, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 916, **Misc.** Richard C. Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 917, **Misc.** Charles B. Patrick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 931, **Misc.** Lucas David Landry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 955, **Misc.** George L. Evans, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 959, **Misc.** Burton F. White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 960, **Misc.** John Thomas Hill, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 975, **Misc.** Joseph Badamo, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 977, **Misc.** Frank LeRoy Brewton, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

REHEARINGS DENIED

No. 540, **Misc.** Nick Tsimpides and Stavroula Drufakos, petitioners, *v.* Honorable Robert C. Giles, Judge, etc.; and

No. 763, **Misc.** R. E. Lipscomb, petitioner, *v.* United States of America Board of Parole. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Tuesday, April 10, until Monday, April 16.

ORAL ARGUMENT

No. 312. In the Matter of the Petition for a Writ of Habeas Corpus for Merritt W. Green II, petitioner. Argued by Mr. Merritt W. Green for the petitioner and by Mr. Ben Neidlinger for the respondent.

No. 475. Robert Elmer Gallegos, petitioner, *v.* Colorado. Argued by Mr. Charles S. Vigil for the petitioner and by Mr. John F. Brauer, Jr., for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 10, will be as follows: Nos. 478, 498, and 464.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

ADMISSIONS TO THE BAR

Wellington A. Newcomb, of New York, N.Y., Carl R. Abrams, of Charleston, W.Va., Garland H. Hope, of Maysville, Okla., William Patrick Green, of Columbus, Ohio, Carl A. Bertoch, of Columbus, Ohio, and Frederick S. Wyle, of San Francisco, Calif., on motion of Mr. Solicitor General Archibald Cox; Quentin N. Burdick, of Fargo, N. Dak., and John Foley Lord, of Arlington, Va., on motion of Mr. Lee Metcalf; Graham B. Purcell, Jr., of Wichita Falls, Tex., on motion of Mr. Ralph W. Yarborough; Jesse Lanier Warren, of Greensboro, N.C., on motion of Mr. Horace Robinson Kornegay; Norman E. Routzohn, of Dayton, Ohio, on motion of Mr. Jackson E. Betts; William J. Bate, of Paterson, N.J., on motion of Mr. Charles S. Joelson; Wallace J. Baker, Jr., of Cleveland, Ohio, on motion of Mr. Wallace J. Baker, Sr.; Felix Berger, of Baltimore, Md., Melvin R. Evans, of Baltimore, Md., Alfred V. Wooten, of Baltimore, Md., Isidore R. Hankin, of Baltimore, Md., and A. Vernon von Lindenbergh, of Baltimore, Md., on motion of Mr. W. Russell Mules; Charles Miller Babb, of Austin, Tex., on motion of Mr. Marion T. Bennett; Sam H. Boyce, of Tuckerman, Ark., on motion of Mr. Floyd Lee Williams; Richard J. Stull, of New York, N.Y., on motion of Mr. Leon R. Brooks; George E. Kehoe, Jr., of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Louis A. Pavlik, of Washington, D.C., on motion of Mr. Monte Taylor; Joe M. Holliman, of Tulsa, Okla., on motion of Mr. Bradford Ross; and Francis J. McConnell, of Chicago, Ill., on motion of Mr. Thomas C. McConnell, were admitted to practice.

ORAL ARGUMENT

No. 478. R. Milo Gilbert, petitioner, *v.* United States. Argued by Mr. Fred Okrand and Mr. Albert A. Dorn for the petitioner and by Mr. Kirby W. Patterson for the respondent.

No. 498. In the Matter of Criminal Contempt of Thomas C. McConnell, petitioner. Argued by Mr. Thomas C. McConnell for the petitioner and by Mr. Philip R. Monahan for the respondent.

No. 464. National Labor Relations Board, petitioner, *v.* Washington Aluminum Company. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. Robert R. Bair for the respondent.

Adjourned until Monday, April 16, at 10 o'clock.

The day call for Monday, April 16, will be as follows: Nos. 166, 488, 304, and 554.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart.

CERTIORARI DENIED

No. 853. Leo Daniel Luton, petitioner, *v.* Texas et al. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Frankfurter took no part in the consideration or decision of this motion and application.

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SUPREME COURT OF THE UNITED STATES

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

The Chief Justice said:

“The President, with the advice and consent of the Senate, has appointed the Honorable Byron R. White of Colorado, Deputy Attorney General of the United States, an Associate Justice of this Court to succeed Justice Whittaker. Justice White has taken the Constitutional Oath administered by the Chief Justice. 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 will escort him to his seat on the Bench.”

The Clerk then read the commission as follows:

“JOHN F. KENNEDY,

“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 Byron R. White of Colorado 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 fulfill 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 Byron R. White 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 twelfth day of April, in the year of our Lord one thousand nine hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

“JOHN F. KENNEDY.

“By the President:

“ROBERT F. KENNEDY,

“Attorney General.”

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

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

"I, Byron R. White, 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.

"BYRON R. WHITE.

"Subscribed and sworn to before me this 16th day of April A.D. 1962.

"EARL WARREN,
"Chief Justice."

"I, Byron R. White, 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 the laws of the United States.

"So help me God.

"BYRON R. WHITE.

"Subscribed and sworn to before me this 16th day of April A.D. 1962.

"JOHN F. DAVIS,
"Clerk of the Supreme Court of the United States."

ADMISSIONS TO THE BAR

Walter S. Haffner, of Cleveland, Ohio, Edwin O. Simon, of Miami, Fla., Arthur S. Margulis, of St. Louis, Mo., Sidney Salkin, of Philadelphia, Pa., Martin Carl Balke, of Cleveland, Ohio, William Leon Higgs, of Jackson, Miss., Ronald Richard Sogge, of Detroit, Mich., Jerald Noel Engstrom, of Washington, D.C., Harry D. Kempler, of Washington, D.C., David D. Pustilnik, of Washington, D.C., Peter Charles Bennett, of Washington, D.C., Henry Milton Switkay, of Mount Holly, N.J., Howard Lee Gillespie, of New York, N.Y., Leonard Hervey McCoy, of New York, N.Y., and Sidney Clay Freed, of Tallmadge, Ohio, on motion of Mr. Solicitor General Archibald Cox; Thomas N. Kelley, of Billings, Mont., on motion of Mr. Lee Metcalf; C. Wendell Martin, of Indianapolis, Ind., on motion of Mr. Jack R.

Miller; Thomas Walter Brown, of Albany, N.Y., on motion of Mr. Walter Rogers; Kenneth B. Bowen, of Northampton, Mass., on motion of Mr. Silvio O. Conte; John Milan Ashbrook, of Johnstown, Ohio, on motion of Mr. Robert F. Klepinger; Jack E. Goertzen, of Los Angeles, Calif., and William E. Doran, of Los Angeles, Calif., on motion of Mr. Charles Sylvanus Rhyne; John C. Bockius, of Wilmington, Del., on motion of Mr. Reginald Carl Harmon; Ellsworth W. Ginsberg, of St. Louis, Mo., on motion of Mr. Daniel M. Friedman; John Edward Davis, of Charleston, W. Va., on motion of Mr. William H. Deck; Adrien E. Laurencelle, Jr., of Floral Park, N.Y., on motion of Mr. Cyril F. Brickfield; Edward Joseph Stegemann, of Boston, Mass., on motion of Mr. Edward P. Morgan; Edward Martin Wall, of Washington, D.C., on motion of Mr. William Richardson Kenney; Sherlee Stanford Nelson, of Washington, D.C., and William E. Nelson, of Washington, D.C., on motion of Mr. Marvin C. Taylor; Melvin D. Goodman, of New York, N.Y., on motion of Mr. Edward R. Neaher; Gerald Saul Fisher, of Chevy Chase, Md., and Isadore L. Rosenblum, of Hull, Mass., on motion of Mr. Phil Fine; Richard Paul Crowley, of Boston, Mass., and John B. Cartafalsa, of New York, N.Y., on motion of Mr. C. Dinwiddie Stores; James E. Hastings, of Chicago, Ill., on motion of Mr. John T. Chadwell; George E. Lyman, of Sacramento, Calif., on motion of Mr. Glen A. Wilkinson; Bernard Segelin, of New York, N.Y., on motion of Mr. Robert D. Larson; Edward W. Brooke, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; Steven D. Arakie, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; and James P. Garner, of Cleveland, Ohio, on motion of Mr. Raymond T. Jackson, 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. Managed Funds, Incorporated, petitioner, *v.* J. John Brouk et al. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment vacated and case remanded to the District Court with directions to dismiss the cause of action as to the respondents. Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 705. General Finance Corporation, appellant, *v.* August Archetto. Appeal from the Supreme Court of Rhode Island and Providence Plantations. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable

jurisdiction should be noted. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 751. Raymond D. Brown, appellant, *v.* Sgt. James Ketch. Appeal from the Supreme Court of New Jersey. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 624, Misc. Neil Merle Smith, Edward Lee Counts and Donald Eugene Couch, appellants, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 851, Misc. Jerry Grabina, 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. On writ of certiorari, judgment vacated and case remanded to the District Court for resentencing. Opinion *per curiam*. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 920, Misc. G. W. Warren, appellant, *v.* J. Edwin Larson, as State Treasurer, Ex Officio Insurance Commissioner of the State of Florida. 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 Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 926, Misc. People of the State of New York ex rel. "Anonymous", appellant, *v.* Harry A. LaBurt, Director, Creedmoor State Hospital. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed. 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. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 617. George D. Ker et al., petitioners, *v.* California. The motion of petitioner for leave to proceed further herein *in forma pauperis* is granted.

No. 754. Wisconsin et al., petitioners, *v.* Federal Power Commission;

No. 755. California et al., petitioners, *v.* Federal Power Commission; and

No. 756. Long Island Lighting Co. et al., petitioners, *v.* Federal Power Commission. The motion of Phillips Petroleum Company to correct and amend titles and captions is granted.

No. 1273, Misc. In the Matter of the Disbarment of Jules Chopak. It is ordered that Jules Chopak of New York, New York, be suspended from the practice of the 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 the law in this Court.

CERTIORARI GRANTED

No. 765. James Gallick, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, granted and case transferred to the summary calendar.

No. 771. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 582. Lloyd Brasileiro Patrimonio Nacional, petitioner, *v.* Murphy-Cook & Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 612. Edward Speice, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 651. Paul E. Rhodes, petitioner, *v.* Maurice Sigler. Petition writ of certiorari to the Supreme Court of Nebraska denied.

No. 678. General Geophysical Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 711. Aaron M. Nadler, petitioner, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 714. Illinois and Glen D. Palmer, petitioners, *v.* United States Civil Service Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 723. Estate of Lena R. Arents, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 740. Edward Wright et al., petitioners, *v.* Donald C. Wagner et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 743. Pete Black, petitioner, *v.* Sinclair Oil & Gas Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 747. Shaw Warehouse Company et al., petitioners, *v.* Southern Railway Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 749. William John McCarthy and James Rocco Miraglia, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 753. John Q. Wood et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 757. Consolidated Edison Company of New York, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 758. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Brothers, Inc., et al.; and

No. 759. Switzer Brothers, Inc., et al., petitioners, *v.* Harry P. Locklin and Elmer J. Brant, etc. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 760. Village of Maywood, petitioner, *v.* Illinois Commerce Commission et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 768. Local Union 760, International Brotherhood of Electrical Workers, petitioner, *v.* Dr. J. W. Presley et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 769. Senta S. Rogers, petitioner, *v.* Luther H. Hodges, Secretary of Commerce, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 770. I. B. Adelman, petitioner, *v.* Paramount Pictures, Inc., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 774. Harris Structural Steel Company, Inc., petitioner, *v.* United Steelworkers of America, AFL-CIO, Local 3682, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 781. Claude L. Kyles, petitioner, *v.* James W. Elwell & Co., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 802. San Juan Darlington, Inc., petitioner, *v.* Dolores Santaella Negron et al. The motion of the respondent to dispense with printing brief in opposition is granted. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 557, **Misc.** William R. Pethick, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 569, **Misc.** In the Matter of Marvin C. E. Ford, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 638, **Misc.** Joseph White, petitioner, *v.* B. C. Sacks, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 644, **Misc.** John A. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 785, **Misc.** Guillermo P. Morones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 797, **Misc.** Floyd Myers, petitioner, *v.* Harold A. Cox, Warden, et al. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 940, **Misc.** Howard Hildebrandt, petitioner, *v.* United States. Petition for writ of certiorari to the United States of Appeals for the First Circuit denied.

No. 950, **Misc.** Joseph Frank Sierra, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 961, **Misc.** Trent Boyes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 963, **Misc.** William Waterson, alias William Amil Janda, 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. 966, **Misc.** Earle Nettles, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 967, **Misc.** Richard A. Rinkes, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 971, **Misc.** Erwin M. Enzor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 972, *Misc.* Joseph W. DiSilvestro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 976, *Misc.* Thomas L. Bratcher, petitioner, *v.* W. H. Wilkins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 979, *Misc.* Robert E. Lipscomb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 981, *Misc.* John Reid, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 982, *Misc.* Charlie Curry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 983, *Misc.* Dewey D. Hamlin, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 987, *Misc.* Alfonso Urtado, petitioner, *v.* Jack Heard, Acting Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 992, *Misc.* John Edward Quirk, Jr., petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 993, *Misc.* Clifford Jefferson, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 994, *Misc.* James Mason, 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. 995, *Misc.* Edward Key, 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. 1003, *Misc.* Rubin Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1004, *Misc.* Willie C. Williams, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1009, *Misc.* Johnny Douglas Boyd, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1011, **Misc.** Richard H. Clinton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1013, **Misc.** Harry L. Cumberland, Jr., petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1015, **Misc.** Elbert Poole, petitioner, *v.* Jack Heard, Director of Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1016, **Misc.** Charles Mack McGrady, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1018, **Misc.** Anthony Smeich and Harold Bale, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1026, **Misc.** John Wilburn, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1030, **Misc.** James Calvin Bowman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1031, **Misc.** Thomas Cooper, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 1034, **Misc.** Lawrence Sears, petitioner, *v.* Victor G. Walker, Warden, et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1035, **Misc.** In the Matter of Ben Hitchcock, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1042, **Misc.** Melvin Edwards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1052, **Misc.** Dewey Allison, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 530, **Misc.** Charles Leo Farley, 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. 954, **Misc.** Joseph Aguilar Gaitan, petitioner, *v.* United States. 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.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 985, Misc. Albert L. Riley, petitioner, *v.* Ohio et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1029, Misc. Ezra Williams, petitioner, *v.* Robert A. Heinze, Warden. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 989, Misc. Barney P. Bennett, petitioner, *v.* Supreme Court of Illinois. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 81. Thomas N. Griggs, petitioner, *v.* County of Allegheny;

No. 690. G. C. Nunn, Receiver, et al., petitioners, *v.* R. L. Feltinton et al.;

No. 737, Misc. Irwin William Anderten, petitioner, *v.* United States; and

No. 825, Misc. William Earl Leach and Joe Smith, petitioners, *v.* Florida. Petitions for rehearing denied.

No. 1081, Misc. Ex parte Huey R. Lee, petitioner. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this application.

ORDER

It is ordered that the following allotment be made of the Chief Justice and Associate Justices 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, Felix Frankfurter, 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, Tom C. Clark, 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.

Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of cases in which orders are this day announced.

ORAL ARGUMENT

No. 166. Marine Engineers Beneficial Association et al., petitioners, *v.* Interlake Steamship Company et al. Argued by Mr. Lee Pressman for the petitioners and by Mr. Raymond T. Jackson for the respondents.

No. 488. United States, appellant, *v.* Raymond J. Wise. Argued by Mr. Robert L. Wright for the appellant and by Mr. John T. Chadwell for the appellee.

No. 304. Continental Ore Company et al., petitioners, *v.* Union Carbide and Carbon Corporation et al. Argument commenced by Mr. Joseph L. Alioto for the petitioners, continued by Mr. Josiah G. Holland for respondent Vanadium Corporation of America, by Mr. Richard J. Archer for respondents Union Carbide Corporation and United States Vanadium Corporation and by Mr. Joseph L. Alioto for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 17, will be as follows: Nos. 304, 554, 476, and 493.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Muriel E. Bray, of Goshen, N.Y., on motion of Mr. Solicitor General Archibald Cox; James J. Hanrahan, of New York, N.Y., on motion of Mr. John D. Lindsay; Carl F. Dever, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Sidney Weissberger, of Tucson, Ariz., on motion of Mr. Morris K. Udall; John E. Norton, of Belleville, Ill., on motion of Mr. Albert M. Kuhfeld; John James Coleman, Jr., of Birmingham, Ala., on motion of Mr. H. Cecil Kilpatrick; William K. Rieber, of Los Angeles, Calif., on motion of Mr. George Raymond Jones; George S. Steele, Jr., of Cambridge, Mass., on motion of Mr. Bruce J. Terris; Gilbert A. Cornfield, of Chicago, Ill., and Gilbert Feldman, of Chicago, Ill., on motion of Mr. Stephen I. Schlossberg; Gerald Meyer, of New York, N.Y., on motion of Mr. Lawrence S. Lesser; Paul Joseph Hayes, of Chicago, Ill., on motion of Mr. Lawrence C. Merthan; Marvin M. Mitchelson, of Beverly Hills, Calif., and Burton Andrew Marks, of Beverly Hills, Calif., on motion of Mr. William E. James; Thomas Hunter Lowe, of Easton, Md., on motion of Mr. Zebulon H. Stafford; Logan O. Scow, of Long Prairie, Minn., on motion of Mr. Seymour M. Chase; Robert P. Davison, of Denver, Colo., on motion of Mr. Josiah G. Holland; Richard Saveri, of San Francisco, Calif., on motion of Mr. Joseph L. Alioto; and Marshall J. Hartman, of Chicago, Ill., I. Earl Arkiss, of Chicago, Ill., Frederick Stanton Ruttenberg, of Chicago, Ill., Dale Bec Waterloo, of Chicago, Ill., Harold F. Lewis, of Chicago, Ill., James Herbert Handler, of Chicago, Ill., Robert Hamill Clements, of Chicago, Ill., Walter Gorman Greavy, of Chicago, Ill., and John Daniel O'Malley, of Chicago, Ill., on motion of Mr. Glenn E. Baird, were admitted to practice.

ORAL ARGUMENT

No. 304. Continental Ore Company et al., petitioners, *v.* Union Carbide and Carbon Corporation et al. Argument concluded by Mr. Joseph L. Alioto for the petitioners.

No. 554. Lawrence Robinson, appellant, *v.* California. Argued by Mr. S. Carter McMorris for the appellant and by Mr. William E. Doran for the appellee.

No. 476. William Douglas and Bennie Will Meyes, petitioners, *v.* California. Argued by Mr. Burton Marks and Mr. Marvin M. Mitchelson for the petitioners and by Mr. Jack Goertzen and Mr. William E. James for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 18, will be as follows: Nos. 493, 430 (and 434), 598, and 477.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Willis Burton Cowley, of Elizabethtown, Ky., on motion of Mr. Edward G. Hudon; Allan V. Everard, of Rye, N.Y., on motion of Mr. Ralph E. Becker; Berton Barnett Subrin, of Washington, D.C., Irving Edward Kaminsky, of Brookline, Mass., and Martin Edsel Skoler, of Springfield, Mass., on motion of Mr. John H. Fanning; Richard T. Iwamoto, of Honolulu, Hawaii, John Henry Shouse, of Danville, Ky., Robert Thomas Lowerre, of Delafield, Wis., Eugene J. Pasierb, of Ware, Mass., and John Jefferson Hudgins, of Washington, D.C., on motion of Mr. Edward M. Shulman; Anthony N. Jacobs, of Detroit, Mich., on motion of Mr. Paul F. Sullivan; Alan M. Edelstein, of Boston, Mass., on motion of Mr. Gerald Saul Fisher; Donald M. Hamilton, Jr., of Columbus, Ohio, on motion of Mr. Lipman Redman; and Richard G. Mintz, of Boston, Mass., on motion of Mr. J. Horace L. Flurry, were admitted to practice.

ORAL ARGUMENT

No. 493. J. L. Enochs, District Director of Internal Revenue, petitioner, *v.* Williams Packing & Navigation Co., Inc. Argued by Mr. Louis F. Oberdorfer for the petitioner and by Mr. George E. Morse for the respondent. Memorandum to come.

No. 598. Drake Bakeries Incorporated, petitioner, *v.* Local 50, American Bakery & Confectionery Workers International AFL-CIO, et al. Argued by Mr. Robert Abelow for the petitioner and by Mr. Howard N. Meyer for the respondents.

No. 430. Samuel M. Atkinson et al., petitioners, *v.* Sinclair Refining Company; and

No. 434. Sinclair Refining Company, petitioner, *v.* Samuel M. Atkinson et al. Argued by Mr. Gilbert A. Cornfield for the petitioners in No. 430 and for the respondents in No. 434 and by Mr. George B. Christensen for the respondent in No. 430 and for the petitioner in No. 434.

No. 477. Edward Yellin, petitioner, *v.* United States. Argument commenced by Mr. Victor Rabinowitz for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 19, will be as follows: Nos. 477, 436, 454, and 286.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

John W. Davis, of Summerville, Ga., and Oscar H. Allen, of Augusta, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Herbert M. Jacobson, of Dayton, Ohio, on motion of Mr. Jackson E. Betts; Olivero P. Carrillo, of Benavides, Tex., on motion of Mr. John A. Young; Grover G. Alexander, of Gray, Maine, Richard William Austin, of Chicago, Ill., and Fred H. Daugherty, of Chicago, Ill., on motion of Mr. Edward G. Hudon; David W. Kindleberger, of Washington, D.C., on motion of Mr. Karl W. Kindleberger; Herbert L. Meschke, of Minot, N. Dak., and John Harley Williams, Jr., of Golden, Colo., on motion of Mr. Albert M. Christopher; Fred E. Gillen, of Boston, Mass., on motion of Mr. Daniel T. Coughlin; Paul M. Smiler, of Minneapolis, Minn., on motion of Mr. Donald M. Murtha; Thomas Randolph Buck, of Richmond, Va., on motion of Mr. Walter William Burns; Edmund Douglas Edelman, of Los Angeles, Calif., on motion of Mr. Livingston L. Wingate; Michael Avedisian, of Paducah, Ky., on motion of Mr. Thomas J. Beddow; Peter N. Flessas, of Milwaukee, Wis., on motion of Mr. Daniel Goldstein; Burton D. Wechsler, of Gary, Ind., on motion of Mr. Victor Rabinowitz; and Frederick S. Abood, of Lansing, Mich., James R. Davis, of Lansing, Mich., John P. O'Brien, of Lansing, Mich., Alvin A. Neller, of Lansing, Mich., Charles R. Stiles, of Lansing, Mich., Charles H. Swinehart, of Lansing, Mich., R. William Reid, of Lansing, Mich., Raymond L. Scodeller, of Lansing, Mich., Sam Street Hughes, of Lansing, Mich., Don Toaz, of Lansing, Mich., John H. Eliasohn, of Lansing, Mich., Marvin J. Salmon, of Lansing, Mich., James Theodore Kallman, of Lansing, Mich., Thomas G. Walsh, of Lansing, Mich., James E. Burns, of Lansing, Mich., Raymond R. Campbell, of Lansing, Mich., Lloyd Dart Parr, of Lansing, Mich., Roland F. Rhead, of Lansing, Mich., Allison K. Thomas, of Lansing, Mich., Hugh Donald Bruce, of Lansing, Mich., Duane Monroe Hildebrandt, of Lansing, Mich., Neil Arthur McLean, of Lansing, Mich., W. Charles Kingsley, of Lansing, Mich., Bruce Sheren King, of Lansing, Mich., John Wendell Bird, of Lansing, Mich., Donald Lee Reisig, of Lansing, Mich., Claude J. Marshall, of East Lansing, Mich., Conway Longson,

of East Lansing, Mich., F. Hubert Mather, of L'Anse, Mich., and Donald C. O'Hara, of Washington, D.C., on motion of Mr. Charles E. Chamberlain, were admitted to practice.

ORAL ARGUMENT

No. 477. Edward Yellin, petitioner, *v.* United States. Argument continued by Mr. Victor Rabinowitz for the petitioner, by Mr. Bruce J. Terris for the respondent, and concluded by Mr. Victor Rabinowitz for the petitioner.

No. 436. Frank Grumman, petitioner, *v.* United States. Argued by Mr. David Rein for the petitioner and by Mr. Bruce J. Terris for the respondent.

No. 454. Bernard Silber, petitioner, *v.* United States. Argued by Mr. Victor Rabinowitz for the petitioner and by Mr. Bruce J. Terris for the respondent.

Adjourned until Monday, April 23, at 10 o'clock.

The day call for Monday, April 23, will be as follows: Nos. 286, 532, 480, and 124.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

William K. Ris, of Denver, Colo., William H. McManus, of University Hills, Md., Philip L. Roache, Jr., of Hyattsville, Md., John Patrick Hyland, of Cleveland, Ohio, Robert E. Long, of Denver, Colo., William J. Lancaster, of Chicago, Ill., Benedict M. Kohl, of Chevy Chase, Md., Roy L. Smith, of Pawcatuck, Conn., Burt J. Abrams, of Arlington, Va., and Charles R. Sandler, of Buffalo, N.Y., on motion of Mr. Solicitor General Archibald Cox; Maurice J. Flahive, of Austin, Tex., on motion of Mr. Arthur C. Perry; Patricia Ann Robinson, of Lewisville, Ark., on motion of Mr. Brooks Hays; Edwin H. Frank, Jr., of Houston, Tex., and Harold E. Mesirov, of Washington, D.C., on motion of Mr. Russell Sherman Bernhart; Robert M. Hitch, of Savannah, Ga., on motion of Mr. Max C. Louis; Bennett Kyle Yancey, of Atlanta, Ga., on motion of Mr. John Wilson Ellis; Leonard J. Meiselman, of New York, N.Y., and John I. Heise, Jr., of Washington, D.C., on motion of Mr. C. William Tayler; Jack Myron Sattinger, of Los Angeles, Calif., on motion of Mr. Fulton Brylawski; Berry Michael Byron, of Painesville, Ohio, Albert Obermeyer, of Painesville, Ohio, and David P. Freed, of Willoughby, Ohio, on motion of Mr. Fred V. Skok; Dario De Benedictis, of San Francisco, Calif., on motion of Mr. Marshall Hornblower; Douglas Marvin Clarkson, of New York, N.Y., on motion of Mr. William W. Beckett; James D. McKinney, Jr., of Washington, D.C., on motion of Mr. Charles E. McGee; Edward W. Watson, of Galveston, Tex., on motion of Mr. Robert Preston Shirley; William D. Hager, of Oakland, Calif., on motion of Mr. Joseph A. DeGrandi; Joseph A. LaPlante, of Woodmont, Conn., on motion of Mr. David S. Clarke; and Louis V. Nelson, of Beaumont, Tex., on motion of Mr. John J. Wilson, 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. 22. August Scholle, appellant, *v.* James M. Hare, Secretary of State of Michigan, et al. Appeal from the Supreme Court of Michigan. Judgment vacated and case remanded to the Supreme Court of Michigan for further consideration in the light of *Baker v. Carr*, 369 U.S. 186. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Stewart concur. Mr. Justice Harlan dissents. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 396, Misc. James Byrnes, petitioner, *v.* Victor G. Walker, Warden. On petition for writ of certiorari to the Supreme Court of Louisiana. Motion for leave to proceed *in forma pauperis* and petition for certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Supreme Court of Louisiana for a hearing. Opinion *per curiam*. Mr. Justice Frankfurter took not part in the consideration or decision of this case.

No. 634, Misc. Jack V. K. Ragan, petitioner, *v.* Colonel Weldon W. Cox, Commandant, United States Disciplinary Barracks, Fort Leavenworth, Kansas. 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 certiorari granted. On writ of certiorari, the order of the Court of Appeals, insofar as it denies petitioner leave to proceed *in forma pauperis*, is vacated and case remanded to the Court of Appeals for further proceedings. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

APPEAL—JURISDICTION NOTED

No. 619. The White Motor Company, appellant, *v.* United States. Appeal from the United States District Court for the Northern District of Ohio. In this case probable jurisdiction is noted. Mr. Justice White took no part in the consideration or decision of this case.

CERTIORARI DENIED

No. 767. Reginald C. 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. 772. Samson Eisner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 775. Adolphus Hohensee, petitioner, *v.* Stuart K. Nielsen et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 776. Lawrence J. Long, petitioner, *v.* Illinois Central Railroad Company, etc. Petition for writ of certiorari to the Appellate Court of Illinois, Third District, denied.

No. 779. Carl M. Field, Trustee, etc., petitioner, *v.* Bankers Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 780. Baltimore Luggage Co., etc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 783. Railway Express Agency, Inc., petitioner, *v.* Jacksonville Terminal Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 784. General Motors Corporation, petitioner, *v.* Loraine Elliott. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 785. Harold S. Kahm, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 787. Dale Bryson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 788. Horst von Hennig, Ancillary Executor, etc., petitioner, *v.* Robert F. Kennedy, Attorney General of the United States, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 790. D. Loveman & Son Export Corporation, 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. 791. John Cadez, Jr., and James Cadez, etc., petitioners, *v.* General Casualty Company of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 803. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Bros., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 822. Trinidad Corporation, etc., petitioner, *v.* Indian Towing Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 715. Aaron Fleck et al., petitioners, *v.* Cleveland Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 786. Ralph B. Carnes 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. 590, *Misc.* George Sims, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 632, *Misc.* Walter Emmett Daniels, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 929, *Misc.* Clyde Raymond Near, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1019, *Misc.* James Thomas Russell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1024, *Misc.* Joseph Does, etc., petitioner, *v.* T. V. Anderson et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1025, *Misc.* Orlando L. Casias, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1043, *Misc.* Jimmy Argo, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1044, *Misc.* J. H. Hollis, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1051, *Misc.* Isaiah Wallace, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Superior Court of Connecticut denied.

No. 1055, *Misc.* Nicholas J. Landford, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1056, *Misc.* Roshie Drake, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1107, *Misc.* Ronald George Fenton, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1235, *Misc.* Henry R. Anderson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

REHEARING DENIED

No. 653. Lavere Redfield, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

ORDER

It is ordered that the call of 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, April 30, until Monday, May 14.

ORAL ARGUMENT

No. 286. United States, appellant, *v.* Diebold, Incorporated. Argued by Mr. Daniel M. Friedman for the appellant and by Mr. William L. McGovern for the appellee.

No. 532. C. D. Calbeck, Deputy Commissioner, etc., et al., petitioners, *v.* Travelers Insurance Co. et al. Argued by Mr. Solicitor General Cox for the petitioners, and Mr. Charles Kohlmeyer, Jr., for respondent, Avondale Shipyards, Inc., and by Mr. Louis V. Nelson for respondents, The Travelers Insurance Company and Levingston Shipbuilding Company.

No. 480. Robert Morales et al., petitioners, *v.* City of Galveston et al. One and one-half hours allowed for oral argument. Argument commenced by Mr. Arthur J. Mandell for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 24, will be as follows: Nos. 480, 124, and 439.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Joseph William Esch, of Englewood, Colo., on motion of Mr. John H. Pickering; Robert F. Patnales, of Royal Oak, Mich., John B. Osgood, of Royal Oak, Mich., and Walter F. Toerge, of Pittsburgh, Pa., on motion of Mr. Daniel M. Friedman; Harry J. Stadin, of St. Louis, Mo., on motion of Mr. Harry S. Wender; Patrick J. Mahoney, of Garden City, N.Y., on motion of Mr. Oran H. Waterman; A. A. White, of Houston, Tex., on motion of Miss Lou Nora Spiller; Richard P. Kuschell, of Detroit, Mich., on motion of Mr. William E. Dowling; Louis Burg, of New York, N.Y., on motion of Mr. Malvern Jacob Sheffield, Jr.; Jacob Mosrow, of Dayton, Ohio, on motion of Mr. Thomas P. Kerester; Herman Corenman, of Albuquerque, N. Mex., on motion of Mr. Dominick Manoli; H. Blair White, of Chicago, Ill., on motion of Mr. Stuart S. Ball; S. L. Trusty, of Kansas City, Mo., and S. David Trusty, of Kansas City, Mo., on motion of Mr. Thurman Hill; Clifford D. Root, of New York, N.Y., Edward D. Wells, of New York, N.Y., and Charles A. Read, of New York, N.Y., on motion of Mr. Harry A. Poth, Jr.; George Joseph Miller, Jr., of Baltimore, Md., on motion of Mr. Charles M. Noone; and Katherine E. Stimson, of Chicago, Ill., on motion of Mrs. Maurine Howard Abernathy, were admitted to practice.

ORAL ARGUMENT

No. 480. Robert Morales et al., petitioners, *v.* City of Galveston et al. Argument continued by Mr. Preston Shirley for respondent, City of Galveston, by Mr. Edward W. Watson for respondent, Cigidan Shipping Company, Ltd., and concluded by Mr. Arthur J. Mandell for the petitioners.

No. 124. Creek Nation, petitioner, *v.* United States. Argued by Mr. Paul M. Niebell for the petitioner and by Mr. Ralph A. Barney for the respondent.

No. 439. United States, appellant, *v.* The Borden Company et al. Three hours allowed for oral argument. Argument commenced by

Mr. Richard A. Solomon for the appellant and continued by Mr. Stuart S. Ball for appellee, The Borden Company.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 25, will be as follows: Nos. 439 and 604.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

M. Gene Haeberle, of Camden, N.J., Edward Milton Fiala, Jr., of Chicago, Ill., John T. Piper, of Seattle, Wash., Seymour Shainswit, of New York, N.Y., Beatrice Shainswit, of New York, N.Y., Maurice L. Gorsky, of Milwaukee, Wis., Donald E. Murphy, of Milwaukee, Wis., Isadore B. Shapiro, of Milwaukee, Wis., and Lawrence M. Kearns, of Boston, Mass., on motion of Mr. Solicitor General Archibald Cox; Robert Edwin Kendrick, of Nashville, Tenn., and James C. Kirby, Jr., of Nashville, Tenn., on motion of Mr. Estes Kefauver; George A. Schulte, of Hutchinson, Minn., Robert F. Hemphill, of Lincoln, Nebr., Leon F. Olmstead, of Pensacola, Fla., Merlin Wayne Baker, of Palo Alto, Calif., and Roy Dale Adcock, of Smith Center, Kans., on motion of Mr. Maurice Francis Biddle; George A. Crowley, of Fort Worth, Tex., on motion of Mr. Richard W. Galihier; Stanley Albert Furman, of Beverly Hills, Calif., on motion of Mr. David L. Krooth; Howard Robert Kaufman, of Chicago, Ill., on motion of Mr. Peter M. Chumbris; Helen Wilson Nies, of Washington, D.C., on motion of Mr. John Dirk Nies; John Harris Jones, of Pine Bluff, Ark., on motion of Mr. Walter T. Skallerup, Jr.; Melvin A. Heller, of Chicago, Ill., and Jerrold L. Morris, of Chicago, Ill., on motion of Mr. Mitchell S. Dvoret; and Henry L. Allen, of Midwest City, Okla., Harry L. Mead, Jr., of Tampa, Fla., Theodore Smith Mandeville, Jr., of Cleveland, Ohio, James L. McKeon, Jr., of Newark, N.J., Donald McGregor Rose, of Cincinnati, Ohio, Harry Lee Hall, of Edinburg, Tex., and Paul Edward Hurley, of New Orleans, La., on motion of Mr. Robert Davis Powers, were admitted to practice.

No. 439. United States, appellant, *v.* The Borden Company et al. Argument continued by Mr. Stuart S. Ball for appellee, The Borden Company, by Mr. Richard A. Solomon for the appellant, by Mr. John Paul Stevens for appellee, Bowman Dairy Company, and concluded by Mr. Richard A. Solomon for the appellant.

No. 604. Harry Clifford Porter, petitioner, *v.* Aetna Casualty and Surety Company. Argued by Mr. Ethelbert B. Frey for the peti-

tioner, by Mr. John G. Laughlin, Jr., for the United States, as amicus curiae, and by Mr. John L. Laskey for the respondent.

Adjourned until Monday, April 30, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, and Mr. Justice White.

ADMISSIONS TO THE BAR

Richard L. Campbell, of Denver, Colo., I. Goodman Cohen, of Detroit, Mich., Elmer L. Cooke, of Nashville, Tenn., Jay Dermer, of Miami Beach, Fla., Dulany J. Dupuy, of North Miami, Fla., Erwin Esser Nemmers, of Chicago, Ill., William J. Panagis, of Milwaukee, Wis., and Ronald E. Sherk, of Portland, Oreg., on motion of Mr. Solicitor General Archibald Cox; John J. Brennan, of Philadelphia, Pa., Carroll R. Wetzell, of Philadelphia, Pa., and Minturn T. Wright III, of Philadelphia, Pa., on motion of Mr. Joseph S. Clark; Robert E. Jones, of Las Vegas, Nev., on motion of Mr. Howard W. Cannon; John W. Fetzner, of Hudson, Wis., on motion of Mr. Vernon W. Thomson; J. Neil Daniel, of Abilene, Tex., on motion of Mr. Walter Rogers; Dan M. Burge, of Blytheville, Ark., on motion of Mr. E. C. Gathings; John Calvert Burke, of Fresno, Calif., on motion of Mr. Harlan Hagen; Ralph I. Petersberger, of Arlington, Va., on motion of Mr. Arnold Raum; Angelo J. Arculeo, of Brooklyn, N.Y., Harry J. Donnelly, of Brooklyn, N.Y., Arthur Lubkin, of Brooklyn, N.Y., Luigi R. Marano, of Brooklyn, N.Y., Donald J. Perrella, of Brooklyn, N.Y., and Francis M. Savastano, of Brooklyn, N.Y., on motion of Mr. Robert F. Kelly; R. Ben Allen, of Little Rock, Ark., Robert Hamilton Dudley, of Pocahontas, Ark., and Frank Riggall, of Prairie Grove, Ark., on motion of Mr. Floyd Lee Williams; Park B. Dilks, Jr., of Philadelphia, Pa., D. Donald Jamieson, of Philadelphia, Pa., and Daniel S. Knight, of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; William Charles Baker, of New York, N.Y., on motion of Mr. Leavenworth Colby; David N. Brainin, of New York, N.Y., and Harry H. Wachtel, of New York, N.Y., on motion of Mr. Isidore H. Wachtel; Wm. H. Keys, of Corpus Christi, Tex., on motion of Mr. Kahl K. Spriggs; J. Kyle DuVall, of Dallas, Tex., on motion of Mr. Ezekiel G. Stoddard; Harry T. Tanaka, of Honolulu, Hawaii, on motion of Mr. Alfred Laureta; John G. Street, Jr., of Fort Worth, Tex., on motion of Mr. Robert N. Reeves; Eugene H. Gordon, of New York, N.Y., on motion of Mr. Seymour Sheriff; Stephen E. Parker, of Portland, Oreg., on motion of Mr. William Croft; Michael Demetriou, of New York, N.Y., on motion of Mr. George James

Charles; Paul Theodore Dunn, of Arlington, Va., on motion of Mr. John T. Casey; Clayborne George, of Cleveland, Ohio, on motion of Mr. George E. C. Hayes; Leo Weiss, of New York, N.Y., on motion of Mr. Norton Jay Come; Y. Hillel Abrams, of Silver Spring, Md., and Julius I. Fox, of Chevy Chase, Md., on motion of Mr. Alfred Burka; Joseph L. Bortin, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; Thomas Walter Patrick Hackett, of Cheshire, Conn., on motion of Mr. John D. Lane; Arthur Abarbanel, of New York, N.Y., on motion of Mr. Melville Ehrlich; Edward J. Van Tassel, of Ridge-wood, N.J., and Harold G. Van Tassel, of Palatine, Ill., on motion of Mr. Carl L. Shipley; Franklin William Peck, of Los Angeles, Calif., on motion of Mr. Jess Larson; and Dennis M. Aaron, of Detroit, Mich., William Lindsay Arnold, of Chicago, Ill., Elliot I. Beitner, of Detroit, Mich.; Joseph J. Bileti, of Detroit, Mich., Edward V. Boggs, of Detroit, Mich., Donald A. Calkins, of Dearborn, Mich.; Frank Capizzo, of Detroit, Mich., Paul J. Carron, of Detroit, Mich., Caroline Amelia Carson, of Hamtramck, Mich.; William Trevor Chapman, of Lincoln Park, Mich.; John M. Chase, Jr., of Grosse Pointe Farms, Mich.; Roy H. Christiansen, of Detroit, Mich., George H. Cross, of Detroit, Mich., William Clarence Drollinger, of Detroit, Mich.; Martin A. Eisenstadt, of Detroit, Mich., Ross John Fazio, of Detroit, Mich., Fred S. Findling, of Detroit, Mich., Gerald Melville Franklin, of Detroit, Mich., Edgar G. Gordon, of Detroit, Mich., Charles Stanley Hall, of Silver Spring, Md., Ernest F. Hapke, of Detroit, Mich., Robert A. Hennessy, of Chicago, Ill., Harold J. Jackson, of Detroit, Mich., John Ronald Jones, of Detroit, Mich., Alex Katranis, of Detroit, Mich., Fred H. Keidan, of Royal Oak, Mich., Sheldon L. Klimist, of Detroit, Mich., Sheldon Baird Krause, of Detroit, Mich., Raymond L. Krell, of Detroit, Mich., William J. Krott, of Detroit, Mich., Sanford N. Lakin, of Detroit, Mich., James P. Lawson, of Farmington, Mich., William Lipton, of Detroit, Mich., Albert Lopatin, of Detroit, Mich., Milton M. Maddin, of Detroit, Mich., Harry Hudson Mead, of Detroit, Mich., Carl Z. Millen, of Detroit, Mich., Michael John Mitchell, of Belleville, Mich., Bartlett E. Nutter, of Detroit, Mich., Sheldon Otis, of Detroit, Mich., Manuel L. Papista, of Detroit, Mich., Donald G. Schiff, of Detroit, Mich., Claudia House Shropshire, of Detroit, Mich., Harold Silverstein, of Detroit, Mich., Maxwell I. Silverstein, of Detroit, Mich., Arthur Allan Smith, of Dearborn, Mich., Peter B. Spivak, of Detroit, Mich., Mervyn H. Sternberg, of Detroit, Mich., Gerald Tuchow, of Detroit, Mich., Odie T. Udyback, of Detroit, Mich., Harry T. Ward, Jr., of Detroit, Mich., Albert A. Williams, of Detroit, Mich., Clarence Thomas Wilson, of Detroit, Mich., and L. Bennett Young, of Detroit, Mich., on motion of Mr. Arthur M. Smith, were admitted to practice.

OPINIONS

No. 158. Willard Carnley, petitioner, *v.* H. G. Cochran, Jr., Director of the Division of Corrections. On writ of certiorari to the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Harlan concurs in the result. Concurring opinion by Mr. Justice Black. The Chief Justice and Mr. Justice Douglas, while joining the opinion of the Court, also join the concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 384. Commissioner of Internal Revenue, petitioner, *v.* Sally L. Bilder, etc. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Douglas would affirm the judgment below for the reasons given by Judge Kalodner, 289 F. 2d 291. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 187. California, petitioner, *v.* Federal Power Commission et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for 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 joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 101. Goldlawr, Inc., petitioner, *v.* Marcus Heiman et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed as to Marcus Heiman. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 244. Dairy Queen, Inc., petitioner, *v.* Hon. Harold K. Wood, Judge, et al. 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. Mr. Justice Stewart concurs in the result. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Douglas joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 157. Mark Coppedge, Jr., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia 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. Chief Justice Warren. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Brennan joins. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White 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. 748. Laverne W. Simpson, etc., appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of Iowa. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. The Chief Justice and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 777. Morris Friedberg, appellant, *v.* Henry Silberglitt, Warden. 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 Frankfurter took no part in the consideration or decision of this case.

No. 687, Misc. William G. Eagle et al., appellants, *v.* John E. Bennett, Warden. Appeal from the District Court of Lee County, Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

ORDER IN PENDING CASE

No. 22. August Scholle, appellant, *v.* James M. Hare, Secretary of State of Michigan, et al. The motion of the appellant for the immediate issuance of the mandate is denied.

APPEAL—JURISDICTION NOTED

No. 763. Madeline C. Schroeder, appellant, *v.* City of New York. Appeal from the Court of Appeals of New York. The motion of Goldstein and Goldstein et al., for leave to file brief, as *amici curiae*, is granted. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

CERTIORARI DENIED

No. 741. Elmer C. Adams, Sr., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 797. Albert Weston et al., petitioners, *v.* New Jersey State Board of Optometrists. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 798. Alfred Dunhill of London, Inc., petitioner, *v.* Dunhill Tailored Clothes, Inc. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 804. Warren R. Neely, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 808. Leonard W. Gunzburg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 812. Miles Laboratories, Inc., petitioner, *v.* Henry J. Frolich, d/b/a Encino Chemicals. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 815. Paltier Corporation, petitioner, *v.* Union Asbestos & Rubber Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 818. United States Lines Company et al., petitioners, *v.* Emanuel Van Carpals. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 795. Meyer Harris Cohen, etc., 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 White took no part in the consideration or decision of this application.

No. 841. Herman Schwabe, Incorporated, petitioner, *v.* United Shoe Machinery Corporation. 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. 92, Misc. Vernon Lee Cox, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 607, Misc. Ralph Keene, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 686, Misc. Eugene Jackson Foster, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 712, Misc. Jerald Carmel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 766, Misc. Burnell Vaughn, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 834, Misc. Hiller Arthur Hayes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 889, Misc. Chester Lewis Roberts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 902, Misc. Sam Aiken Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1050, Misc. Alexander J. Woykovsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1054, Misc. Valentine John Karp, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1062, Misc. Ernest Filocomo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1063, Misc. Raul J. Marquez petitioner, *v.* The District Court of Appeal, Third Appellate District. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1064, Misc. Louis Perry, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1141, **Misc.** Leo Robert Forcella, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1192, **Misc.** James Dukes, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 588, **Misc.** Albert J. Kostal and Arthur J. Watson, petitioners, *v.* Christian D. Stoner, Judge, First Judicial District of Colorado, 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. 907, **Misc.** Ex parte Howard B. Stickney, petitioner. 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.

REHEARING DENIED

No. 581, **Misc.** Robert William Crawford, petitioner, *v.* Circuit Court of Kalamazoo et al. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

Adjourned until Monday, May 14, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, and Mr. Justice White.

ADMISSIONS TO THE BAR

Herbert Colden, of Los Angeles, Calif., Cyril J. Ryan, of Greenwich, Conn., Frank Edward Blankenship, of Atlanta, Ga., Edward J. Miller, of Carlsbad, Calif., and Horace R. Hansen, of St. Paul, Minn., on motion of Mr. Solicitor General Archibald Cox; John H. Zentay, of St. Louis, Mo., on motion of Mr. Edward V. Long; Daniel S. Guy, of Ada, Ohio, on motion of Mr. Roman L. Hruska; Robert W. Johnson, of Colorado Springs, Colo., on motion of Mr. Gordon L. Allott; Samuel J. Frazin, of Denver, Colo., on motion of Mr. John A. Carroll; George Karbal, of Detroit, Mich., on motion of Mr. John D. Dingell; Maurice Steinberg, of Augusta, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Lloyd V. Stamp, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Richard B. Ogilvie, of Chicago, Ill., on motion of Mr. William Lee Springer; John W. Bowen III, of Baltimore, Md., Paul Sherwood, of Washington, D.C., Donald P. Smith, of Washington, D.C., and Robert F. Redmond III, of Kansas City, Mo., on motion of Mr. Maurice Francis Biddle; Millard A. Ullman, of Waynesboro, Pa., Anson B. Good, of Waynesboro, Pa., and Thomas J. MacBride, of Waynesboro, Pa., on motion of Mr. Edward G. Hudon; Arthur J. Sills, of Trenton, N.J., Charles J. Kehoe, of Trenton, N.J., and Theodore I. Botter, of Trenton, N.J., on motion of Mr. Henry Roemer McPhee; William L. Stewart, of Gulfport, Miss., on motion of Mr. William Ephraim Cresswell; A. Solomon Menter, of Syracuse, N.Y., on motion of Mr. Martin Menter; Julius L. Samson, of Los Angeles, Calif., on motion of Mr. Jacob J. Lieberman; Charles Bernard Selak, Jr., of York, Pa., on motion of Mr. William Roy Vallence; Douglas H. McDonald, of Princeton, Ind., on motion of Mr. William G. Bray; A. Leon Higginbotham, Jr., of Philadelphia, Pa., and William H. Brown III, of Philadelphia, Pa., on motion of Mr. Belford Vance Lawson, Jr.; Robert Marion Sayre, of Arlington, Va., on motion of Mr. Thomas C. Mann; Walter J. Myskowski, of Washington, D.C., on motion of Mr. Arthur L. Winn, Jr.; Robert Gustave Gehrz, of St. Paul, Minn., on motion of Mr. William H. Parsons; William Sellman, of Vienna, Va., on motion of Mr. Robert Burett Oliver III; Leslie J. Flower, of New York, N.Y.,

and Norton Kern, of New York, N.Y., on motion of Mr. Richard M. Merriman; Edward Ferris Bennett III, of Washington, D.C., on motion of Miss Annie Perry Neal; Richard L. Carr, of Dallas, Tex., on motion of Mr. John Daniel O'Malley; William Christian Becker, of Akron, Ohio, on motion of Mr. Charles G. Williamson, Jr.; Emerson W. Rhyner, of Sacramento, Calif., on motion of Mr. Robert Lee May, Jr.; John Shepherd Cooper, of San Francisco, Calif., on motion of Mr. Rueben Lozner; Franklyn K. Brann, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; Alan Cowan Furth, of San Francisco, Calif., on motion of Mr. Jeremiah C. Waterman; Harry A. Heilman, Jr., of Kittanning, Pa., on motion of Mr. Earl Kintner; Herman I. Branse, of Buffalo, N.Y., and Morris Mesch, of Buffalo, N.Y., on motion of Mr. Ernest O. Eisenberg; J. D. Gluecksmann, of Los Angeles, Calif., on motion of Mr. James V. Heffernan; John J. O'Malley, Jr., of Washington, D.C., on motion of Mr. Dee W. Pincock; Baron H. Gold, of Cincinnati, Ohio, on motion of Mr. Jack N. Bohm; William Rohan Kraham, of Washington, D.C., and Norman H. Plummer, of Washington, D.C., on motion of Mr. James D. Hill; Frank A. Engfelt, of San Diego, Calif., on motion of Mr. Carl G. Moore; Solomon J. Heifetz, of New York, N.Y., and Henry Spitz, of New York, N.Y., on motion of Mr. Berl I. Bernhard; Israel M. Augustine, Jr., of New Orleans, La., and James A. Smith, of New Orleans, La., on motion of Mr. Carl D. Coleman; and Walter Charles Shepard, of Cocoa, Fla., on motion of Mr. Wilbur D. Sparks, were admitted to practice.

OPINIONS

No. 113. Buford Malone, Jr., petitioner, *v.* James A. Bowdoin 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 Middle District of Georgia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Harlan joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 46. Maurice A. Hutcheson, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Mr. Justice Harlan announced the judgment of the Court and delivered an opinion in which Mr. Justice Clark and Mr. Justice Stewart join. Separate opinion by Mr. Justice Brennan concurring in the result. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Black and Mr. Justice Frankfurter took no part in the decision of this case.

Mr. Justice White took no part in the consideration or decision of this case.

No. 40. David D. Beck, petitioner, *v.* Washington. On writ of certiorari to the Supreme Court of Washington. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren joins. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 78. Herbert W. Goldblatt et al., appellants, *v.* Town of Hempstead. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 323. Clifford Vaughan, petitioner, *v.* N. J. Atkinson, etc., et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Virginia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 286. United States, appellant, *v.* Diebold, Incorporated. Appeal from the United States District Court for the Southern District of Ohio. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Frankfurter 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. 214. Adolph Hohensee, petitioner, *v.* News Syndicate, Inc., etc. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Goldlawr, Inc. v. Heiman*, 369 U.S. 463. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart, for the reasons given in their dissent in the *Goldlawr* case, would deny certiorari.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 726. John M. Shubin et al., petitioners, *v.* United States District Court for the Southern District of California et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Dairy Queen, Inc. v. Wood*, 369 U.S. 469. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 227, Misc. Roy Torrance, petitioner, *v.* George W. Callenius, Jim O. Henry, John R. Hansen, Members of the Iowa Board of Control, et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Motion for leave to proceed *in forma pauperis* and petition for certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Goldlawr, Inc. v. Heimann*, 369 U.S. 463. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart, for the reasons given in their dissent in the *Goldlawr* case, would deny certiorari. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 311, Misc. William H. Kemp, 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 certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Coppedge v. United States*, 369 U.S. 438. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinion in the *Coppedge* case. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 584, Misc. Pearl Raymond Mattox, petitioner, *v.* B. C. Sacks, Warden. On petition for writ of certiorari to the Supreme Court of Ohio. Petition for writ of certiorari denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 773, Misc. Alfred Garrett, 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 certiorari granted. On writ of certiorari, judgment vacated and case remanded for consideration in light of *Coppedge v. United States*, 369 U.S. 438. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinion in the *Coppedge* case. Mr.

Justice Frankfurter took no part in the consideration or decision of this case.

No. 1048, Misc. Jesse O. Best, appellant, *v.* City of Toledo, Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1110, Misc. Clyde G. Newlon, appellant, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision in this case.

ORDERS IN PENDING CASES

No. —. Paul John Carbo, appellant, *v.* United States The application for review of the order of the Circuit Justice denying bail pending appeal is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. The defendants are directed to file, on or before June 1st, a response, or responses, to the prayers for temporary injunctions contained in Paragraphs 3 and 4 of the motion for leave to file the bill of complaint.

CERTIORARI GRANTED

No. 809. Edward M. Fay, Warden, et al., petitioners, *v.* Charles Noia. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 819. James Edwards, Jr., et al., petitioners, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina granted.

No. 754. Wisconsin et al., petitioners, *v.* Federal Power Commission et al.;

No. 755. California et al., petitioners, *v.* Federal Power Commission et al.; and

No. 756. Long Island Lighting Co., et al., petitioners, *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 three hours allowed for oral argument.

CERTIORARI DENIED

No. 792. Steel Equipment Company et al., petitioners, *v.* Edwin A. Eberhart, Special Agent, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 806. Gustave B. Garfield, petitioner, *v.* Edmund Palmieri. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 807. Sidney Norman Brilliant, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 810. M. Eli Livingstone, petitioner, *v.* Fatima Charities, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 811. Morrell J. Roddy, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 814. In re Application of Arthur J. Plantamura for Admission to the Bar, petitioner. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 816. Lawrence Rassano, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 820. Flight Engineers' International Association, AFL-CIO, CAL Chapter, petitioner, *v.* Continental Air Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 825. John O'C. FitzGerald, petitioner, *v.* United States District Court, Northern District of Illinois, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 828. Local No. 149, International Union United Automobile, Aircraft & Agricultural Implement Workers of America (UAW-AFL-CIO), petitioner, *v.* American Brake Shoe Company, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 830. Ray Griffith Hoover et al., petitioners, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 832. Edward W. Nelson, petitioner, *v.* Moore-McCormack Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 837. John L. Lewis et al., Trustees, etc., petitioners, *v.* Edward Mears, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 848. Phill Silver, petitioner, *v.* The City of Los Angeles et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 896. Basic Tool Industries, Inc., petitioner, *v.* C. Douglas Wikle, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 801. Almertha Williams, petitioner, *v.* Dewey Williams. The motion to dispense with printing the petition is granted. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 813. J. Elroy McCaw et al., petitioners, *v.* Superior Court of the State of California, in and for the County of Los Angeles. The motion to correct title and caption to show Union Bank as a party respondent is granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 826. Eugene J. Morrisette et al., petitioners, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh District denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 9, Misc. Reginald Jones, petitioner, *v.* D. E. Adams, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 654, Misc. Edward R. Torres, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 675, Misc. Max Carasso and Fannie Carasso, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 725, Misc. John J. Tomich, petitioner, *v.* Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 807, Misc. George Williams, 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. 857, Misc. Earl X. Kill (Smith), petitioner, *v.* Dr. Russell O. Settle, Warden, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 870, Misc. Otto A. Gensburg, petitioner, *v.* California State Legislature, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 923, Misc. James R. Moore, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 952, *Misc.* Wade Shultz Ellison, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 956, *Misc.* Ross F. Ray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 957, *Misc.* Arnold E. Vandersee, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 958, *Misc.* Willie Coleman, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 973, *Misc.* Thomas Busby and James Iman, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 978, *Misc.* Endre Nielsen, petitioner, *v.* Charles Kurz & Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 980, *Misc.* Richard Monroe Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 991, *Misc.* Earl J. Brinson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 998, *Misc.* Irene Ward Chingman Wise, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 999, *Misc.* John J. Spriggs, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1000, *Misc.* Martin Coppersmith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1005, *Misc.* James John Luddy, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Superior Court of Connecticut, Hartford County, denied.

No. 1006, *Misc.* Gerald A. Hughes, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Superior Court of Connecticut, Hartford County, denied.

No. 1010, *Misc.* Joseph Henry Clark, petitioner, *v.* Warden Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1028, **Misc.** Jeremiah Peterson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1033, **Misc.** Lloyd Shelton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1036, **Misc.** Charles N. Johnstone, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1041, **Misc.** Eugene Spurlock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1045, **Misc.** Martin Joseph McNicholas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1047, **Misc.** Guy N. Stafford, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 1057, **Misc.** Martin Henderson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1059, **Misc.** George Winfield Craig, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1065, **Misc.** Louis Cuomo, petitioner, *v.* New York. Petition for writ of certiorari to the County Court of Kings County of New York denied.

No. 1066, **Misc.** Fred Capon, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1067, **Misc.** George Wallace Hodges, petitioner, *v.* Jack Heard, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1068, **Misc.** Raymond I. Helland, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1069, **Misc.** Herman Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1070, **Misc.** Jay Alfred Ragusa, petitioner, *v.* United States. Petition for writ certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1071, **Misc.** Michael Larry Schachel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1072, **Misc.** Clem W. Walker, petitioner, *v.* Frank A. Eyman. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1076, **Misc.** Norman Brabson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1077, **Misc.** James Morrison, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1080, **Misc.** Travis O. Spaulding, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1090, **Misc.** Russell Nelson, petitioner, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 1091, **Misc.** Jimmie Lee Scellato, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1098, **Misc.** Robert S. Litterio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1106, **Misc.** Alette Rutledge, petitioner, *v.* P. A. Esperdy, District Director for the New York District, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1108, **Misc.** Robert A. Ketchum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1113, **Misc.** Benito S. Flores, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1115, **Misc.** Francis L. Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1116, **Misc.** George Birch, 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. 1117, **Misc.** Dewey D. Hamlin, petitioner, *v.* Lawrence E. Wilson et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1121, Misc. Mario Garcia Tapia, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1122, Misc. Dominic Ferraro, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1179, Misc. Emmitt Monroe Spencer, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1203, Misc. Fred J. Martineau, petitioner, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 640, Misc. William Raymond Daugherty, petitioner, *v.* O. B. Ellis, Director, Texas Department of Corrections. Motion to substitute Jack Heard in the place of O.B. Ellis as the party respondent granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1075, Misc. Clarence Collins, 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.

ACTION ON PETITIONS FOR WRITS OF HABEAS CORPUS

No. 602, Misc. Raymond Chaapel, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. This motion for leave to file an application for a writ of habeas corpus is hereby transferred "for hearing and determination" to the United States District Court for the Southern District of Florida. 28 U.S.C. § 2241 (b); Rule 31 (5), Revised Rules of the Supreme Court of the United States (1954); *Ex parte Abernathy*, 320 U.S. 219. Mr. Justice White took no part in the consideration or disposition of this motion.

No. 1119, Misc. *Ex parte* Malcolm R. Schlette, petitioner. Motion for leave to file petition for writ of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1040, Misc. James Beecher George, petitioner, *v.* United States District Court for the Southern District of California. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 282. Atlantic and Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd., et al.;

No. 425. William H. "Bill" Cross et al., appellants, *v.* Florida;

No. 689. Joseph P. Lewis and William C. Murray, Jr., etc., et al., petitioners, *v.* Thomas J. Fitzgerald, Trustee in Bankruptcy;

No. 717. Paul Crump, petitioner, *v.* Frank G. Sain, Sheriff;

No. 29, Misc. Oby Burks, petitioner, *v.* United States; and

No. 972, Misc. Joseph W. DiSilvestro, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these applications.

No. 587. Leo B. Mittelman, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

No. 707, Misc. Benjamin Reid, petitioner, *v.* Mark S. Richmond, Warden. Motion for leave to file second petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, May 21.

Adjourned until Monday, May 21, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Leslie H. Arps, of New York, N.Y., Lemuel Hugh Kemp, of Dalton, Ga., Irving Younger, of New York, N.Y., Judith Tess Younger, of New York, N.Y., Wayman Gray Sherrer, of Oneonta, Ala., George Gordon Liddy, of New York, N.Y., Michael Raymond Gallagher, of Cleveland, Ohio, and John H. FitzGerald, of Chelsea, Mass., on motion of Mr. Solicitor General Archibald Cox; Frank A. Gallagher, of Billings, Mont., on motion of Mr. Lee Metcalf; Ernest V. Hallberg, Jr., of Falls Church, Va., on motion of Mr. Edward V. Long; William E. Davenport, of San Angelo, Tex., on motion of Mr. Ralph W. Yarborough; Albert S. Silverman, of Pittsfield, Mass., and George R. McCormick, of Great Barrington, Mass., on motion of Mr. Silvio O. Conte; Fred Malone Hooey, of Houston, Tex., on motion of Mr. John Young; Martin N. Erek, of Houston, Tex., on motion of Mr. Craig Hosmer; Edward H. Borkon, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Manuel V. Lopez, Jr., of San Antonio, Tex., on motion of Mr. Arthur C. Perry; John J. Collins, of Alexandria, Va., Edgar Horton Smith, of Seattle, Wash., John E. Bowen, of Vacaville, Calif., Frank R. Natoli, of New York, N.Y., Morris Sankary, of San Diego, Calif., and Wanda Sankary, of San Diego, Calif., on motion of Mr. Maurice Francis Biddle; Frank Joseph Flynn, of Falls Church, Va., Bertram Reid Carraway, of Miami, Fla., and Joseph Conrad Sweeney, of Boston, Mass., on motion of Mr. Robert Davis Powers; William G. Reamon, of Grand Rapids, Mich., and Thomas W. Finucan, of Muskegon, Mich., on motion of Mr. Harold D. Beaton; Carol J. Head, of New York, N.Y., and John Garrison Gemmill, of Los Angeles, Calif., on motion of Mr. David W. Richmond; Francis B. Myers, of Washington, D.C., on motion of Mr. Edward M. Reidy; Robert T. Rylee, II, of Corpus Christi, Tex., on motion of Mr. John E. Lyle, Jr.; Ralph Jason Temple, of Washington, D.C., on motion of Mr. Thurman W. Arnold; Henry J. Siegman, of Washington, D.C., on motion of Mr. Irving Kator; John A. Melia, of New York, N.Y., on motion of Mr. Jacob Newman; Sterling LeRoy Weaver, of Rochester, N.Y., on motion of Mr. John Charles Reid; H. Cushman Dow, of San Diego, Calif., on motion of Mr.

Paul C. Warnke; James T. Holland, Jr., of Washington, D.C., on motion of Mr. Thaddeus Goode Holt, Jr.; J. Raymond Clark, of Washington, D.C., on motion of Mr. Arthur L. Winn, Jr.; William Howard Arkin, of Arlington, Va., and Zenda Lieberman Arkin, of Arlington, Va., on motion of Mr. Edmund D. Campbell; Richard G. Campbell, of Reno, Nev., on motion of Mr. Richard L. Callaghan; K. Robert Bunten, Jr., of Wilbraham, Mass., on motion of Mr. Thomas M. Raysor; Frances P. Minno, of Pittsburgh, Pa., on motion of Mr. Edward T. Tait; John F. Sieberth, of Baton Rouge, La., on motion of Mr. Richard Paul Schulze; Alan R. Howe, of Philadelphia, Pa., on motion of Mr. Joseph L. Rauh, Jr.; R. R. Bostwick, of Casper, Wyo., on motion of Mr. Edward E. Murane; Donald W. Banner, of Chicago, Ill., on motion of Mr. Harry W. Glemser; Glenn N. Lempereur, of Boston, Mass., on motion of Mr. Samuel D. McIlwain; John Henry Sandor, of Minneapolis, Minn., on motion of Mr. Robert A. Fields; Arthur R. Livingston, of Los Angeles, Calif., on motion of Mr. Alan Y. Cole; and Paul P. Gibson, Jr., of Jamaica, N.Y., Albert J. Grant, of Brooklyn, N.Y., R. Risley Dent, Jr., of Brooklyn, N.Y., Joseph B. Williams, of Brooklyn, N.Y., Alfred S. Robbins, of St. Albans, N.Y., Isador Liddie, of St. Albans, N.Y., George E. Wade, Jr., of Brooklyn, N.Y., Wilfred H. Kerr, of Hollis, Long Island, N.Y., Lewis L. Douglass, of Brooklyn, N.Y., Viron K. Jones, of Great Neck, N.Y., John Robert Ashmead, of Brooklyn, N.Y., Philip Kahn, of Valley Stream, N.Y., Joseph L. Gil, of Brooklyn, N.Y., William C. Thompson, of Brooklyn, N.Y., Edward J. Cambridge, of Brooklyn, N.Y., Cesar H. Quinones, of Brooklyn, N.Y., and George M. Fleary, of Brooklyn, N.Y., on motion of Mr. Frank D. Reeves, were admitted to practice.

OPINIONS

No. 8. Norton Anthony Russell, petitioner, *v.* United States;
 No. 9. Robert Shelton, petitioner, *v.* United States;
 No. 10. Alden Whitman, petitioner, *v.* United States;
 No. 11. Herman Liveright, petitioner, *v.* United States;
 No. 12. William A. Price, petitioner, *v.* United States; and
 No. 128. John T. Gojack, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments reversed and cases remanded to the United States District Court for the District of Columbia for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas in Nos. 8, 9, 10, 11, and 12. Dissenting opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Justice Frankfurter took no part in the decision of

these cases. Mr. Justice Brennan took no part in the consideration or decision of No. 10. Mr. Justice White took no part in the consideration or decision of these cases.

No. 222. National Labor Relations Board, petitioner, *v.* Benne Katz et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to enforce the Board's order. Opinion by Mr. Justice Brennan. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 159. Frederick C. Lynch, petitioner, *v.* Winfred Overholser, Superintendent, St. Elizabeths Hospital. 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 Harlan. Dissenting opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 358. Laureano Maysonet Guzman, petitioner, *v.* Ramon Ruiz Pichirilo. 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 for further proceedings in conformity with the opinion of this Court including the resolution of any questions it might have left unanswered on the assumption that there was no liability. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 312. In the Matter of the Petition for a Writ of Habeas Corpus for Merritt W. Green II, petitioner. On writ of certiorari to the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins, dissenting in part and concurring in part. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 205. J. W. Free, petitioner, *v.* James F. Bland. On writ of certiorari to the Supreme Court of Texas. Judgment reversed and case remanded to the Supreme Court of Texas for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 224. The Hanover Bank, Executor, et al., petitioners, *v.* Commissioner of Internal Revenue. On writ of certiorari to the United State Court of Appeals for the Second Circuit. Judgments reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White 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. 569. I. L. F. Y. Co., appellant, *v.* Temporary State Housing Rent Commission 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*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 829. W. Jake Brown, d/b/a Tia Wanna, et al., appellants, *v.* J. Orville Cheney, Commissioner of Revenues, State of Arkansas. Appeal from the Supreme Court of Arkansas. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 794. United States, appellant, *v.* Georgia Public Service Commission. Appeal from the United States District Court for the Northern District of Georgia. Further consideration of the question of jurisdiction is postponed until a hearing of the case on the merits. Counsel are requested to brief and argue, in addition to the merits, the question of this Court's jurisdiction on direct appeal under 28 U.S.C. § 1253; see 28 U.S.C. § 2281; cf. *Kesler v. Department of Public Safety*, 369 U.S. 153, 155-158. The case is set for argument immediately following No. 239.

No. 799. United States, appellant, *v.* The Philadelphia National Bank et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. In this case probable jurisdiction is noted. Mr. Justice White took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 843. National Labor Relations Board, petitioner, *v.* Reliance Fuel Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 839. Local No. 438 Construction & General Laborers' Union, AFL-CIO, petitioner, *v.* S. J. Curry et al., etc. Petition for writ of certiorari to the Supreme Court of Georgia granted limited to the question of whether the Supreme Court of Georgia erred as stated in Questions (d), (h) and (i) of the petition which read as follows:

"(d) In holding that it was illegal for the Petitioner to carry a placard in front of the Construction job containing the statement 'S. J. Curry & Company, Inc., violating contract with City of Atlanta by not paying wages conforming with those of a similar type of work in the Atlanta area. Construction & General Laborers' Union 438, AFL-CIO'. The Court so held, notwithstanding the fact that the Court found that the legend carried upon said sign was true and that S. J. Curry & Company was not paying the prevailing wage in the area even though it had executed a contract with the City of Atlanta for said construction which contract contained the provision: 'Wages will conform with those being paid on similar types of work in the Atlanta area'.

"(h) In granting said injunction, said court deprived Petitioner in Certiorari of rights protected by the National Labor Relations Act, Title 29, Section 157 of the United States Code Annotated.

"(i) In granting said injunction said court assumes jurisdiction of a cause, the subject matter of which had been preempted by enactment of the National Labor Relations Act, Title 29, Section 157-158(b) of the United States Code Annotated."

Counsel are requested also to brief and argue the question of the Court's jurisdiction to review the judgment of the Supreme Court of Georgia under 28 U.S.C. § 1257; see *Montgomery Building & Construction Trades Council v. Ledbetter Erection Company*, 344 U.S. 178.

No. 1123, Misc. Daniel Alton Williams, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force, 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 District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 764. Wisconsin Central Railroad Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 805. Nathan Hausman et al., petitioners, *v.* John W. Buckley et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 821. Las Vegas Hacienda, Inc., petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 831. Camden Trust Company, petitioner, *v.* Ray M. Gidney, Comptroller of the Currency, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 834. Simone Scozzari, petitioner, *v.* George K. Rosenberg, District Director for Immigration and Naturalization Service, Los Angeles, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 835. Greenwood Wooten et al., petitioners, *v.* Texas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 838. Division No. 14, The Order of Railroad Telegraphers, by R. D. Wilson, et al., etc., petitioners, *v.* G. E. Leighty et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 840. Onsrud Machine Works, Inc., petitioner, *v.* Ekstrom-Carlson & Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 842. H. Neil Kelly, 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. 844. Louis F. Fox, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 849. Lincoln Rochester Trust Company, as Administrator, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 850. Benjamin Bernstein, petitioner, *v.* Abraham A. Ribicoff, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 851. Whitelight Products Division of White Metal Rolling and Stamping Corp., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 852. B. T. Woodard and B. J. Woodard, d/b/a Woodard Motor Company, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 854. James F. Torrance, petitioner, *v.* Joseph Salzinger, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 855. James F. Torrance, petitioner, *v.* Joseph Salzinger, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 857. Charles J. Hirsch, petitioner, *v.* David L. Ladd, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 878. Maylon B. Clinkscales, petitioner, *v.* Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 893. Joseph Navarro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 917. Edward A. Zegers, etc., petitioner, *v.* Zegers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 833. Frederick C. Reichert, petitioner, *v.* Borough of Schuylkill Haven. Motion to strike respondent's brief and petition for writ of certiorari to the Court of Common Pleas of Schuylkill County of Pennsylvania denied.

No. 889. Federal Trade Commission, petitioner, *v.* Exquisite Form Brassiere, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted. Mr. Justice White took no part in the consideration or decision of this application.

No. 585, Misc. Charles F. Hanovich, petitioner, *v.* Beryle C. Sacks, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 613, Misc. Orville Wayne Judd, petitioner, *v.* Colonel Weldon C. Cox, Commandant, United States Disciplinary Barracks, Fort Leavenworth, Kansas. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 691, *Misc.* James Eason, petitioner, *v.* Richard A. McGee, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1017, *Misc.* John P. Mitchell, petitioner, *v.* O. G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1046, *Misc.* John J. Vaccaro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1082, *Misc.* McKinley Watson, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1083, *Misc.* Miguel R. Torres, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1086, *Misc.* Earl Glynn, petitioner, *v.* Mark S. Richmond, Warden. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1087, *Misc.* Robert Weber, petitioner, *v.* Division of Parole of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1088, *Misc.* Clarence L. Butler, petitioner, *v.* Rutherford Day. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1093, *Misc.* George Chambers, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1094, *Misc.* Vincent Mummiani, petitioner, *v.* Harry Silberglitt, Warden, et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1101, *Misc.* Willie Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1103, *Misc.* Harris Worthem, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1104, *Misc.* Antonio Fuentes, 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. 1105, *Misc.* Samuel Witt, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1168, Misc. Herman Jackson, Jr., petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

REHEARINGS DENIED

No. 803. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Bros., Inc. Petition for rehearing denied.

No. 678. General Geophysical Company, petitioner, *v.* United States;

No. 683. Raul Pinto et al., petitioners, *v.* States Marine Corporation of Delaware et al.; and

No. 979, Misc. Robert E. Lipscomb, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these applications.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, May 28.

Adjourned until Monday, May 28, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Henry J. Steiner, of Cambridge, Mass., Hubert Michael Hart, of Eagle Grove, Iowa, Anthony H. Atlas, of New York, N.Y., Lawrence Potamkin, of Washington, D.C., J. Jerry Zeltzer, of Miami Beach, Fla., Robert Marc Talcott, of New Haven, Conn., Harry G. Sklarsky, of Brooklyn, N.Y., Gordon B. Spivack, of New Haven, Conn., Richard Willis Schmude, of Cabin John, Md., Willis Murray Schueth, of Dallas, Tex., Earl Lawrence Hickman, of Atlanta, Ga., Howard Pelham Wallace, of Griffin, Ga., Temple Garrett Thompson, of Oklahoma City, Okla., Winthrop Stuyvesant Emmet, of New York, N.Y., John A. Hoskins, of Columbus, Ohio, Victor John Van Bourg, of San Francisco, Calif., and Arthur R. Miller, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Harry Paul Wolfe, of Fort Smith, Ark., on motion of Mr. John L. McClellan; David S. King, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Paul G. Olsen, of Billings, Mont., on motion of Mr. Lee Metcalf; Leonard S. Zubrensky, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; Dolores Goldman, of Gary, Ind., and Alfred V. Dunkin, Jr., of Gary, Ind., on motion of Mr. Ray J. Madden; Joseph Alex Rappeport, of Tucson, Ariz., and Jack J. Rappeport, of Tucson, Ariz., on motion of Mr. Morris Udall; Jack Moskowitz, of Huntington Woods, Mich., on motion of Mr. Harold D. Beaton; George A. Patterson, of Boca Raton, Fla., on motion of Mr. Joseph C. McGarraghy; Harry H. Sonnemaker, Jr., of Peoria, Ill., on motion of Mr. Carl F. Paul; Carl George Love, of Washington, D.C., on motion of Mr. John W. Malley; Ellen Ann Smith Lloyd, of Bloomington, Ind., on motion of Mr. George H. Buschmann; William Mazey, of Detroit, Mich., on motion of Mr. Joseph L. Rauh, Jr., Melford Oliver Cleveland, of Wilton, Ala., on motion of Mr. Benjamin V. Cohen; Jonathan U. Newman, of Portland, Oreg., on motion of Mr. Daniel J. Freed; Phyllis R. Gratz, of Auburn, Ind., Oglesby H. Young, of Portland, Oreg., and Ellsworth C. Triplett, of Tucson, Ariz., on motion of Mr. Maurice Francis Biddle; Robert Huntington Knight, of Greenwich, Conn., on motion of Mr. Henry H. Fowler; John E. McCollum, of Springfield, Va., and Winston C. Grimm, of Winchester, Va., on

motion of Mr. James R. Murphy; Olin B. Johnson, of Lancaster, Mo., on motion of Mr. C. Dinwiddie Stores; Michael A. Tito, of Benton Harbor, Mich., on motion of Mr. John Philip Carlson; Flournoy L. Largent, Jr., of Winchester, Va., on motion of Mr. John Marshall Martin, Jr.; Joseph M. Soviero, of Brooklyn, N.Y., on motion of Mr. Victor Fiddler; James McGirr Kelly, of Philadelphia, Pa., Nicholas Kozay, Jr., of Philadelphia, Pa., and William Joseph O'Brien, of Philadelphia, Pa., on motion of Mr. Edward J. Griffiths; Boris Stauffer Woolley, of Torrance, Calif., on motion of Mr. Henry F. Butler; Claude B. Duval, of Houma, La., and Geo. Arceneaux, Jr., of Houma, La., on motion of Mr. Julian P. Freret; Frank Harrison Conway, of Boston, Mass., on motion of Daniel T. Coughlin; John L. Conners, of New York, N.Y., on motion of Mr. Roy Leiffen; Ernest James Hewett, of Miami, Fla., on motion of Mr. Lawrence J. Latto; William Alexander Simon, Jr., of New York, N.Y., on motion of Mr. Richard A. Whiting; J. Robert Lunney, of New York, N.Y., on motion of Miss Marie Lucilda McCann; John Dacy Stevens, of Port Chester, N.Y., on motion of Mr. Ralph E. Becker; Charles H. Cover, of Baltimore, Md., and Henry L. Conway, Jr., of Baltimore, Md., on motion of Mr. George F. Flentje, Jr.; David Beck, of Newark, N.J., on motion of Mr. Jules H. Sigal; Richard Arnold Ahlgren, of Elk Grove Village, Ill., on motion of Mr. Lyon L. Tyler, Jr.; Thomas B. Columbus, of Milwaukee, Wis., on motion of Mr. Richard W. Galiher; Herbert T. Ikazaki, of Chicago, Ill., on motion of Mrs. Ruby Kettles Peterson; Alice Brandeis Gilbert, of New York, N.Y., on motion of Mr. Lionel Charles Epstein; Victor A. De Fiori, of South Bend, Ind., on motion of Mr. Peter S. Wondolowski; Charles A. Zubietta, of Los Angeles, Calif., on motion of Mr. Bradford Ross; Warren John O'Brien, of Boston, Mass., and Thomas Christian De Courcy, of Boston, Mass., on motion of Mr. John J. Kelly; Calvin H. Childress, of Norfolk, Va., William Farley Powers, Jr., of Norfolk, Va., S. Ellwood Wilson, of Washington, D.C., Edward G. Fenwick, Jr., of Washington, D.C., and Francis A. Keegan, of Washington, D.C., on motion of Mr. Boynton P. Livingston; George C. Parzen, of Detroit, Mich., on motion of Mr. Philip Goldstein; and Donald S. Sherwood, of Freeport, N.Y., on motion of Mr. Maurice Meyer, were admitted to practice.

OPINIONS

No. 283. James Victor Salem, petitioner, *v.* United States Lines Company. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed as respects maintenance. In all other respects judgment reversed and case remanded to the United States Court of Appeals for the Second Circuit for

further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Harlan, dissenting in part and concurring in part. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 241. Sunkist Growers, Inc., et al., petitioners, *v.* Winckler & Smith Citrus Products Co. et al. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 464. National Labor Relations Board, petitioner, *v.* Washington Aluminum Company. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the Court of Appeals with directions that a judgment be entered enforcing the order of the Board in its entirety. Opinion by Mr. Justice Black. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 493. J. L. Enochs, District Director of Internal Revenue, petitioner, *v.* Williams Packing & Navigation Co., Inc. 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 Mississippi with directions to dismiss the complaint. Opinion by Mr. Chief Justice Warren. Mr. Justice Frankfurter 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. 648. J. B. Beard, appellant, *v.* Elvis J. Stahr, Jr., Secretary of the Army, et al. Appeal from the United States District Court for the District of Columbia. Judgment vacated and case remanded to the District Court with directions to dismiss the complaint. Accordingly, the application for a stay is denied. Opinion *per curiam*. The Chief Justice is of the opinion that further consideration of the question of jurisdiction should be postponed to the hearing of the case on the merits and would grant the application for a stay. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black

concurr. Mr. Justice Frankfurter took no part in the decision of this case.

No. 789. T. A. Watkins, appellant, *v.* City of Wilson et al. Appeal from the Supreme Court of North Carolina. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 824. Dave Fass, appellant, *v.* New Jersey. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas dissents. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 728, Misc. Thomas Busby and James Iman, petitioners, *v.* Hon. George B. Harris, Judge, 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 certiorari granted. Judgment vacated and case remanded to the Court of Appeals with directions to dismiss the proceedings upon the ground that the case is moot. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. —. Homestead Hospital, appellant, *v.* Marian Bobcik. The motion of the appellee to dismiss under Rule 14(2) is granted and the appeal is dismissed.

No. 823. Pan American Petroleum Corporation, petitioner, *v.* Kansas-Nebraska Natural Gas Company, Inc. The motion of Western Natural Gas Company for leave to file brief, as *amicus curiae*, is granted.

APPEALS—JURISDICTION NOTED

No. 796. New York Central Railroad Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

No. 659. Northern Natural Gas Company, appellant, *v.* State Corporation Commission of the State of Kansas. Appeal from the Supreme Court of Kansas. In this case probable jurisdiction is noted. Mr. Justice White took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 793. Mark E. Schlude et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit, ^{granted} and case transferred to the summary calendar.

No. 1022, Misc. Raymond L. Haynes, petitioner, *v.* Washington. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 394. Michael Vincent Geagan et al., petitioners, *v.* John A. Gavin, Superintendent, Massachusetts Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 395. Levi S. McDonald, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 710. Levi S. McDonald, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 827. Librado Seda Alvarez, petitioner, *v.* Puerto Rico. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 856. Willems Industries, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 859. Paul Bostic, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 864. Allan C. Cain et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 867. Leland A. Chappelle, petitioner, *v.* Dudley C. Sharp et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 869. Samuel Asaro, petitioner, *v.* Carlo Parisi. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 871. H. B. Ives Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 873. Peter S. Sarelas, petitioner, *v.* John C. Gekas, Phillip S. Makin, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 874. Bernard August, petitioner, *v.* Board of Public Education, School District of Philadelphia. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 863. John Halun, petitioner, *v.* Emory M. Jones, Sr. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted, the judgment of the Court of Appeals reversed and the case remanded to the District Court for a jury trial.

No. 866. In the Matter of Lillian Clawans, petitioner. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Brennan took no part in the consideration or decision of this application.

No. 610, Misc. Lee Roy Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 782, Misc. Alexander Phinney, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 802, Misc. Arthur Burton, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 828, Misc. Chester Banks, petitioner, *v.* Paul J. Madigan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 832, Misc. James Overby, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 818, Misc. James M. Tyler, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

REHEARINGS DENIED

No. 22. August Scholle, appellant, *v.* James M. Hare, Secretary of State of Michigan, et al.;

No. 776. Lawrence J. Long, petitioner, *v.* Illinois Central Railroad Company, etc.; and

No. 1044, Misc. J. H. Hollis, petitioner, *v.* Texas. Petitions for rehearing denied.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, June 4.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Clifford C. Kaslow, of Washington, D.C., Daniel Joseph McTague, of Washington, D.C., Abbott A. Leban, of Washington, D.C., John R. Schmertz, Jr., of Washington, D.C., Arnold T. Aikens, of Washington, D.C., Helen L. Gallagher, of Los Angeles, Calif., James Justin Shea, of Los Angeles, Calif., Warren Sikora, of Santa Ana, Calif., Arnold Alperstein, of Lakewood, Colo., Arthur L. Crowe, Jr., of Marietta, Ga., Neal J. Holland, of Boston, Mass., Harold Green, of Great Neck, N.Y., Donald E. Roney, of New York, N.Y., Paul L. Thompson, of Columbus, Ohio, Stannard E. Widener, of Johnson City, Tenn., M. B. Parker, of Las Vegas, Nev., Marvin Earl Steffen, of Norfolk, Va., Hugh G. Casey, Jr., of Charlotte, N.C., Richard S. Tunick, of Brooklyn, N.Y., William D. Edwards, of Columbus, Ohio, Robert Warren Baker, of Sacramento, Calif., John Gale, of Miami, Fla., William Morgan Manker, of Miami, Fla., and Dominick E. Matturro, of Miami, Fla., on motion of Mr. Solicitor General Archibald Cox; Charles Donahue, of Portland, Maine, and Stephen N. Shulman, of Washington, D.C., on motion of Mr. Arthur J. Goldberg; Bruce S. Jenkins, of Salt Lake City, Utah, and Allan T. Howe, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; John J. McAvoy, of Worley, Idaho, on motion of Mr. Frank Church; W. T. McDonald, of Bryan, Tex., on motion of Mr. Homer Thornberry; Vernon Murray Jordan, of Brady, Tex., on motion of Mr. O. C. Fisher; Raymond H. Hegna, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Lee S. Nebeker, of Green River, Wyo., on motion of Mr. William Henry Harrison; Curt E. Stern, of Cleveland, Ohio, on motion of Mr. Frederick Bernays Wiener; Richard K. Donahue, of Lowell, Mass., on motion of Mr. Fred M. Vinson, Jr.; Sylvester Irwin Olson, of Yakima, Wash., on motion of Mr. Ralph E. Becker; James D. Heiple, of Washington, Ill., on motion of Mr. Royal E. Jackson; Alfred A. Giardino, of New York, N.Y., on motion of Mr. E. Barrett Prettyman, Jr.; Robert Hubbard, of Louisville, Ky., on motion of Mr. J. William Doolittle; Clyde A. Szuch, of Newark, N.J., and Roger C. Ward, of Newark, N.J., on motion of Mr. James F. Bell; Sam Saleh, of Lamesa, Tex., on motion of Miss Lou Nora Spiller;

Anthony William Gross, of Middletown, N.Y., Alan Raywid, of Washington, D.C., Robert D. Klages, of Washington, D.C., and Allen van Emmerik, of Washington, D.C., on motion of Mr. William Leavenworth Colby; Morris J. Fellner, of New York, N.Y., on motion of Mr. Thomas E. Shroyer; Leona H. Pouncey Thurman, of Kansas City, Mo., Robert E. Lillard, of Nashville, Tenn., and Theodore F. Crawley, of Chicago, Ill., on motion of Mr. William S. Thompson; James Donel Guernsey, of Fostoria, Ohio, on motion of Mr. John Gibson Semmes; Edward H. Kurth, of Wilmington, Del., on motion of Mr. Charles D. I. Lennhoff; John E. Barnett, of Santa Ana, Calif., Charles B. Guy, of Memphis, Tenn., and Thomas B. Wood, of Joliet, Ill., on motion of Mr. William H. Bennison; Joel R. Feidelman, of Washington, D.C., on motion of Mr. Arthur Lazarus, Jr.; Richard E. Crowe, of St. Louis, Mo., Walter Hally Smith, of Ballwin, Mo., and Wm. J. Becker, of Clayton, Mo., on motion of Mr. Morris Altman; Robert Alexander Kincaid, of Berkeley, Calif., on motion of Miss Eileen C. O'Connor; John Corry Fell, of Santa Clara, Calif., on motion of Mr. Earl R. Stanley; George G. Lorinczi, of Milwaukee, Wis., on motion of Mr. Edward F. McKie; Peter S. Bedrossian, of New York, N.Y., and William O. Lenihan, of New York, N.Y., on motion of Mr. Kenneth A. Pye; Loretta C. Corcoran, of East Northport, N.Y., and Robert Emmet Flynn, of East Northport, N.Y., on motion of Mr. Denis G. McInarney; Richard Guildford Bateson, of Washington, D.C., on motion of Mr. Carleton Eugene Webb; Thomas E. Cummings, of Madera, Calif., on motion of Mr. Ernest L. Crosson; Eugene Lawrence Girden, of New York, N.Y., on motion of Mr. Percy A. Shay; Robert J. Hoffman, of Boston, Mass., on motion of Mr. Donald H. Green; John Edward Cosgrove, of Keokuk, Iowa, on motion of Mr. Alfred L. Scanlan; Gerald Scher, of Madison, Wis., on motion of Mr. David A. Sutherland; Donald Hugh Hedges, of Seattle, Wash., on motion of Mr. Elwood Englander; Frank Di Lalla, of Brooklyn, N.Y., on motion of Mr. William I. Siegel; Frederick R. Riehl, of Baltimore, Md., on motion of Mr. Kahl K. Spriggs; Donald Clark O'Melia, of Rhineland, Wis., and Richard J. O'Melia, of Washington, D.C., on motion of Mr. George Harry Hearn; Alfred C. DeCrane, Jr., of Houston, Tex., on motion of Mr. Vernon C. Kohlhaas; J. Fleet Cowden, of Sudbury, Mass., on motion of Mr. Daniel T. Coughlin; Steven E. Halpern, of Philadelphia, Pa., on motion of Mr. Samuel Kagle; Preston H. Taylor, of Kingsport, Tenn., and Howard E. Wilson, of Kingsport, Tenn., on motion of Mr. J. Randolph Wilson; and Rodman C. Herman, of Newark, N.J., Ira April, of Newark, N.J., Paul K. Owen, of Newark, N.J., Alvin D. Hersh, of Newark, N.J., Francis A. Bock, of Newark, N.J., James R. Schlosberg, of Newark, N.J., Xavier Del Negro, of Newark, N.J., Harry Dudkin, of Newark, N.J., Herbert Blaustein, of Newark, N.J., Melvin S. Taub,

of Passaic, N.J., Mark Addison, of Lakewood, N.J., David P. Kuehne, of River Edge, N.J., Leonard D. Ronco, of Belleville, N.J., Paul L. Blenden, of Asbury Park, N.J., Ralph G. Conte, of Bloomfield, N.J., Victor Shorr, of Clifton, N.J., Maurice Koenigsberg, of Irvington, N.J., David L. Ravich, of Rahway, N.J., Edward Stanton, of East Orange, N.J., Herman J. Ziegler, of East Orange, N.J., Malcolm H. Greenberg, of Orange, N.J., Joseph D. McGlone, of Boonton, N.J., and George M. James, of Wildwood, N.J., on motion of Mr. Aristo Dallavalle, were admitted to practice.

OPINIONS

No. 236. Harry Lanza, petitioner, *v.* New York. On writ of certiorari to the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Harlan. Separate opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas and Mr. Justice Brennan join. Separate opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 532. C. D. Calbeck, Deputy Commissioner, etc., et al., petitioners, *v.* Travelers Insurance Co. et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments of the Court of Appeals reversed and judgments of the United States District Court for the Eastern District of Louisiana and the United States District Court for the Western District of Louisiana affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 79. Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, *v.* United States 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. Justice Black. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 190. United States, petitioner, *v.* Thomas Crawley Davis et al.; and

No. 268. Thomas Crawley Davis et al., petitioners, *v.* United States. On writs of certiorari to the United States Court of Claims. The part of the judgment reviewed in No. 190 is reversed and case remanded to the Court of Claims for further proceedings in conform-

ity with the opinion of this Court. The part of the judgment reviewed in No. 268 is affirmed. Opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the decision of these cases. Mr. Justice White took no part in the consideration or decision of these cases.

No. 475. Robert Elmer Gallegos, petitioner, *v.* Colorado. On writ of certiorari to the Supreme Court of Colorado. Judgment reversed and case remanded to the Supreme Court of Colorado for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 124. Creek Nation, petitioner, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Frankfurter 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. 773. Levert H. Taylor et al., petitioners, *v.* Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana. Petition for certiorari granted. On writ of certiorari, judgment reversed and case remanded to the Supreme Court of Louisiana for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would grant certiorari and set the case for argument. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 861. Jefferson Lake Sulphur Company, appellant, *v.* New Jersey. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1092, Misc. Lucille Holden, appellant, *v.* Pioneer Broadcasting Company et al. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

— In the Matter of Henry R. Shields. Henry R. Shields, Esquire, of New York, New York, 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.

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. This case is restored to the calendar for reargument and set for Monday, October 8, 1962. A total of six hours is allowed for the reargument. The Chief Justice took no part in the consideration or decision of this case.

No. 479. Wong Sun and James Wah Toy, petitioners, *v.* United States. This case is restored to the calendar for reargument.

No. 809. Edward M. Fay, Warden, et al., petitioners, *v.* Charles Noia. The motion of the respondent for leave to proceed *in forma pauperis* is granted.

CERTIORARI GRANTED

No. 868. Brotherhood of Locomotive Engineers et al., petitioners, *v.* Louisville and Nashville Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case transferred to the summary calendar.

No. 890, **Misc**. Clarence Earl Gideon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. 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. In addition to other questions presented by this case, counsel are requested to discuss the following in their briefs and oral argument:

“Should this Court’s holding in *Betts v. Brady*, 316 U.S. 455, be reconsidered?”

CERTIORARI DENIED

No. 728. United States, petitioner, *v.* T. M. and Josephine S. Evans. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 761. Lee Mode, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 875. Shenandoah Corporation, petitioner, *v.* E. Franklin Jackson, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 876. Max Geller et al., petitioners, *v.* Holland-America Line. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 877. Sam Feldman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 879. F. P. Baugh, Inc., etc., petitioner, *v.* Little Lake Lumber Co., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 880. Theodore F. Appleby 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. 883. J. Robert Chenu, Administrator, etc., petitioner, *v.* Board of Trustees, Police Pension Fund, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 884. R. A. Holman & Co., Inc., petitioner, *v.* Securities and Exchange Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 886. Salvatore Frascone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 888. John V. Boland Construction Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 891. Estate of Mabel K. Carter, Deceased, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 892. Richard Woods, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 894. Tennessee Products & Chemical Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 897. Peter Skontos, a/k/a Panagiotis Skoundrianos, petitioner, *v.* John C. Gekas. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 898. Kohler Co., petitioner, *v.* Local 833, UAW-AFL-CIO International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 899. Universal Terminal & Stevedoring Corp., petitioner, *v.* Isbrandtsen Co., Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 904. Franklin McKenzie Davison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 905. William J. Hardy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 906. Antonio Finocchairo, petitioner, *v.* Joseph P. Kelly, Commissioner of Motor Vehicles. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 969, Misc. Oma Roy Eidson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1060, Misc. Ruben Dario Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1100, Misc. Willie 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. 1111, Misc. Bernard E. Moore, 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. 1126, Misc. Charles E. Lawrenson, petitioner, *v.* United States Fidelity and Guaranty Co., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1263, Misc. James X. Crawford, petitioner, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari and for other relief to the United States Court of Appeals for the Sixth Circuit denied.

No. 1442, Misc. Henry Adolph Busch, petitioner, *v.* California. Application for stay and petition for writ of certiorari to the Supreme Court of California denied.

REHEARINGS DENIED

No. 715. Aaron Fleck et al., petitioners, *v.* Cleveland Bar Association;

No. 748. Laverne W. Simpson, etc., appellant, *v.* United States et al.; and

No. 818. United States Lines Company et al., petitioners, *v.* Emanuel Van Carpals. Petitions for hearing denied.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, June 11.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Milton Heller, of Washington, D.C., Robert B. Hummel, of Chicago, Ill., John P. Ryan, of Louisville, Ky., James F. Schoener, of Muskegon, Mich., Charles Gailord Luellman, of Bloomfield, Nebr., H. Jonathan Fox, of Trenton, N.J., Samuel A. Gordon, of Trenton, N.J., and Eugene P. Taylor, of Trenton, N.J., on motion of Mr. Solicitor General Archibald Cox; Michael J. Hughes, of Helena, Mont., on motion of Mr. Lee Metcalf; George Arthur Cady, Jr., of Hampton, Iowa, on motion of Mr. Jack Miller; Woodrow De Vore White, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Franklin A. Polk, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Ira Schneier, of Tucson, Ariz., on motion of Mr. Morris K. Udall; John L. Ostby, of Duluth, Minn., and Thomas Telford Barnhouse, of Richardson, Tex., on motion of Mr. Robert Davis Powers; William E. Gwatkin III, of Washington, D.C., and Lawrence F. Ledebur, of Washington, D.C., on motion of Mr. Leavenworth Colby; James Vernon Abbott, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; W. A. Crawford, Jr., of Alexandria, Va., on motion of Mr. James J. Lenihan; Wilford C. Long, of Portland, Oreg., on motion of Mr. William Berg, Jr.; Karl G. Erickson, of Kalamazoo, Mich., and Charles C. Wickett, of Kalamazoo, Mich., on motion of Mr. Harold D. Beaton; Joe Davis Woodward, of Magnolia, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Robert J. Kilpatrick, of Long Beach, Calif., on motion of Mr. Lawrence C. Merthan; George Finley, of Kermit, Tex., on motion of Miss Lou Nora Spiller; William Wallace McNeill, of Arvada, Colo., on motion of Mr. Joseph McDonald; Jack Redden, of Dallas, Tex., on motion of Mr. Robert V. Shirley; Samuel L. Levinson, of Seattle, Wash., on motion of Mr. Abraham E. Freedman; Richard Harlan Frank, of Tampa, Fla., on motion of Mr. John R. Foley; Frank L. Neuhauser, of Washington, D.C., on motion of Mr. O. Bryan Waddell; Robert Liddell Webb, of San Jose, Calif., on motion of Mr. Edward Hong; Stanley Bernard Cohen, of Washington, D.C., on motion of Mr. Paul Dobin; Clyde R. Mann, of Arlington, Va., on motion of Mr. Fordyce Raymond Downs; Elliott Kalcheim, of Chicago, Ill., on motion of Mr. Edward F. Kenehan; Joe D. Young, of Des Moines, Iowa, on motion

of Mr. Luther L. Hill, Jr.; Goodrich Morgan Sullivan, of Mahtomedi, Minn., on motion of Mr. William Mitchell; John Robert Droege, of Washington, D.C., on motion of Mr. Jerome J. McGrath; Charles Patrick Hovis, of Washington, D.C., on motion of Mr. Richard A. Mehler; Robert A. Cohen, of Pittsburgh, Pa., on motion of Mr. William R. Duff; Mark H. Adams II, of Wichita, Kans., on motion of Mr. Justin R. Wolf; Omar Valldejuli, of San Juan, P.R., and John J. Gallagher, of Boston, Mass., on motion of Mr. Frederick T. Suss; Julio E. Soltero, of Baltimore, Md., on motion of Mr. Paul E. Gaeng; Julius A. Itzkowitz, of New York, N.Y., on motion of Mr. Charles Sparr; James Reeves Kelley, of Greensburg, Pa., on motion of Mr. Arthur L. Quinn; John C. Jaqua, Jr., of New York, N.Y., on motion of Mr. Frederick W. Winkelman; Edward N. Juhan, of Denver, Colo., on motion of Miss Wilmer C. Martin; James H. Mann, of Poolesville, Md., on motion of Mr. Karl Riemer; John Clarke Galvin, of Belmar, N.J., on motion of Mr. Donald Westra; and Myles Collier Stewart, of Tucson, Ariz.; John Ober, of Indianapolis, Ind., Richard E. Deer, of Indianapolis, Ind., Arlice Ulvester Walker, of Henderson, Ky., Robert L. Picher, of Winooski, Vt., Thomas A. Facelle, Jr., of White Plains, N.Y., Edward M. O'Rourke, of Chicago, Ill., Joseph B. Clark, of New Haven, Conn., Otto K. Hilbert, of Logansport, Ind., William J. Bumster, of Hartford, Conn., Joseph P. Hegarty, Jr., of Weymouth, Mass., Robert Coleman Cox, of Dallas, Tex., Paul N. Cotro-Manes, of Salt Lake City, Utah, and Pearl Wayland McMurry, of Corydon, Iowa, on motion of Mr. Maurice Francis Biddle, were admitted to practice.

OPINIONS

No. 480. Robert Morales et al., petitioners, *v.* City of Galveston et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Black join. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 166. Marine Engineers Beneficial Association et al., petitioners, *v.* Interlake Steamship Company et al. On writ of certiorari to the Supreme Court of Minnesota. Judgment reversed and case remanded to the Supreme Court of Minnesota for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 604. Harry Clifford Porter, petitioner, *v.* Aetna Casualty and Surety Company. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Separate opinion by Mr. Justice Douglas. Mr. Chief Justice Warren and Mr. Justice Frankfurter 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.”

OPINION PER CURIAM

No. 836. W.M.C.A., Inc., et al., appellants, *v.* Caroline K. Simon, Secretary of State of New York, et al. Appeal from the United States District Court for the Southern District of New York. The motion to substitute Paul R. Screvane in the place of Abe Stark and Eugene H. Nickerson in the place of A. Holly Patterson as parties appellee are granted. Judgment vacated and case remanded to the District Court for further consideration in the light of *Baker v. Carr*, 369 U.S. 186. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

ORDER IN PENDING CASE

No. 469. Inces Steamship Company, Ltd., petitioner, *v.* International Maritime Workers Union et al. This case is transferred to the summary calendar and set for argument immediately following No. 942.

APPEALS—JURISDICTION NOTED

No. 923. The Baltimore & Ohio Railroad Company et al., appellants, *v.* Boston and Maine Railroad et al.;

No. 924. Maryland Port Authority et al., appellants, *v.* Boston and Maine Railroad et al.; and

No. 925. Interstate Commerce Commission, appellant, *v.* Boston and Maine Railroad et al. Appeals from the United States District Court for the District of Massachusetts. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allowed for oral argument. Mr. Justice White took no part in the consideration or decision of these cases.

CERTIORARI GRANTED

No. 858. Ivan C. McLeod, Regional Director for the Second Region of the National Labor Relations Board, petitioner, *v. Empresa Hondurena de Vapores, S.A.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 862. National Maritime Union of America, AFL-CIO, petitioner, *v. Empresa Hondurena de Vapores, S.A.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case transferred to the summary calendar.

No. 942. Frank W. McCulloch, Chairman, and Philip Ray Rodgers, et al., Members, National Labor Relations Board, petitioners, *v. Sociedad Nacional de Marineros de Honduras et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case transferred to the summary calendar.

No. 922. United States, petitioner, *v. Buffalo Savings Bank.* Petition for writ of certiorari to the Court of Appeals of New York granted and case transferred to the summary calendar.

CERTIORARI DENIED

No. 275. Winckler & Smith Citrus Products Co., et al., petitioners, *v. Sunkist Growers, Inc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 845. Ouachita Parish School Board, petitioner, *v. State of Louisiana*, through the Department of Highways. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 865. Homer R. Simmons, petitioner, *v. The Kansas City Southern Railway Company.* Petition for writ of certiorari to the Court of Civil Appeals of Texas, Ninth Supreme Judicial District, denied.

No. 870. Carl D. Schaefer, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 872. St. Mary Parish School Board, petitioner, *v. Terrebonne Parish School Board.* Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 881. Exposition Press, Inc., et al., petitioners, *v. Federal Trade Commission.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 887. Thomas DiDonato, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 890. Della Hill and O. M. Cass, d/b/a Alaska Market, petitioners, *v.* Alma Lee Moe et al. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 901. Eduard Von der Heydt, Libertas, S.A., et al., petitioners, *v.* Robert F. Kennedy, 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. 902. Hecla Mining Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 903. Riss & Company, Inc., petitioner, *v.* The Association of Western Railways et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 908. J. Leland Anderson, petitioner, *v.* Roger I. Knox. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 909. Philamon Laboratories, 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. 911. William G. Soler, petitioner, *v.* Board of Public Education, School District of Philadelphia. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 912. Pawnee Indian Tribe of Oklahoma, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 914. Bernard Baumgarten, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 915. Frank Flores, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 916. In the Matter of the Application of Percy C. and Margaret A. Magnus, etc., petitioners. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 919. Jeanette E. Gondeck, petitioner, *v.* Pan American World Airways, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 921. United States Pipe and Foundry Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 929. Ellis Research Laboratories, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 949. Jewell Gabbard Litteral et al., petitioners, *v.* Indemnity Insurance Company of North America. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 927. David D. Beck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice White took no part in the consideration or decision of this application.

No. 952. Orville L. Freeman, Secretary of Agriculture, et al., petitioners, *v.* Armour and Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

REHEARINGS DENIED

No. 373, October Term, 1958. Cameron Iron Works, Inc., petitioner, *v.* Lodge No. 12, District No. 37, International Association of Machinists. Motion for leave to file petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

No. 214. Adolph Hohensee, petitioner, *v.* News Syndicate, Inc., etc.;

No. 841. Herman Schwabe, Incorporated, petitioner, *v.* United Shoe Machinery Corporation;

No. 588, Misc. Albert J. Kostal and Arthur J. Watson, petitioners, *v.* Christian D. Stoner, Judge, First Judicial District of Colorado, et al.;

No. 870, Misc. Otto A. Gensburg, petitioner, *v.* California State Legislature, et al.; and

No. 1192, Misc. James Dukes, petitioner, *v.* Frank G. Sain, Sheriff of Cook County, Illinois. Petitions for rehearings denied.

No. 920, Misc. G. W. Warren, appellant, *v.* J. Edwin Larson, as State Treasurer, Ex Officio Insurance Commissioner of the State of Florida. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, June 18.

SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Robert Lee Ramsey, of Schenectady, N.Y., Terrence M. Scherrer, of Columbus, Ohio, Howard Thompson Oliver, Jr., of Gainesville, Ga., John Ready O'Connor, of Madison, Ind., Joel B. Reeder, of Medford, Oreg., and Louis Rabil, of Washington, D.C., on motion of Mr. Solicitor General Archibald Cox; Paul Charles Parraguirre, of Reno, Nev., on motion of Mr. Alan Bible; Charles Leahy Murphy, of Mandan, N. Dak., on motion of Mr. Quentin N. Burdick; Evelyn T. Anderson, of Atlanta, Ga., on motion of Mr. John James Flynt, Jr.; Allan Hale McFarland, of Bakersfield, Calif., on motion of Mr. Harlan Hagen; Albert Smith, of Lubbock, Tex., on motion of Mr. George H. Mahon; Donald Brackett Robertson, of Chevy Chase, Md., on motion of Mr. Alan Y. Cole; Anees A. Semaan, of San Antonio, Tex., on motion of Mr. Arthur C. Perry; Oliver C. Ball, of Jacksonville, Fla., on motion of Mr. J. William Norman; Thomas J. Dempsey, of Pittsburgh, Pa., Bruce Geisinger, of Miami, Fla., and Edward White Wadsworth, Jr., of New Orleans, La., on motion of Mr. Robert Davis Powers; Edward Paul Hollingshead, of Sacramento, Calif., on motion of Mr. C. Emerson Duncan; Richard Edward Ball, of Raleigh, N.C., on motion of Mr. Belford B. Lawson; Luke A. Petrovich, of Buras, La., on motion of Mr. Julian P. Freret; Robert Willis Beach, of Seattle, Wash., on motion of Mr. Paul L. O'Brien; David Jay Hyman, of Washington, D.C., on motion of Mr. Benedict Kohl; Stanley S. Neustadt, of Washington, D.C., on motion of Mr. Lawrence J. Latto; Joseph P. Altier, of New York, N.Y., and Silvio A. Lanza, of New York, N.Y., on motion of Mr. John J. O'Malley, Jr.; Rafael L. Franco-Garcia, of San Juan, P.R., on motion of Mr. Merrill Armour; Donald Royse, of Elk City, Okla., on motion of Mr. Holland Meacham; and Roger Lee Campbell, of Arlington, Va., on motion of Mr. Frederic T. Suss, were admitted to practice.

OPINIONS

Mr. 430. Samuel M. Atkinson et al., petitioners, *v.* Sinclair Refining Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed as to Count I and

reversed as to Count II 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 White. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 598. Drake Bakeries, Incorporated, petitioner, *v.* Local 50, American Bakery & Confectionery Workers International AFL-CIO, et al. 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 Harlan. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 434. Sinclair Refining Company, petitioner, *v.* Samuel M. Atkinson et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed as to Count III. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Brennan with whom Mr. Justice Douglas and Mr. Justice Harlan join. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 498. In the Matter of Criminal Contempt of Thomas C. McConnell, petitioner. 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 396. C. J. D. Rudolph et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 436. Frank Grumman, 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 proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their opinions in *Russell v. United States*, 369 U.S. 749, 779, 781. Mr. Justice Frankfurter took no part in the consideration or decision of this case. Mr. Justice White took no part in the 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. 782. Joso Milutin, petitioner, *v.* E. P. Bouchard, District Director, Immigration and Naturalization Service, New Jersey. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the United States District Court for the District of New Jersey with instructions to remand it to the Immigration and Naturalization Service with directions to reopen the proceedings and to afford petitioner an opportunity to seek relief under § 243(h) of the Immigration and Nationality Act of 1952 pursuant to the procedures established by the currently applicable regulations as suggested by the Solicitor General. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 918. Kansas City Southern Railway Company, appellant, *v.* James S. Reily, Collector of Revenue, Louisiana, etc. 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*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 841, Misc. Frederick Seelig, 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. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for reconsideration in the light of *Ellis v. United States*, 356 U.S. 674, and *Coppedge v. United States*, 369 U.S. 438. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1144, Misc. Joe Valenzuela, appellant, *v.* Frank A. Eyman, Warden, et al. Appeal from the Supreme Court of Arizona. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1262, Misc. George Patskan, appellant, *v.* Raymond J. Buchkoe, Warden, et al. Appeal from the United States Court of Appeals for the Sixth Circuit. The appeal is dismissed. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1269, Misc. Raymond E. Hall, appellant, *v.* Jack Heard, Acting Director, Texas Department of Corrections. Appeal from the Court of Criminal Appeals of Texas. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1336, Misc. Francisco Cepero, appellant, *v.* Honorable Government of the Commonwealth of Puerto Rico et al. Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1383, Misc. Robert O. Wilbur, appellant, *v.* United States. Appeal from the United States District Court for the District of Columbia. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

APPEAL—JURISDICTION NOTED

No. 959. James H. Gray, as Chairman of the Georgia State Democratic Executive Committee, et al., appellants, *v.* James O'Hear Sanders. Appeal from the United States District Court for the Northern District of Georgia. In this case probable jurisdiction is noted. The motion to advance is denied. Mr. Justice Harlan would note probable jurisdiction and deny the motion to advance, with leave to the appellants to apply to this Court for a stay of the injunction order of the District Court pending determination of this appeal.

CERTIORARI DENIED

No. 913. Anchor Line, Limited, et al., petitioners, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 926. Gulf Power Company, petitioner, *v.* Ernest W. Shahid et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 928. International Longshoremen's Association et al., petitioners, *v.* Georgia Ports Authority. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 933. Braxton C. Wallace, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 934. Helen D. Miller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 935. Ballenger Paving Company, Inc., petitioner, *v.* Arthur J. Goldberg, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 939. Jack Terrell Knight et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 947. Fuller Brush Company, petitioner, *v.* Fuller Products Co. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 948. Nedrick Young et al., petitioners, *v.* Motion Picture Association of America et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 951. Skander Nasser, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 954. Alamance Industries, Inc., et al., petitioners, *v.* Triumph Hosiery Mills, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 973. National Biscuit Company, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1010. Pacific Maritime Association, petitioner, *v.* Seafarers International Union of North America Pacific District, etc., et al.; and

No. 1017. Pacific Coast Marine Firemen, Oilers, Watertenders, and Wipers Association, petitioner, *v.* Pacific Maritime Association et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 716. Dominick Abbrescia, petitioner, *v.* United States;

No. 895. David Doran, petitioner, *v.* United States; and

No. 956. Julius Grieco, petitioner, *v.* United States. Petitions for writs 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. 885. Charles E. Williams, petitioner, *v.* Hot Shoppes, 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. 910. Wilburn Boat Company et al., petitioners, *v.* Fireman's Fund Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 938. Tom Morgano, petitioner, *v.* Alva Pilliod, District Director of Immigration and Naturalization Service, Chicago, Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 39, Misc. Bill Bailey, petitioner, *v.* Beryle C. Sacks, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 223, Misc. Joseph Orby Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 267, Misc. Arnold T. Foster, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 294, Misc. In the Matter of the Application of Joseph Orby Smith, Jr., petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 568, Misc. Howard Gamble, petitioner, *v.* Beryle C. Sacks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 595, Misc. Joseph Orby Smith, Jr., petitioner, *v.* R. O. Settle, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 760, Misc. Nelson Lyons and Paul Vukovic, petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 792, Misc. Joseph Pelio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 895, Misc. Marshall Broughton, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 903, Misc. Thurman Slaughter, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 974, Misc. Isadore Smith, petitioner, *v.* Dr. Russell O. Settle, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1020, Misc. J. Edward Pugh, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1074, Misc. Robert Nevelle Stone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1109, Misc. Edward L. Boles, petitioner, *v.* J. F. Heard. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1112, Misc. Frederick W. Bantz, Jr., petitioner, *v.* John H. Klinger, Superintendent, California Mens Colony, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1128, Misc. Herbert Lee Pate, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1129, Misc. Arthur Eugene Berry, Jr., petitioner, *v.* State Board of Parole of Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1130, Misc. Charles Hunter, petitioner, *v.* David N. Myers, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1132, Misc. Otis Charles Trueblood, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1133, Misc. Albert Owings, petitioner, *v.* Robert H. Jamieson, Sheriff of Middlesex County, et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1134, Misc. Victor Linkletter, petitioner, *v.* Victor G. Walker, Warden, et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1135, Misc. William Kelley, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1136, Misc. Antonio Valentin, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1137, Misc. William Ernest Jenkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1145, Misc. Milton K. Whittington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1309, Misc. Clark Sumner Cummings, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1417, Misc. Sylvester Johnson et al., petitioners, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1120, Misc. Joseph Chester Self, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1172, Misc. Lawrence Christopher Garner, 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. 1049, Misc. Andrew Parmer, petitioner, *v.* Illinois;

No. 1138, Misc. Charles A. French, petitioner, *v.* Harold A. Cox, Warden, et al.;

No. 1246, Misc. Homer Fletcher Neal, petitioner, *v.* California;

No. 1279, Misc. J. B. Hicks, petitioner, *v.* Michigan et al.; and

No. 1292, Misc. Guy Daugherty, petitioner, *v.* Harry C. Tinsley, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

Mr. Justice Frankfurter took no part in the consideration or decisions of cases in which orders are this day announced.

RECESS ORDER

The Court will take a recess from today until Monday, June 25, 1962, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 25, 1962, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

Mr. Solicitor General Cox addressed the Court as follows:

“Mr. Chief Justice and may it please the Court: As the current Term closes, Mr. Justice Black will have completed 25 full Terms as an Associate Justice of this Court. This is a rare event in the Court’s history. Although it would be inappropriate to speak at length, the members of the Bar would wish me to call attention to the event and to mention Mr. Justice Black’s extraordinarily great contributions during those 25 Terms to the country, to the law, and to the Court. May I add two other things on behalf of the entire Bar: first, that we have always enjoyed, and will always value, the opportunity to appear before him and thus join in the common enterprise of administering justice for all; second, that we wish him health and good fortune to serve for many Terms to come.”

The Chief Justice said:

“Mr. Solicitor General:

“This is, indeed, a significant event in the life of the Court, and it is highly appropriate that you, Mr. Solicitor General, as a leader of the Bar, should initiate its recordation in today’s proceedings.

“We share to the fullest extent your appreciation of the great service Mr. Justice Black has rendered to our Nation, and we join your felicitous words concerning his continued service and his future happiness.

“Of the 97 Justices who have been appointed to this Court, only 16 have served as long as Mr. Justice Black and none with greater fidelity or singleness of purpose. His unflinching devotion has been to the Constitution of the United States.

“The importance of any period of time depends always upon its relation to other things. Abstractly, a quarter of a century in history is little more than a grain of sand in the hourglass of time, but, measured in terms of the service of one man to the well-being of a young and dynamic country such as our own, it is a long and important period of time.

“It is with such a measuring stick and with affectionate regard that we measure and record in our proceedings the 25 years of service of Mr. Justice Black to this Court and our Nation.”

ADMISSIONS TO THE BAR

Carroll Jefferson Moody, of Pauls Valley, Okla., Charles Raymond Smith, of Atlanta, Ga., Leonard Edelman, of Detroit, Mich., Ephraim Collins, of Miami, Fla., Stanley Guy Germain, of Syracuse, N.Y., Robert D. Romeo, of Syracuse, N.Y., and Jack Rosen, of Cincinnati, Ohio, on motion of Mr. Solicitor General Archibald Cox; James W. Kelly, of Jefferson City, Mo., on motion of Mr. Edward V. Long; John H. Patrick, of Glendale, Calif., on motion of Mr. H. Allen Smith; William S. Howard, Jr., of Seattle, Wash., on motion of Mr. Thor C. Tollefson; Murray Lee Williams, of Water Valley, Miss., on motion of Mr. Jamie L. Whitten; Earl Rumsey Boyce, of Palm Beach, Fla., on motion of Mr. Paul G. Rogers; John D. Edgerton, of Washington, D.C., on motion of Mr. Henry W. Edgerton; Vactor H. Stanford, of Dallas, Tex., on motion of Mr. William Ramsey Clark; A. R. Schwartz, of Galveston, Tex., on motion of Mr. Arthur C. Perry; Gerry Levenberg, of Washington, D.C., on motion of Mr. J. William Doolittle, Jr.; Louis A. Masciocchi, of Silver Spring, Md., and Arthur P. Schifflin, of Falls Church, Va., on motion of Miss Vivian I. Goad; Josiah Victor Herwitz, of New York, N.Y., and Arthur J. Kania, of Philadelphia, Pa., on motion of Mr. Monroe Karasik; Max Garrett, of Houston, Tex., on motion of Mr. John J. Courtney; James Richard Mitchell, of Bethesda, Md., on motion of Mr. Morton L. Simons; David Eugene Glassman, of Cambridge, Mass., and Richard Warren Canady, of Arlington, Va., on motion of Mr. Robert Frank Milota, Sr.; Milford Salny, of Netcong, N.J., on motion of Mr. Milford F. Schwartz; Maurice B. Tobin, of Washington, D.C., on motion of Mr. Freeman W. Sharp, Jr.; Wm. B. Norton, of Lowden, Iowa, on motion of Mr. Robert H. Clark, Jr.; Frank C. Kimball, of Arlington, Va., on motion of Mr. Charles J. Steele; Kenneth R. Cain, of Birmingham, Ala., on motion of Mr. A. Alvis Layne; Edward J. McGowen, of Washington, D.C., on motion of Mr. Robert M. Lichtman; Louis M. March, of Chicago, Ill., on motion of Mr. Robert Arthur Diemer; A. Andrew Giangreco, of Alexandria, Va., on motion of Mr. John Joseph Payne; Eric Paul Schnurmacher, of Oakland, Calif., on motion of Mr. John L. Child; Rafael S. Fuentes Rivera, of Guaynabo, P.R., on motion of Mr. Philip Herrick; and Gregory Moiseeff, of San Francisco, Calif., on motion of Mr. Lawrence Speiser, were admitted to practice.

OPINIONS

No. 304. Continental Ore Company et al., petitioners, *v.* Union Carbide and Carbon Corporation et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment vacated 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 by Mr. Justice White. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 554. Lawrence Robinson, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. Judgment reversed and case remanded to the Appellate Department of the Superior Court of California, County of Los Angeles, for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice White. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 123. Manual Enterprises, Inc., et al., petitioners, *v.* J. Edward Day, Postmaster General of the 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 proceedings in conformity with the opinion of this Court. Mr. Justice Harlan announced the judgment of the Court and delivered an opinion in which Mr. Justice Stewart joins. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Clark. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 242. The Glidden Company, etc., petitioner, *v.* Olga Zdanok et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 481. Benny Lurk, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments affirmed. Mr. Justice Harlan announced the judgments of the Court and delivered an opinion in which Mr. Justice Brennan and Mr. Justice Stewart join. Concurring opinion by Mr. Justice Clark with whom Mr. Chief Justice Warren joins. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of these cases.

No. 400. Central Railroad Company of Pennsylvania, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle District. Judgment vacated and case remanded to the Supreme Court of Pennsylvania, Middle District, for proceedings

not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Black. Separate opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Stewart join, dissenting in part. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 422. William Link, petitioner, *v.* Wabash Railroad Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Douglas dissents. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 478. R. Milo Gilbert, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of California for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Stewart dissent, believing that one who endorses a check in the name of the payee without authority to do so is guilty of forgery under 26 U.S.C. § 495, whether or not the forger falsely purports to have signed the payee's name as an authorized agent. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 439. United States, appellant, *v.* The Borden Company et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 144. State Board of Insurance et al., petitioners, *v.* Todd Shipyards Corporation. On writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 468. Steven I. Engel et al., petitioners, *v.* William J. Vitale, Jr., et al. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for proceedings not inconsistent with the opinion

of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 4. Brown Shoe Company, Inc., appellant, *v.* United States. Appeal from the United States District Court for the Eastern District of Missouri. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Clark. Separate opinion by Mr. Justice Harlan, dissenting in part and concurring in part. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 369. James I. Wood, petitioner, *v.* Georgia. On writ of certiorari to the Court of Appeals of Georgia. Judgment reversed and case remanded to the Court of Appeals of Georgia for proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 488. United States, appellant, *v.* Raymond J. Wise. Appeal from the United States District Court for the Western District of Missouri. Judgment reversed and case remanded to the District Court for proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 13. Chauffeurs, Teamsters and Helpers Local Union No. 795, etc., et al., petitioners, *v.* Yellow Transit Freight Lines, Inc., et al. 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 District of Kansas for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Brennan with whom Mr. Justice Douglas and Mr. Justice Harlan join. Mr. Justice Frankfurter took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 138. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Martin C. Epstein et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 180, Misc. Idlewild Bon Voyage Liquor Corporation, petitioner, *v.* Honorable Alexander Bicks et al., Judges of the United

States District Court for the Southern District of New York. On petition for writ of mandamus. Judgment in No. 138 reversed and case remanded to the United States District Court for the Southern District of New York for proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Frankfurter took no part in the decision of these cases. Mr. Justice Harlan and Mr. Justice White took no part in the consideration or decision of these cases.

No. 454. Bernard Silber, 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 proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Russell v. United States*, 369 U.S. 749, 779, 781. Mr. Justice Frankfurter took no part in the consideration or decision of this case. Mr. Justice White took no part in the 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. 762. United States, appellant, *v.* Victor D. Kniss and Alton K. Marsters. Appeal from the United States District Court for the Eastern District of Wisconsin. Judgment reversed. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 882. United States, appellant, *v.* Kenneth E. Staley et al. Appeal from the United States District Court for the Southern District of California. Judgment reversed. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 920. City Center Motel, Inc., appellant, *v.* Florida Hotel and Restaurant Commission. Appeal from the District Court of Appeal of Florida, First Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 388, Misc. Harry F. Winters, petitioner, *v.* Ohio. On petition for writ of certiorari to the Supreme Court of Ohio. Motion for

leave to proceed *in forma pauperis* and petition for writ of certiorari granted. On writ of certiorari, judgment vacated and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 447, Misc. Louis Hartman, 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*, motion for leave to supplement petition, and petition for writ of certiorari granted. On writ of certiorari, judgment reversed and case remanded to the United States District Court for the Southern District of California for proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan dissent for the reasons stated in their dissenting opinions in *Russell v. United States*, 369 U.S. 749, 779, 781. Mr. Justice Frankfurter and Mr. Justice White took no part in the consideration or decision of this case.

No. 535, Misc. Richard Allen, petitioner, *v.* William H. Bannan, 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. On writ of certiorari, judgment vacated and case remanded to the United States District Court for the Eastern District of Michigan for a hearing on the merits of the petitioner's application for a writ of habeas corpus. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 900, Misc. Louisiana ex rel. Steve Washington, appellant, *v.* V. G. Walker, Warden. 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*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 965, Misc. Daniel Elchuk, 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. On writ of certiorari, judgment vacated and case remanded to the Court of Appeals for further proceedings in which the petitioner is to be accorded the opportunity to present oral argument on the merits of his appeal, either personally or through counsel, to the same extent as such opportunity is accorded to the United States Attorney. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1124, Misc. Edwin M. Wasilewski, appellant, *v.* Board of School Directors of the City of Milwaukee. Appeal from the Supreme Court of Wisconsin. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1153, Misc. Stanley Olen, appellant, *v.* Sarah Elizabeth Olen. Appeal from the Supreme Court of New Jersey. The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1191, Misc. Mohamed Marakar, petitioner, *v.* United States; and

No. 1234, Misc. Niamat A. Mushraf Ali, petitioner, *v.* United States. On petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari granted. On writs of certiorari, judgments vacated and cases remanded to the United States District Court for the District of New Jersey with directions to dismiss the indictments. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan join the Court's disposition because they believe that the Double Jeopardy Clause of the Fifth Amendment was an insurmountable barrier to the prosecution of these petitioners under the separate indictments returned on April 26, 1961, charging each petitioner with a substantive offense of illegally bringing opium into this country. See *Abbate v. United States*, 359 U.S. 187, 196 (separate opinion); cf. *Petite v. United States*, 361 U.S. 529, 533 (dissenting opinion). Mr. Justice Frankfurter took no part in the consideration or decision of these cases.

No. 1274, Misc. Willie L. Gilliam, 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 proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

No. 1357, Misc. Phil Whitus, petitioner, *v.* R. P. Balkcom, Warden. 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. On writ of certiorari, judgment vacated and case remanded to the United States District Court for the Southern District of Georgia for a hear-

ing on the merits of the petition for writ of habeas corpus. Opinion *per curiam*. Mr. Justice Frankfurter took no part in the consideration or decision of this case.

ORDERED IN PENDING CASES

No. 8, Original. State of Arizona, complainant, *v.* State of California et al. The petition of the Special Master for the payment of an additional fee is granted and the parties are ordered to make additional payments totalling \$50,000 to Simon H. Rifkind, Esquire, Special Master, on account of the fee to be awarded by this Court as compensation for his services as Special Master. Such payments are to be made in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%. This order is subject to such further award, allowance, or division of costs or fees as this Court may deem proper for his past or future services. The Chief Justice took no part in the consideration or decision of this petition.

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. In the light of the concessions that no state will proceed with any action, other than discovery proceedings, the motion for temporary injunctions is denied.

No. 476. William Douglas and Bennie Will Meyes, petitioners, *v.* California. This case is restored to the calendar for reargument immediately following No. 1011.

No. 477. Edward Yellin, petitioner, *v.* United States. This case is restored to the calendar for reargument.

No. 771. Chester A. Pearlman, Trustee, petitioner, *v.* Reliance Insurance Company. The motion of John G. Street, Jr., for leave to file brief, as *amicus curiae*, is granted.

No. 799. United States, appellant, *v.* The Philadelphia National Bank et al.; and

No. 1037. Henry Honeywood et al., etc., appellants, *v.* Nelson A. Rockefeller, Governor of the State of New York, et al. The motions to advance are denied.

No. 1011. Clarence Earl Gideon, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. The motion for the appointment of counsel is granted and it is ordered that Abe Fortas, Esquire, of Washington, D.C., a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for petitioner in this case.

No. 1018. Connecticut Committee against Pay TV et al., petitioners, *v.* Federal Communications Commission. The motion of RKO General Phonevision Company to be named a party respondent is granted.

APPEALS—JURISDICTION NOTED

No. 937. New Jersey et al., appellants, *v.* New York, Susquehanna and Western Railroad Company. Appeal from the United States District Court for the District of New Jersey. In this case probable jurisdiction is noted.

No. 969. Bantam Books, Inc., et al., appellants, *v.* Joseph A. Sullivan et al. Appeal from the Superior Court of Rhode Island. In this case probable jurisdiction is noted and the case is transferred to the summary calendar.

CERTIORARI GRANTED

No. 80. Beatrice Lynum, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois granted and case transferred to the summary calendar.

No. 995. Nathan Willner, petitioner, *v.* Committee on Character and Fitness, etc. Petition for writ of certiorari to the Court of Appeals of New York granted and case transferred to the summary calendar.

No. 85. John Thomas Avent et al., petitioners, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina and case transferred to the summary calendar;

No. 287. William L. Griffin et al., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland granted and case transferred to the summary calendar;

No. 638. Rudolph Lombard et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case transferred to the summary calendar;

No. 694. James Gober et al., petitioners, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama granted and case transferred to the summary calendar;

No. 721. F. L. Shuttlesworth et al., petitioners, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama granted and case transferred to the summary calendar;

No. 750. James Richard Peterson et al., petitioners, *v.* City of Greenville. Petition for writ of certiorari to the Supreme Court of South Carolina granted and case transferred to the summary calendar; and

No. 729. Nathaniel Wright et al., petitioners, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia granted and case transferred to the summary calendar. Cases to be argued in the order listed.

No. 966. The Delano-Earlimart Irrigation District et al., petitioners, *v.* Everett G. Rank et al. Petition for writ of certiorari to

the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the summary calendar and set for argument immediately following Nos. 366 and 606 which cases are likewise transferred to the summary calendar. The Chief Justice took no part in the consideration or decision of this petition.

No. 817, Misc. Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket and placed on the summary calendar and set for argument immediately following No. 476.

No. 996, Misc. Charles Edward Sanders, 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. 237. Chicago, Rock Island and Pacific Railroad Company, et al., petitioners, *v.* Switchmen's Union of North America et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 671. Aubrey A. Larsen, petitioner, *v.* David L. Ladd, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 722. Moore-McCormack Lines, Inc., petitioner, *v.* Jean O. Richardson, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 800. Crown Zellerbach Corporation, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 823. Pan American Petroleum Corporation, petitioner, *v.* Kansas-Nebraska Natural Gas Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 943. Charlotte Slavitt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 950. Jack Daniel Distillery, etc., petitioner, *v.* Hoffman Distilling Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 955. T. Y. Fong, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 958. Washington-Oregon Shippers Cooperative Association, Inc., petitioner, *v.* William S. Schumacher et al., as Tax Commissioners of the State of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 960. Canadian National Railway Company, petitioner, *v.* George Taylor. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 964. Main Line Theatres, Inc., and 309 Drive-In Corp., petitioners, *v.* Paramount Film Distributing Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 965. Antonio Marques-Arbona, petitioner, *v.* Secretary of the Treasury of Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 974. Art National Manufacturers Distributing Co. et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 977. Robert E. Funkhouser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 981. James O. McCue, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1025. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* Arthur J. Goldberg, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1028. George S. Atkinson et al., petitioners, *v.* City of Dallas. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 907. N. V. Handelsbureau La Mola, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black dissents:

The Trading with the Enemy Act¹ authorizes the Government to seize and confiscate under some circumstances the property of aliens. By its denial of certiorari in this case the Court leaves standing a judgment of confiscation² under circumstances which in my judgment the Act does not authorize. I therefore feel impelled to dissent.

In May 1940 Hitler's forces, violating the historic neutrality of the Netherlands, suddenly invaded that country, largely destroyed one of

¹ 40 Stat. 411, as amended, 50 U.S.C. App. § 1 *et seq.*

² 299 F. 2d 923.

its finest cities and within a short time occupied the whole country. Although the United States soon recognized and allied itself with a group of Royal Netherlands citizens who had escaped and set up an independent government-in-exile in London,³ that occupation continued until May 1945 when troops from this country and its allies finally managed to liberate the Netherlands from the German forces. Within several weeks this country's ally, the free Netherlands government, assumed lawful command of its own citizens and territory. It was not, however, until some five and a half years later, long after the end of the Nazi occupation and the return of the lawful government of the Netherlands, that the Alien Property Custodian in 1951, purportedly acting under the Trading With the Enemy Act, seized and confiscated the four bank accounts in this country belonging to the petitioning Dutch company which form the object of this lawsuit. That confiscation of petitioner's property was sustained by the Court of Appeals on the sole ground that the Netherlands, our friend and ally, where petitioner was incorporated, had been overrun and occupied by Germany during the war. Because this result seems so contrary to the Purpose of Congress in passing the Trading With the Enemy Act and raises such grave constitutional questions under the Fifth Amendment's command that the Government not take private property without paying just compensation, I think we should grant certiorari to review the Court of Appeal's decision.

The Trading with the Enemy Act provides that the President may seize "During the time of war" "any property in which any foreign country or a national thereof has any interest." That Act also provides, however, that "Any person not an enemy or ally of enemy" may sue to compel the return of his property. And even though the Act defines an "enemy" as "Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war . . . and any corporation incorporated within such territory . . .," it does not say, as did the Court of Appeals, that every corporation which was at any time present within territory while that territory was occupied by an enemy is an "enemy" within the meaning of the Act. I do not see how it can be thought that Congress intended by this Act to authorize the confiscation, between the end of actual occupation in 1945 and the official end of the war in 1951,⁴ of every bit of property in this country owned by the citizens and corporations of the Netherlands, France, Norway, Belgium and other countries solely because those countries, our staunch

³ See Mutual Aid Agreement between the United States and the Netherlands, July 8, 1942, 56 Stat. 1554; and Mutual Aid Agreement, April 30, 1945, 59 Stat. 1627.

⁴ Joint Resolution to terminate the state of war between the United States and the Government of Germany, October 19, 1951, 65 Stat. 451.

friends and allies, had during the war been overrun by an enemy that was trying to destroy them and us.⁵ I can understand how Congress might be thought to have desired to authorize the President to seize the property of citizens and corporations of friendly countries and allies when those countries were at the time being occupied by an enemy which might be able to use their property to carry on war against us. I do not believe, however, that Congress intended to place a permanent taint on the property of our friends so that whenever that property showed up in this country it might be seized—even though long after our friends' countries had been fortunate enough to escape the occupation clutches of our common enemy. It would be bad enough after the end of occupation to confiscate the property of friendly aliens which had been in this country during the occupation but to go beyond that and confiscate as here a bank account which did not even exist in this country until 1948, three years after the return of lawful government to the Netherlands, seems wholly contrary to any purpose Congress could have had in the Act. Moreover, to construe this statute this way raises serious questions about the constitutionality of the Act as applied, for it has long been settled that the provision of the Fifth Amendment requiring the payment of just compensation when private property is taken for public use protects friendly aliens as well as citizens.⁶ And it is obviously no answer to this to say, as did the Court of Appeals, that the confiscation was proper because this Government needed the property after the war to support the cost of its past war efforts. Our constitutional guarantee against uncompensated government seizure of private property surely does not melt away merely because public officials believe the Government needs to seize property without paying for it.

This case would of course be far different if the Court of Appeals had rested on the two other grounds urged by the Government below: (1) that petitioner was "enemy-tainted," (2) and also that it was engaged in doing business in Germany which was enemy territory. But the Court of Appeals did not rest on either of these grounds and we must accept the case as it comes to us or fail to accord petitioner its full day in court. This is particularly true here, since the question of enemy domination, if litigated, would have to be decided in light of *Kaufman v. Societe Internationale*,⁷ where we held that innocent stockholders even of enemy corporations must be protected from having their property confiscated.

It is true that the refusal of the Court to grant certiorari in this case gives no express approval to the interpretation of the Act made

⁵ Cf. *Willenbrock v. Rogers*, 255 F. 2d 236.

⁶ *Russian Volunteer Fleet v. United States*, 282 U.S. 481, 491-492.

⁷ 343 U.S. 156.

by the Court of Appeals and leaves that question open for final authoritative decision later. The Court's refusal to act now, however, does leave standing the Court of Appeals' decision as a precedent in the lower federal courts which will until reviewed here hang as a cloud over the property rights in this country of citizens of foreign countries.

No. 957. Robert Soblen, petitioner, *v.* United States. The motion of Dr. Bernard Diamond et al. for leave to file brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of this motion and petition.

No. 962. Jacob M. Poss, petitioner, *v.* Jerome Lieberman. The motion to dispense with printing the petition for certiorari is granted. The petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1022. The Board of Education of the City of Memphis et al. petitioners, *v.* Debroah A. Northcross et al. The motion of Memphis Citizens' Council for leave to file brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 738, Misc. Robert Caldwell, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 743, Misc. Roland DeBarr, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 849, Misc. Donald Tillery, petitioner, *v.* James F. Maroney, Superintendent of State Correctional Institution at Pittsburgh. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 927, Misc. Jesse James Jackson, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 951, Misc. Duane A. Verdon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 964, Misc. Henry L. Thompson, Jr., petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 970, Misc. Carmine Bosco, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 984, Misc. William B. Sullivan, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

- No. 986, **Misc.** James Morrison, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.
- No. 1012, **Misc.** Gerald Frost, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.
- No. 1027, **Misc.** William Lloyd Sawyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.
- No. 1032, **Misc.** Clarence Eastland Owens, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.
- No. 1039, **Misc.** Benjamin T. Thornton 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.
- No. 1095, **Misc.** Eugene H. Roadhs, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.
- No. 1097, **Misc.** Robert Middleton, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.
- No. 1114, **Misc.** William Clyde Wright, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary, et al. Petition for writ of certirari to the Supreme Court of Washington denied.
- No. 1131, **Misc.** Charles E. Lawrenson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.
- No. 1139, **Misc.** Richard J. Thomas, petitioner, *v.* M. J. Wiman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.
- No. 1142, **Misc.** Walter Racinowski, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County of Illinois denied.
- No. 1143, **Misc.** James H. Simpson, petitioner, *v.* United States; and
- No. 1156, **Misc.** Bernard T. Williams, petitioner, *v.* United States; and
- No. 1243, **Misc.** Eugene E. Turberville, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.
- No. 1147, **Misc.** Ollie Gus Mathis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1148, *Misc.* James Thomas Panarello, petitioner, *v.* Rhode Island. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 1149, *Misc.* Franklin Ernest Wright, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1150, *Misc.* Jack Meikle, petitioner, *v.* New York. Petition for writ of certiorari to the Court of General Sessions of New York County of New York denied.

No. 1151, *Misc.* William A. Reed, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1152, *Misc.* Trent Boyes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1154, *Misc.* Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1155, *Misc.* John Boldt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1159, *Misc.* Lawrence Morrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1160, *Misc.* Joseph R. Lanham, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky, denied.

No. 1162, *Misc.* Tommy Lee Griffin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1163, *Misc.* Elliott Luis Strickland, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1165, *Misc.* Willie Montgomery, petitioner, *v.* Frank A. Eymann, Warden. Petitioner for writ of certiorari to the Supreme Court of Arizona denied.

No. 1166, *Misc.* Sherman S. Watters, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1167, *Misc.* Charles Washington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1169, *Misc.* James William Fletcher, petitioner, *v.* Robert R. Raines, Warden. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1173, *Misc.* Alexander Spady, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1174, *Misc.* Milton George, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1175, *Misc.* Arnold Edward Spanner, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1176, *Misc.* Louis Herman Gaudet, petitioner, *v.* Dorothy R. Cowen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1178, *Misc.* Jesse M. Garcia, Jr., petitioner, *v.* John W. Turner. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1181, *Misc.* Sebastian Della Universita, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1182, *Misc.* Richard H. Bagley, petitioner, *v.* Lawrence E. Wilson, Superintendent, California Correctional Training Facility, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1185, *Misc.* John H. Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1186, *Misc.* Daniel Smith, 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. 1187, *Misc.* Calvin Johnson, petitioner, *v.* Abram M. Zimmer et al. Petition for writ of certiorari to the Supreme Court of New York, Kings County, denied.

No. 1189, *Misc.* Gene Floyd Criswell, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1190, *Misc.* Raymond Hall, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1193, Misc. Preston Ross Tucker, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1194, Misc. Harry L. Booth, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1195, Misc. Eugene Bronson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1197, Misc. Jessie Patterson, petitioner, *v.* Alabama et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1198, Misc. Robert L. Reed, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1201, Misc. Mattie E. Bradey, petitioner, *v.* Abraham A. Ribicoff, Secretary of the Department of Health, Education and Welfare, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1202, Misc. Richard Mitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1204, Misc. Larry M. Brooks, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of the State of Washington denied.

No. 1205, Misc. Franklin Jacek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1207, Misc. Alexander Bisno, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1208, Misc. Elizabeth Ann Duncan, petitioner, *v.* Iverne Carter, Superintendent of the California Institution for Women at Corona, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1209, Misc. David Allen Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1210, Misc. Thomas DeVine, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1211, Misc. Calvin J. Cofield, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1212, Misc. Fred Arispe Cruz, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1214, Misc. Frank Rowland, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1215, Misc. Hayward Tempy Dearhart, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1216, Misc. Joseph O'Leary, petitioner, *v.* John W. Macy, Jr., Chairman, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1217, Misc. Joseph Edward Boyle, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1218, Misc. Luther J. Hughes, d/b/a Hughes Trailers, petitioner, *v.* L. B. Smith, Inc. Petitioner for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1220, Misc. Lewis Smith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1221, Misc. Joseph Brunson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1222, Misc. Howard Oren Adkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1223, Misc. Kathryn Baird Sullivan, Administratrix, etc., et al. *v.* Treasurer of Silver Bow County, Montana, et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 1225, Misc. Alfred Lopez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1226, Misc. Alfred Aldana Ruiz, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1227, Misc. LaVerne A. Weires, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1228, Misc. Thomas G. Beebe, petitioner, *v.* B. J. Rhay, as Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1229, *Misc.* Donald Paulson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1230, *Misc.* Earl T. Miller, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1231, *Misc.* Kenneth B. Smith, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1232, *Misc.* Leonard Ewing Scott, petitioner, *v.* E. Raymond Throsby. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1233, *Misc.* James Huffman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1236, *Misc.* Linwood Arrington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1237, *Misc.* Glen Ray Holscher, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 1239, *Misc.* Donald Lee Willis, petitioner, *v.* H. G. Cochran, Jr., Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1240, *Misc.* Gilbert Salas Coronado, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1241, *Misc.* Fred Sardo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1245, *Misc.* Smith McTier, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1248, *Misc.* Ben Omar Chapin, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1249, *Misc.* Julian M. Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1251, *Misc.* Charles R. Graves, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1253, *Misc.* Kenneth Earl Nelson, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1254, Misc. Andrew C. Davis et al., petitioners, *v.* Government Employees Insurance Company et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1255, Misc. In the Matter of Earl J. Brinson, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1256, Misc. Austin John Hassett, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1259, Misc. Edward P. Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1260, Misc. Harold A. Harden, Jr., petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1264, Misc. Louis Grubbs, 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. 1265, Misc. Clifford Jackson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1266, Misc. Clarence Brown, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1267, Misc. Gerald Joseph Koptik, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1268, Misc. Lamar E. Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1270, Misc. William Thomas Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1275, Misc. John Leonard Sullivan, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1276, Misc. Anton Richter, petitioner, *v.* Irvin Riedman, Warden. Petition for writ of certiorari to the Supreme Court of North Dakota denied.

No. 1278, Misc. Michael J. Homchak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1280, **Misc.** Andrew Thompson, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1281, **Misc.** Guy C. Hunt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1284, **Misc.** Marvin Brown, petitioner, *v.* Ray Purcell, Warden, et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 1285, **Misc.** Luciano Cedillo, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1286, **Misc.** Alfred Scott McLean, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1289, **Misc.** William C. Hall, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1290, **Misc.** Elijah Jones, petitioner, *v.* Missouri et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1291, **Misc.** Lonnie Huey Hamilton, 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. 1293, **Misc.** Richard L. Marshall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1294, **Misc.** Michael Soto, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1295, **Misc.** Robert C. Gerald, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1297, **Misc.** Joseph M. Wright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1302, **Misc.** Samuel Krawitz, petitioner, *v.* James J. P. McShane, United States Marshal, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1303, **Misc.** Chester R. Morris, petitioner, *v.* Anthony P. Rousos. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1304, *Misc.* Joe Morgan, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1305, *Misc.* Frank DeClara, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1310, *Misc.* John C. Gager, petitioner, *v.* "Bob Seidel" et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1311, *Misc.* Joseph Ernst, petitioner, *v.* Howard Yeager. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1312, *Misc.* William K. Mangum, petitioner, *v.* George W. Randall, etc. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1313, *Misc.* Woodie Adams, 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.

No. 1314, *Misc.* Earl H. Martin, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals for West Virginia denied.

No. 1318, *Misc.* Samuel Tito Williams, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1319, *Misc.* William Morrell and Evaristo Valle, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1320, *Misc.* James L. LaCrue, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1321, *Misc.* James W. Oyler, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1322, *Misc.* Charles Lee Oliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1323, *Misc.* Clinton Woodson, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1328, *Misc.* James Morris Fletcher, petitioner, *v.* Angelo C. Cavell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1329, **Misc.** Edward J. Andrews, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 1330, **Misc.** Anthony Nadile, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1333, **Misc.** Robert Lee Case, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1335, **Misc.** Hiluard Lewis, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1337, **Misc.** Robert Franklin Burell, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1338, **Misc.** Clarence Lovett Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1339, **Misc.** Roney Nunes, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1340, **Misc.** Francis Eddie Specht, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1342, **Misc.** David Hampton Puckett, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1346, **Misc.** Joe Barnett, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1347, **Misc.** Martin Luther Marion, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1351, **Misc.** Vernon E. Goodson, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1353, **Misc.** Shelley E. Blocker, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeals of California, Second Appellate District, denied.

No. 1359, **Misc.** Monroe Banks, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1360, **Misc.** Wade R. Barber, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1389, Misc. Pedro Pereira and Hector Cruz, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1402, Misc. Kenneth Headley, petitioner, *v.* New York. Petition of certiorari to the Court of Appeals of New York denied.

No. 1410, Misc. Charles E. Lawrenson, petitioner, *v.* Curtis Reid, Superintendent, District of Columbia Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1413, Misc. John Lusterino, 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. 1420, Misc. Clayton Dawson, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 1431, Misc. In the Matter of Charles Henry Snebold, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1445, Misc. William L. Anderson, petitioner, *v.* Martin J. Wiman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 709, Misc. Robert D. Miller, petitioner, *v.* District Court of Iowa in and for Lee County. Petition for writ of certiorari to the Supreme Court of Iowa denied in light of the representations of the State Attorney General as to the adequacy of state remedies.

No. 867, Misc. Ora Lee Rogers, petitioner, *v.* Louisiana. The motion of G. Wray Gill and Gerard H. Schreiber for leave to withdraw appearances as counsel for petitioner is granted. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 880, Misc. Allen LeRoy Titmus, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied on the representations of the State Attorney General that the courts of Colorado will consider and pass upon a proper petition for furnishing a record without the prepayment of costs.

No. 990, Misc. St. Clair E. Miller, petitioner, *v.* Hazel Lee Miller. The motion to correct the docket and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1001, Misc. Harold Jackson, 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. 1079, Misc. Roland E. Simcox, petitioner, *v.* Paul J. Madigan, Warden. 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. 1118, Misc. Charles Everett, 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. 1038, Misc. St. Clair E. Miller, petitioner, *v.* Hyman Pleasure, M.D., as Superintendent of Middletown State Hospital. The motions to correct the docket and to strike the respondent's brief are denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1252, Misc. Ira Lee Morgan, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Kern, denied. Mr. Justice Douglas and Mr. Justice Brennan are of the opinion that certiorari should be granted.

ACTION ON MOTIONS FOR LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS

No. 928, Misc. Robert Hayes, Jr., petitioner, *v.* Maryland. Motion for leave to file petition for writ of habeas corpus denied. Treating the paper submitted as a petition for writ of certiorari, certiorari is granted and case transferred to the United States District Court for the District of Maryland. *Chaapel v. Cochran*, 369 U.S. 869.

No. 1157, Misc. Michael Kane, petitioner, *v.* J. Edwin LaVallee, Warden;

No. 1206, Misc. Frederick C. Wilborn, petitioner, *v.* California;

No. 1287, Misc. Levi Thomas Van Pelt, petitioner, *v.* California et al.;

No. 1334, Misc. Maurice N. Whittington, petitioner, *v.* Winfred Overholser, Superintendent of St. Elizabeths Hospital;

No. 1343, Misc. Robert H. Hartford, petitioner, *v.* Dr. Samuel Wick, Director, Arizona State Hospital;

No. 1408, Misc. Morris Thomas, petitioner, *v.* D. M. Heritage, Warden;

No. 1430, Misc. Ex parte Malcolm R. Schlette, petitioner;

No. 1448, Misc. James Hammond, petitioner, *v.* Harold V. Langlois, Warden, et al.; and

No. 1458, Misc. Fred Farro, petitioner, *v.* Frank Kenton, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1183, Misc. Jefferson M. Snow, petitioner, *v.* Frank J. Pate, Warden, etc.;

No. 1184, Misc. Paul King, petitioner, *v.* Dr. John F. McNeill, Director, Matteawan State Hospital;

No. 1341, Misc. Amos Black, petitioner, *v.* United States;

No. 1432, Misc. Charles E. Lawrenson, petitioner, *v.* Sam Anderson, Superintendent of the District of Columbia Jail; and

No. 1438, Misc. Wilson Wooten, petitioner, *v.* Lynn Bomar, Warden. 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.

No. 1140, Misc. Walter Ryan, petitioner, *v.* R. J. Buchkoe, Warden; and

No. 1429, Misc. Helene P. Pierre, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 997, Misc. Steve Koaches, petitioner, *v.* Court of Common Pleas of Allegheny County, Pennsylvania;

No. 1283, Misc. Cecil C. Watts, petitioner, *v.* Latham Castle, Circuit Judge;

No. 1296, Misc. Sylvanus John Watson, petitioner, *v.* Hon. Frank A. Hooper, Judge, etc.;

No. 1376, Misc. Billy Gene Webb, petitioner, *v.* J. C. Compton, Chief Justice of the Supreme Court of New Mexico; and

No. 1444, Misc. Edward Barker, petitioner, *v.* Supreme Court of Ohio. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 394. Michael Vincent Geagan et al., petitioners, *v.* John A. Gavin, Superintendent, Massachusetts Correctional Institution;

No. 493. J. L. Enochs, District Director of Internal Revenue, petitioner, *v.* Williams Packing & Navigation Co., Inc.;

No. 773. Levert H. Taylor et al., petitioners, *v.* Louisiana;

No. 835. Greenwood Wooten et al., petitioners, *v.* Texas;

No. 852. B. T. Woodard and B. J. Woodard, d/b/a Woodard Motor Company, petitioners, *v.* General Motors Corporation;

No. 802, Misc. Arthur Burton, petitioner, *v.* Florida; and

No. 828, Misc. Chester Banks, petitioner, *v.* Paul J. Madigan, Warden. Petitions for rehearing denied.

No. 40. David D. Beck, petitioner, *v.* Washington;

No. 241. Sunkist Growers, Inc., et al., petitioners, *v.* Winckler & Smith Citrus Products Co., et al.;

No. 283. James Victor Salem, petitioner, *v.* United States Lines Company;

No. 323. Clifford Vaughan, petitioner, *v.* N. J. Atkinson, etc., et al.;

No. 475. Robert Elmer Gallegos, petitioner, *v.* Colorado; and

No. 667. Jean O. Richardson, etc., et al., petitioners, *v.* Moore-McCormack Lines, Inc. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these applications.

No. 46. Maurice A. Hutcheson, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this application.

No. 109. J. C. Thomas et al., petitioners, *v.* George D. Patterson, District Director of Internal Revenue. Motion for leave to file petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this application.

Mr. Justice Frankfurter took no part in the consideration or decision of cases in which orders are this day announced.

The Chief Justice announced the following order of the Court:

“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.

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